The asymmetric impact of Europe on national parliaments

The Swedish case

Nina Liljeqvist

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of Political and Social Sciences
of the European University Institute

Florence, March 2018 (defence)

European University Institute

Department of Political and Social Sciences

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Nina Liljeqvist

Stockholm, 5 November 2017

Abstract

This thesis explores how the legislative roles of individual Members of Parliament (MPs), parliamentary committees and parties change as policymaking authority is successively transferred to the European Union (EU). My argument is that the legal activities of the EU cause a segmentation of the legislative role of national parliamentary actors across policy fields as well as of the contemporary conditions for parliamentary democracy. I test this argument on the case of the Swedish Riksdag as this parliament is usually believed to have responded particularly well to the integration forces.

The empirical analysis proceeds in cumulative steps. The first step is a quantitative and longitudinal analysis of the *policymaking context* that the parliament finds itself in. It is shown that policy issues are Europeanized to decidedly different degrees and, such differences across policy areas increase over time. Regarding legislative parties' election manifestos instead, a very different pattern emerges. Parties connect the European legislative arena in their policy pledges only very selectively. The second step of the analysis draws on interviews with MPs and parliamentary high officials in the two committees of agriculture and culture as between them they showcase the largest difference in terms of Europeanization. MPs in the Committee on culture cherish their independence from Europe and their task in parliament depends principally on whether they enjoy the majority position or not. In the Committee on Environment and Agriculture, by contrast, MPs are well aware of the limitations EU legislative authority imposes on their and the government's policy manoeuvrability and they describe their function in parliament as *reviewing* legislation rather than *shaping* public policy.

The comparative findings point in the direction of an uncomfortable *asymmetry* between legislative output and input when it comes to the extent these agendas have become Europeanized. The twist to this is that while MPs at the *individual* level have come to terms with their new legislative role in agricultural policymaking, at the *party* level they fail tremendously at transmitting this experience in the electoral arena. What Swedish parties engage in in the electoral arena is instead better understood as *confused contestation*: they continue to propose and debate policy measures that are decided in a different legislative arena than their own. This practice obscures the new ways in which policymaking is conducted in the EU multi-level system and it has also upsetting consequences for transparency and accountability.

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Acknowledgements

I wish to thank Prof Hanspeter Kriesi for his excellent guidance during my doctoral studies as well as for his kindness and encouragement. My work with this thesis started under the supervision of Prof Peter Mair whom I got to know only for a short period of time. When I had the chance I wish I had thanked him for his inspirational supervision. I owe a great debt of gratitude also to my co-supervisor Prof Torbjörn Bergman for his steadfast support over the last seven years. I wish to thank also the two additional members of my examining board, Prof Stefano Bartolini and Prof Christoffer Green-Pedersen. Their careful reading of my thesis has greatly improved the quality of the final product.

The criticism and advice I have received from professors, experts and colleagues at the EUI, at various conferences or beyond, have been of immense importance during my doctoral studies. I especially wish to thank Prof Adrienne Héritier, Marta Fraile, Hans Hegeland, Prof Kaare Strøm, Prof Mark Franklin, Prof Magnus Blomgren, Prof Peter Esaiasson, Prof Thomas Winzen, Caterina Froio, Sanna Salo and Kasia Granat. I owe great thanks also to the excellent EUI administration, in particular Fatma Sayed, Maureen Lechleitner and Gabriella Unger for their patient assistance with my many leaves of absence.

I wish to thank the Riksdag administration for hosting me as a research fellow for one year which was a perfect complement to my studies in Florence. Particular thanks go to Ann Aurén, Annika Waller and Björn G:son Wessman for the welcoming reception, as well as to the many MPs and civil servants who have generously shared their stories with me.

My time at the EUI has been tremendous and I am grateful for the many brilliant minds I have encountered there. Florence is also the place where I have made the best of friends, and I especially wish to thank Andrea Warnecke and Ana Belén Fernández Castro for their love and friendship. Sanna Salo – EUI colleague and fellow Stockholmer – was the greatest of support during the final stages of thesis writing.

I am beyond grateful for the love and support and practical help that my parents Kenneth and Christina and my brother Anders have given me during my many years of studies. I am also beyond grateful to my best friend/partner/EUI colleague Petter Sandgren for his constant companionship, love and humour.

I dedicate this work, as everything I do, to our children Clara and Gustav.

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CHAPTER 1

Introduction

1.1 Starting observation and research questions

Theories of representative government tell us that political authority and the formulation of public policy should be vested in an assembly of directly elected representatives (Manin 1997) and national parliaments are one of the key institutions in contemporary democracies. Through the lens of principal-agent theory, the parliament is perceived of as the conduit between citizen sovereignty and executive power in the legislative process or, in the words of Lawson (1980), as providing "linkage" between policy input and policy output. Ideal typically in this process, political parties aggregate voters' policy preferences and offer systematized and disparate programmatic platforms upon which citizens cast their vote. Once in parliament, parties form majorities, which in turn enter into office. From this position, the government acts like a faithful agent and presents the parliament with initiatives for public policy, and as long as these proposals are in line with the position of the parliamentary majority, the proposals are turned into legislation (Strøm, Müller, and Bergman 2003).

Looking at European policymaking developments, however, it is close at hand to wonder what happens with the legislative role of national parliaments and the actors therein[1] in the democratic policy process. Over a period not much longer than six decades, important parts of legislative authority have shifted from the national to the European legislative arena, with the European Union (EU) now enjoying exclusive legislative competence in certain issue areas, such as trade and customs union (Article 3 TFEU[2]) and competence that is shared with Member States in other issue fields, such as energy and environment (Article 4 TFEU) but in the remaining issue areas, such as culture and education, the EU must not harmonize national legislation at all (Article 6 TFEU). Consequently, while some issues are still dealt with in the manner that Strøm and colleagues have theorized, an important share of public policy is now determined not in the domestic arena of traditional party conflict but in a multi-level process of "promiscuous consensus building" or even "dirigiste imposition" (Richardson 2012).

From this starting observation, I conceive of a set of fundamental questions relating to the role[3] of national parliaments, and the actors therein, both in the minds of Members of Parliament (MPs) themselves and from the viewpoint of parliamentary democracy:

- What happens with national parliaments in the process of uneven hand over of legislative authority that EU membership entails?
- What is the legislative role of individual MPs and their parties in policy issues over which not only the parliament but the national arena altogether, has lost practically all legislative manoeuvrability?
- And how is this new legislative role different from the legislative role that MPs and their parties (still) perform in issue areas that remain, if not purely, then primarily national?

In asking these questions, this thesis explores how national parliaments are impacted by *Europeanization*, which I broadly define as "domestic responses to the policies of the European Union" (Featherstone and Radaelli 2003, 3). The EU is thus perceived of as a "policymaking

[1] With the term parliamentary actors, both legislative parties, parliamentary committees, and individual Members of Parliament as well as parliamentary officials are implied.
[2] In this thesis, the abbreviation "TFEU" refers to the Treaty on the Functioning of the European Union in the version in force after 1 December 2009 (i.e., the Treaty of Lisbon), whereas "TEU" used after a treaty article refers to the Treaty on European Union (Treaty of Maastricht). "EC" after a treaty article refers to a provision of the European Community Treaty (Treaty of Rome) in the version in force until 30 November 2009. "CT" after a treaty article implies the Constitutional Treaty.
[3] The legislative role, or function, of parliamentary actors is in this thesis used as a descriptive *empirical* tool rather than as a *theoretical* concept. For this reason, I do not refer to the classical theoretical literature on legislative roles.

state", from which perspective the European polity is a product of "the distribution of power between Member States and the European level institutions over time" (Richardson 2012). My interest lies in investigating *if* and *how* the development of EU legislative authority changes the role orientation of individual parliamentary actors and their parties in the democratic policy process. I seek to do so by connecting three fundamental components in contemporary European political life; namely, the influence of EU legal authority, political parties' response to this and MPs' perception of the legislative process in parliament.

To achieve this, I design a research strategy that advances in three cumulative steps. First, I will attain a measure of variation on the pressure EU legal authority exercises on the national policies; that is, of legal Europeanization. Second, I will trace the extent to which such "adaptational pressures" of EU law on national policies (Duina 1999), or the absence thereof, relate to the way political parties acknowledge the presence of Europe in the programmatic platforms that they propose in view of general elections. Together, these two steps of the analysis will offer a tailored measure of the *policymaking context* that the parliament finds itself in and what differences there are across policy fields. In the third step of the analysis I will explore the ways in which any such differences in the policymaking context make themselves known from the viewpoint of individual MPs. More precisely, I will contrast and compare MPs' understanding of the democratic policymaking process in two policy sectors that are Europeanized to distinctively different degrees, thereby painting a *chiaroscuro*[4] picture of what parliamentary life looks like and how it differs across policy fields.

To briefly foreshadow my empirical expectations, the argumentative backbone of this thesis is that the role of MPs and their parties (and of the parliament as such) varies considerably across policy sectors. The general – albeit changing and perhaps diminishing – importance of political parties in the literature on modern democracy, "partyness" in the words of Katz (1986), or the relative dependence of MPs on their party, is therefore to be complemented with an additional dimension to account for variation in parliamentary life. More precisely, I suggest that parliaments, and in turn parliamentary democracy, are increasingly segmented across policy sectors.

[4] The term *chiaroscuro*, which derives from the Italian words "chiaro" (Eng. *light*) and "scuro" (Eng. *dark*), is illustrative of the purpose of my selection of cases-in-case. Chiaroscuro is a technique used in painting, photography and cinematography that relies on sharp contrasts of light and shade to define and model three-dimensional objects. To put it differently, it is only by comparing a policy field that has become very Europeanized with one that is hardly Europeanized at all that we can study what these relative terms mean in practice.

This is so because the division of legislative authority between the EU and its Member States, as briefly outlined above, holds obvious explanatory power in accounting for variation in what parliaments do – and no longer do – in the policymaking process. This means that what we as voters should invest in and expect of our parliamentary representatives is different depending on which policy issues she or he will be dealing with.

The broad research questions of the thesis, which I have presented above, I will shortly complement with a more precise aim for this dissertation. First, however, I situate this research project in the expansive academic scholarship on national parliaments in the EU. From an audit of the key advances in this scholarly debate, I will identify the chief area that remains to be investigated. I will thereafter explain the key contributions of this thesis vis-à-vis the existing literature. I offer a brief motivation of my research design, which is a mixed-methods strategy that is applied on new sources of data. This analytical strategy will be carried out on the Swedish Riksdag and the third task of the chapter is to explain why this is a suitable choice. The fourth and final section of the chapter gives an overview of the thesis, explaining the purpose of each of the following seven chapters.

1.2 Point of departure in previous research

According to Ihalainen, Ilie, and Palonen (2016), a parliament[5] is the very nexus of a democratic system, yet as much as the parliament is fundamental to that system, just as much is it an obscure concept that finds itself in constant transition. Therefore, in the study of parliaments, these entities should be approached as "a long-term discursive process of disputes and crises that moves in time and space rather than a sort of goal that could be achieved at some specific moment in history" (Ihalainen, Ilie, and Palonen 2016, 6). In other words, researchers should expect parliaments to change.

[5] Parliament is the preferred term in this thesis and in the large part of the relevant literatures. While I am fully aware that certain differences exist between the term parliament and the two related terms legislature and assembly, also these other terms are used when referring to studies where these types of institutions were the primary objects of study.

That parliaments are inclined to change is well established in the academic literature. Particularly the traditional literature on West European parliaments has documented dramatic changes in both the legislative and non-legislative activities of parliaments over the last few decades (e.g., Kriesi 1980; Döring 1995; Wiberg 1995; Bergman and Strøm 2011). These studies have also offered a variety of explanations to why such changes occur. In a nutshell, changes in parliamentary life are traditionally explained either by *institutional rules*, such as the constitutional powers of parliaments (e.g., Döring and Hallerberg 2004), or by *inter-party dynamics*, such as issue politics (Green-Pedersen 2010).

Such state-centric approaches to parliamentary life make sense considering that not only parliaments but political representation as such, have developed as an extension of state politics. The many facets of politics – parties and interest groups, parliaments and governments, courts and judicial systems and so on – are conceived of as either situated within the set boundaries of the nation state, or in areas of conflict and decision-making in which state actors are involved and such conceptions have had particular traction in West European states (Tilly 1975). In this classical setting, the role of the parliament in the legislative process is traditionally regarded as paramount: the parliament has the right to say "yes" or "no" to legislative proposals. Parliaments have thus been conceived of as the conduit between voters and authority, as the vehicle for linking the community to policy or, in the words of Strøm et al. (2003), for delegating citizen sovereignty to the executive.

It is in this process that the actors in parliament come into play: the political parties. The linkage function that parliaments are assumed to perform in representative democracy hinges on the legislative parties' capacity "to give meaning to the communication between citizens and the state" (Deschouwer 2005, 85). To make the community "present again" in an assembly (Pitkin 1967), there needs to be an ongoing and meaningful exchange of information between the representatives and the represented. The political community needs to know what the representatives are doing and the representatives need to know what the political community expects from them. In this sense, parties must give a *language* for the interaction between the workings of parliament and the electorate, which in turn renders politics *legitimate*. Therefore, Lawson concludes that without this expressive and informative structuring of the mandate of parliaments, political representation would be meaningless (Lawson 1980).

However, the stage upon which both national parliaments and the actors within them are playing their role is changing. Bartolini (1997; 2005) documents how the once relatively impermeable boundaries of the nation-state are becoming "eroded". This is because the process of Europeanization is redefining territorial boundaries. Alternatively, in the words of Bickerton (2012), nation states are replaced by the notion of Member States. This complex evolution comes about in several ways.

First, the building of the European level of governance means that the national legislative arena is complemented with a supranational one. Over a relatively short period of time, Member States have delegated considerable policymaking authority to the EU institutions. The "teleological" interpretation of these provisions by the Courts, EU institutions' choices of how to make use of the their powers and the capacity of Member States to forge diverse interests in Council negotiations have all seen the EU progressively extend its policy authority (Craig 2010). Policymaking of the nation state, which in the ideal typical sense follows a straight and easily observable line of delegation, is in this way replaced by a dynamic exchange between different levels, or even, legislative arenas.

Second, this intense interaction between the European and national legislative policymaking is not *even* but rather intensively *uneven* across policy fields. As was already mentioned at the start of this introductory chapter, there is tremendous sectoral variation in the extent to which policies are now determined in the European rather than in the national arena. This means that the ways in which a political issue makes it to the political agenda, the way it is treated, by which means it is decided and how it is implemented, vary greatly from one political issue to the next. In this sense, Deschouwer (2005, 87) contends that European integration means the development of a new layer of politics that interacts with the older ones in highly complex and variable forms. These changes make clear that EU policymaking cannot be left out of the equation of the role of national parliaments.

It is for this reason that the study of national parliaments is increasingly related to the study of Europeanization, a concept which is to understand as an "attention-seeking device" (Olsen 2002) rather than a theoretical notion. In brief, the process of Europeanization has been called the "third step" in European-based regional integration studies (Graziano 2013). Up until the late 1980s, academic research on European integration was dedicated to the testing and qualification of first, neo-functionalism, and second, (liberal) intergovernmentalism.

Little by little, however, these grand theories of explaining the nature of the beast started to lose traction. They were unable to answer the new questions that were arising vis-à-vis European *governance* on the one hand and the deepening relationship between European and domestic political institutions and policies on the other.

In other words, there was a need for "a new analytical space" since "it became clear that traditional theories of integration were not adequate to describe, let alone explain, developments at the European level" (Caporaso 2007, 25). It is for this reason that the supranationalism versus intergovernmentalism debate was complemented with the Europeanization debate, which sought to move beyond the building of the EU and instead introduce "a domestic politics approach to European studies" (Bulmer 1983).

Apart from the path-breaking contribution of Bulmer already in 1983, studies on the domestic effects of the building of governance started to appear for real from the mid 1990s onwards (Anderssen and Eliassen 1993; Olsen 1996). This precise timing is mainly due to the ratification of the Treaty of Maastricht, which increased the legislative ambit of the EU immensely, while at the same time raising questions about national-level politics, policies, and later also, polities. This led to a shift in focus from the European level to the domestic level. Therefore, ever since the mid 1990s, the concept of Europeanization has taken off dramatically and it is invoked in both the political and academic debate in a large number of ways to describe an even larger number of phenomena.

Ranging broadly, studies focused on the domestic level have covered almost every conceivable topic, from public administration and public policy to the more wide-ranging effects of Europe on cognitive and normative structures, to political parties, and party systems. And since the mid 1990s, process of Europeanization is explored also from the viewpoint of national parliaments (e.g., Bergman 1997; Raunio 1999; Holzhacker 2002; Auel and Benz 2005).

Indeed, academic research on national parliaments seems to be "at its peak" (Jonsson Cornell and Goldoni 2017, 1). Studies on national parliaments in the process of European-based regional integration are published almost daily in the field of EU and constitutional law, political science and sociology. The academic literature is thus both huge and multi-disciplinary and several excellent literature reviews have been presented in the last few years.[6]

[6] For excellent and comprehensive literature reviews see Goetz and Meyer-Sahling (2008); Raunio (1999); Winzen (2010); Strelkov (2015); Auel and Christiansen (2015).

To summarize these strands of research, it may be said that the literature first and foremost has sought to identify the *challenges* that EU integration implies for national parliaments (Moravcsik 1993b; Norton 1996; Schmidt 1997; Holzhacker 2002; Auel and Benz 2005; Schmidt 2006), which has given rise to a dominant belief of European integration causing *deparliamentarization* (e.g., Goetz and Meyer-Sahling 2008). From a review of comparative studies on the state of national parliaments, Kassim summarizes European integration as having four upsetting effects on national parliaments (Kassim 2005, 298):

> [European integration] has weakened Parliaments in four ways. First, the transfer of competences from the national arena to the EU level has removed decision making across a wide range of activities from the purview of national legislatures […] Second, the Union's decisional processes disadvantage national Parliament. […] Third, the EU privileges executives over legislatures, offering them opportunities to bypass Parliamentary control. […] Fourth, Parliaments lack the resources and the independence needed to scrutinize effectively the action and activity of their government in Brussels.

More precisely, the study of national parliaments in the EU is embedded in the study of the democratic deficit of the same and theoretical arguments therefore centre on the idea that legislative powers are "transferred" from the national to the European level. The heart of the problem is that national parliaments become largely cut off from any traditional means of democratic input and control in the policymaking process. Besselink (2006) points out that inherent to expressions such as the *transfer* of powers is the notion that once the legislative competence over a given policy issue has moved to the European legislative arena, it has "somewhat disappeared" at the national arena. It is harder to read such an implication in more neutral terms such as *attribution* or *conferral*. This vertical relocation of power also brings with it a corresponding shift in the balance of power also in horizontal terms. Power shifts in favour of the national governments because these directly partake in decision-making in the Councils and because the parliament's control over the government's handling in these forums is limited, if not close to non-existent (Moravcsik 1993a).

To summarize, the gradual empowerment of the EU has meant the gradual undermining of the authority and relevance of national parliaments, which in turn, imposes "a representative-democratic cost that voters and their representatives have to accept" if they wish to reap the advantages of regional integration (Winzen 2013, 2). European integration has thus contributed substantially to the notion of parliamentary decline.

From the late 1990s, however, and even more so from the early 2000, national parliaments have been rather framed in terms such as actively and quite successfully "fighting back" (Raunio and Hix 2000). The current academic debate is thus focused on the *adaptation* of national parliaments to the pressures of integration. In many ways there is also reason to speak of a considerable strengthening of national parliaments since these have responded rather forcefully to the recasting of legislative power. In fact, the literature now speaks of a process of *reparliamentarization* (Goetz and Meyer-Sahling 2008).

This newer strand of research may be roughly divided into the study of national parliaments' institutionalization of their new powers as of the Treaty of Lisbon (i.e., the subsidiarity check and parliamentary oversight of EU affairs more generally), which implies "the parliament's control of various topics related to EU legislation, events, and actors" (Senninger 2017, 7). The former has become a popular field of study over the last few years and include studies both in the area of EU and constitutional law (e.g., Kiiver 2012b; Granat 2014; Jonsson Cornell and Goldoni 2017) and in political science (e.g., Cooper 2011; de Wilde 2012; Christiansen, Högenauer, and Neuhold 2014).

By all accounts, however, it is on the issue of parliamentary oversight of EU affairs that the academic community has focused on and in many ways, there are very good reasons for why researchers should do so. Due to information asymmetries, the non-transparent decision-making procedures of the EU and the obvious fact that it is the government and not the parliament that fends for the national interest in the EU legislative arena, national parliaments are under a greater strain in EU affairs than what they are in domestic affairs. The strength of parliament in exercising effective oversight in EU affairs thus become a measure of the strength of parliament overall. To put it differently, control of the government's handling in the Councils becomes the remaining keyhole for parliaments to be let in on the matter and to safeguard that last channel is therefore of outmost importance.

Studies on parliamentary oversight of EU affairs are consequently numerous and encompass a growing number of variables, but still, these studies may be roughly divided into two traditions. First, studies regard the *institutional* or *formal* responses of national parliaments to their membership in the EU. These studies include first and foremost the set-up of committees for parliamentary oversight of EU affairs, or EU Affairs Committees (EACs) (e.g., Norton 1996; Bergman 1997; Damgaard and Jensen 2005). These studies concern themselves with the actual institutional engineering behind parliamentary control of EU affairs, including aspects such as

formal provisions of EACs and what effect these entities have had in exercising control over the government's handling in the Councils.

An important set of comparative studies – such as Maurer and Wessels (2001), Auel and Benz (2005), as well as O'Brennan and Raunio (2007) – have explored cross-national differences in EU oversight. While there are important signs of *convergence* in parliaments' institutional set-up of EACs (possibly an example of "best practice"), these Committees (still) *diverge* greatly in terms of constitutional set-up, efficacy and effect (Raunio 2009). Such institutional adaptation also includes variation in intra-parliamentary cooperation in the network of the Conference of the Committees of the National Parliaments of the European Union Member States dealing with Union Affairs (COSAC), through which chambers may exchange information and best practices.

From the viewpoint of "constitutional preferences", Winzen (2017) seeks to explain why we observe these "democratic asymmetries" when it comes to what role national parliaments perform in EU policymaking and, how strong that role is. He argues that the adaptation of parliaments depends ultimately on the political majority's preferences for the European project as such: informal and formal domestic institutions of EU oversight are rooted in parties' ideology about what the EU polity should look like, and what institutional choices that are required for the EU to develop in that direction. In this way Winzen shows that differences between parliamentary set-ups of EU oversight are not the result of accidents or structural constraints, but rather, of active choices of the political elites. Just as important, Winzen underlines that parliamentary actors themselves are at the very centre of the debate of how parliaments are to develop in EU integration and, that they can (and should) be held accountable for the choices they make, or fail to make (Winzen 2017, 183).

Additional information is generated by Bormann and Winzen (2016). They address variation in institutional adaptation from the perspective of transnational learning mechanisms and emulation processes. The heart of the argument is that parliamentary need for inspiration as how to best adapt to integration mean that inter-parliamentary diffusion comes to the fore. New member states and democracies therefore seek older members for guidance on how to institutionally adapt to the new configuration. Their argument is also that newcomers turn to states with cultural similarities and democratic experiences, which rules out Scandinavian countries as some kind of type example. Yet, such diffusion pathways are contingent on the mechanisms generating recognized need for adaptation among policy makers.

Regarding the *empirical activities* of parliamentary oversight, the number of studies in this field as increased in more recent years (e.g., Holzhacker 2002; Auel and Benz 2005; Finke and Dannwolf 2013; Winzen 2013; Hörner 2015; Rauh 2015; Strelkov 2015; Senninger 2016; Senninger 2017). This strand generally does not study institutional provisions but rather *parliamentary parties' practice* of oversight and the various incentives and patterns of these actors' behaviour. These studies offer important clues about the effects of EU-membership, not only when it comes to the way opposition parties control the government's handling in the Councils, but also political life generally.

In his doctoral thesis, Strelkov (2015) addresses the development of parliamentary rules of procedure by investigating how these scrutiny provisions are practiced in the interactions of different types of parliamentary actors, such as parliamentary administrators, committees and political parties in three different parliamentary settings. What he finds is that the level of sophistication of parliamentary oversight is mainly explained by two factors. First, the successful integration of sectoral committees into the scrutiny process. Parliaments that achieve regular contact between the EAC and sectoral committees have better access to information, are more likely to integrate the opinions of different stakeholders and are more active in the subsidiarity review. Second, the politics of inter-party relations. In cases where inter-party politics is consensus seeking, Strelkov finds that the opposition has greater leverage and that the review of EU documents is more thorough and comprehensive. Vice versa, a high level of inter-party rivalry means that the scrutiny process is more likely to reflect the power struggles between the majority and the opposition, which in turn curbs the opposition's influence in the scrutiny process.

Strelkov also discusses what expectations we should place on actors' behaviour in parliamentary oversight. He shows that that opposition parties, particularly in countries with minority governments, are more active in exploiting the new parliamentary rights enshrined in the Treaty of Lisbon. They do this as it is a way to compensate for their weaker influence in EU decision-making vis-à-vis the government. Moreover, Strelkov shows that parliamentary officials do not exercise more influence in the post-Lisbon environment even though there is now a greater need for their expertise, advice and analysis. Strelkov argues that EU oversight is first and foremost subject to the political interests of parties, which is why parties have come to marginalize other parliamentary actors, such as parliamentary administrators and committees, in the scrutiny procedures. To put it differently, it is to conclude that EU oversight is not an *administration* or *committee*-game but a *party*-game.

There are also recent advances when it comes to *when,* and in relation with *which* policy issues parties exercise effective EU oversight. Using a unique dataset covering 27 states, Auel, Rozenberg, and Tacea (2015) present results that suggest that parliaments rarely monitor EU policymaking outside of EACs, or even, that they are generally quite passive about EU matters. The activity observed is according to the authors best explained by the institutional strength in parliamentary EU affairs generally. At the same time, EU activities are the result of "a mix of institutional capacities and motivational incentives". In this way, they conclude that EU oversight activities vary on a case-by-case basis.

Also Strelkov (2015) identifies signs of an overall low level of saliency of EU issues inside parliaments. He shows that parties generally "neglect" EU issues, or at least, they rarely engage in any greater scrutiny of the political content of EU documents. While Strelkov (2015, 199) underlines that we need further research to identify the reasons why EU issues are downplayed, he suggests that "for the majority of political parties a pro-European or Eurosceptic stance would be more an instrument of inter-party struggle than a reflection of ideological convictions towards the EU". This argument would be in line with the findings of among others Ladrech (2009) and Petithomme (2011) on the role of EU affairs in structuring party competition. In fact, most previous accounts lean towards this conclusion, for instance Hörner (2015) and Winzen (2013) who both show that the level of attention given to the EU issue is primarily driven by partisan motives.

While we are getting close to understanding the *extent* of control activities, we still know little about the *content* of these activities, and on this point important country differences remain to be explained. A case in point is the studies of Senninger (2016; 2017), who explores written questions in the Danish Folketing over a 40 year period, and presents data that suggest that parties have indeed been responsive to the increase in the EU's legislative ambit. He provides evidence of a remarkable *issue expansion* in the Danish parliament over time, with parties putting pressure on the government regarding its handling on the EU legislative arena on an increasing number of substantial issues. While this may be positive from a democratic point of view, the key finding is that parties do so due to vote-maximizing strategies. More precisely, parties make active use of oversight activities in order to demonstrate their stance on European integration and how it differs from the stance of the government. This is most obvious in the case of *Eurosceptic* parties, which according to Senninger (2016) strongly emphasise general and constitutional aspects of EU politics as this supposedly go down well with their electors. A contrasting finding is generated by Rauh (2015) who shows that *mainstream* and particularly *governing* parties are the key actors to vocalize the European issues in the German Bundestag.

There might be more to research on the issue of parliamentary oversight but it should be safe to say that the level of sophistication in studies on parliamentary oversight of EU affairs is by now relatively high. Thanks to this active academic debate we now know quite well why national parliaments differ in their constitutional adaptation to integration, when and how parliaments are more successful at exercising tight scrutiny of their government's handling in the EU legislative arena and the factors that explain less activity in this regard.

While this is all well and good, we cannot say the same for other functions of national parliaments and this is problematic. In fact, for the last decade, observers have lamented academic attention for being "uneven on the side of the dependent variable" (Knill, Tosun, and Bauer 2009, 1). According to Goetz and Meyer-Sahling (2008, 12), "the range of parliamentary responses that have so far been studied systematically remains quite narrow". "Thus", they add, "we still know little about the EU impact on interpellations, questions, plenary debates, party cohesion and discipline, delegation patterns to committees, processes within committees or parliamentarians' relations to their constituencies. Considered against the backdrop of mainstream legislative studies, many key questions still remain to be asked" (ibid.).

Raunio (2009) also criticizes the state of the art for its selective attention to national parliaments. He argues that "basically all of the existing monographs and edited volumes have followed the same approach, with emphasis on institutional adaptation by legislatures". Therefore, he adds, "we [still] lack empirical studies on the Europeanization of national parliaments – that is, how much and the ways in which European integration impacts on the work of national parliaments" (Raunio 2009, 325).

Several years have passed since Raunio's diagnosis of the discipline, yet it seems to still hold as calls for more attention on aspects other than parliamentary oversight have been repeated also in more recently, first and foremost by Auel and Raunio (2014). They state that "the main focus of the literature has been on this institutional adaptation and thus on the relationship between the parliament and the government in […] EU affairs. Other parliamentary functions […] have been largely neglected" (Auel and Raunio 2014, 1).[7]

[7] The special issue in the *Journal of Legislative Studies* 20 (1) 2014 edited by Auel and Raunio adds tremendously to this field of research. In the issue, a group of leading scholars provide the first step towards the exploration of parliaments' communicative role in EU affairs.

Without rejecting the importance of national parliaments to adopt institutional measures to safeguard effective oversight of the government also in issues that are decided in the EU legislative arena, few would probably disagree that there might be much more to the story on national parliaments in the EU than their control of the government's behaviour in the Councils. Ever since Bagehot's ([1867] 1963) catalogue of the key functions of parliament, scrutiny of the government has been just one part of parliamentary efforts to give democratic anchorage to public policies.

Raunio therefore concludes that future research should adopt "a more comprehensive approach", which would open a broader unit of analysis (Raunio 2009, 326). Among many things, Raunio encourages less attention on oversight and more attention on "different parliamentary roles", "functions" and "actors". He argues that while it is theoretically very probable, it is still largely unknown in empirical terms how, and the extent to which, the impact of Europe varies within parliaments, depending on which parliamentary body – or policy sector, since parliaments are structured according to sectoral committees – that we focus on (Raunio 2009, 326).

1.3 Research strategy and key contributions

The aim of my research project is to contribute to the academic scholarship on national parliaments in the context of European integration in precisely the manner that Raunio (2009), Auel and Raunio (2014) and probably several others, have urged researchers to do. What will be studied is the change in the *legislative role* of parliament from the viewpoint of the parliamentary actors themselves. More precisely, *the aim of this thesis is to move beyond parliamentary scrutiny of the government's handling of so-called EU issues and study the role of national parliament in the EU from a more comprehensive perspective by including also analyses of individual MPs, parliamentary committees and political parties*.

To put it differently, my aim is to study the legislative role of parliament in the age of Europeanization by zooming in on how the actors therein understand their role(s) in public policymaking. Parliamentary actors are in this thesis included at three different levels of abstraction: at the party level, at the parliamentary committee level and at the individual level of MPs. The advantage of including individual actors, and not just parties, in my research frame is the possibility to actually ask how the legislators themselves understand and motivate their legislative work. From this it follows that the role concept in this thesis is used as an empirical

tool tapping the role perceptions of actors; that is, how they themselves *describe* what they do in parliament. Moreover, the inclusion of actual people in the research frame allows for the exploration of legislators' roles from a wider perspective, including aspects of their relation to their voters (i.e., the *representative* function), their actual work with passing legislation (i.e., *decision-making*) and their work with *monitoring* the government and the Commission in the policy process.

By including individual MPs in this way, parliament and parties in parliament are not conceived of as independent variables that shape and decide what parliaments do and do not do. This has been the traditional way of making sense of parliamentary life, from which a subtext follows that parliamentary actors are free to choose. In this thesis I perceive of parliamentary actors' legislative function (or role) in parliament as shaped to an important extent by the process of Europeanization. In this sense, not only are the possibilities and restrictions that parliamentary actors face in the policymaking process structured across policy sectors but also their role perceptions.

For these reasons, neither parliaments nor political parties should be approached as unitary actors, which has been the preferred understanding in most previous accounts.[8] My research strategy allows for the study of parliaments, and in turn parties, as possibly *segmented* institutions. EU policy authority carries influence in very uneven ways and parliamentary actors adjust accordingly. Why the EU may exercise a variable impact within parliament is because parliamentary activity in issues that are decided at the EU level of governance is decidedly different from activities that surround so-called national issues.

The study is conducted in the northern corner of Europe with the empirical focus on Sweden, which will be motived below. This means that the study is conducted in a context where both parliaments and political parties are traditionally considered (relatively) strong and cohesive (Bergman and Strøm 2011). It is also an area of Europe that has passed comparatively unaffected through the 2008 economic and financial crises. Still, Hegeland (2006) has shown that the Swedish parliament's work with EU policies is decidedly different from that of parliamentary work at large and different from the parliament's work in foreign affairs. It is a truly *sui generis* way of doing things.

[8] The exceptions include: i) Wessels (2005), who studies the intermediate effect of MPs' understanding of democracy in the way parliaments respond to Europe; ii) Strelkov (2014), who uses in-depth interviews with MPs and committee officials to see how these make use of the new "opportunity structure" as of the Treaty of Lisbon, and; iii) Högenauer and Neuhold (2015), who study the role of parliamentary officials in oversight activities.

To assume that the variable legal authority of the EU exercises a correspondingly variable effect on parliaments is thus very straightforward. Parliaments are organized across policy sectors according to a system of sectoral committees, which are usually described as the very powerhouse of parliamentary life (Mattson and Strøm 1995). Individual MPs spend a considerable amount of time in the committee they serve in as this is the forum in which MPs prepare, deliberate and eventually decide on policy matters.

It should also be noted that with the exception for very small parties MPs serve as ordinary members in only one committee at a time in the large majority of Western parliaments (Longley and Davidson 1998). In other words, an MP deals with only one portfolio of policy issues at a time (i.e., in each parliamentary session) and it is reasonable to expect that the way policymaking in this particular set of issues is made has a significant influence on the MPs' role perception.

It is in light of this aspect of parliamentary life that my key argument takes form. Lawson (1980) tells us that parties serve as *linkage* between the citizenry and political decisions, and that the task of parties is to give *language* to that linkage. That is, parties should discuss, propose and evaluate policies before their voters in a way that is *meaningful* and *informative*. If the legislative ambit of the EU (and thus conversely, of the national arena) varies considerably across policies, is it not reasonable to expect that the role of MPs will vary considerably as well from one parliamentary committee to the next?

To put it differently, should we expect that the way a given MP perceives of his or her task in parliament can be explained not only by traditional factors such as party belonging but also by what committee he or she serves in? In policy areas which continue to be decided at the national level, we might expect little change: MPs continue to draw their legislative role from traditional factors such as whether they sit in the majority position or not. But in policy fields that are now subjected to the EU legislative arena rather than the national one, the legislative role of the national parliament and this of political parties should adjust accordingly. Parties should not only perform a different role in the parliament with a different set of tools, they should also inform voters of this new task in policy-making. If they do not, parties are not attaining much of a meaningful linkage, which may have upsetting consequences for the functioning of parliamentary democracy.

By investigating the traction of this heuristic point of departure, I seek to contribute to the literature in several ways: First, I will employ a research agenda that advances in three steps to zoom in on what variation there is in the legislative role of the national parliament. The

research agenda seeks to connect three fundamental components in political life. The first is the influence of the EU over the legislative agenda and the second is the way parties in the electoral arena make sense of this influence. Third, the research empirically studies the intersection between national and European policymaking by drawing on the national parliamentary setting. The purpose of this research design is to *explore*, rather than to firmly determine the operating logics of how the EU and national legislative arenas are connected. A straight and unmediated link between these three agendas is not foreseen nor will it be argued for. Nevertheless, I assume that developments in EU law have – or at least *should* have – some reverb in domestic actors' way of "making sense of Europe" (Pennings 2006).

While the research strategy is thus largely *problem*-driven rather than *theory*-driven (Green and Shapiro 1996), my theoretical framework implies certain assumptions, which should be made clear upfront. First and foremost, my definition of the concept of Europeanization follows the definition of Featherstone and Radaelli (2003), who see Europeanization as the phenomena of domestic responses to the policies of the EU. They thereby build on Ladrech's seminal formulation according to which the EU impacts upon national structures in a mainly top-down fashion (Ladrech 1994). Speaking in the broadest of terms, this means that I view the legal authority of the EU, or rather Europeanization, as the independent variable and factors at the domestic level as the dependent variables.

At the same time, I am fully aware that in the real world the complex process of Europeanization of national parliaments, and policymaking in general, is not only an external/top-down force but that there is also an important internal/bottom-up element to it. Parliaments, and even more so parliamentary actors, are certainly not only *takers* in the shifting of authority from the national to the European level of governance. They are also important *shapers*; or at the very least they are *enablers* in this process. While European-level institutions affect the policy fabric (with this term I mean policies and policymaking) of Member States, rendering a European dimension to them, European level institutions exist in the first place due to a (more or less) voluntary shift in authority from the domestic to the European level of governance. That is, if we follow Moravscik's advice (Moravscik 1993b).

At least partially then, parliamentary actors are those responsible for the fundamental set-up of institutional and procedural structures of the EU. Treaties are ratified by (most) Member States' national parliaments, if not lifted outside of representative democracy and dealt with in a public referendum instead. It is of course a simplification of reality to speak of the effect of the EU on national parliaments and policymaking as a purely *external* one when policy

authority was delegated to the EU by *internal* actors in the first place. To conceptualize the impact of Europeanization on national parliaments as a purely top-down process is further challenged following the provisions on national parliaments in the Treaty of Lisbon. While I come back to the reasons why I believe that Europeanization is still to be conceptualized as a top-down process in Chapter 2, here it suffices to say that any potential bottom-up effects of national parliaments on the European arena are not at the core of my research frame.

Another theoretical starting point to make clear is that my research strategy is broadly informed by a neo-institutionalist approach, which has become "indispensable for understanding how Europeanization is theorized" (Bulmer 2007). Since I include individual actors in my research frame, neo-institutionalism is fundamental as it implies an interest in explaining these actors' identities generally and sources of legitimacy particularly. It also implies the centrality of actors in triggering or resisting change. Most of the literature that I have introduced above is written from a perspective that can and has been described as Rational Choice Institutionalism, or RCI, developed among others by Peters (2012). This perspective stresses the importance of purposeful, goal-seeking actors and the institutional context in which they operate and often shape. That is, their behaviour follows the *logic of consequentialism*.

The RCI perspective is in this thesis complemented by a particularly useful sociological perspective on Europeanization theorized by among others March and Olsen (2009), who emphasize the *logic of appropriateness* instead. From this perspective, European policies, norms and the collective understanding attached to them clash with domestic norms and "ways of doing things", domestic actors are pressured to change. Through socialization and a "collective learning process" new norms are internationalized and the development of new identities takes place (Börzel and Risse 2003, 57). Most scholars claim that these two ways of looking at actors' way of adapting to Europe are practically inseparable and theorists have therefore come to advocate the incorporation of both logics (e.g., Börzel and Risse 2003; Saurugger and Mérand 2010).

In my attempt to explore the Europeanization of parliamentary actors, it is important to underscore that the legislative role of parliament is not to evaluate in fixed terms but rather as something fleeting. Blondel (1973) laments the fact that researchers often put unrealistic expectations on legislatures, including that they be *sovereign* in the legislative process. It is for this reason that overly pessimistic judgements follow when these institutions fail to live up to what we expect of them and parliaments are perceived of as nugatory *rubber stamps* instead.

Blondel reminds us that legislatures are neither of these extremes. They are not (and never were) sovereign in the legislative process but neither should they be understood as weak and unimportant. What matters, according to Blondel, is that legislatures influence policy to "some extent". This influence – however great or small – is of central importance in political science as it goes to the very confluence between democratic theory and democratic practice. What is therefore worthy of scholarly attention is how the legislature practices this role and how this role may vary. On a similar note, Olson and Mezey (1991) argue that "it is important to clarify the policymaking role of legislatures because the strength of a nation's legislature is often viewed as directly related to the strength of that nation's commitment to democratic procedures" (Olson and Mezey 1991, xi).

In my attempt to do just this, I will pay heed to what Haverland (2006) and Raunio (2009) have pinpointed as a worrisome tendency in the Europeanization literature; namely, that domestic change is all too habitually attributed to European integration. Comparative research on national parliaments shows that these entities exist in an increasingly constrained situation even without the effects directly caused by Europe (Raunio and Hix 2000). Ever since the 1960s, there has been vivid debate about the shift from popular rule to "a semi-sovereign people" (Schattschneider 1960). Party discipline and centralization of power within parties to the leadership, including the process of "presidentialization" (Poguntke and Webb 2005), together with the more technical nature of the political agenda, which favours experts rather than representatives (e.g., Ambrus, Arts, Hey, and Raulus 2014), contribute to the shift of power from the legislative to the executive bodies of government and in turn to so-called non-majoritarian decision-making (Majone 1996).

In addition, a large number of studies documents that problems with growing dissatisfaction with representative institutions in general, and decreasing electoral turnout in particular, is taking place in the large majority of democratic countries (Mair 2006). These trends have taken place on a global scale as internationalization and globalization pose significant challenges for all domestic legislatures. Keohane, Macedo, and Moravcsik (2009) therefore argue that the weakening of parliaments is not specific to the context of the EU but that this is rather an international trend. In other words, that national parliaments are under pressure holds not only for EU Member States but for Western democracy at large. By all accounts, however, the EU certainly *amplifies* the pressures that internationalization places on national parliaments and this has been repeatedly suggested in the literature (Schmidt 1997; Bergman and Damgaard 2000; Mair 2000, 2007a; Bergman and Strøm 2011; Mair 2011).

Another contribution of the thesis is to quantify the *variable* impact of Europe on the role national parliaments and the legislators therein have come to assume in democratic policymaking and this is the chief argument of the thesis. I will seek to compare the function of parliament in a policy area over which EU law exercises none, or at least a very small adaptational pressure, with an issue area over which the adaptational pressure is vast. This will allow us to start to explore the micro-level effects of the uneven hand over of legislative power from the national to the European arena and will open the possibility to view parliaments as increasingly *segmented* institutions.

In fact, the large majority of studies on national parliaments in the EU continue to study these as unitary entities but studies in the related field of public administration – also here with a focus on the case on Sweden – have shown that the impact of the EU is decidedly *uneven*, not only across national institutions but also *within* (Casula Vifell 2009). In brief, this development may be thought of as a "segmentation of the public administration" (Casula Vifell 2009, 3), where certain parts or actors of the administration become well-versed in negotiating and implementing EU law whereas other parts remain largely agnostic of EU legislative activities. More precisely, Casula Vifell (2009) and Casula Vifell and Westerberg (2013) show that Member States' adaptation to EU membership has been highly uneven, with a select few (mainly administrative elites) benefitting from the opportunities of EU policymaking while other elites remain decoupled, even disengaged, from the EU legislative cycle. This development has been referred to as an "asymmetrical trend" across national institutions (Casula Vifell 2009).

The second contribution of the thesis is to start to explore if this "asymmetry thesis" holds also for national parliaments and if the impact of the EU varies significantly also *within* parliaments. If it does, this carries important consequences not only for parliamentary life but also for the way we make use of parliamentary democracy. This, in turn, would contribute importantly to the field of parliamentary oversight, which is certainly very advanced already, but certain areas of improvement remains. Most importantly, the vast majority of studies still treat parliaments in the *aggregate* (cf. Senninger 2017) with little attention to intra-parliamentary variation. While few would still portray parliaments as unitary actors in EU politics, the extent to which parliamentary life is segmented across policy areas is an empirical question, which is exactly what I intend to answer with this thesis.

Moreover, the conceptualization of what constitutes an EU issue is certainly unfinished in a large number of studies generally, and in parliamentary oversight particularly. As studies on parliamentary oversight in effect are studies about intra-party politics, it is almost taken for

granted that EU issues are those issues that parties relate to the EU. Such a conceptualization is dangerously auto-referential and might gain from a different type of definition of not only EU issue, but Europeanization as such. Last but not least, this thesis might contribute to the field of parliamentary oversight by giving evidence of the advantage of including different types of parliamentary actors within the same research frame. There is indeed reason to begin to speak of a "behavioural turn" in oversight studies: instead of studying parliaments in the aggregate are researchers exploring oversight activities across different parliamentary parties. However, I believe that there are advantages in stepping further down the ladder of abstraction and to also include individual MPs and parliamentary committees as well as legislative parties in the research strategy.

Yet another contribution of the thesis is in methodological and empirical terms. Observers have for the last decade commented upon the increasingly sophisticated theoretical understanding of Europeanization but that this literature is accompanied with an empirical body of evidence that remains "patchy" (Olsen 2007). Only few studies so far have sought to systematically trace the effects of EU policy authority on parliamentary actors' responses. To do so, several sources of data are collated and compared: I use data that inform us of the presence of the EU across several different agendas, including national legal production and how parties speak of these events, as well as how the EU makes itself known at the individual level. This means not only a considerable data collection endeavour on my part but also that I construct an analytical device to allow the juxtaposition of developments.

1.4 Case selection

As mentioned previously, this thesis aims to move beyond parliamentary scrutiny of the government's handling of so-called EU issues to study the legislative role of national parliament in the EU from a more comprehensive perspective. It does so by including analyses of individual MPs, parliamentary committees and political parties. One way to do this is to analyse new empirical data on one particular case: the Swedish Riksdag. According to Gerring (2004, 341), the case study is best defined as "an intensive study of a single unit with an aim to generalize across a larger set of units". I believe that the Swedish parliament represents a suitable case for this study for two key reasons.

First, and most importantly, I study the Swedish Riksdag as I believe it constitutes a *hard test* for the grip of Europeanization on the agency of the national parliament in the democratic policy process. Sweden, and the Nordic region as a whole, is described as "a stronghold for parliamentary democracy" in the academic literature (Bergman and Strøm 2011). The Swedish political system features the combination of strong parties with a strong parliament, resting on a stable committee system. In addition, the Riksdag is a "working" rather than a deliberative parliament (Lijphart 1984). Most of the 349 MPs hold committee positions, and during certain periods of the parliamentary session, their prerogative to propose policy (i.e., issue parliamentary bills), is unlimited (Esaiasson and Holmberg 1996). That the Riksdag is a working parliament ultimately means that the parliament and the government "co-govern" the state with "a common hand", which is different from – for instance – the British House of Commons, which is regarded as a body of deliberation, a "speaking parliament", vis-à-vis the government (Wessels 2005). The Swedish parliament also ranks high on various measurements of representation (e.g., Esaiasson and Holmberg 1996). It is therefore the task of representation that Swedish MPs themselves see as important, or at least as more important compared to their counterparts in most other EU countries (e.g., Wessels 2005).

Moreover, the Swedish Riksdag is usually described as one of the European parliaments that has "fought back" in terms of institutional adaptation to European integration. The Swedish Committee on EU Affairs is repeatedly considered to be successful at selecting important EU matters to exercise parliamentary control over (Bergman 1997; Hegeland and Neuhold 2002; Hegeland 2006). Also for the more recent constitutional adaptation of the parliament as of the Treaty of Lisbon, the Swedish parliament has appeared as "extremely active" in safeguarding the principle of subsidiarity (Jonsson Cornell 2016). This is because the Riksdag so far has issued the highest number of so-called reasoned opinions of all national parliaments in the EU, and this is repeatedly pointed out not only by academic scholars but also the Commission.[9]

[9] By way of illustration, the Riksdag has scrutinized no fewer than 522 legislative proposals at the end of 2015. Out of these 522 documents, 46 led the parliament to issue a reasoned opinion on the basis of these proposals' breach with the subsidiarity principle (see Committee report 2016/17:KU5). This is a remarkable figure from a comparative perspective and this is also commented upon in the Commission's annual report on the application of the subsidiarity and proportionality principles for 2012 (see e.g., COM(2013) 566). In 2012, the Commission received a total of 70 reasoned opinions from the national chambers/parliaments of which the Riksdag alone issued 20. The second most active chamber that year was the French Sénat, which issued (only) seven reasoned opinions. More details are given in Chapter 2.

For these reasons, it has become commonplace to consider the Swedish parliament as a *strong* and *active* parliament in EU affairs, with the subtext that Swedish parliamentary democracy is doing perfectly fine despite the tremendous restructuring of political decision-making that EU membership has entailed. Not only is it healthy to revisit such preconceptions, it is also interesting to study how a supposedly active, resourceful and representative parliament such as the Riksdag responds to the pressures of European integration as this arguably represents a *hard test* for the resilience and elasticity of parliamentary democracy.

The second reason why I believe the Riksdag to be a suitable case is in terms of generalizability. Sweden is an informative case as it is neither an "old" Member State nor is it "new" to the European Union. Also, Sweden is neither a Member State that has fully integrated the *acquis* nor is it a Member States with numerous treaty opt-outs such as Denmark or Ireland, thereby striking an important balance in terms of level of assimilation. Sweden is also informative in terms of the party landscape. The Swedish party system showcases a large set of main parties that have organized themselves into a relatively clear-cut left-right axis. One the one hand, there is the left-of-centre block consisting of (from left to right) the Left Party (Swe. *Vänsterpartiet*, V), the Greens (Swe. *Miljöpartiet*, Mp) and the Social Democrats (Swe. *Socialdemokraterna*, S). On the other, the centre-right block consists of (from centre to right) the Centre Party (Swe. *Centerpartiet*, C), the Liberals (Swe. *Liberalerna*, L), the Conservatives (Swe. *Moderaterna*, M) and the Christian Democrats (Swe. *Kristdemokraterna*, Kd). The established parties, and particularly the older ones (i.e., the Social Democrats, the Conservatives and the Centre Party), were to consider as mass parties as late as 1990 when as many as 21 per cent of the Swedish electorate were member of one of these. In comparison to the rest of Europe, only Austria had a slightly higher number at the time (Mair 1994, 4; Tallberg et al. 2010, 85).

In addition to this, the party arena has recently witnessed the introduction of a truly Eurosceptic party on the political scene. Euroscepticism, or at least, Euro-hesitance, is certainly present in some the more established parties as well but this positioning now takes place at a whole different level. As of 2006, far-right Sweden Democrats (Swe. *Sverigedemokraterna*, Sd) won seats in the administrative elections and as of 2010 this party is also represented in the Riksdag. It expanded its vote share even further in the elections of 2014. Research tells us that the presence of an intensely Eurosceptic party in the political discourse on the EU has a clear impact on the way parties, and in turn Members of Parliament, acknowledge and politicize – or rather, *de*politicize – the EU (Green-Pedersen 2012; Raunio 2016). As good as all EU Member

States feature a Eurosceptic party on the political scene and therefore Sweden is representative also in this regard.

The issue of generalizability should not be exaggerated however. As for any single case study, there are several idiosyncrasies or implications of the chosen case and these should be made clear. One distinguishing feature of the Swedish case is the frequency of minority governments, together with the strong tradition of consensus politics. Among other Winzen (2017) shows that opposition parties in consensus seeking parliamentary democracies normally enjoys stronger leverage over the government in EU issues.

Another particularly Swedish trait is the cautious and reactive approach vis-à-vis European integration – not only among its political elite but in the electoral at large. Sweden is in many ways still regarded as a hesitant, perhaps even reluctant, Member State. It should be noted that in 1991, Sweden applied to membership in the *EC*, which was in essence "only" the unity of markets, that is to say, strictly about economics. An official report was presented in 1993 (SOU 1993:14 *EG och grundlagarna*) with the purpose to analyse the constitutional changes that would follow from *EC* membership. However, on 1 January 1995, Sweden found itself entering the *EU* instead, which is quite a different matter altogether. It should also be noted that the referendum on EU membership in November 1994 resulted in "a faint yes" (Gilljam and Holmberg 1996): 52.3 per cent of the electorate voted in favour of Swedish EU membership, which means that the difference between the "yes" and the "no" camps was only a little more than five percentage units, or circa 295 000 votes.

In addition, the EU referendum laid bare deep-seated differences *between* the main parties but also *within* them. The governing party at the time, the Social Democrats, struggled immensely with closing ranks (Gilljam and Holmberg 1996), which may explain the choice to not take part in the EU fully and wholeheartedly. Even though the monetary union was already a fact at the time of Swedish entry, Sweden did not join the second phase – the European Exchange Rate Mechanism (ERM) – and thus deliberately failed to fulfil the criteria for introducing the euro. For this reason, it is possible to say that Sweden enjoys one opt-out from the Treaty of Maastricht, although only *de facto* and I will from here onwards refer to the decisions to remain outside the EMU as the Swedish opt-out.

One could perhaps argue that it is a methodological weakness that Sweden is not part of what has been dubbed "core Europe". On the other hand, Sweden remains outside core Europe precisely because European integration is an issue that remains conflictive for the political elite,

including the Members of Parliament and these actors are therefore to expect to be particularly sentient of the transformative pressures of the EU.

An additional implication of choosing the Swedish parliament for this study is the methodological advantage it presents in terms of a clear and visible effect of EU membership. Sweden became a member of the EU on 1 January 1995, which means that entry into the EU constituted a critical juncture. This is so because Sweden joined the EU at a time when EU legislative competence was already very advanced: The Treaty of Maastricht, which predates Swedish entry with a couple of years, marked the completion of the single market and made EU decision-making decidedly supranational in nature. The effects of EU membership are therefore expected to be particularly *researchable* in the Swedish case, at least compared to older Member States whose legislative arenas have been influenced by EU competence much more gradually.

1.5 Overview of the thesis

The first part of the thesis, to which this introductory chapter contributes, is dedicated to the historical, theoretical and methodological framework, which advances in two additional chapters. To begin with, Chapter 2 documents from a historical and legal perspective how the role of national parliaments in the EU has shifted over the years and provides arguments for why we should consider these developments neither in terms of *deparliamentarization* nor *reparliamentarization* but as *parliamentary transformation* instead. European integration has meant that in some policy areas the national parliament has lost its traditional function in public policymaking and has come to assume a quite different, nonetheless important, task of *reviewing* legislation instead. This is very different from national MPs' traditional role of policy shapers, or at least, "policy influencers" (Norton 1998) but it is not the same thing as parliamentary decline. The second argument is to show that the role parliaments play in public policymaking (i.e., whether they are expected to influence or rather review legislation) is not fixed but hinges on the fleeting balance of power between the EU and its Member States.

Chapter 3, in turn, is dedicated to identifying the adequate methodological tools for investigating the theoretical conjuncture articulated in the above. In terms of empirical material, I chose to draw laterally on three different sets of data. The three types of empirical evidence include: i) data on the production of Swedish legal acts 1988–2015; ii) election manifestos of all parties in parliament for the period 1976–2010, and; iii) interviews with MPs and high officials of the parliamentary committee secretariats. Details on the identification, collection and coding

of these data are provided and particular information is given on the selection of respondents, standards of rigour and practical arrangement of the interviews. The chapter also provides information on my rationale for case selection of "meaningful" policy cases to dig deeper into in the qualitative analysis (Lieberman 2005) and what consequences that this rationale ensues.

After having explained the theoretical foundations and methodological design in the first part of the thesis, the second part deals with the empirical indicators needed to evaluate my theoretical argument. In the empirical chapters, the empirical investigation proceeds cumulatively. First, Chapter 4 presents a large-n (21 policy sectors) longitudinal analysis of the degree of Europeanization of Swedish legislative production over a period covering both before and after Swedish EU entry. The aim is to show empirically how the national policy fabric has become increasingly tied to EU law and what differences there are across time and policy sectors. Against the empirical picture that this analysis provides, I motivate two policy sectors (cases-in-case) for further inspection. These policy areas are selected based on the extent to which adaptational pressures vary and therefore constitute what may be called a most-different systems design.

While Chapter 4 explores the Europeanization of legislative *output*, Chapter 5 offers an examination of the Europeanization of legislative *input* instead, which is here understood as parties' election manifestos. The data are longitudinal, incorporating all election manifestos presented by Swedish parties represented in the Riksdag covering both before and after Swedish EU entry, more precisely, over the period 1976–2010. In this way, the analysis allows the exploration of the extent to which legislative parties successively have come to include reference to the EC/EU level in their election pledges, how the frequency of such co-occurrences varies over time, across policy sectors and, parties.

Together, Chapters 4 and 5 show the increasingly variable *policymaking contexts* that the national parliament is situated in, which begs the question of whether – and if so, how – such variation is perceived from the viewpoint of individual parliamentary actors. Whereas the purpose of the analyses in Chapter 4 and 5 is to paint the greater contextual picture, the task of the two subsequent chapters is instead to add depth and detail to this picture. More precisely, Chapter 6 and 7 present a qualitative cross-sectional analysis of the two chosen policy sectors that are tied to EU law to decidedly different degrees. For the qualitative analysis I therefore descend the ladder of abstraction for my unit of analysis, from exploring shifts in policy dynamics at the macro-level to the actual policy work in parliament in general and in the two responsible parliamentary Committees of the chosen issue areas in particular.

For the qualitative analysis I draw on elite interviews with both MPs and parliamentary high officials. The purpose of these interviews is like I said to add depth and colour to the picture painted in the quantitative empirical chapters. For this purpose, I present and analyse my interview data according to different dimensions of MPs' legislative work, including their roles in both the *electoral* and *parliamentary arenas*. The interviews are inclusive of most of the important aspects of MPs' legislative work, such as contact with voters and organized interests, the possibilities they face in advancing those groups' interests, to actually decide on public policy and how they monitor the government and the EU institutions, in this process. What do these various aspects of legislative work mean for MPs serving in these committees that are nested in decidedly various ways of doing politics? How do the parliamentary actors themselves conceive of their task in parliament given the legislative influence (alternatively lack of influence) of the EU? How do they consider the possibilities and difficulties they face as legislators? Or would they define their role in parliaments in different terms? These and other questions will receive first (and necessarily preliminary) answers in these chapters.

The complementary types of data analysed in the empirical chapters will ultimately come together in a comparative picture of what parliamentary life looks like and how it differs across two policy fields that vary distinctively in their degree of Europeanization. The thesis offers in this way an empirical comparison of the parliament's legislative role across different policymaking contexts, revealing the varying and elastic purposes of parliamentary actors in the legislative process. By extension, it shows that the terms legislator and representative can take on different meanings that all cohabit within the same political institution. In addition, these data provide explorative evidence of the extent to which there is explanatory power in the balance of legislative power between the EU and the national level in explaining differences across policy fields/parliamentary committees on the one hand and the way parliaments connect with the electorate on the other.

Such considerations are discussed in Chapter 8, which concludes the thesis. Here, I first offer a recap of my research puzzle, the theoretical reasoning and the logical and logistical structuring of the investigation. I thereafter collate the empirical findings to qualify my theoretical argument, which in turn is debated vis-à-vis what it says about contemporary conditions for parliamentary democracy. I then close the thesis with some suggestions for further research.

CHAPTER 2

How did we get here? The historical and legal development of the variable roles of national parliaments in the EU

2.1 Introduction and structure of the chapter

The argumentative backbone of this thesis is that the legislative function of national parliaments, and the actors therein, varies across policy sectors. In this chapter I will provide evidence for why this is what we should expect. From a historical and legal perspective, I will show how the role of national parliaments in the European Union has been articulated over the course of the integration process. In the first decades of integration, national parliaments were as good as invisible in both practical and legal terms. Parliamentarism started to gain in import during the 1970s and 1980s but the interest for parliamentarism was directed at the supranational level and not at the national or subnational layers of governance. However, several developments in EU primary law have overtly or covertly strengthened the role of national parliaments on the European legislative arena. These developments may in turn be explained by the increasing centrality of the principle of subsidiarity from the early 1990s onwards and the stepwise realization that the supranational level of governance must continue to draw democratic legitimacy from the national level (Schmidt 2009; Scharpf 2011).

The key purpose of this historical review is to document two developmental facets. First, that national parliaments have shifted from passive bystanders in the integration process to holders of real and legally binding tools in the EU policy process. More precisely, the Treaty of Lisbon has endowed national parliaments with concrete and legally binding rights in the EU legislative cycle as they now have the power to potentially block – or at least temporarily pause – draft legislative proposals based on their (non-)compliance with the principle of subsidiarity. However, these new tools should by no means be regarded as a restoration of the legislative function that national parliaments once enjoyed in democratic policymaking. Rather, the Lisbon provisions suggest a fundamental redefinition of the parliament's legislative role, from *policymakers* (or at least *policy influencers*) (Norton 1998) to *gatekeeping* of legislation (Sprungk 2013). I argue that the better fitting term here is *reviewing* legislation. Moreover, this new role has substantial effect at all only to the extent that national parliaments manage to respond as a *collective*.

Second and more importantly, the application of what role national parliaments perform in policymaking hinges ultimately on the constantly evolving balance of competencies between the EU and its Member States. In policy areas that remain relatively barred from harmonization, national parliaments and national legislative actors altogether may continue as if little has changed. In policy areas over which the EU has assumed exclusive competence, by contrast, there is simply very little left for national-level actors to do. The crux of the matter is therefore regarding policy sectors over which legislative competence is shared between EU and its Member States. In such issue areas, national parliaments engage in *reviewing* EU legal action rather than initiating or formulating policy measures of their choice.

Together, this complex evolution indicates that it is overly simplistic to understand European integration as causing either *deparliamentarization* or *reparliamentarization* (Goetz and Meyer-Sahling 2008). Rather, the integration process has meant a considerable *transformation* and *segmentation* of the legislative function of national parliaments and our expectations of what parliaments do in the public policy process should adapt accordingly. The extent to which parliamentary actors, meaning MPs and their parties, agree to do so is however an empirical question that will be dealt with in the later stage of this theses.

The chapter starts with a concise documentation of the role of national parliaments from the early years of Community integration up until the Treaty of Nice. It is then explained how national parliaments were envisaged to play a more prominent and legally binding role under the Constitutional Treaty, key provisions of which found their way into the Treaty of Lisbon. It is briefly discussed that the subsidiarity mechanism varies considerably from one chamber to the next, as it is up to national parliaments themselves how to implement this exercise, which draft legislative proposal that should be scrutinized and by whom. The Swedish interpretation of Protocol No. 2 is thereafter presented. The penultimate section of the chapter offers an explanation of the basic principles of EU competence. These are crucial as they ultimately determine the scope of activities in the national legislative arena. The chapter concludes with a brief summary.

2.2 National parliaments and Community integration in the early years

In the early years of European integration, democracy and political representation, and by extension also democratically elected institutions, were concepts of minor interest. The precursor of the European Parliament, the Common Assembly of the European Coal and Steal Community, has been described as little more than a symbolic concession to the forerunners of the federal and democratic approach (Spinelli 1966, 9–10). Legitimacy was instead realized on the output side of the legislative cycle, first and foremost by securing peace and prosperity in Europe (Laursen 2005).

This is not to say that parliaments never entered the debate. In fact, there were proposals that favoured a more parliamentary location of legislative powers, such as the European Political Community (EPC). The EPC predicted the Community would develop into a truly parliamentary-style project, where legislation would be subjected to a two-level bicameral system. The lower chamber would be directly elected by the *people* of Europe (that is, by a single demos) whereas the upper chamber would be derived from national parliaments (Craig and De Búrca 2015, 15). This conception of legislative power was intensely federal, which is arguably one of the key reasons why the EPC was met with such fierce opposition from the Member States. As it happens, the EPC draft statute ultimately collapsed as the proposal of the European Defence Community (EDC) was voted down by the French Assembly in 1954.

The muted position of democratic institutions was echoed in the early theories of integration. Neofunctionalism, first and foremost, is based on Haas' (1958) view of the pre-eminence of elite-led gradualism and the eventual decline of the nation state. Regional integration was a self-sustaining process, which should unfold by the means of benevolent technocracy in which the Commission (or the High Authority) would be the decisive engine. Legitimacy would derive from its policy outputs. The creation of peace and prosperity in Europe would see democratic control become a secondary concern.

Intergovernmentalism as outlined by Hoffman (1966), as well as liberal intergovernmentalism as perfected in the writings of Moravcsik (1993a; 1993b), feature an impoverished approach to democratic institutions generally. And, parliaments in particular impose a risk to the national executive as these introduce a degree of uncertainty (Craig and De Búrca 2011, 15). This is because national parliaments are especially difficult to fit into intergovernmentalist reasoning, as the state is shorthand for the national executive. National parliaments do play a role in rendering the national executive democratic and legitimate but as coherence and manoeuvrability is key to successful bargaining in the supranational sphere, there is simply no room for a conception of the national legislature as a separate actor.

Moreover, during the first decades of the building of European governance, the focus was on the balance of power between the supranational institutions. The founding treaties deal in considerable detail with the horizontal dimension of integration and much less so with the vertical one, including national and sub-national actors (Craig and De Búrca 2011, 59). It is against this background that the absence of parliamentarism in the early years of European integration may be explained. Democratically elected institutions were simply an overly luxurious priority given other more immediate problems, such as rebuilding Europe after decades of war or repressing the Communist spectre. Additionally, the very presence of a parliamentary system at the supranational level would entail a giant step away from the intergovernmentalist mode of integration, which left Member States circumspect. As a matter of fact, national parliaments were not even mentioned in the founding treaties.

The topic of parliamentarism gained momentum in the European Communities in the 1970s. In the summer of 1971, the Commission and the Communities appointed a working party to examine the prospects of a possible extension of the powers of the European Parliament with the view to ensure that Community decisions would be taken within a framework of democratic

legitimacy. The working group consisted of fourteen[10] academics from then six Member States. The results of the working group were presented in March 1972 in the so-called Vedel Report (1972), [11] alluding to the head of the working group Professor Georges Vedel of the Paris Faculty of Law and Economic Sciences.

The report has been described as "a useful vantage point on the problems of the Community at the beginning of the 1970s" (McAllister 2010, 56), and for good reasons. On the one hand, the report documents in which ways the Community was lagging in the realization of several core policy objectives – not least free factor mobility – which called for more *efficient* decision-making. On the other hand, the Report lays out the ways in which the European Communities lacked an institutional centre for *democratic* decision-making, which would eventually be needed to achieve some degree of accountability.

It is against this background that the Vedel Report anticipated an unknown future for the European Parliament. If the institution were to be strengthened, it would need to be done dramatically in a two-pronged approach consisting of a considerable increase in the parliament's powers and by introducing direct elections for the assembly. The problem was how this could be realized given divergent Member State interests and the extent to which this would render EC policymaking more protracted rather than efficient. Parliamentarism at the national level, on the other hand, was remarked upon in very different terms by Vedel and his colleagues. The authors of the report described how the national parliaments had lost significant parts of legislative authority during regional integration but that it would not be desirable consequence for parliaments to seek to strengthen the control over their respective governments. If national governments were to be tightly bound to a parliamentary mandate, this could very well impede the potential to reach consensus in future Council gatherings (Vedel 1972, 32–33).

It is for this reason that the European Communities were advised to look to the European Parliament for any democratic legitimacy. Only via this institution would the national parliaments have a purposeful role left to play in the Community policy cycle: "If the national parliaments were given reliable means of communicating with the European institutions through

[10] The membership of fourteen was intended to reflect the model for the new Commission (i.e., one from the smaller and two from the larger Member States) (Robinson 1972).
[11] The official name of the document is Report of the Working Party examining the problem of the extension of the powers of the European Parliament.

the European Parliament, this would prevent any weakening of national democratic control while avoiding the dangers of exaggeration" (Vedel 1972, 66, as quoted in Strelkov 2015, 58).

More recent literature has however shown that communication between the European Parliament and its national counterparts was virtually non-existent in the 1970s (Jančić ed. 2017). The already limited position of national parliaments was further subdued with the introduction of direct elections to the European Parliament in 1979 and the use of qualified majority voting (QVM) in the Council. In the end, while the introduction of direct election to the European Parliament arguably strengthened the democratic feature of the EC these institutional features added additional strain on the acumen of national parliaments in view of Community decision-making.

In the 1980s things started to change. The academic literature has identified two key reasons for this, the first being the entry of two new Member States in 1973: Denmark and the United Kingdom. The enlargement of 1973, which also included Ireland, was the first enlargement beyond the original six EC Members and it came to have important consequences for the role of national parliaments in the Community (e.g., Raunio 1999; O'Brennan and Raunio 2007). At the time of their entry, Denmark and the United Kingdom nurtured (the latter clearly still does) a more Eurosceptic approach to European governance than the EC6 ever had.

In addition, these Member States brought with them sophisticated systems of parliamentary scrutiny of their respective governments in EC affairs (ibid.). Such standing committees on EC affairs (later EU affairs) spread to the other Member States and today all national parliaments have some type of specialized committee dedicated to the scrutiny of EU affairs. It should be mentioned however that parliamentary scrutiny of EU affairs remains decidedly varied across the Member States, both in terms of organization and efficacy (e.g., Raunio 2009).

The second explanation for increased interest for national parliaments is the Single European Act (SEA), which was signed in 1986. The SEA was the first major treaty revision after the Treaty of Rome and had the principal objective to kick-start the completion of the single market. During the impasse of the 1970s, much due to the difficult situation of "stagflation", the completion of the single market had hardly advanced at all. The awaited advantages of the single market were nowhere to be seen, which left important actors on the market unhappy. The Single Market Programme was therefore intended to reverse the declining trend in EU productivity and to realize the single market by 1992 (e.g., Senior Nello 2011). For

this purpose, the SEA introduced a more efficient and supranational legislative process, first and foremost by increasing the number of issue areas covered by QMV in the Council and a considerable expansion of the powers of the European Parliament.

In addition, the SEA came to involve national parliaments in the Community legislative process in several new ways. Not least among these was the clear sign that parliamentary ratification was more than a nugatory procedure. This was shown in January 1986 when the Danish parliament voted down the SEA by 80 votes against 75, which called for a gruesome reopening of intergovernmental negotiation. The Danish government hoped to resolve this conflict by holding a referendum in February 1986 in which a slim majority of the Danish electorate approved of the act. Once the act entered force, it granted national parliaments considerable ratification requirements. Along with the transposition of a number of major directives pertaining to the completion of the single market, national parliaments not only had to become better versed in Community policymaking simply by "learning-by-doing" (Raunio 1999), they also gained new and better ways for information exchange vis-à-vis their respective governments (Judge 1995).

To the two key factors outlined above that helped regain interest in national parliaments in the 1980s, it is possible to add a third: the growing importance of the principles of *conferral*, *subsidiarity* and *proportionality*. These principles gained in centrality following the sudden concern for Community legislative competence. Such concern was sparked by a famous statement in the late 1980s: on Wednesday 6 July 1988 to be precise. In a speech before the European Parliament, then Commission President Jacques Delors made the prediction that "in ten years, 80 per cent of the legislation related to economics, maybe also to taxes and social affairs, will be of Community origin". This statement was soon dubbed the "Delors myth". Delors' prediction was provocative and sparked heated debate and investigation, not only among politicians but also in the academic community (Brouard, Costa, and König 2012). Would the Community really have such an influence over national legislation? What would this entail for national legislative arenas?

Big and complex questions were raised following Delors' statement and anxieties grew about the Community's alleged *competence creep*. The term competence creep refers to the process by which Community policy activity in one area spills over into policy activity in another and in which decisions are taken by majority rule rather than by unanimity. The Luxembourg Accords in 1966 – which were agreed to escape the deadlock resulting from

Charles De Gaulle's withdrawal of all French participation in the Council the previous year (the so-called empty chair crisis) – temporally strengthened the use of unanimity. The accord also postponed the introduction of majoritarian decision-making as a norm, which had been foreseen in the Treaties.

With the SEA, however, the use of QMV finally became standard in areas of Community legislative activity, which reawakened worries about misuse of EC competences. In all fairness, such worries were apposite if we appreciate the fundamental change in the nature of Community decision-making, which have taken place post-QMV. The main point here is that the anxieties about competence creep prompted interest in *competence control*, which is "directed at devising more reliable arrangements for policing trespass beyond the limits of allocated competence and for monitoring the exercise of competence" (Weatherill 2004, 1).

Debate about possible methods to inspire the crafting of an updated approach to competence control has traditionally been addressed vis-à-vis three legal principles of EU law, as previously mentioned. First, the principle of *conferral* means that the EU has only the competence conferred to it by the Treaties. This is what is meant when it is said that the EU has no *Kompetenz-Kompetenz,* or that it has attributed competence. Conferral is thus a legal principle about the *existence* of EU competencies. The objective of any legislative action of the EU must be found in the Treaties, meaning that any EU measure must have a *legal basis*. It is true that the length of the list of competencies accorded to the EU has grown considerably by each treaty revision. However, this does not upset the basic point that the principle of conferred competence is directed: "EC competence is and remains limited" (Weatherill 2004, 5).

Subsidiarity and proportionality, in turn, are principles about the *exercise* of EU competence and it is the former in particular that is of interest here. Subsidiarity is a principle of social organization from which it follows that decisions should be taken as closely as possible to those that are affected by them. The EU should only act if: i) the objective(s) of the proposed measure cannot be achieved at the national or local levels (the *necessity* requirement), or; ii) if there is added value in achieving the proposed objectives at the EU level (the *efficiency* requirement). Proportionality, finally, is a related legal principle and is used as a criterion for the reasonable application of a given measure. The content and form of a given action must be in keeping with the aim pursued. From the principle of proportionality, then, it would follow that measures taken by the EU should be limited to what is necessary to achieve the Treaty objectives.

In the words of Anell (2014, 46), "the constitutional backbone of a federal state is the principle of subsidiarity and the Union is federal enough to deserve a backbone. It is pure common sense." However, whereas the three principles of conferral, subsidiarity and proportionality had been guiding themes in the constitutional design of the Communities, these were only mentioned in passing (if at all) in the Treaties. For instance, the SEA incorporated a subsidiarity criterion into environmental policy without, however, referring to it explicitly.

But in the late 1980s and early 90s, after Delors' provocative prognosis, the situation had changed. Pending treaty revisions in the 1990s (i.e., the Treaties of Maastricht, Amsterdam, and Nice) were consequently crafted considering the discourse on competence control and the weight of the legal principles explained above. Perhaps more importantly, the inclusion of these principles enticed discussion about the responsibility of the correct application of the same. This responsibility was initially envisaged to fall upon the collective of all political actors involved directly or indirectly in the EC legislative cycle, thus including also national parliaments (Weatherill 2004, 2–3). It is in this way that the evolution of national parliaments has occurred in tandem with the growing importance of the principle of subsidiarity. Put differently, the growing import of subsidiarity has served as a conduit for the growing import of national parliaments and not vice versa.

2.3 From the Treaty of Maastricht to the Treaty of Nice

In the Treaty of Maastricht (effective November 1993), alternatively referred to as the Treaty on European Union (TEU), the principle of subsidiarity was included (Article 5(2) EC) (i.e., the fundamental legal principle that decisions should be taken as close as possible to those affected by them). However, there was difficulty in how to make subsidiarity an effective limit to the exercise of Community power and for this reason subsidiarity only had to be applied in policy areas over which the EC did not have exclusive power (Toth 1992). This was unfortunately of little practical guidance as the Treaties did not offer any categorization of what policy areas that fell under EC exclusive competence and would not do, until the Treaty of Lisbon, which is discussed below.

At any rate, the introduction of subsidiarity can be explained in part by the wish to curb the competence creep of the Community (Weatherill 2004), in part by the growing import of the multi-level type of governance that the EU had evolved into. As mentioned at the start of this chapter, the initial disposition of European governance dealt almost exclusively with the horizontal dimension of power and here the existence of democratically elected legislative bodies was very limited. By contrast, from the late 1980s there was increasing interest in the vertical division of authority between the EC and its Member States (Craig and De Búrca 2015, 59). It is therefore possible to explain the introduction of national parliaments in terms of the reasons that subsidiarity was included in the Treaty of Maastricht.

Subsidiarity is essentially about the division of activities between the EU and national legislative arena. A short definition on national parliaments made it into Declaration 13: "It is important to encourage greater involvement of national parliaments in the activities of the European Union" and that "Member States will ensure that national parliaments receive Commission proposals for legislation in good time for information and possible examination".

The involvement of national parliaments in the EU was in Declaration 13 interpreted minimally. Their knowledge about EU legislative proposals hinged on the sheer goodwill of their governments to forward draft legislative acts to them and any parliamentary examination of such proposals was not described as advantageous but only as optional (or even just "possible"). There were no formal obligations on behalf of any of the EU institutions to directly inform national parliaments about its activities. It is true that Declaration 13 of the Treaty of Maastricht encouraged inter-parliamentary cooperation but also this was very sparsely defined. So, while the Maastricht provisions did open the door for national parliaments to the EU arena, national parliaments remained without any legally binding status in this context.

This is not to say that the advances made in the Treaty of Maastricht were unimportant. Rather, these provisions came to serve as a steppingstone for a number of national parliaments (not least the French, German and Portuguese) to drum up demands for national constitutional reforms that ensured better parliamentary access to EU-related information (ECPRD 2003, 16). As pointed out by (Sprungk 2007), the German parliament was particularly successful in this endeavour. Shortly after the introduction of the Maastricht provisions, both the Bundesrat and the Bundestag came to enjoy the legal right to be involved in discussions over the European Union and its legislative activities.

The provisions on both subsidiarity and national parliaments grew with the Treaty of Amsterdam, which entered force in May 1999. Subsidiarity had already been enshrined in the Treaty of Maastricht but without a legally binding character. Indeed, in the judgment of 21 February 1995, the Court of First Instance (First chamber) of the European Communities ruled that the principle of subsidiarity was not a general principle of law against which the legality of Community action could be tested (Case T-29/92). Precisely the same content of Article 5(2) EC was repeated in the Treaty of Amsterdam but this time with the "Protocol on the application of the principles of subsidiarity and proportionality" annexed to the EC Treaty. The approach to the application of the principle of subsidiarity, which had already been agreed at the 1992 European Council in Edinburgh, became in this way legally binding and subject to judicial review.

The role of national parliaments was also strengthened under the provisions of Amsterdam as it appended the Protocol on the Role of National Parliaments in the European Union to the TEU. The Protocol's preamble included the injunction to "encourage greater involvement of national parliaments in the activities of the European Union and to enhance their ability to express their views on matters which may be of particular interest." An important development was that national parliaments now were to be informed *directly* by the EU legislative initiator (i.e., the Commission and on rare occasion the Council). Indeed, the Commission was enjoined to "promptly" forward any Commission consultation documents (i.e., green and white papers and communications) to national parliaments (Article 1). Commission draft legislative acts, on the other hand, were to be made available to national parliaments by their respective governments "in good time" (Article 1). Obviously, it was up to the Member States themselves to institutionalize such duties on behalf of the government, which was realized at varying speed and with varying success across the EU.

Another new feature in the Treaty of Amsterdam was the viewing of national parliaments as a *collective* (Strelkov 2015), which in turn emphasized the importance of inter-parliamentary discussion and exchange. Since 1989, national parliaments of the Member States and the European Parliament have convened bi-annually at the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) to exchange information and experiences on EU matters. The conference was invented by the French to

counterweigh national parliaments' disconnect from EU affairs.[12] With the Treaty of Amsterdam, COSAC finally received official status.

Notwithstanding these developments, the Treaty of Amsterdam is usually regarded in the academic literature and elsewhere as a disappointment for national parliaments. The treaty was immediately followed by talk of the "Amsterdam leftovers", which primarily had to do with the lack of institutional preparedness for the impending Eastern enlargement set to take place in 2004 and 2007. It was additionally criticized for lacking institutional reform of the EU decision-making process that would render it more transparent and democratic. Regarding the latter, insubstantial parliamentary involvement in EU legislative productions held a piece of the puzzle.

National parliaments remained at an arms' distance in several important policy areas also under the Amsterdam provisions. They had no access to documents pertaining to the areas of the Common Foreign and Security Policy (CFSP) and the integration of Schengen into to *acquis communautaire* nor did they enjoy any access to council documents. In addition to this, the fact that the treaty spelled out that national governments *should* forward draft legislative acts to their respective national parliaments could be regarded merely as a recommendation, even though the protocol was legally binding (van Gerven 2009, 137). It should also be noted that in Article 6 of the Protocol "on the application of the principles of subsidiarity and proportionality", national parliaments were not even mentioned. Granat (2014) interprets this as national parliaments still not being perceived as partners "fit to discuss subsidiarity issues with the European institutions" (Granat 2014, 32).

In February 2003 the Treaty of Nice came into effect. Nothing new was introduced that altered the role of national parliaments or their position in the institutional architecture of the EU. Rather, much of what was expected at Nice simply did not come to pass. There was no reformation of the complex pillar structure and the Community method (Article 294 TFEU) (i.e., the decision-making procedure in which the Commission enjoys the sole right to initiate legislation). On the matter of joint decision-making by European Parliament and the Council (also called the co-decision procedure at the time and later the Ordinary Legislative Procedure) only a bare extension was agreed. Moreover, there was little mention of institutional reforms aimed at the democratic nature of the EU.

[12] History of COSAC: www.cosac.eu/documents/

Thus, talk of the "Amsterdam leftovers" was quickly replaced by lamentations for the "Nice hangover" (Duff 2001). However, the Treaty of Nice did point out key areas for future discussion and developments in Declaration No. 23 on the Future of the Union. In Declaration No. 23, Articles 3 and 4, it was stated that

> having thus opened the way to enlargement, the Conference calls for a deeper and wider debate about the future of the European Union. In 2001, the Swedish and Belgian Presidencies […] will encourage wide-ranging discussions with all interested parties: representatives of national parliaments and all those reflecting public opinion […] Following a report to be drawn up for the European Council in Göteborg in June 2001, the European Council, at its meeting in Laeken/Brussels in December 2001, will agree on a declaration containing appropriate initiatives for the continuation of this process.

This process was to address several key subjects, inter alia the division of competences between the Union and the Member States reflecting the principle of subsidiarity, the status of the Charter of Fundamental Rights in the EU, a simplification of the Treaties and "the role of national parliaments in the European architecture" (Declaration No. 23 Article 5).

Rightly so, the Laeken Declaration on the Future of the European Union set out the key issues to be discussed at the Convention on the Future of Europe in the following year (i.e., in 2002). A pressing concern in the Declaration was to contain EU power, to be achieved by the three legal principles of conferral, subsidiarity and proportionality as commented upon above. The convention hosted a working group of representatives of national parliaments, which was chaired by UK Labour MP Gisela Stuart. An EPC dialogue in 2002 between Stuart, Elizabeth Arnold (then time deputy chair of the Danish Parliament's European Affairs Committee) and Giorgio Napolitano (then chairman of the European Parliament's Constitutional Affairs Committee) foreshadowed important developments for the future articulation of the role of national parliaments in the EU. Most notably, Stuart commented on how alarmingly little knowledge national MPs had of EU affairs and Members of the European Parliament (MEPs): "MPs are the face but not the power: MEPs are not recognised but have the power. Combining this is important" (EurActive 2002).[13]

[13] Euractive, published 19.09.2002. *The role of national parliaments in the future EU* https://www.euractiv.com/section/future-eu/opinion/the-role-of-national-parliaments-in-the-future-eu/

The need for more knowledge about the EU, both for MPs and the public, was coupled with the double-edged sword of scrutiny. Stuart observed that parliamentary scrutiny of government dealings in the EU is of crucial importance as it is in this way that parliaments render EU decision-making accountable. Scrutiny, however, is also a precarious activity, not only since the sophistication of parliamentary scrutiny of governments' dealings in the EU varies greatly across the Member States but also because for some countries scrutiny seems to have developed as a *substitute for sovereignty*: "the more they scrutinise, the more it makes up for lost sovereignty" (EurActive 2002).

In other words, while scrutiny of the government remains absolutely central, it is not the only means for national parliaments to get involved. Therefore, Stuart advocated that MPs should become "active EU players" and should get involved *earlier* in the process. Napolitano added to this by suggesting that national parliaments should be enabled to give governments a mandate to oppose draft legislative acts that did not comply with subsidiarity. Napolitano suggested that each national parliament could be given the power to issue a "reasoned opinion" as a mean to "object" to a Commission proposal. In other words, Napolitano envisaged an early version of today's subsidiarity check.

2.4 The Draft Treaty Establishing a Constitution for Europe and the Barroso Initiative

Many of the ideas that were aired by Stuart et al. found their way it into the Draft Treaty Establishing a Constitution for Europe (from here onwards referred to as the Constitutional Treaty), which the Convention put forward in July 2003. Attempts were made in the Constitutional Treaty to ascribe a set of rights and duties of national parliaments in the EU. Previous treaty provisions dealt mainly with forms of document transmission from the EU institutions to the national parliaments, or via the national governments. In the Constitutional Treaty, instead, a coherent role of national parliaments in EU activities was envisaged.

Here, the function of these actors was of a dual nature. On the one hand, national parliaments had an *intermediate* role to fulfil in the realization of representative democracy: "Member States are represented in the Council by their governments, themselves democratically accountable either to their national parliaments, or to their citizens" (Article 46 CT). On the other hand, the function of national parliament was also *direct*, not least in the so-called Early Warning Mechanism (EWM):

> National Parliaments shall ensure that the proposals and legislative initiatives submitted under Sections 4 and 5 of this Chapter comply with the principle of subsidiarity, in accordance with the arrangements laid down by the Protocol on the application of the principles of subsidiarity and proportionality (Article 259 CT).

More specifically, the Protocol set out that within six weeks of a proposal's transmission, national parliaments could issue a *reasoned opinion* to the EU institutions should they think that the legislative proposal did not comply with the principle of subsidiarity. For this purpose, national parliaments were to receive the draft legislative acts *directly* from the Commission and were no longer dependent on their respective governments in this regard.

Under the provisions of this mechanism, each parliament was allocated two votes, which were split between chambers in bicameral systems. Then, if one-third[14] of parliaments issued a reasoned opinion a so-called "yellow card"[15] would be activated. In this case, the initiator (i.e., the Commission) would have to withdraw, amend or justify the proposal. If half of parliaments were to issue a reasoned opinion an "orange card" would be flagged that would force the Commission to either amend or wholly withdraw the proposal. If the Commission instead were to insist on the proposal, the proposal would then be forwarded to the Council and the European Parliament, which had the possibility to wholly revoke the proposal if a majority of MEPs and 55 per cent of the Council favoured this. This goes to show how the Constitutional Treaty sought to endow national parliaments with a direct and autonomous voice, if not in the formulation then in the passage of EU legislation.

When the ratification process of the Constitutional Treaty instead came to an abrupt halt due to the French and Dutch No-votes in the summer of 2005, it was decided that there should be a "period of reflection". Under the calm surface of this period of reflection there was frenzied activity among the EU institutions to identify which of the rejected provisions that could be salvaged and realized in other ways (Craig and De Búrca 2015, 19). The Commission stood at the helm of such attempts and approximately one year later (i.e., September 2006) the Commission launched the so-called Barroso Initiative, which is arguably of most value in the post-Constitutional Treaty period.

[14] NB: higher thresholds were envisaged in the areas of judicial cooperation on police and criminal matters.
[15] The terms "yellow" and "orange card" are not present in any of the related provisions, but have become the colloquially used expressions.

The aim of this invention was, according to José Manuel Barroso himself, to give national parliaments three new points of entry into the EU legislative process. First, to give national parliaments the chance to take a more proactive approach in discussing "European issues"; second, to provide national parliaments with sufficient information to do so, and; third, to aid parliamentary scrutiny of their respective governments.[16] The Barroso Initiative therefore seeks to involve national parliaments in the policymaking process at all of the key stages of the legislative process.

In closer detail, the Barroso Initiative is applied across two different phases of the Commission's policymaking cycle. First, at the *early stage* of the Commission's legislative agenda to "impart national concerns to its draft legislative proposals" (Jančić 2012, 81). Up until the introduction of the Barroso Initiative in 2006, national parliaments were only really let in on the matter at the stage of ratification, at which point limited (if any) space remained to alter the draft legislative act. In fact, as legal policy competences are formally uploaded to the EU level, policy is "negotiated and then presented as 'take-it-or-leave-it' packages to domestic parliaments, who can hardly amends these packages" (Brouard, Costa, and König 2012, 2).

The Barroso Initiative, then, is intended to counterweigh this development by having the Commission continuously sharing draft legislative acts with national parliaments. If a parliament or individual chamber would detect an infringement on the fundamental principles of EU competences (primarily subsidiarity and proportionality) in their reading of the draft legislative act, the national parliament/chamber may issue a reasoned opinion stating why it considers the draft legislative act in conflict with these principles. An important feature to take note of is that the reasoned opinion is not binding and so the Commission is not obliged to take any action or even respond. This part of the Barroso Initiative may therefore be described as a light version of the EWM as it was proposed under the provisions of the Constitutional Treaty.

The second part of the Barroso Initiative applies at any other time of the Commission's legislative process. In does so in several ways, such as visits to national parliaments by Commission officials (and vice versa) and meetings in inter-parliamentary forums, not least under the auspices of COSAC. Such meetings are intended to encourage exchange on any other issue pertaining to the legislative agenda, not only compliance with subsidiarity, proportionality and conferral as the previous step advises.

[16] Speech by Commission President José Barroso at the third Joint Parliamentary Meeting on the Future of Europe, Speech 07/388 of 12 June 2007, 4.

It is then in these two ways that the Barroso Initiative is aimed at achieving an on-going and broad political dialogue between national parliaments and the Commission. Recalling Stuart's comment on the risk of parliaments spending *too* much effort on monitoring the government, the Barroso Initiative also encourages parliaments to turn their searchlights away from the control of their respective government and towards the control of the "European government" (Jans and Piedrafita 2009, 22). Jančić (2012, 91) interprets this as the Commission, and perhaps also other EU institutions, having come to terms with the "factual interdependence between the European and national decision-making processes and of the intricate relationships that bind the EU to its constituents."

2.5 The Treaty of Lisbon

The failure of the Constitutional Treaty meant that the legal ordering of the EU was still founded on the Treaty of Rome as amended by the later Treaties. As was described above, national parliaments were left with a very limited say over EU policy activity under these provisions. The principal theme in treaty revisions of the 1990s was the appropriate intra-institutional (or horizontal) distribution of legislative power, and this theme continued into the new millennium, with the results embodied in the Treaty of Lisbon (Craig and De Búrca 2011, 72). The Treaty of Nice had left over the task of clarifying the distribution of power between the EU and Member States, not least the role of national parliaments in public policymaking.

It was thus not until the Treaty of Lisbon, which entered force in December 2009, that national parliaments were officially recognised as "a new player in the institutional balance" (Devuyst 2008, 247). This, in turn, has positioned national parliaments in a context "no longer restricted to the national level" (Besselink 2006). For the first time, national parliaments are treated in a separate article in EU primary law, namely Article 12 TEU. The Treaty of Lisbon incorporated the principle of subsidiarity into Article 5(3) TEU and replaced the Amsterdam Protocol on subsidiarity and proportionality with a new protocol: Protocol No. 2 On the application of the Principles of Subsidiarity and Proportionality (also referred to as the Subsidiarity Protocol).

The prime invention in this new Protocol is by no doubt the subsidiarity check of national parliaments, which should be read in tandem with Protocol No. 1 On the Role of National Parliaments in the EU. As already mentioned, the Barroso Initiative was a light version

of the so-called Early Warning Mechanism (EWM) as it was originally presented in the Constitutional Treaty. The subsidiarity check under Lisbon brings the mechanism closer to its original formulation and enhances the role of national parliaments. In brief, it works as follows (Articles 2–8 Protocol No. 2):

1) Protocol No. 2 imposes an obligation on the Commission to "consult widely" before proposing legislative acts. For every draft legislative act, the Commission must include a detailed statement justifying the proposal vis-à-vis the principles of *subsidiarity* and *proportionality*. This statement must contain assessments of the impact of the proposal and there must be qualitative and preferably also quantitative indicators that the objective of the proposal can be only, or better, achieved at *Union level*, instead of at national or local levels.

2) National parliaments receive all draft legislative acts[17] from the Commission that fall under Articles 4 and 6 TFEU (i.e., proposals in policy areas over which the EU enjoys *shared* or *supporting* legislative competence). The subsidiarity check does not apply to draft legislative acts in policy areas over which the EU enjoys exclusive competence (Article 3 TFEU).[18]

3) Within *eight weeks* of the transmission of the last linguistic version of the draft in question, national parliaments shall *review* the proposed legislation ensuring that it complies with the principle of *subsidiarity*. National parliaments are not afforded a role in relation to proportionality (even though the Commission is obliged to ensure compliance of the draft legislative act with both subsidiarity and proportionality). If a national parliament or chamber finds that there is a violation of the subsidiarity principle, it should present its views in writing by the means of a *reasoned opinion* before the Presidents of the Commission, European Parliament and Council. Each Member State parliament disposes over two *votes*, which in bicameral systems are split between the chambers. Depending on how many parliaments/chambers that cast a vote (i.e., issue a reasoned opinion), there are three different scenarios.

4) Where reasoned opinions on a draft legislative act's non-compliance with the principle of subsidiarity represent *fewer than one third* of the votes, the reasoned opinions shall merely be acknowledged by the legislative initiator, primarily the Commission. The Commission shall respond in writing to those parliaments/chambers that have issued reasoned opinions.

[17] According to Article 3 of Protocol No. 2, 'draft legislative acts' include not only Commission proposals, but also initiatives from Member States and the European Parliament respectively, recommendations from the European Central Bank, and requests from the Court of Justice and European Investment Bank respectively.
[18] EU competence is more closely explored in the following section of the chapter.

5) Where reasoned opinions represent at least *one third* of votes (or one quarter in the Area of Freedom, Security and Justice), the proposal must be reviewed. After review, the Commission may decide to maintain, amend or withdraw the draft. Reasons must be given for this decision. This is called the *yellow card* procedure. The Commission shall respond in writing to those parliaments/chambers that have issued reasoned opinions.

6) Where reasoned opinions represent at least *a simple majority* of all the votes, the proposal must be reviewed. After such review, the Commission may decide to maintain, amend or withdraw the proposal. If the Commission choses to maintain the proposal, the European Parliament must first give its approval by a majority of the votes cast or by the Council by a majority of 55 per cent of its members. Otherwise the proposal fails. This is called the *orange card* procedure. Also, here shall the Commission respond in writing to those parliaments/chambers that issued a reason opinion.

7) A parliament/chamber may as a last step encourage the national government to bring the case to the *Court of Justice*, which has jurisdiction in actions on grounds of infringement of the principle of subsidiarity.

The Early Warning Mechanism under the Treaty of Lisbon differs from the Barroso Initiative first and foremost in *formal* terms (Jančić 2012). The Barroso Initiative was only really based on a "promise" as the Commission (at least in theory) could have jettisoned not only the reasoned opinions of the parliaments but the whole Initiative should it have wanted to. Under the Treaty of Lisbon, instead, the latter provisions are *legally binding* and the legal effect the reasoned opinions may have is clearly formulated in the Treaties (Jančić 2012, 83). On the other hand, the Early Warning Mechanism is narrower in scope as it at least formally only regards compliance with the subsidiarity principle. The Protocol imposes obligations on behalf of the Commission to motivate legislative proposals in view of subsidiarity *and* proportionality but national parliaments are afforded the task only in relation to the former and not the latter, a fact which has been lamented in the academic literature (Weatherill 2005).

In *practical* terms, both structures are very similar. As of the Lisbon provisions, therefore, reasoned opinions serve for the purposes of both the Barroso Initiative and the early warning mechanism. Thus both instruments have merged into a "hybrid procedure" with two purposes (Jančić 2012, 83): the subsidiarity check is intended for parliament to oppose draft legislative acts on basis of their failure to comply with *subsidiarity* whereas the political

dialogue remains open for national parliaments to vent other concerns, such as the *political content* of any given legislative initiative. In other to foster cooperation between national parliaments as well as between national parliaments and the European Parliament during the subsidiarity review, a platform for *EU interparliamentary exchange* (IPEX) is set up, which derives from a recommendation given by the Conference of Speakers of the Parliaments of the EU in 2000. The key part of IPEX is a document interface upon which chambers may post documents and reasoned opinion in other to exchange information and also to mobilize enough votes in view of a given proposal. Such interparliamentary cooperation has been subjected to a growing number of academic studies, e.g., Miklin (2013) and Lupo and Fasone (2016).

Just the more important is to take note of the considerable variation across national chambers as how to put Protocol No. 2 into practice, as has been widely discussed by among others Kiiver (2012a) and Jančić (2017). In brief, it may be said that the parliamentary praxis for how to carry out the subsidiarity check differs along two key dimensions. First, chambers differ in their definition of *what legislative proposals* to include in their subsidiarity review. In brief, chambers may include only the most important/politically sensitive draft legislative proposals in their review, or chambers may choose to subject all documents to their subsidiarity control mechanism. Second, chambers may carry out their scrutiny in a *centralized* or *decentralized* fashion. The former would involve the parliaments' EU Affairs Committee playing the leading role, with either the full scrutiny process taking place within this body of parliament, or at least, that the EU Affairs Committee coordinates the scrutiny process. A decentralized way of scrutiny, instead, rests on the sectoral committees. Depending on the legal base of the proposal, the responsibility of the review is forwarded to the relevant committee, which deals with the scrutiny mechanism. In both cases, however, the final decision is taken in the Chamber.

When it comes to the Swedish implementation of these tools it should first be noted that Sweden has chosen to formally compartmentalize so-called "EU-issues", "European Union business" and "EU documents" from other operations of the national branches of government. From a reading of the relevant parts of Swedish fundamental law (i.e., the Instrument of Government (Swe. *Regeringsformen*) and the Riksdag Act (Swe. *Riksdagsordningen*), it is clear that "EU issues" are conceived of as distinctively different from other workings of the Riksdag (e.g., Chapters 3 and 4 Instrument of Government and Chapter 10 Riksdag Act; for a debate on this separation see Hegeland 2006). In the Riksdag Act in particular, which largely determines the organization of the work of the Riksdag, EU issues were dealt with in a completely separate chapter until 2014. In this previous version of the Act, the parliament's way of working with EU

issues was more or less limited to the EU Affairs Committee (Swe. *EU nämnden*), as if it was only in this parliamentary body that the EU legislative arena entered the national one.

The Riksdag Act as of 2014 contains no such separate chapter but the separation between EU and national issues certainly lingers. The Act still articulates a particular *modus operandi* for how the parliament should work with these issues and, the obligations of the government to the parliament when it comes to such matters. Among others, it is detailed that the government shall inform the Riksdag on issues which are to be decided by the Council and "on other matters associated with the European Union". It is also detailed how the parliament should work with such EU documents, including the responsibility of the EU Affairs Committee. Any further definition of what an EU issue is, and what it is not, is not offered. Rather, the division between EU and other issues is based on the different arrangements that accompany both types of matters.

The Swedish implementation of both Protocol No. 2 and the political dialogue is unique in several regards. Regarding the latter, Sweden has *formally* still not incorporated the Barroso Initiative. According to Swedish constitutional law, it is the government and not the parliament that represents Swedish interests on the international arena. It is therefore the government and not the parliament that communicates with EU institutions, which resonates badly with the idea of setting up direct contact between the Commission and the Riksdag. In its annual reports on the relation between the Commission and the national parliaments, the Commission has repeatedly yet respectfully bemoaned the Swedish choice not to fully make use of the communicative tools put in place (see for instance COM(2015) 316).

Regarding Protocol No. 2, the Riksdag shows a radically more ambitious approach, first and foremost when it comes to what legislative proposals it includes in the review. According to a survey carried out by the Research Services of the Swedish Riksdag (Swe. *Riksdagens Utredningstjänst*, RUT) in 2015, the vast majority of chambers included in the study make some kind of *selection* on the basis of the political content, or significance, of the forwarded proposals. The Swedish Riksdag, by contrast, has chosen to subject *all* draft legislative proposal that falls within under the mechanism of Protocol No. 2, as laid down in 9 Ch. 20 § of the Riksdag Act (Swe. *Riksdagsordningen*). At least in formal terms, the Riksdag Act does not distinguish between politically important and less important proposals, which means that there is no selection whatsoever in what proposals to scrutinize and what to simply let go.

Moreover, the Riksdag applies a totally decentralized system of scrutiny in which the EU Affairs Committee does not take any part in the scrutiny exercise. The Commission formally forwards documents to the parliament, which are first received by the EU Coordination Unit (Swe. *EU-samordningen*), which is an entirely administrative function. The unit makes a preliminary assessment of whether the draft legislative proposal falls under Protocol No. 2 or not and thereafter decides which sectoral committee that should be responsible for the document. Only once the Commission informs the national parliaments that the eight-week timeframe has started, which is when all linguistic versions of the proposals are published, the EU Coordination unit forwards the document on behalf of the Chamber to the relevant committee. In its scrutiny of the document, the committee may request opinions from other committees and from the government.

If the committee concerned finds that the legislative proposal follows the subsidiarity principle, a decision is taken by the committee and the Chamber is informed of that decision via an extract from the minutes of the relevant committee meeting. If, on the other hand, a majority of the committee members find that the proposal is in breach of the principle, the Committee presents the Chamber with a statement (Swe. *utlåtande*) containing a proposal for a reasoned opinion. This proposal is debated (however rarely) and then decided by the Chamber, which so far has meant that the reasoned opinion also has been adopted. The Riksdag then informs the Presidents of the European Parliament, the Council and the Commission of its decision to provide a reasoned opinion by means for a written communication.

With this system in place, the Riksdag has scrutinized no fewer than 522 legislative proposals during the first five years of the Early Warning Mechanism (i.e., between 1 December 2009 and 31 December 2015). Out of these 522 documents, 46 led the parliament to issue a reasoned opinion on the basis of these proposals' breach with the subsidiarity principle (see Committee report 2016/17:KU5). This is a remarkable figure from a comparative perspective and this is also commented upon in the Commission's annual report on the application of the subsidiarity and proportionality principles for 2012 (see e.g., COM(2013) 566). By way of illustration, the Commission received a total of 70 reasoned opinions from the national chambers/parliaments in 2012, of which the Riksdag alone issued 20. The second most active chamber that year was the French Sénat, which issued seven reasoned opinions.

The key explanation of the Riksdag's interpretation of the Early Warning Mechanism in such an ambitious way is that the exercise is understood as a "political obligation" for national parliaments under the Treaties. Therefore, a *political*, rather than an *administrative* decision must always be made regarding each and every forwarded document either by the sectoral committee, or by the Chamber. It should also be noted that why the Riksdag may engage in this exercise so actively in the first place is thanks to the relatively generous size of the parliamentary administrative engine: each committee is staffed with approximately six high-officials and two committee assistants.

The Member States' national parliaments have yet never triggered the orange card procedure whereas the yellow card (i.e., the threshold of at least one third of the votes), has been activated at three occasions. The first yellow card was raised in spring 2012 regarding COM(2012) 130, the so-called Monti II regulation as it was proposed by the previous Commissioner for competition policy, Mario Monti. The proposal dealt with the exercise of the right to take collective action (i.e., the right to strike). National parliaments objected first and foremost based on collective action being a "national concern" or "national competence" and that the EU institutions should not legislate on this matter (Granat 2014). The Commission reviewed the proposals vis-à-vis the reasoned opinions expressed but did not find a breach of the principle of subsidiarity. Nonetheless, the Commission decided to withdraw the proposal in September 2012 as it gathered that it was unlikely to garner enough support in the Council.

The second yellow card was issued in 2013 in relation with the proposal for a regulation establishing the European Public Prosecutor's Office (EPPO), COM(2013) 534. However, after its review of the product following the parliaments' objection, the Commission found that the proposal was in fact not in breach of the principle and the Commission thus decided to maintain it. Due to the lack of agreement on the proposal, the enhanced cooperation procedure was launched in April 2017, which allows for Member State opt-outs. Soon after, in June 2017, 20 Member States agreed on legislation setting out the details of EPPO's functioning and role. In a very recent press release, the Council emphasizes that the remaining Member States may join the cooperation at any time.[19]

[19] Council press release 08.06.2017: http://www.consilium.europa.eu/en/press/press-releases/2017/06/08-eppo/

The third and final yellow card to date was triggered in 2016 in objection to the Commission's proposal to review the posting of workers directive, COM(2016) 128. On this occasion the Commission Also concluded that the proposal was not in breach of the subsidiarity principle and decided to maintain the proposal despite national objections.

A growing number of legal studies are dedicated to the analysis of how the Early Warning Mechanism works in practice. Within the field of EU and constitutional law, studies highlight the various new ways Protocol No. 2 have rendered parliaments more active and better informed in the EU legislative cycle (e.g., Jonsson Cornell and Goldoni eds. 2017), which is arguably a positive development. At the same time, studies show that national parliaments have made use of the subsidiarity check to voice objections on political grounds, rather than regarding subsidiarity. This was first and foremost the case with the Monti II regulation that saw parliaments raise yellow cards but without the Commission having committed any "foul" (Fabbrini and Granat 2013).

Studies point in different directions within the field of political science. According to Besselink (2006), the new position of national parliaments in the EU following the tools ascribed to them as of the Constitutional Treaty (which later found their way into the Treaty of Lisbon) have "pierced the veil" of the Member States: these no longer consist of one actor at the EU level (the government) but parliaments as well have come to take active part in the shaping of EU policies (Besselink 2006, 123). National parliaments have in this way become one of several nodes, or *centres*, of power in the EU legislative cycle. While this certainly makes the national parliament "a real institutional actor in EU policymaking" as previously noted, Sprungk (2013) reminds us that their role in EU policymaking as of the Treaty of Lisbon is not that of influencing the *content* of legislation but of "gatekeeping" the mere *introduction* of legislation.[20]

More precisely, Sprungk advises researchers to view the Early Warning Mechanism as granting parliaments the possibility to block or veto, new legislation, which is of course a noteworthy function but it is quite different from their traditional role in policymaking. It should be noted, however, that the function that Sprungk speaks of requires that national parliaments act *collectively*. At least one third of votes are required to trigger the yellow card procedure and a simple majority is needed to trigger the orange card. At least in formal terms, then, it does not

[20] Also, it should be noted yet again that Protocol No. 2 only applies to policy areas in which the EU enjoys *shared* or *supporting* competence (Article 4 and 6 TFEU) and not to policy areas in which the EU's legislative competence is *exclusive* (Article 3 TFEU).

matter if one chamber is very active in scrutinizing proposal if most other chambers remain passive. For this reason, it is reasonable to think of parliaments as shifting from being policymakers – or at least "policy influencers" (Norton 1998) – to what I suggest we call *policy reviewers*.

It should also be mentioned that Sprungk's understanding of parliaments as gatekeepers, at least in the theoretical sense, is much too optimistic according to others. An example is the argument raised by de Wilde (2012) who describes the new tools as of Protocol No. 2 in much more pessimistic terms. In brief, de Wilde (2012. 1) argues that:

> First, it [Protocol No. 2] does not strengthen existing channels of delegation and accountability in the EU. Instead of contributing to the connection between national parliament and citizens or between parliaments and their governments, it bypasses governments and the European Parliament. Secondly, it does not reinforce either one of two core functions that parliaments ought to perform: the control of government or the communication with citizens. The constitutional oversight that it strengthens should not be a task for parliaments. Thirdly, it does not work.

Empirical studies on parliaments' work with the subsidiarity check of EU draft legislative proposals are still few in number and so it is certainly too hasty to come to any conclusions about the possible impact of Protocol No. 2. The main point to put across here is that together with Protocol No. 1 On the Role of National Parliaments in the European Union the provisions on the role of national parliaments in the EU are now spelled out. Still, it should be underscored that the right (or *duty*, which we could also call it) of parliaments to scrutinize draft legislative proposals will however apply very unevenly across policy sectors and this is not only because it is entirely up to the national parliaments/chambers themselves as how to implement this procedure but also because the principle of subsidiarity applies very differently across policy sectors. This in turn is explained by the complex and fleeting division of competencies between the EU and its Member States, which will be outlined in the following section.

2.6 EU competence

Apart from assigning new rights and duties to national parliaments, the Treaty of Lisbon also clarifies, or at least attempts to clarify, EU competence, which is of obvious concern if we wish to divulge the division of activities between the EU and national legislative arena. More

precisely, the role of national parliaments in public policymaking, and indeed of the national legislative arena altogether, depends on the division of competencies between the EU and its Member States. It is absolutely central to take note that this division is not only complex but is also a constant influx, which I seek to illustrate the below.

First, it should be appreciated that in the Treaties running up to the Treaty of Lisbon, there were no categories of competence. The balance of decision-making power between the Member States and the EU was to be deciphered almost on a case-by-case basis from a careful reading of the Treaty provisions and related secondary and tertiary law. There was often disagreement about what type of competence the EU really did enjoy. Thus, the categorization of the existence and scope of EU competence is one of the major innovations in the Treaty of Lisbon. Apart from attributing the national parliaments with new and important functions in the EU legislative cycle to safeguard the principles of subsidiarity and to a certain extent proportionality – or *when* and respectively *how* the EU should exercise its competence – the Treaty also clarifies *if* the EU can take action given the competence accorded to it in the Treaties. This suggests the balance of power between the national legislative arena and the European one, which is fundamental to the legislative control and manoeuvrability of national parliaments. In the following I will therefore outline the central issues of EU competence.

As of the Treaty of Lisbon, there are three main types of competences of the EU: *exclusive* competence, *shared* competence and competence only to take *supporting, coordinating* or *supplementary* action. What is intended with these categories is important to take note of, as "legal consequences flow from that categorization" (Craig and De Búrca 2011, 72). Starting with exclusive competence, the basic principles are set out in Article 2(1) TFEU which in brief states that only the EU can legislate and adopt legally binding acts. Member States can only do so if empowered by the EU for the implementation of EU legislative acts. A catalogue of policy issues that fall within exclusive competence are detailed in Article 3(1) TFEU and consists of:

> (a) the customs union;
>
> (b) the establishing of the competition rules necessary for the functioning of the internal market;
>
> (c) monetary policy for the Member States whose currency is the euro;
>
> (d) the conservation of marine biological resources under the common fisheries policy;

> (e) and common commercial policy.

The list of items over which the EU has exclusive legislative competence as detailed in Article 3(1) TFEU is exhaustive. Craig and De Búrca (2011, 78–79) argue that it is important that this list is exhaustive "because the consequences of inclusion are severe: the Member States have no autonomous legislative competence and they cannot adopt any legally binding act. They can neither legislate, nor make any legally binding non-legislative act". Apart from the *area* exclusivity of Article 3(1) TFEU, there is also the aspect of *conditional* exclusivity as accorded to the EU in Article 3(2) TFEU:

> The Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or in so far as its conclusion may affect common rules or alter their scope.

This means that the EU receives single legal personality and that there in practice will be very few cases in which the EU will not have the authority to conclude international agreements (Craig and De Búrca 2011, 79). To add to this, domestic parliaments have neither the right to oppose a legislative act based on its non-compliance with subsidiarity if the legal basis for the proposal is found under Article 3 TFEU. Legislative activity in issue areas over which the EU exercises exclusive competence has, to put it crassly, disappeared from the grasp of Member States.

The second type of competence that the EU enjoys is shared competence, the basic principles of which are laid out in Article 2(2) TFEU:

> When the Treaties confer on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised its competence. The Member States shall again exercise their competence to the extent that the Union has decided to cease exercising its competence.

Put differently, Member States can exercise legislative competence in these issue areas only and in so far that the EU has not already done so. Craig and De Búrca (2015) contend that this essentially implies that the Member State legislative role in these particular areas is "pre-empted by EU action", which in turn implies that the amount of power shared between the Member

States and the EU in these issue areas is bound to diminish over time (Craig and De Búrca 2015, 84).

At any rate, shared competence can be understood as the *default category* as it covers any issue area that does not fall under either exclusive competence or shared competence: "The Union shall share competence with the Member States where the Treaties confer on it a competence which does not relate to the areas referred to in Articles 3 and 6" (Article 4(1)). Article 4(2) includes a list of the *principal areas* that fall under shared competence:

> (a) the internal market;
>
> (b) social policy, for the aspects defined in this Treaty [The Treaty of Lisbon];
>
> (c) economic, social and territorial cohesion;
>
> (d) agriculture and fisheries, excluding the conservation of marine biological resources;
>
> (e) environment;
>
> (f) consumer protection;
>
> (g) transport;
>
> (h) trans-European networks;
>
> (i) energy;
>
> (j) area of freedom, security and justice;
>
> (k) common safety concerns in public health matters, for the aspects defined in this Treaty [The Treaty of Lisbon].

It should be noted that this list is not exhaustive unlike the list accompanying exclusive competence. The Union also enjoys shared competence in two additional policy areas, namely research, technology and space, as well as development cooperation and humanitarian aid. However, for these two bundles of policy issues the application of EU competence is somewhat different. Article 4(3) states that "in the areas of research, technological development and space, the Union shall have competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs". Article 4(4), in turn, adds that "in the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and

conduct a common policy; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs". These two sections can be viewed as a lighter version of shared competence in that they do not limit Member State action given the exercise of the Union in those particular areas. This goes to show that the term "shared competence" implies many different types of variations.

By way of illustration, agricultural affairs fall *de jure* under shared competence but might be a *de facto* exclusive competence of the EU. This is because the EU has accumulated a great amount of legislation in agriculture over the years, which is hardly surprising if we appreciate that the Common Agricultural Policy (CAP) was the first Community policy apart from the basic market-building policies in the 1950s. In fact, in recent textbooks on the politics of the European Union, such as Kenealy, Peterson, and Corbett (2015), agricultural affairs are described as a policy sector over which "the EU has almost exclusive competence" (Chapter 5 by Sbragia and Stolfi 2015). The EU also enjoys shared competence over environmental policy but in this case Union legislation primarily regards pollution control because of its interconnectedness with trade in goods such as motor vehicles. In other issues pertaining to the environment, for instance habitat protection, Member States are *relatively* free to supplement EU legislation with their own. However, practice has shown that most Member States chose not to act unilaterally in this area (Sbragia and Stolfi 2015, 112).

A third example of the many different meanings of shared competence can be found in the area of criminal law, which falls under the Area of Freedom, Security, and Justice (AFSJ). Criminal law, as with the AFSJ in its entirety, were originally "compensatory measures" made necessary by EU provisions on the free movement of persons (Craig and De Búrca 2015, 964). This sector has become of greater centrality with the Treaty of Lisbon. The history of EU intervention in criminal law reveals a particular duality in the willingness of Member States to acknowledge the Treaty objectives, however (Craig and De Búrca 2015, 987). On the one hand, treaty objectives on criminal matters are obviously the result of active Member State interest and at the "macro level" the Treaties foresee considerable co-operation. On the other hand, the realization of these measures at the "micro level" has proven very difficult, arguably since this area is complex and politically very sensitive as it includes police and judicial co-operation. EU criminal law is by no means a central feature in the Treaties but effective secondary legislation in this area remains limited.

In other words, the remaining scope for Member State action in policy areas over which the Union enjoys shared competence varies considerably from one policy area to the next. Such variation depends on a number of factors. Member States will lose their legislative freedom only "to the extent" that EU choses to exercise its right to legislation. Also, The EU can chose to legislate in these areas by very different ways, for instance by introducing uniform regulations, by engaging in minimum harmonization and so on. Such variation aside, it may be said that shared competence is the default position in relation to the division of legislative power between the EU and Member States, even though this does not mean that power sharing will be the same across all issue areas over which Article 3 TFEU applies.

Additional complexity is added in view of the possible impact of EU activity in areas of shared competence also over the *retained power* of Member States (Boucon 2014). This is a natural consequence of the interconnectedness of policy sectors, and of the way the European Court of Justice interprets EU competencies. Regarding the latter, the European Court of Justice interprets the scope of EU power in areas of shared competence (for instance the internal market) vis-à-vis the four freedoms, which constitute the heart of the single market. Yet, the realization of the four freedoms not only pertains to the internal market. Instead, even though the EU has no competence over matters such as direct taxation, national rules in this area must be exercised with respect to the realization of free factor mobility. This means that even though Member States in theory may legislate "freely" in matters such as direct taxation practice is different. This may have a considerable impact on any area that remains within Member State competence (Boucon 2014).

The third and final general category of EU competence is laid out in Article 2(5) TFEU and allows the Union to take measures to support, coordinate or supplement Member State legislative action. The policy areas that fall within such competence are listed in Article 6 TFEU and include:

(a) protection and improvement of human health;

(b) industry;

(c) culture;

(d) tourism;

(e) education, vocational training, youth and sport;

(f) civil protection;

(g) administrative cooperation.

This list might seem exhaustive but it is not. In fact, from a reading of the TFEU as a whole it "becomes clear that there are other important areas in which the EU is limited, *prima facie* at least, to supporting etc action" (Craig and De Búrca 2015, 86). In the academic literature analysing the scope of EU competence, the reason why we should expect EU legislative involvement in additional areas as those listed above is yet again the interconnectedness of public policy (Azoulai 2014). Boundary problems are in this way present for all categories of EU power.

So what then does action to support etc entail? For each area listed above there are detailed provisions articulating the objectives of Union action. The EU is to complement national legislation for this purpose, and the EU can intervene as long as it does not supersede the competence of Member States, and as long as it does not entail the harmonization of national laws. The scope of EU power in this area should not be underestimated, however. Indeed, as Craig and De Búrca (2015, 86) observe "it is clear that the EU has a significant degree of power in these areas, albeit falling short of harmonization". In brief, the EU may exercise policy authority in two ways under Article 2(5) TFEU.

By way of illustration, let's consider possible EU action in relation to the protection and improvement of human health as detailed in Article 168 TFEU. First of all, the Commission can coordinate national action by the exchange of "persuasive soft law", such as best practices, periodic monitoring, and evaluation (Article 168(2) TFEU). The EU may also rely on "legal incentive measures" (Article 168(4) TFEU). Given there is basis for action in a specific Treaty article, the EU may pass a binding act which the Member States will be constrained by in future law-making. Again, the passing of such legally binding acts must not entail harmonization but it is not very clear the ways in which harmonization differs from the legally binding acts in these areas. As Craig and De Búrca (2015, 88) point out, the idea that harmonization of national laws is more intrusive than other EU legal norms is not necessarily true. Rather, the grip of EU action over national legislative authority in a given policy area depends on the nature of the legal measure. Indeed, the type of combination of soft law and legal incentives as produced under the increasingly consulted Open Method of Coordination (OMC) may be of considerable legal import. The intensity of EU action in this area depends ultimately on Member State acceptance in the Council and the European Parliament.

Before I conclude, two additional facets of EU competence should be briefly mentioned. The three categories of EU competence above are flanked by two additional provisions on EU legislative power – namely, Articles 352 and 114 TFEU – and these should be mentioned briefly. Articles 352 and 114 TFEU form the basis for the "*flexibility clause"*. Flexibility refers to the elastic use of EU power as the provisions allow the EU to act in areas not explicitly covered by the Treaties. In other words, the clause makes it possible for the EU to legally intervene also when there is not a legal basis for such action in the Treaties. Up until the Treaty of Lisbon, the flexibility clause was embedded in Articles 308 and 95 EC, and under these provisions the clause could only be used in relation to the internal market. As of the Treaty of Lisbon, the clause can now be applied in any policy matter. In the 1970s and 1980s the clause was applied at several occasions pertaining the completion of the internal market whereas in recent years the clause has primarily been used in the aftermath of the Euro crisis, for instance in the Stability and Growth Pact.

2.7 Conclusions

The emergence of national parliaments in the EU was a very slow journey to begin with but has been more eventful in recent years. National parliaments were in formal terms nobodies in the early years of integration and struggled with finding their position in the increasingly multi-tiered way of doing politics. National parliaments were mentioned in the Treaties for the first time as of the Treaty of Maastricht (Treaty on the EU), which entered force in 1993, albeit only minimally, and their formal rights were somewhat strengthened in the Treaties of Amsterdam and Nice, in force as of 1997 and 2001, respectively. It was thus not until the Treaty of Lisbon (i.e., December 2009) that parliaments were articulated in such terms that there is reason to speak of them as "real actors in the institutional balance" (Devuyst 2008, 247), endowing these with legally binding tools in the legislative process. Indeed, for the first time ever is a separate article dedicated to national parliaments, Article 12 TEU, which alongside Protocols No. 1 and No. 2 stipulates the rights and duties of these actors in the EU legislative process.

While this is all well and good, it would be an exaggeration to speak of the Treaty of Lisbon as the Treaty of Parliaments. First and foremost, their newly attained rights should by no means be regarded as a restoration of national parliaments, bringing them closer to their original position in the democratic policy process. The formal reboot of national parliaments in the EU

hinges ultimately on the search for competence control in general, and on the growing centrality of subsidiarity in particular. The legislative role of national parliaments has shifted from the purpose of *influencing* policy to *reviewing* legislation, which indicates a different format altogether for rendering politics legitimate. What is more, their newly attainted rights are a reboot of parliaments in a quite limited way for other reasons as well, since the practical exercise of their formal rights depends not only on their institutional capacity to implement these tasks but also their capability to act collectively and coherently. The position of national parliaments in the legislative process is therefore still dependent on their position vis-à-vis their respective government.

The main point however that I have stressed in this chapter is that the application of the rights of national parliaments in the EU ultimately depends on the division of competencies between the EU and its Member States. This division is by no means static; indeed, it is variable both across policy sectors and over time. In policy areas over which the legislative authority now belongs exclusively to the EU, such as trade, the customs union, certain aspects of the common fisheries policy, and so on, the principle of subsidiarity does not apply. With some bluntness, it is possible to say that there is simply very little left for parliaments to do in these matters. In policy sectors over which the EU only enjoys competence to *support* etc. national policy operations, such as education, culture, and tourism, reviewing EU policy measures will be a minimal concern as the restrained legal basis for EU action in these areas curbs the Commission from presenting legislative initiatives. In these policy areas, the legislative role of parliament is instead kept largely intact as these continue to hold the highest legislative power.

From this it follows that it is in policy sectors over which the EU *shares* competence with its Member States – agriculture, environment and transportation to mention but a few – that the new role of national parliaments will apply. However, also in this cohort of policy areas the application of the Early Warning Mechanism will be very uneven since national legislative manoeuvrability is pre-empted by EU legislative action. In certain policy fields, such as agriculture, EU secondary legislation is nowadays vast, which means that the EU has achieved a *de facto* exclusive competence that renders the objection of parliaments in terms of subsidiarity difficult. In other policy areas over which EU secondary legislation remains if not limited, then less voluminous, the potential power of national parliaments over the policy agenda is certainly greater as they have the legal right to block the introduction of new legislative measures if they manage to act collectively. This evolution points in an increasing segmentation, not only of parliament's work but of the contemporary conditions of parliaments in the first place.

CHAPTER 3

Methodology and data

3.1 Introduction and structure of the chapter

In this chapter I discuss the methodological aspects of how the theoretical expectation presented in Chapter 1, and developed in Chapter 2, may be evaluated empirically. The theoretical argument derives from the need to more thoroughly account for the variable adaptive pressure of the EU on national policymaking. The central line of argument is that the impact of the EU on the legislative role of national parliaments is structured, or mediated, across policy sectors. In other words, the degree to which a given policy area is subjected to the European legislative arena (rather than the national one) holds great explanatory power in trying to understand variation in what role parliamentary actors assume in the policymaking process. Depending on the scope of EU legislative action, policy sectors exist in different contexts and parliamentary actors should adjust their role in the legislative process accordingly. If they do not, they would not be ensuring "meaningful linkage" (Lawson 1980) between the citizenry and political decisions.

The logic of investigation that I employ to test this argument is a three-step research agenda which allows me to achieve a comparative picture of what parliamentary life looks like and how it differs across policy fields that vary distinctively in their degree of Europeanization. First, I engage in a longitudinal/quantitative analysis of the Europeanization of legislative *output*, with which I mean the adaptational pressure EU legal norms places on national legislative production. The second step of the empirical analysis is a longitudinal/quantitative analysis with the purpose to attain a measure of the extent to which political parties in the electoral arena acknowledge the presence of EU in public policymaking; that is, the Europeanization of legislative *input*. Together, these two components of political life provide a measure of the *policymaking context* that the parliament is situated in. In the third step of the empirical analysis, I consider two meaningful issue fields in cross-sectional/qualitative terms in order to add colour and definition to the macro-level patterns that are drawn in the first two steps of the analysis. It remains to be determined what material to make use of to test this argument empirically.

The chapter proceeds as follows. In the next section I discuss the *units* of analysis, which are legislative acts and legislative parties' elections manifestoes, and thereafter the *cases* of selected units of analysis, that is the actual statutes and documents included in the study. I then introduce the coding classification scheme of policy sectors, followed by the operational logic of coding the selected cases. A central question is how to identify signs of Europeanization in the empirical material. I also provide information on my rationale for case selection of meaningful policy cases to dig deeper into in the qualitative cross-sectional analysis, and what consequences that this rationale ensues. Purpose, organization, and methodological considerations for the ensuing interviews with MPs and parliamentary high officials are discussed. Before closing the chapter, I provide the reader with a short summary of my methodology.

3.2 The units of analysis: Identifying data

3.2.1 Identifying legislative output

Legislative output, i.e. passed legislation, is here analysed with the purpose to reveal the imprint of EU legislative authority on the national policy fabric. There are different options available for attaining an empirical measure thereof which should be mentioned briefly.

The first way to operationalize EU legislative authority would be to theoretically deduce an estimate from the formal provisions in the Treaties. The Treaty of Lisbon is the first ever attempt to divulge the division of formal policy competencies between the Member States and the EU institutions. As was documented in Chapters 1 and 2, Articles 2–6 TFEU organize EU legal competence into three distinct categories: exclusive competence, shared (or parallel) competence and competence to take measures to support, coordinate or supplement Member State legislative action. Lists of policy sectors that fall within each of these categories are appended to the treaty articles. It is not possible, however, to derive a reliable empirical measurement of EU policy authority across policy sectors from this purely formal categorization.

First of all, Craig (2010) argues that EU policy authority is a product of several interconnected factors of which the formal powers acceded to the EU institutions is only one. In fact, EU legislative authority is also dependent on the extent to which the EU institutions actually chose to exercise these competencies, how the Courts interpret the treaty provisions, and the extent to which the EU decision-making is "successful", that is, does not get stuck in gridlock or endless negotiations rounds. This is particularly pertinent for policy sectors over which competence is shared between the EU and its Member States since national legislators may legislate only to the extent the EU has not done so. This means that the legislative "room" that exists for a given policy issue will eventually be eaten up by EU legislative activity.

The second option would be to attain an estimate from counting adopted EU legal instruments, and in fact, this is an applied method in several comparative studies. However, also this approach is a severe shortcut, particularly for a single-case study such as this. A large amount of EU law is country- or even individual-specific. Decisions are the most obvious example, which are legal instruments that are not of general applicability but that may be addressed to only one Member State or even, a single legal personality such as a company. Another problem with this approach is that it does not consider country opt-outs, be it formal or *de facto* such as the Swedish one on the EMU. The large amount of legal norms in the field of monetary union, therefore, is simply not relevant for the Swedish case.

The third and remaining option is therefore to turn to the extent to which *national legislative output* is shaped by EU legal norms, i.e., legal Europeanization, which is a strand of growing popularity in the academic literature. Measuring the actual presence of EU norms

in national legislation provides a much more tailored estimate for the legal presence of the EU and escapes the methodological weaknesses pinpointed above. More specifically, by studying the presence of EU legal norms in national legislation, we get an estimate for EU policy authority across policy sectors, in which the presence of identified "EU-indicators" is used as a measurement for the degree of EU policy authority. The very demanding thing here, however, is that results will rely completely upon my methodology. Surely, methodological choices are decisive in any study but this is rarely as obvious as it is in the study of legal Europeanization. The way the cake is cut renders tremendously different results, which will be discussed more in detail below. The method applied in this study is therefore chosen after much consideration.

The study of legal Europeanization is demanding also because of the lack of collected data that tap legal Europeanization of Swedish legislation. It has been raised over and over again in the academic literature that the empirical body of evidence on national parliaments in the process of European integration is much too sparse (e.g., Raunio 2009). This research therefore means a considerable data collection task on my part.

3.2.2 Identifying legislative input

In this thesis, as in many previous studies, legislative input is here understood as the way parties propose policy in their election manifestos. This a suitable type of material also when it comes to Europeanization. Changes to individual party programmes provide "one of the most fundamental processes of Europeanization of political parties" according to Ladrech's theoretical schema of Europeanization of parties (Ladrech 2002, 396). As it was argued in the introductory chapter (Chapter 1), election manifestos are a fundamental element to the policymaking context that parliaments, and in turn MPs, find themselves in. They set the scene, so to speak, for what MPs actually do in parliament, or at least, what voters expect of them.

For the Swedish case in particular, the centrality of election manifestos is even greater and this is because Swedish politics is party politics. Studies have repeatedly shown that the Swedish party system features a remarkably high level of cohesion (e.g., Bergman and Strøm 2011; Willumsen 2017). Also at the individual level, Esaiasson and Holmberg (1996) conclude that party members are very party orientated and that MPs view themselves first and

foremost as *party* representatives rather than representatives of a particular interest or group of their electors. The party line, here explored through the means of manifestos, is therefore something that the individual MP is bound to relate her- or himself to.

There are several previous studies that have investigated the Europeanization of election manifestos, each with different purposes in mind. Studies on the Europeanization of manifesto data are now many yet they can be roughly dissected into three groups. To begin with, a number of studies explores the qualitative aspect in which party manifesto become Europeanized to study the impact of Europe on *national party organizations*. For instance, Poguntke (2007) studies the actual crafting of election manifestos in view of both general elections and elections to the European Parliament. Using in-depth interviews with German party officials, the study shows that parties make use of actors with specialized knowledge of the EU in the drafting of such programmatic platforms, and regarding national manifestos, he shows that the involvement of EU specialists is mainly limited to the specifically "European sections of the documents". This involves issues of a constitutional or institutional nature, which indicates that the EU continues to be discussed within the parties, and thus also vis-à-vis their electors, first and foremost in a type of "departmental specialism", rather than being a general ingredient that cuts across policy fields (Poguntke 2007, 112).

A second method, or indeed rationale, is applied by Dorussen and Nanou (2006) and Nanou and Dorussen (2013). These studies explore the Europeanization of manifestos to study *party competition* in the EU. They consider the indirect constraining effect of the EU on the policy positions of parties rather than any direct, explicit mentions. More precisely, Nanou and Dorussen (2013) analyse data on parties' policy positions from the Comparative Manifesto Project[21] for 18 countries over a 40+ year period. Their aim is to test the extent to which parties' policy positions converge in nine particular policy areas and what explanatory power EU legislative competence has for this tendency. In brief, they find that that in policy domains where the involvement of the EU has increased, such as trade, the distance between parties' policy positions tends to decrease. This impact differs between Member and non-Member States and this effect is more apparent for the policy agendas of larger, mainstream and pro-EU parties in the Member States. Nanou and Dorussen's method is impressive and adds important empirical evidence to theoretical claims about the Europeanization of parties (e.g., Mair 2000; Mair 2007).

[21] The Comparative Manifesto Database website: https://manifestoproject.wzb.eu/

A third purpose of studying the Europeanization of manifestos is more in quantitative terms, focusing on the way political parties openly *politicize Europe*, or any aspects there, in their election manifestos. Such studies are thus a measure of the extent to which parties explicitly "make sense of Europe" before their electors (Ladrech 2002; Pennings 2006). More precisely, these studies explore the extent to which parties *directly* acknowledge the "legal presence" or "importance" of Europe in public policymaking in view of elections, not in indirect terms by silently repositioning themselves (e.g., Kritzinger and Michalowitz 2005; Kovár 2015).

Also among this group of studies there are important differences in the methods applied. Among the first such investigations is the study by Kritzinger, Cavatorta, and Chari (2004) who explore Italian parties' manifestos for both national elections and elections to the European Parliament over the period 1979 to 1999. The authors use the method of content analysis (more precisely, the Wordscore programme), identifying important key words to gauge whether party positions regarding the EU constitutional matters have changed and whether the salience (i.e., issue attention) has increased. Results indicate no sign of increased salience but at the same time the study suggests that the European political space matters for national political actors.

Such a keyword method is employed also by Kritzinger and Michalowitz (2005), who study the Europeanization of "Euro-manifestos" (i.e., manifestos in view of elections to the European Parliament), of the main parties in Austria, Finland and Sweden. Kritzinger and Michalowitz conceptualize Europeanization in terms of explicit mentions of *European integration* or any related constitutional aspect, and find that the issue of integration is indeed allocated important space in the studied manifestos but that important differences between parties and countries exist. A more detailed method is developed by Pennings (2006), whose method is dedicated to the study of the way parties acknowledge the presence of Europe (or any aspects thereof) across time and policy sectors and does not focus solely on constitutional matters such as yes or no to EU membership.

In fact, Pennings draws on a vast database drawn from digitized manifestos of the main parties in 15 countries over the period 1960 to 2003. The analysis allows for the presence of Europe not at the aggregate level, or only vis-à-vis constitutional concerns but across policy sectors as well. The unit of analysis is the frequency of "co-mentions" of 20 policy areas and (aspects of) Europe and the European Union. The results show that the

degree to which parties acknowledge the increasing impact of Europe on policymaking depends on factors such as the period, the type of policy sector, the duration of EU membership, the general attitude of parties towards European integration and the degree of internal consensus on European issues.

Last but not least, a related method is applied by Kovár (2015), who offers a detailed analysis of parties' election programmes in view of the 2013 Chamber of Deputies elections in the Czech Republic. Kovár analyses the programs using a bi-dimensional content analysis. The analysis shows that the EU (or any aspects thereof) only appears in a fairly limited and "diffuse manner". It also indicates that Czech parties primarily use the EU as a "referential point" or framework for domestic politics, for instance regarding unemployment in the Czech Republic being the highest in the EU. This mean that there is reason to speak of a Europeanization of Czech party manifestos but that this impact is primarily indirect as Europe is used to frame domestic politics rather than domestic politics adapting to Europe.

The purpose of my analysis of Swedish election manifestos resonates most closely with the rationale for Pennings' (2006) and Kovár's (2015) studies. In fact, the purpose of my analysis of national election manifestos is to study the way parties' *acknowledge* the presence of the EU in the electoral arena given the empirical picture that the first step of the empirical analysis provides (i.e., the presence of EU legal norms in legislative production). As much as it would be interesting to explore manifestos as a measure for party competition and party organization to include also these facets is simply beyond the scope of this thesis.

With that said, the study by Pennings (2006) in particular offer plenty of important advice. First and foremost, Pennings show that the process of Europeanization is temporal (i.e., it advances over time) and the entry in to the EU usually constitutes a critical juncture. For this reason, just as was the case with the collection of legal acts it is important to cover a period both before and after Swedish EU entry. Moreover, Pennings advocates a very carefully crafted set of key words for the "identification of Europe", arguing that such search terms must not only regard constitutional aspects relating to the integration process but also more fine-grained details relating to different policy sectors.[22]

[22] It may be mentioned, however, that Pennings' own analysis is rather held back in terms of details since he relies on a totally computer automated word search on manifestos that are first translated into English.

3.3 The cases of analysis: Collecting data

3.3.1 Collecting legislative output

Having discussed the empirical purpose of studying the presence of the EU in legislative production above, it now remains to collect these data. What legislative acts to collect depends on what goals I have with my analysis of the same. First of all, the type of measure needed of EU legislative authority should be both longitudinal and cross-sectional. The period considered for this thesis 1988–2015 (i.e., 27 years or points in time). Starting the study already in 1988 (i.e., seven years prior to Swedish EU entry) is significant as we want to get as close as possible to a *baseline situation* in which the legal influence of the EC for domestic legislative activities was non-existent (or at least extremely limited). Another reason is that legal Europeanization commences before EU membership. On the day of entry into the Union, considerable parts of the *acquis* must already be incorporated into national legislation. This means that Europeanization does not start on the first day of EU membership and intensifies from there onwards. Rather, legal Europeanization commences much earlier, particularly if the country in question is associated with the EU through any prior agreements.

Extending the studied period to 2015 has clear advantages as well – first and foremost since the adaptation of national legislation to the Treaty of Lisbon takes several years. The remarkable recasting of legislative authority that this treaty brought about requires adaptation of both EU and national legislation over a considerable period of time. An additional reason I chose to consider such a long period is that EU legislative production proceeds in sequences. EU policies usually advance by the means of major reforms, which may involve hundreds of legislative acts being proposed and passed in a relatively short time frame. Such larger policy amendments in a particular field are then followed by a calmer period with much less legislative activity at the EU level.

Yet another factor to consider is that EU legislative production is dependent on the legislative initiatives and priorities of the College of commissioners, which may vary considerably not only over the mandate period of the college but also from one college to another. Take for instance the college under the leadership of President Juncker and Vice-President Timmermans, which commenced its mandate period in the autumn of 2014 with a relatively low flow of legislative proposals. This college has focused on fine-tuning the existing volume of EU norms, rather than introducing new policy measures. The previous

college under the leadership of Barroso kept a much more active agenda. To only consider a short period in the legislative cycle of EU may thus produce unrepresentative results.

The second rationale of the methodology is to allow for a fine-grained cross-sectional analysis of legal Europeanization. I wish to allow for such comparison firstly across types of legislative acts. The very analytical focus of this thesis is the legislative role of the Swedish parliament and I therefore chose to consider the *complete volume* of passed legislative acts, including both laws and executive ordinances. This is because these legal instruments not only shape legislative activity in a given policy field but also as they show the relative division of labour between the parliament and government. New laws and ordinances, as well as laws and ordinances that amend an existing act, are also included. In this way I incorporate all passed legislative acts that have been published in the Swedish Code of Statutes (Swe. *Svensk Författningssamling*, SFS). Secondly, but perhaps more importantly, the analysis must also allow for comparison across policy sectors. The argumentative backbone of the thesis is that variation in EU legislative authority translates into variation in national parliamentary legislative activity and that such variation is organized across policy sectors.

The Swedish Code of Statutes (SFS) is the official publication of all Swedish legislative acts and as just mentioned all types of legislative acts produced over the period 1988–2015 are collected for this project. The major types of legislative acts include laws and amendment laws (Swe. *lagar, ändringslagar*) enacted by the Riksdag and ordinances and amendment ordinances (Swe. *förordningar*, *ändringsförordningar*) issued by the government. These types of legislative outputs make out the large majority of Swedish legislative productions that are published in SFS. The collection also includes a small number of more administrative acts, such as formal announcements (Swe. *kungörelser*), and other minor publications such as circulars (Swe. *cirkulär*). While these types of acts are small in number (approximately 20 documents per year) and of little interest they are included in the analysis in a separate category. All types of corrigenda are excluded.

Depending on the date of proclamation and type of legislative act, the legislative outputs are available in different formats. The large part of the data is collected semi-automatically using methods of *data mining*. The website is a free legal information service under the auspices of the Swedish national courts administration and provides legal information for governmental ministries and other public administration bodies. New statutes (Swe. *grundförfattningar*) (i.e., new laws and ordinances) for the whole period are available

in electronic format at Lagrummet. Lagrummet also provides amendment statutes (Swe. *ändringsförfattningar*) (i.e., amendment laws and ordinances) but only from mid 1998 onwards. The number of statutes that are available in electronic format at Lagrummet is n=28101. Amendment statues for the period 1988 to mid 1998 (n=13472) are not available in electronic format and therefore these statutes are instead achieved by manual coding of printed versions of the Swedish Code of Statutes. Altogether, a total of 41573 legislative acts are included in the analysis. As mentioned, this number excludes all corrigenda.

The obvious strength of my approach is that I investigate the *whole stock* of Swedish legislative productions and not just certain pieces of legislative activity (e.g., new statutes or only laws that transpose directives). Since my data thus are already vast, I do not include legislative proposals, which some previous studies – for example, RUT (2000) and RUT (2009) – have (I will discuss these studies more in detail below). In fact, there is little motivation for me to do so, as Europeanization usually also reveals itself in the promulgated legislative act if it is present in the underlying bill.[23]

3.3.2 Collecting legislative input

For the collection of election manifestos, several aspects of my analytical objectives should be considered. First off, I make use of election manifestos of *all parties* represented in the Swedish Riksdag, instead of just those of parties that enjoy the majority position at a given point in time or only manifestos of the larger parties etc. This is because it is the parliament as such that I am studying and not the parliamentary majority or the main established parties. It should be noted, however, that only election manifestos for national elections are included – elections to the European Parliament and general party programs are excluded.

The period I investigate these data for is 1976–2010. This period is significant as it encompasses several years both prior and after EU membership. Consequently, election manifestos of all parties that made it into parliament at one or more occasions over the period from 1976 to 2010 are included in the analysis.

[23] It follows from 18 a § in the ordinance on the code of statutes (1976:725) (Swe. *författningssamlingsförordningen*) that if a legislative act serves to transpose a directive, then this directive should be referred to in its entirety in a footnote of the legislative act.

Over the stipulated period, eleven general elections have taken place: 1976, 1979, 1982, 1985, 1988, 1991, 1994, 1998, 2002, 2006 and 2010. Nine different parties have on one or more occasion been represented in the Riksdag over this period. These are (from left to right): the Left Party (V), the Greens (Mp), the Social Democrats (S), the Centre party (C), the Liberals (L), the Conservatives (M), the Christian democrats (Kd), New Democracy (Nd) and the Sweden Democrats (Sd). A total of 61 election manifestos were presented by these parties over the given period. All election manifestos are collected from the open data verse of the Swedish National Data Service (SND)[24] under the auspices of the University of Gothenburg. Over the studied period, the number of parties represented in the Riksdag has increased, and consequently, so has the number of manifestos. The Nordic five party system was a matter of fact up until the late 1980s, at which point the Greens (Mp) entered the political stage. In 1991, the Greens temporarily dropped out of parliament and instead we saw the entry of two new parties on the right/far-right: the Christian Democrats and New Democracy (Nd). While the former has kept its place in parliament up until today, the latter party was a flash-in-the-pan phenomenon and was ultimately disbanded a few years later. In 2010, far-right party, the Sweden Democrats (Sd), also joined parliament.

It should also be mentioned that in the more recent years of the studied period, the two blocks formed separate coalitions. The first is the Alliance (Swe. *Alliansen*), consisting of the centre-right parties (M, C, L, Kd). The second is the Red-Greens (Swe. *Röd-Gröna*), consisting of the left-of-centre parties (V, Mp, S). Therefore, in the election of 2006 the joint election manifesto of the Alliance is coded instead of each party's separate manifesto. Likewise, in the election of 2010 the joint manifestos of the Alliance and the joint manifesto of the Red-Greens are coded instead of each party's separate manifesto. I discuss the logic of coding in great detail in the following sections.

3.4 The Comparative Agendas Project coding scheme

For a successful analysis of the Europeanization of the legislative output (passed legislation) and legislative input (election manifestoes), I need a stratagem for comparing the developments in a given policy area across the different types of empirical indicators

[24] Swedish National Data Service: www.snd.gu.se/en

selected. That is, I need a method of systematically comparing the policy developments across various venues or agendas, such as the policy content of party platforms, policy commitments and passed legislation. Different coding schemes are available for this purpose, of which the two principal ones are the Comparative Manifesto Project (CMP) and the Comparative Agendas Project (CAP).

As with regard to the former, CMP data constitute the most popular source for parties' positions, not only to traditional ideological scales such as left–right but also regarding policy dimensions. Its popularity lies in the extensive time-serial data and the impressive number of included countries. The ideology of the CMP method is based on the presumption that parties engage in talk on valence issues, meaning that parties compete by emphasising different policy issues rather than taking competing positions on policy issues. This salience theory of party competition is that "policy differences between parties" are assumed to "consist of contrasting emphases placed in different policy areas" (Budge et al. 2001, 82). The method relies on "quasi" or "semi-sentences" – simply speaking political arguments – into which collected materials such as elections manifestos are parsed.

While its strengths are the rare possibilities it presents for longitudinal and comparative studies, several researchers have identified various methodological problems in the CMP data (e.g., Gemenis 2013). Gemenis (2013) gives a concise summary of these shortcomings with the first being a more general scepticism of the *theory of issue salience* which underpins the CMP ideology. Plenty of observers have lamented the fact that the CMP data only considers issue attention and not the positional content, that is, the method only considers the number of times parties speak of a given issue and not what they actually propose to do. This is particularly true for some moral issues such as abortion and the legalisation of soft drugs.

A second weakness of the CMP data is with regard to *document selection*. Critics have found that the CMP data are often based on documents other than election manifestos, such as speeches, leaflets, programme summaries in newspapers, drafts or bits of manifestos, local manifestos, or even texts from think tanks, and that this is not always made clear to third-party users. Critics find that such proxy documents are not representative of the real manifestos for several reasons. Critics have also argued that the inclusion of such material is an obvious short-cut due to difficulties with finding the original documents.

A third weakness of the CMP data is due to the purportedly low reliability of the coding procedure. Data are collected and coded by a huge number of different coders, and all coders are said to have received the same CMP coding training, yet a growing number of third-party users have come to discover that the reliability of the CMP data is worryingly weak. Critics have argued that various reliability tests, such as Krippendorff's alpha, Pearson's product-moment correlation coefficients and so on, were produced at the second or even third try when a second equally trained coder recoded parts of coded material. One of the most rigorous tests of the robustness of the CMP data was carried out by Mikhaylov et al. (2012, 83) and their finding was that the inter-coder reliability was "exceptionally poor by conventional standards". More importantly still, Mikhaylov et al. (2012) found that the problem with miscoding and misclassification did not primarily lie with the coders but with the overly complex nature of the CMP coding scheme, which consists of no less than 56 key categories. Critics have for this reason called for a radical adjustment of the CMP codebook.

Instead of the CMP methodology I chose to make use of that of the CAP which represents an alternative to the almost hegemonic position of the former. [25] The project originates from the Policy Agenda Project (PAP) created by Baumgartner and Jones in the 1990s to explore lawmakers' priorities and the dynamics of policy change in the US. They collected a plethora of political observations such as media coverage, congressional hearings, election manifestos and statues and coded these according to a relatively parsimonious coding scheme. In 2005, a number of case studies on the US were collated in the influential production of Jones and Baumgartner (2005), and a large number of researchers have followed in their footsteps.

Over the last decade scholars have carried out a growing numbers of studies in several different countries (for an up-to-date overview see Green-Pedersen and Mortensen 2015). These scholars have used the original Policy Agenda Project's codebook as a guideline in the development of national codebooks to accommodate national policy idiosyncrasies. Today, the Comparative Agendas Project encompasses a total of 15 countries in both Europe (Belgium, Denmark, Germany, Hungary, Italy, the Netherlands, Portugal, Spain, and the United Kingdom), North America (Canada and the US) as well as other parts of the world (Australia, Israel, New Zealand, and Turkey). It is in this way that the CAP has developed not only as an extended empirical test of the original theory of a "punctuated equilibrium" (Jones

[25] The Comparative Agendas Project website: www.comparativeagendas.info

and Baumgartner 2005) but it has also come to cater to more traditional comparative politics research themes, such as the capacity of political parties to represent (e.g., Froio 2015), the effect of core issues on government agendas (e.g., Jennings et al. 2011), and the process of issue framing (e.g., Boydstun 2013).

It should be noted that the CAP ideology hinges on the same key assumption as the CMP; namely, that "issue attention is among the most fundamental processes in politics" and that issues compete for attention given the fact that lawmakers' attention is selective and scarce (Baumgartner and Jones 2005, 20). Since political attention precedes any type of political action, the study of issue attention is the study of the "tracer liquid" for the functioning of political systems (Green-Pedersen and Walgrave 2014). For this reason the CAP falls victim to the same criticism as the CMP: it is not enough to only know if parties speak of a given issue and how much but also what position they entertain. Indeed, Brouard, Grossman and Guinadeau (2014, 58) point out that the CAP approach will certainly not put an end to the old debate on issue attention versus spatial models.

While it might be so that an issue attention approach does not reveal the whole picture, this thesis abides to the core understanding of issue politics; legislative developments by one actor or institution (or in this case, legislative arena) as intrinsically related to a legislative development by another actor or institution (or legislative arena). An issue approach will thus intuitively help us to understand this complex process. To put it differently, the CAP type of quantitative approach is used to map out general large-scale patterns and to identify interesting case studies for a qualitative investigation more close range.

The reason that I chose to employ the CAP approach is also the comparative advantage it has in terms of coding. The CAP is unique in the sense that it considers only issue attention. This means a much more streamlined codebook (21 instead of 56 categories), and the coding is not muddled by having the coder also to scale the data ideologically. What is more, a totally comparative CAP master codebook was developed between 2012 and 2014, in which national codebooks were gently harmonized to a single coding scheme. As of the

completed CAP master codebook, the coding scheme now includes 21 topic codes, see Table 3.1.[26]

Table 3.1 CAP Master codebook major policy codes

Code	Policy area
1	Domestic macroeconomics
2	Civil rights, minority issues, and civil liberties
3	Health
4	Agriculture
5	Labour and employment
6	Education
7	Environment
8	Energy
9	Immigration and refugee issues
10	Transportation
12	Justice, crime, and family issues
13	Social welfare
14	Community development and housing
15	Banking, finance, and domestic commerce
16	Defence
17	Technology, space, science, and communications (IT)
18	Foreign trade
19	International affairs and foreign aid
20	Government operations
21	Public lands, water management, and territorial issues
23	Cultural policy issues

To each major policy topic, a set of subtopics are included to code not only what major type of policy issue that is identified, for instance agriculture (400) or domestic macroeconomics (100) but also what type of agricultural or macroeconomic measure this is, for instance fisheries (408) or taxation (107). While all country codebooks must comply with the master codebook, a certain degree of elasticity is allowed to encompass national distinctions. For instance, country projects may assign new sub-codes in case the master codebook does not include a particular issue.

[26] It may be noted that the numbering of the CAP master policy codes is not consecutive, which has to do with the wish of maintaining comparability with the original PAP codebook.

As of this thesis, Sweden is a new addition to the CAP research community. For this purpose, I have developed a Swedish CAP codebook in line with the recently completed master codebook. The Swedish codebook has developed in parallel with the actual coding of data included in this project, which is explained later in this chapter. In the process of coding I have consulted different policy agendas over a significant period of time. This has resulted in a codebook of a high level of detail, which captures the content of Swedish policy discourse at least since the 1970s. The comparability of the codebook is ensured by several coding "crosswalks" with the CAP master codebook coordinator. The codebook is found in *Appendix 1: The Swedish CAP codebook*.

The Swedish codebook is obviously made up by the same major level policy codes as the master codebook (i.e., the 21 codes as presented in the table above). In total, 219 sub-codes are also developed to complement these major codes. Depending on the type of data and the degree of detail provided, as well as the sheer volume of observations, datasets included in this project are coded at different levels of detail. Some are coded only according the more general codes whereas others are also coded according to the more detailed sub-codes. However, in this study I primarily consider the *major* level codes as presented in Table 3.1.

The analytically very fortunate thing here is that the CAP coding scheme is fully applicable also in the organization of other political or social units than traditional "agendas". Indeed, the very purpose of applying the CAP codebook is to be able to track the same unit of analysis (policy sector) across the different analyses. I have from the onset of this research advocated a greater inclusion of actor-level dynamics, implying a dissection of parliament into its sectoral committees and eventually into the actors that make up these entities. It is in this way that the empirical analysis will alternate between different levels of the unit of analysis. It will consider at one level developments in, say, legislation on environment generally and at another level it will consider how parliamentary actors involved in the actual making of environmental policies understand that state of affairs.

For this reason, I apply the CAP codebook also on the parliamentary committee system of the Swedish parliament, which consists of 15 permanent sectoral committees plus the EU Affairs Committee. Regarding the Swedish Committee on EU Affairs, it should be noted that this is in no formal sense a committee but a special body designed purely for the government's consultations on final decisions on EU matters and the government's position

in these negotiations. In its Swedish translation, the committee is rather a *panel* (Swe. *nämnd*) without the usual legislative task of its sectoral equivalents. At any rate, it is safe to say that the Swedish committee system represents the powerhouse of the parliament's legislative functions, that the sectoral committees are strong and active, and longitudinally very stable. Each of the sectoral committees has responsibility over a set portfolio of policy concerns.

How then does the CAP policy codes translate into this parliamentary structure? Table 3.2, which is presented overleaf, shows the corresponding parliamentary committee for each of the 21 CAP policy issues. For the majority of issue areas, there is a fairly decent match between the CAP policy codes and the sectoral committees. This is not least the situation for agriculture and environment. All issues that these two policy codes encompass are dealt with in the Committee on Environment and Agriculture. There is a good match also for health matters, which belong to the Committee on Social Affairs, for transportation which sits in the Committee on Transportation and Communications, and for defence that are dealt with in the Committee on Defence, to mention but a few of the policy issues that correspond nicely to the Swedish committees' areas of responsibility.

The responsibility over some policy sectors, however, is shared between two or even three committees. This is not least the case for domestic macroeconomics. Arguably, this is the widest CAP policy code as it encompasses everything from the state budget, to public debt and expenditure, to dealing of the Bank of Sweden, obligations, interest rates, taxation, price stabilizers etc. Therefore, it is hardly surprising that this CAP policy issue is in part dealt with in the Committee on Finance (all aspects apart from taxation) and in part dealt with by the Committee on Taxation (only taxation). A similar segmentation accounts for the CAP issue area of space, science, technology, and communications (IT). Whereas science belongs to the Committee on Education, mass communications are dealt with in the Committee on the Constitution, and space and technology, in turn, are issue areas of the Committee on Industry and Trade.

Table 3.2 CAP policy codes and corresponding parliamentary committees

CAP policy codes	**Corresponding committee**
1. *Domestic macroeconomics* (except taxation) 15. Only aspects relating to *banking and finance*	Committee on Finance (*Finansutskottet, FiU*)
1. *Domestic macroeconomics* (taxation only)	Committee on Taxation (*Skatteutskottet, SkU*)
2. *Civil rights, minority issues, and civil liberties* 17. Only aspects relating to *communication*s (IT) 20. *Government operations*	Committee on the Constitution (*Konstitutionsutkottet, KU*)
3. *Health* 13. *Social welfare* (except social insurance matters)	Committee on Health and Welfare (*Socialutskottet*)
4. *Agriculture* 7. *Environment*	Committee on Environment and Agriculture (*Miljö- och jordbruksutskottet, MJU*)
5. *Labour and employment*	Committee on the Labour market (*Arbetsmarknadsutskottet, AU*)
6. *Education* 17. Only aspects relating to *science*	Committee on Education (*Utbildningsutskottet, UbU*)
8. *Energy* 15. Only aspects relating to *domestic commerce* 17. Only aspects relating to *space and technology* 18. *Foreign trade*	Committee on Industry and Trade (*Näringsutskottet, NU*)
9. *Immigration and refugee issues* 13. *Social welfare* (social insurance matters only)	Committee on Social Insurance (*Socialförsäkringsutskottet, SfU*)
10. *Transportation*	Committee on Transport and Communications (*Trafikutskottet, TU*)
12. Only aspects relating to *justice, crime*	Committee on Justice (*Justitieutskottet, JU*)
14. *Community development and housing* 12. Only aspects relating to *family issues* 21. *Public lands, water management, and territorial issues*	Committee on Civil Affairs (*Civilutskottet, CU*)
16. *Defence*	Committee on Defence (*Försvarsutskottet, FU*)
19. *Foreign affairs and foreign aid*	Committee on Foreign affairs (*Utrikesutskottet, UU*)
23. *Cultural policy issues*	Committee on Cultural affairs (*Kulturutskottet, KrU*)

3.6 Operational logic of coding

The CAP coding procedure builds on the following general principles:

1) *All issues* should be coded into a topic.

2) Issues are coded according to the single predominant; *substantive policy area* rather than the targets of particular policies or the policy instrument utilized. For example, if a case discusses *changes to the home mortgage tax deduction*, it would be coded according to the substantive policy area (consumer mortgages, code 1504) rather than the policy instrument (the tax code, code 107). In other words, while taxation is the tool being used in this example the policy area is consumer mortgages.

3) Activities equally dealing with two topics should be coded with the *lowest code* in case of two topics from different major topics or into the general 00-subtopic in case of two subtopics in the same major topic.

More details on how I code the empirical material are reported in the following sections.

3.6.1 Coding legislative output

To generate empirical evidence needed for answering the research question, the configuration of the dataset must allow for comparison across policy areas and reveal whether or not the act is "Europeanized". Various pieces of information on passed legislative acts are therefore included in the dataset. Apart from *type of legislative act* (law, ordinance etc.), I have also reported information on *year of promulgation, ID/reference number*, *ministry*, *minister*, and the *full title of the statute*. The electronic files are downloaded and organized using scripts, which guarantees a fool-proof management of the data. It should be observed that the *full text* is collected for statutes that are available in electronic format, which makes a unique content analysis of these acts possible.

When it comes to coding the material content (i.e., policy sector) of the acts, observations are coded according to the Swedish CAP coding scheme, which key coding principles were detailed above (see *Appendix 1: The Swedish CAP codebook* for more details). As for all data in the agendas project, the coding procedure also follows the CAP

handbook available at the project's webpage.[27] More precisely still, three pieces of information is used for determining the policy code: full title of the act, ministry, and minister. These pieces of information together reveal what type of policy issue that the act is about.

Entries are only coded at the *major topic level* and not at the sub-category level. This allows for a comparison across 21 policy sectors. While this is a limitation in terms of richness of detail, titles are not always detailed enough to be coded at the sub-category level. In some rare cases, titles only consist of a couple of words whereas other titles are very extensive. This variation must be considered for the quality of analysis. Another explanation for this methodological choice is that the dataset includes a very large number of observations (N=41000+) and a more detailed coding scheme would arguably be too ambitious. It should also be mentioned that the data were coded *manually* by a single coder (myself).

Things are a little more complicated when it comes to how to identify Europeanization in the data. Indeed, a central motivation for my approach to legal Europeanization is to be able to experiment with nominal and operational definitions of this concept. Olsen (2007) opens his book on the European political order by stating that Europeanization becomes an inflated term of little scientific use unless we ascribe it with a clear conceptual content and empirical value. Many studies on the Europeanization of legislation pay little attention to what is actually being measured. There are different ways possible to attain a measure of legal Europeanization. In brief, it may be said that previous studies on legal Europeanization have operationalized the term legislative output in four different ways. I briefly review these previous approaches before I introduce my method.

The first method equates legal Europeanization with the share of *passed laws* (i.e., statues passed by the parliament) that *implements a directive*. This is the chosen method of the Prime Minister's Office, which yearly publishes a communication (Swe. *skrivelse*) on how the government offices have dealt with parliamentary communications. This communication always includes a count of the number of laws that have been passed over the

[27] In brief, all CAP coders receive one week of intensive training before coding commences. Throughout the coding procedure, coders are in continuous contact with other members of the CAP network to discuss particular questions about coding and the coding scheme. Also, a special variable allows coders to indicate cases when in doubt about the assigned content code and these cases were then discussed with other members of the network (and sometimes recoded) at the end of the coding procedure.

year and that serve to transpose an EC/EU directive. It follows from 18 a § in the ordinance on the code of statutes (1976:725) (Swe. *författningssamlingsförordningen*) that "if a new or amendment statute partially or fully transposes a EC/EU-*directive*, then a reference to that directive shall be included in the statute of that legislative act" (emphasis added). Such a reference should be in the form of the directive's so-called CELEX number.

Since the 1960s, all community texts are organised by the provision of unique identification numbers called CELEX (Lat. *Communitatis Europae Lex*),[28] which contains information on type of document, year of adoption, and so on. While all community texts have a CELEX identifier, only directives are mentioned in the ordinance on the code of statutes, and only legislative acts that serve to transpose such legal instruments are thus included in the government offices' count of Europeanized legislation. Using the same methodology as the government offices, Hegeland (2005) provides a useful summary of these data for the years 1995 to 2004. He finds that out of the 14571 statutes that were published in the code of statutes over that period, 917 contained a CELEX reference. That is, just over 6 per cent. A closer look reveals that the number of legal acts that serves to transpose such measures varies across the years, both in absolute and relative terms, particularly in more recent years. In 2016 there were 153 legal acts (11 per cent) that served to transpose EU directives (communication 2016/17:75, 260), in 2010 only 81 legal acts (4 per cent) were influenced in the same way (communication 2010/11:75, 10) and in 2005 the corresponding number was 116 (9 per cent) (communication 2005/06:75, 12).

A second method is applied in a study from 2000 by the Research Services of the Swedish Riksdag (Riksdagens Utredningstjänst (RUT) 2000). The study was limited to the parliamentary session 1998/99 (i.e. late September 1998 to early September 1999) and sought to identify the share of *government bills* that contained *any reference to an EC/EU instrument*. The budgetary bill was excluded. More precisely, the report included a search for government bills that either transposed a European directive, bills that served to adjust Swedish legislation to EU norms or bills that were "in any other way associated to the EU".

[28] CELEX was the first system for data processing of community texts accounting for the relationship between different community texts. In 1997, a fully public version of CELEX was made available to the public under the name EUR-Lex, which ever since is the official website of European Union law and other public documents of the EU. While EUR-Lex thus replaced CELEX, each document's unique CELEX identifier remained.

Out of the 112 bills that were presented in the parliamentary session 1998/99. RUT found that 49 bills (44 per cent) had some type of EU influence. The largest group was those that served to transpose an EU-directive (n=19/17 per cent). Little information is given about the methodology.

A follow-up study was carried out by RUT in 2009 (Riksdagens Utredningstjänst (RUT) 2009). This time the parliamentary session 2008/09 was examined, and the study includes analyses of both statutes and government bills. Regarding the former, the methodological design was widened in accordance with the method of Herzog and Gerken (2007). This method has been made widely known by the German Ministry of Justice, which compared the volume of legal acts adopted by Germany between 1998 and 2004 with the volume of legal norms adopted by the EU institutions in the same period. The study showed that 84 per cent came "from Brussels" whereas only 16 per cent emanated in Berlin.[29]

A third method was introduced by RUT in a study from 2009, which considers the whole *legislative volume in force* in Sweden in 2009. What they did was to compare the legislative volume of EU rules with national legislation that contains "no reference" to any community or EU norms. To decide whether or not the statutes include a reference to European rules, RUT used the presence of a *CELEX identifier* and comments shortly on the uncertainty of this measurement as it suspect that CELEX numbers not only demark directives but also regulations, possibly also decisions. In fact, RUT repeats information received from a civil servant at the Ministry of Justice according to whom "regulations are accidentally included [in the government offices' count of the number of statutes that transpose EU directives]" (RUT 2009, 6, author's translation). At any rate, RUT found that 5 277 European legal acts were in force in 2009, and that 3225 Swedish statutes in force had no "EU reference" (i.e., no mention of a CELEX number. That is, 62.1 per cent of the legislative volume comprised EU legislative productions, while only 37.9 per cent of legal rules did not contain any such European legal impulse.

A take on RUT:s methodology is used by Johannesson (2005) in which she explores only *passed laws* including amendment laws over the period 1998 to 2003 (n=3449). The study is by and large a continuation of RUT's methodology as she studied whether or not there is an *EU-link in the underlying bill* to decide if the legislative act is Europeanized or

[29] The study was presented and commented on by Herzog and Gerken in the Welt Am Sonntag 14 January 2007, hence the Herzog-Gerken reference.

not. Also in this study are laws that follow from the budgetary bill excluded. Johannesson explored the extent to which legislative proposals are designed to implement binding EC legislation or remove obstacles and other conflicts between national and EC law. She analysed firstly, if the bill suggests a law to transpose an EC-directive, if the bill includes any reference to other binding EC legal norms and thirdly if there is any other type of "EU-link". The operational measurements are not discussed but it is suggested that also here are *CELEX identifiers* used as a proxy for Europeanization. She finds that over the studied period, 20 per cent of Swedish laws are directly governed by EC-decisions, directives, and regulations. An additional ten per cent are somehow connected with the EU or the EC. That is, about one third of the legislative flow is in one way or another the result of EC legislative activity.

A fourth type of methodology is given in a publication by the Swedish Institute of European Policy Studies (SIEPS) in which Halje has examined the share of Swedish *legislative acts* (including both laws and ordinances) that relate to the EU (Halje 2012). The studied period is 1999–2008, and Halje uses the term "EU-link" which she understands as the inclusion of a *CELEX number* in the legislative act as a proxy for presence of EU directives. With this particular methodology she finds that, on average, 9.6 per cent of passed legislation carries an EU-link but that this share varies over the period studied. In 2001, this share was as low as 5.4 per cent whereas it was as high as 13.6 per cent in 2007.

Moreover, she finds that this number is slightly higher if we consider only laws (10.1 per cent) and, that CELEX numbers are more common in new legislation (i.e., laws and ordinances that do not serve to amend an existing legislative act). Halje also studies whether there is an EU-link in government bills that propose a new law. She argues that CELEX is a flawed measurement for the presence of EU legislative norms in national legislation as she finds that legislative acts that do not contain such a number also deals vey directly with EU norms. For this reason, she scans the bills for *CELEX* numbers as well as five additional search terms, namely *EGT* (the abbreviation for the Official Journal of the EC, *Europeiska Gemenskapernas Tidning)*, *EG*, *EU*, *directive* and *treaty*. Little motivation is given for the selection of these precise search terms. Halje finds that 31.5 per cent of the underlying government bills contain one or more of these search terms.

In a final step, Halje seeks to contribute to previous research by a cross-sectional examination of legal Europeanization, that is, across policy sectors. For this purpose, Halje separates the already analysed statutes according to what governmental ministry these

emanate from. Each statute has what Halje refers to as a "sender"; that is, a ministry that in turn can be used as an indicator for what policy field a given statute deals with. Halje acknowledges that this measurement is far from perfect since ministries are merged and split up repeatedly and since policy issues regularly swap ministerial portfolio.

Another problem is that an important number of statutes (often very salient ones) emanate from either the Ministry of Finance or the Prime Minister's Office, which deals with all types of policy issues. These limitations force her to a rather crude policy categorization of statues and thus a quite limited analysis of the same. She finds that the Ministries of Finance, Justice and Social Affairs are those that propose the highest number of laws. The Ministries of Finance, Justice, Industry, Environment and Agriculture are those that propose the highest number of laws that emanate from the EU in absolute terms.

What then can we say from this brief review of previous research? The most obvious take away is that results vary greatly depending on methodological designs. Studies – each with a perfectly decent methodological design – nevertheless produce results that very from 62 per cent (RUT 2009) to 6 per cent (Hegeland 2005). The way the cake is cut renders very dramatic differences. Secondly, data at the aggregate level are interesting but only to a limited extent. In Sweden, as in most other EU countries, there are now several studies that provide estimates for the number of statutes that contain any reference to EU norms and these studies produce different number depending on the methodology applied.

More importantly, we still know very little about variation across policy sectors. Halje's study is the first study on the Swedish case to attempt such a cross-sectional analysis, and while this attempt is worthwhile, the data remain of limited use. Thirdly, the presence of a CELEX number as a measurement of legal Europeanization appears increasingly uncertain, which also the authors of the more recent studies suggest. RUT (2009) verifies that CELEX numbers are at times also included for legislative norms other than directives. Moreover, Halje (2012) points out that references to EC/EU rules are not always included by means of a CELEX number also when the legal act is transposing EU directives (see for instance law (2006:368), which refers to several EC/EU-legal instruments without any inclusion of CELEX). At least for the Swedish case then, we need a new methodology on measuring legal Europeanization, which should develop more efficient and trustworthy indicators for Europeanization as well as allowing for analysis across policy sectors.

The overarching objective with this this new methodology is to expand the conceptualization of what constitutes Europeanization. I will do this by introducing new and different measurements of EC/EU instruments in national legislative acts, which allows for a comparison of methodological designs and it also shows how results may vary depending on the researcher's operationalization of legal Europeanization.

Before I report the exact measurements I use to measure Europeanization, a few things about EU legislative production need foregrounding. As mentioned, the objectives of the EU are set in the Treaties and EU institutions are established to sustain these. The institutions translate union objectives into norms by a number of legal instruments. A Europeanized piece of legislative act is thus a legislative act that contains reference to an EC/EU legal instrument. Legal norms that derive from other European agreements and organizations, such as the European Free Trade Agreement (EFTA) or the Council of Europe are not included in my definition of Europeanization. Nor are any mentions of global agreements included, such as legal norms stemming from the United Nations (UN) or the Organization of Economic Cooperation and Development (OECD). This is because I theoretically separate the process of internationalization from Europeanization, which was discussed in the introductory chapter (Chapter 1).

The EU institutions have five principal legal acts at their disposal as of the Treaty of Lisbon (Art. 288 TFEU): regulations, directives, decisions, recommendations, and opinions, of which only the former three are legally binding. It is these legal instruments that together shape EU policies. As my nominal definition of Europeanization is purely legal, I do not include operational measurements that tap non-legal mentions of the European level of governance, such as merely "Europe". What I do is to employ *four different measurement approaches* for identifying EU-related legislative norms in Swedish legislative productions. Some of these approaches have been applied in previous studies but no other study has so far integrated all approaches in the same investigation. This allows not only for a more comprehensive measurement of legal Europeanization but also for a comparison of different measurements of EU legal instruments.

Different Member States have different rules and procedures for how to refer to EU legal acts in national legislative productions. In the Swedish case, the most relevant rules for reference to EU legal norms are found in the ordinance on the code of statutes (1976:725), which has been amended repeatedly since its adoption. These rules have led the government

offices to adopt official guidelines for how to refer to EC/EU legal acts. These guidelines are found in the so-called Green book (Swe. *Gröna boken*), which is published in the ministry publication series (Swe. *Departementsserien*, Ds). The Green Book was first published in 1969, and has since been revised at two occasions, in 1998 and 2014 (Ds 1998:66; Ds 2014:1). The two latest editions have been consulted for this methodological design since these infer different techniques for how to refer to EC/EU legal acts in Swedish statutes. As a general rule, an EC/EU legal instrument is recorded when relevant for the legislative matter at hand and the first time it appears in Swedish legislation it should be recorded in its entirety (Ds 1998:66, 41; Ds 2014:1, 47).

I References to the Treaties

The first measurement of legal Europeanization is a computer-based search for any reference to a European legal instrument. Each and every European legal act follows a distinct nomenclature, with the same structure and numbering, comprising three particular parts:[30]

1) The abbreviation for the domain (i.e., treaty reference, placed within brackets or preceded by forward slash, such as (EU) alt. /EU for the European Union, or (Euratom) alt. /Euratom for the European Atomic Energy Community),
2) a reference to the year of publication, comprising four digits (previously comprising two digits),
3) the sequential number, assigned from one single series, irrespective of the type and the domain of the act, and comprised of as many digits as necessary.

The order of these elements depends on the type of legal instrument. Directives and decisions follow the format: year – sequential number – domain. Consider for instance Directive 2000/60/EC or Decision 88/376/EEC. Regulations on the other hand, are written by the token: domain – year – sequential number. For instance, Regulation (EU) 2015/262[31]. The

[30] EU Publications office's inter-institutional style guide, section 1.2.2 Numbering of acts. Accessible at http://publications.europa.eu/code/en/en-110202.htm

[31] It should be noted that before 1968, the numbering of regulations was slightly different. Then the reference to the relevant treaty(ies) and the year are added to the number (e.g., Regulation No 1009/67/EEC). Also, from 1952 to 31 December 1962 these acts were written as Regulation No 17. All of this should be of less importance given that I start my empirical analysis in 1988.

important thing to take note of here is that abbreviations for the domains have changed over the years as new Treaties and amendments to the Treaties have been adopted:

1) From the 1950s, the abbreviations used are "EEC", "ECSC", "Euratom" (Swe. *EEG*, *EKSG*, *Euratom*).
2) As of 1 November 1993 (date of entry into force of the Treaty of Maastricht), "EEC" is replaced by "EC" (Swe. *EG*).
3) Since 24 July 2002 (the date on which the ECSC Treaty expired), "ECSC" is no longer used.
4) From 1 December 2009, following the entry into force of the Treaty of Lisbon, the abbreviation "EU" is introduced and the abbreviation "EC" is no longer used (Swe. *EU*).

Thanks to this consistent logic in the legal nomenclature, it is possible to identify any reference to community and EU legal instruments by the means of foolproof scripts. In the government offices' guidelines (Ds 1998:66; Ds 2014:1), a European legal act should be written in its entirety the first time it is mentioned in the legislative act. My first measurement of Europeanization is therefore any mention of any of the treaty domains ECSC (Swe. *EKSG*), Euratom (Swe. *Euratom*), EEC (Swe. *EEG*), EC (Swe. *EG*) and EU (Swe. *EU*), distinguished by either parenthesis or forward slash. These abbreviations include all Treaties and therefore all possible European legislative acts that have been enacted. By extension, these measurements identify all European legal acts mentioned in the statutes but these do not identify the type of legal instrument that is being referred to. With this method, I do not distinguish between secondary and tertiary legislation (i.e., between legislative and non-legislative acts). I regard these limitations as miniscule as my objective is not to identify types of legislation or the type of instruments that affect Swedish law.

II Reference to a CELEX number

The second measurement is a continuation of most previous studies' preferred method of identifying legal Europeanization, namely by searching for CELEX identifiers. First, however, we need to divulge what the presence of such identifiers actually indicates.

In the Swedish government offices' statistics on the number of statutes that transpose EU directives, there is reference to 18 a § in the ordinance on the code of statutes (1976:725) according to which a CELEX identifier should be included in the legislative act only when an

EC/EU-directive is being transposed.[32] It is arguably the case that directives are of special interest since these legal instruments, as opposed to regulations and decisions, do not have direct effect and are only binding as to the results to be achieved. This means that directives first must be transposed into national legislation, either by domestic legislative or by executive measures, to become legally binding. This thus serves as a rather straightforward and undemanding measurement for the impact of EU legislative activities on domestic legislation. Regulations and decisions may not show up in national legislation in the same unmistakable way, even though national legislation must take also these legal norms into account. Perhaps it is for the same reasons that most international academic research also uses directives as a proxy for EU legislative activity and only rarely includes also regulations and decisions in any measurements of the same (see for instance, Jenny and Müller 2012, 50).

The picture is blurred, however, if we consult the government offices' guidelines for how legal acts should be written, which is commonly referred to as the Green Book. These guidelines build upon the just mentioned ordinance on the code of statutes, and include rules for when and how EC/EU legal act(s) should be included in the legislative act. In the 1998 edition of these guidelines (Ds 1998:66, 41), the rule of thumb is to include the full title of the EEC and EC legal act, be it a directive or a regulation, and to append its CELEX number in a footnote. This should be the general principle for all community legal acts, and applies also in cases of reference to revised directives that are being transposed into Swedish legislation (ibid.).

To complicate the picture even further, the inclusion of the legal act's CELEX number is no longer necessary as of the most recent edition of the Green Book (Ds 2014:1, 47), which is applied after 1 July 2014. According to these revised guidelines, the EU legislative act should still be documented in its entirety but as mentioned there is no longer any mention of the inclusion of the CELEX number (ibid.). It is still possible that CELEX numbers are included in legislative acts; for instance, when legislative text from older acts is inserted.

[32] It might be noteworthy that 18 a § was included in the code of statutes as of amendment ordinance 1995:115, which entered into force on 15 February 1995. This means that there were no formalized rules for how to refer to EC/EU norms before this date.

This means that it is uncertain what legal norms CELEX actually measures and that it is applied differently over the years. Nonetheless, the presence of CELEX identifiers in Swedish statutes is still an important measurement for the presence of EU norms even though it should be less pertinent in the more recent legal acts included in the dataset.

III Reference to the Official Journal (OJ) (Swe. EUT and EGT)

The third measurement is any reference to the Official Journal of the European Union (OJ), previously the Official Journal of the European Communities (Swe. *Europeiska Unionens Tidning* (EUT) and *Europeiska Gemenskapernas Tidning* (EGT), respectively). The Official Journal is the gazette of the EU and it is published daily. It is divided into two sections. The L series includes EU legislation and the C series contains information and notices such as reports and court judgements. Publication of an act in the OJ is the very last step in the EU legislative process as it connotes the promulgation of the legal act. Consequently, only legal acts published in the OJ can be legally binding.[33]

Reference to the Official Journal in national legislative productions thus means to refer to a promulgated legal act; more precisely, the series/number of the OJ as well as the date when the legal act in question was published. In the official guidelines of the government offices the *number* of the OJ should always be included in the legislative act when referring to an EC/EU legal instrument (Ds 1998:66, 41). The number of the OJ signifies the series, the number of the OJ and the date: for instance, OJ L 222, 20.08.2008. Apart from enacted legal acts, the OJ also includes notifications or agreements by the various Council configurations. Those are not legal acts per se but have nevertheless consequences in the legal work of EU Member States as these may precede legislative act to come.

The OJ is published in all 24 official languages of the Union. As mentioned, the Swedish equivalent of the abbreviations for the OJs are EUT and EGT, respectively. These two search terms are therefore included as proxies for any reference to the Official Journal. Just as with the CELEX number, however, this requirement was dropped as of the most recent version of these guidelines. As of 1 July 2014, inclusion of the OJ number is thus no longer a requirement but may very well appear when referring to older legislative acts.

[33] In general, a legal act enters into force twenty days after publication in the OJ unless differently defined in the legal act itself.

IV Keyword search

The fourth measurement is a keyword search for any community or EC/EU institution and is therefore different to the previous indicators in one important way: formal legal instruments are not captured, neither are any reference to such norms identified. Instead, mentions of the European communities or institutions are used to recognize the more indirect type of legal Europeanization. This fourth measurement is therefore regarded as a tool for identifying a "softer" type of Europeanization rather than the more formal type in which national legislation must transpose or complement EU policy measures.

While this measurement thus constitutes a departure from my nominal definition of legal Europeanization as a purely legalistic process, previous studies suggest that it may be an important complement. For instance, Jenny and Müller (2012) have showed that a search for particular keywords, such as EU institutions and communities, returns a very high number of legislative acts vis-à-vis the more traditional search terms such as CELEX numbers. In this study, the keyword search is applied only on legislative acts that have not already been identified by the three measurements above.

It is to be expected that national legislative acts may be the result of EU politics even if no distinct European rule is being referred to in the legislative act. An example is the body of national rules that deals with Swedish entry into the EU. There are of course no EC/EU rules on domestic, constitutional preparation for EU entry but such preparations are arguably very influenced by EU legal norms. Another example is the battery of legislation that deals with the national management of EU structural funds. These legal acts sometimes refer only to the national rules that transpose or complement EU legal instruments, and not to the EU legal instruments themselves. Yet another example is national legislation on elections to the European Parliament. While such legal acts certainly are regarded as a direct consequence of Swedish EU membership, most of these acts contain no reference to an EU legal instrument, simply because there is none. To capture cases such as those just outlined, I articulate a list of search terms as detailed in Table 3.3.

Table 3.3 Swedish keywords (and abbreviations) used as search terms

Keywords	Swedish translation
European Coal and Steel Community	Europeiska kol- och stålgemenskapen (EKSG)
European Atomic Energy Community	Europeiska atomenergigemenskapen (Euratom)
European Economic Community	Europeiska ekonomiska gemenskaperna (EEG)
European Community	Europeiska gemenskapen (EG)
European Economic Area	Europeiska Ekonomiska Samarbetsområdet (EES)
European Union	Europeiska unionen (EU)
Economic and Monetary Union	Ekonomiska och monetära unionen (EMU)
European Parliament	Europaparlamentet
Member/s of the European Parliament	Europaparlamentariker
European Commission	EG/EU-kommissionen
Council of the EU	Ministerrådet
European Central Bank	Europeiska centralbanken (ECB)
European Court of Justice	EG/EU-domstolen

Altogether, I believe that this methodological design allows me to expand the empirical knowledge of how (and the extent to which) Swedish legislative activities are influenced by EU law. The methodological design features a carefully constructed method for accounting for the influence of the European level of government in legal productions. The empirical evidence needed to examine the process of legal Europeanization has been discussed, after which a meticulous collection and coding of the data have been carried out. These methodological considerations have resulted in a dataset far more extensive and detailed than presented in previous studies on the Swedish case.

These strengths aside, the methodological design has also certain limitations, which should be acknowledged. First, there is a difficulty in knowing where to draw the line for what constitutes a Europeanized legal act and what constitutes a legal act that bears no reference to EU rules. It is not certain that I fully capture the influence of EU law even with my rather stringent measurements. When it comes to EU regulations and decisions, there is in fact no formal requirement to recognize the EU legal instrument that is giving cause to the national legislative act in question: these have direct effect (cf. 18 a § in the ordinance on the code of statutes). This means that regulations and decisions do not necessarily make themselves known in national law, simply because there is no formal need to. Regulations and decisions are complemented by national law and thus became researchable only when there is an obvious misfit between the two, which forces Member States to explicitly include them in their domestic norms (Craig and De Búrca 2015).

Moreover, in policy sectors that are rather technical in character, such as environment and agriculture (and animal production specifically), it may be the case that national legislation is approximated at the regulatory level (Swe. *föreskrifter*) (i.e., highly detailed rules that are generated by government authorities). Such legal norms are not included in the Code of Statutes but in separate legal collections that are not analysed here. By extension, these issues are removed from the legislative agenda, or even legislative view, of parliament as rules are now produced by the means of delegated power of expert authorities.

Legal Europeanization can be difficult to distinguish for other reasons as well. Wiberg and Raunio (2012, 69) suggest that national politicians may *downplay* or camouflage the underlying EU legal act in legislative proposals (and consequently the passed statutes) to take credit for a certain policy measure themselves. Likewise, in cases where politicians legislate on a matter despite popular will they may *overemphasize* the pressure of EU law on the given matter instead. Legislators use the EU in such cases as a commitment device, using the leverage of EU law to redirect public dissatisfaction away from themselves. Therefore, it may be the case that I am overly generous with the measurements I design, and that I capture also legislative acts that are actually not influenced by the EU. Indeed, it is empirically unlikely but theoretically not entirely impossible to think of legislators referring to community law as a way to contrast or even distance national legislation from that of the EU.

A second limitation with this design that should be acknowledged is that while concentrating on the presence of EU legal norms in the *flow* of national legislation the "relative impacts of the EU on the overall legislative stock" is automatically ignored (Gava and Varone 2012, 217). This means that I am not be able to say how much of the current legislation in force complements EU instruments but only how many of each passed legislative acts do.

A third weakness is that the research approach is primarily quantitative and thus the qualitative details of the processes are necessarily ignored. I am therefore not able to say anything about the intensity or magnitude of the impact of European legal instruments. On the one hand, it is possible that in some specific issues, EU legal rules are mere repetitions of existing Swedish norms. In cases like this, EU law touches national legislation only superficially and such EU rules are in a way nothing more than an uploading of pre-existing national norms. On the other hand, some legal acts may introduce a completely new policy, which fundamentally alters the legal ordering in that particular topic altogether.

This limitation leads to the fourth and final reservation and that is the somewhat blinkered understanding of causality. The EU policy style is usually described in the academic literature in terms of bargaining, emphasizing the incorporation of many diverse interests in a process of "promiscuous consensus building" (Richardson 2012), which is concerned with slow and incremental rather than swift and radical policy change. However, Töller (2008, 2010) points out that the study of legal Europeanization is incapable of accommodating the plethora of stakeholders involved in EU legislative production, as well as the multi-directional channels of political influence. Studies on legal Europeanization model the impact of the EU as a "purely formal argument" but "the causal impact as such is not certain" (Töller 2010, 217).

Essentially, the causal arrow is here conceived as unidirectional, even though common sense tells us that this is not always the case. As I suggested above, it may very well be the case that an EU legal instrument is the result of active pressure from the Swedish government, mandated by the Swedish parliament, which together with likeminded Member States have managed to convince the EU institutions of adopting, let's say, a directive on the use of antibiotics in animal production. The national statutes that would serve to transpose that EU directive would with my methodology be considered Europeanized, even though the initiative to the very directive they are designed to realize is very much a domestic product. With my methodology, these qualitative aspects are however ignored.

3.6.2 Coding legislative input

As was the case with the legislative data, manifestos are coded according to the Swedish CAP codebook and follows the key coding principles as pointed out above and in Appendix 1. For the manifesto data, the semi-sentence is the observation that is coded. A semi-sentence is in its most essential form an "argument" and has become commonplace in studies of party agendas. According to the CMP handbook in Appendix II accompanying their data we can read that:

> An argument is the verbal expression of one political idea or issue. In its simplest form, a sentence is the basic unit of meaning. Therefore, punctuation can be used as a guideline for identifying arguments. The starting point of coding is the sentence, but what we are aiming for is an argument. In its shortest form, a sentence contains a subject, a verb and an attribute or an adjective.

Differently from the legislative data, the manifestos are coded not only according to major policy code but also according to what specific policy issue that is being dealt with. Put differently, semi-sentences are not only coded as to which general policy issue it deals with – for instance education (600) – but also what particular educational issue that it speaks of – for instance, elementary and secondary education (602). For further details please consult *Appendix 1: The Swedish CAP codebook.*

The total number of observations (i.e., semi-sentences) included in the dataset is 14537. It should be mentioned that out of these semi-sentences, only 13563 semi-sentences present some political content.[34] It should also be noted that the length of manifestos, understood as the number of semi-sentences, increases greatly across time for all parties included. By way of illustration, the election manifesto of the social democratic party in 1976 consisted of only 40 semi-sentences whereas the same party's manifesto had a length of 408 semi-sentences in 2006. Similarly, the manifesto of the Conservative party (M) had a length of 77 semi-sentences in 1976 and 464 in 2002. This variation must be considered, given the quality of analysis. It means, for instance, that the analysis must consider the relative attention of any given issue rather than considering developments in any absolute terms.

In terms of practical coding, all manifestos were coded by one single coder, myself, and followed the general CAP coding procedure. Inter-coder reliability was ensured by having an external coder recode random parts of the material. In total, five manifestos were cross-coded to ensure the reliability of assigned codes. The level of reliability never fell below 70 per cent at the sub-topic level. Details on the dataset are presented in Table 3.4 overleaf.

[34] Semi-sentences with non-political content are for instance those of a purely descriptive character, such as "on Sunday 9 September a general election will be held", or "this is the election manifesto of Party X".

Table 3.4 Details on the manifesto dataset

Election	Parties represented	Nr of manifestos	N (semi-sentences)
1976	V, S, C, L, M	5	574
1979	V, S, C, L, M	5	947
1982	V, S, C, L, M	5	692
1985	V, S, C, L, M	5	922
1988	V, Mp, S, C, L, M	6	1082
1991	V, S, C, L, M, Kd, Nd	7	1427
1994	V, Mp, S, C, L, M, Kd	7	1317
1998	V, Mp, S, C, L, M, Kd	7	1605
2002	V, Mp, S, C, L, M, Kd	7	2384
2006	V, Mp, S, The Alliance (M, C, L, Kd)	4	1780
2010	The Red-Greens (S, Mp, V), the Alliance (M, C, L, Kd), Sd	3	1807
Total	**11 elections/9 parties**	**61**	**14537**

Apart from coding thee CAP policy issue that each semi-sentence deals with, I also recode whether there is any *explicit* "EU link". This means that I include a binary variable (0/1) indicating whether there is any evidence of such a link. For this purpose, I identify three types of indicators.

Firstly, if the semi-sentence explicitly refers to any constitutional aspects of Swedish EU membership, such as referenda or the balance of competences, then the EU-dummy is coded as 1. Examples of this include reference to the Swedish entry into the EU, membership in the EMU, the single currency, enlargement issues, possible new Member States and so on. Secondly, if there is any mention of an institution of the EU or any of its predecessors, such as the EC, then to dummy variable is also coded as 1. This includes all EU institutions, such as the Commission, the European Parliament, the Councils, the ECB etc. and agencies such as Efsa and Frontex. Thirdly, the dummy variable is coded as 1 if there is any mention of any treaty or EU policy, such as the Treaty of Lisbon or the Common Agricultural Policy as well as to any parts of the monetary union, such as the single currency or the ERM. In addition to this, when "Europe" or "European" are used in a synonymous manner for the EU this is also coded as 1.

It must be noted that only *explicit* mentions of any of the above are coded as 1. Mentions that deal with, for instance, fisheries quotas without any inclusion of any of the above are not coded as 1 even though there is an obvious connection to the EU (quotas are exclusively regulated at the EU level).

3.7 Principles for and consequences of case selection

Before presenting the data I rely on for the qualitative part of the empirical investigation, it should first be discussed how to get there. Moving from the quantitative large-n analysis of 21 policy sectors to the qualitative small-n investigation of only two policy sectors implies a procedure for case selection. Simply put, from the empirical picture that is produced in the analysis of the longitudinal data on legal production, how do I identify cases that are meaningful for evaluating the theoretical argument I put forward? Which of the 21 CAP policy codes are worthy of deeper consideration? On what basis?

On this note, it should be kept in mind that, among others, Haverland (2006) has warned for so-called "no-variance designs"; that is, comparisons of cases that do not vary significantly on the "crucial study variables". In Europeanization research, Haverland continues, this methodological flaw makes itself know when EU-to-national-level effects are explored through comparison of cases that do not vary on the *independent variable*. The key independent variable in this study is *EU legal authority* and I attain variation on this variable in two ways by measuring the presence of EU norms in legal production. Since the purpose of this thesis is to illustrate and contrast the variable conditions for parliamentary democracy across policy sectors, I conjure the following two principles for case selection:

1) The fundamental purpose of the cases (i.e., policy sectors) selected is to evaluate the import of the adaptational pressure that *EU legal norms* exercise on Swedish legislation. From this it follows that two cases should be drawn that represent the greatest difference to the extent these are Europeanized.
2) Cases for which the CAP coding scheme maps nicely onto the parliamentary committees are preferred. Policy issues that are shared across more than one parliamentary committee are less easily researched as this entails involving more committees and thus actors.

What are the key consequences of such a case selection? To begin with the negative side of things, it may be said that it is difficult to systematically control for other variables that may explain variation in their legislative work. It might be something inherent in the studied policy sector that causes certain change (or lack of change) rather than Europe. An alternative case selection would be to choose two or more cases with the *same* degree of Europeanization. Then it would be perhaps possible (albeit challenging) to evaluate whether policy sectors are affected in the same way to a given degree of Europeanization or whether their response to Europeanization is rather mediated by a number of factors, such as the technicality of a given issue, electoral saliency attention in the media etc. On the other hand, my research is largely explorative in style. I do not seek to refine a set theory but rather to collate evidence if there is any traction for my theoretical argument at all. What I lose out on in terms of control variables, I will gain in cross-sectional insights. For this major reason I believe that cases across the continuum is preferable.

3.8 Collection of interviews with MPs and parliamentary high officials

The first two parts of the empirical investigation aim at measuring variation on the independent variable by studying the larger macro-level developments across time and across policy sectors and the extent to which these agendas have become Europeanized. The third empirical analysis of this thesis draws on interviews with MPs and parliamentary officials. These actors are included in the research frame as *information carriers* for studying what happens in the uneven interaction between European and national policymaking across policy sectors. Following the advice of King, Keohane, and Verba (1994), the interviews serve in this sense as a complementary vehicle for developing insights into what happens behind the rather superficial, macro-level shifts that were reported in the first two steps of the analysis. In other words, interviews with the actual people in parliament add colour and depth to the results in the previous two sets of data, and interviews with parliamentary actors allow also for a certain degree of control for possible mediating variables.

More precisely, I seek to make sense of what is gleaned from the previous empirical findings by speaking with the central actors that exist in this policymaking context. Is there any difference in parliamentary actors' legislative work in policy sectors that are very Europeanized, to those that are less so? If yes, what distinguishes policy areas that are very

Europeanized vis-à-vis those that are not? How do the actors themselves make sense of this? And, how do MPs reconcile the possible tension between the unmistakable centrality of EU law in policymaking while at the same time not acknowledging this before their electors? Such question can only be answered by actually speaking with the relevant actors themselves.

In general, interviews are carried out to uncover the views, experiences, beliefs and/or motivations of individuals on a specific matter. Nevertheless, there are many different types of interviews techniques available in the social sciences depending on the *purpose of* the interview, which varies according to the research question and disciplinary perspective. One central line of division is the function of the interviewee as either an *informant* or a *respondent* (Kvale 2007). The former is the case when very little is known on the study subject beforehand and where the interview takes the form of a conversation, or even observation, which is a technique common in, for instance, ethnographic studies. Interviews are in such situations (relatively) *unstructured*, long and often repeated over a considerable period of time, which allows for the development of close rapport.

In the case of respondents, the meeting with the interviewee serves as a way to test or refine a set theoretical argument. The investigator does not necessarily know the research environment well enough to arrive with a list of set hypotheses but there is a more or less articulate interview guide that steers the interview to certain themes, aspects or even pre-defined questions. Instead of being unstructured, the interview is in this case *structured* (or at least *semi-structured*) which means that the investigator has certain key themes or questions in mind that steer the conversation.

The purpose of including parliamentary actors in my research frame certainly resonates most closely with them being *respondents* since I ask these actors how they understand their role in parliament given a particular development. Moreover, my interest in parliamentary actors in general, and MPs in particular, suggest that the type of interview that I carry out is *elite interviews* rather than general *in-depth* or *intensive interviews*. Hochschild (2009) separates *intensive interviews* from *(intensive) elite interviews* as these differ in terms of the sample frame, which in turn indicates the essential purpose of elite interviews; namely, to acquire information and context that only that person can provide about some particular event or process.

While MPs arguably play the leading role in the legislative process, not only from the viewpoint of this thesis but in the parliamentary process at large there are additional sets of key parliamentary actors. In fact, while MPs are those that eventually decide on matters the legislative process itself is prepared and drafted by high-officials. In this sense, including also officials in my research frame means to include a *complementary* point of view on the legislative process, which may contribute to the stories told my MPs with *expertise* and a type of interpretation that I am not able to.

3.8.1 Standards of rigour and practical arrangements

Methodological advice on conducting elite interviews has increased over the past decades as this mode of data gathering has grown sharply in popularity (e.g., Ostrander 1993; Bryman 2004; Silverman 2006; Hochschild 2009). According to Hochschild (2009), elite interviews are closely related to traditional journalists' *ethics* and *rules of engagement*. For interviews in general it is important to maximize the time spent with the respondent. This is particularly true for elite interviews, which therefore require the investigator to know as much as possible about the context, stance and past behaviour of the interviewee. A good knowledge about the MPs' activity in parliament and in politics in general not only helps produce good questions but also gives credibility to the investigator, which in turn provides significant warranty against the recounting of partial narratives by respondents.

According to Ostrander (1993), elite interviews are set apart from most other forms of interviews as these also require the investigator to build a trustful relationship with the respondents from the very start. She contends that investigators should approach elite interviews as a possible *threat* to their interviewees as "greater knowledge about elites will facilitate a challenge to their position". Only rarely do investigators have the possibility to meet elite respondents on repeated occasion, which means they only get "one shot" at getting truthful and informative responses. At the same time, Ostrander (1993) urges researchers not to be "overly deferential" and to be straightforward (as elites often are themselves), and to remember that asking important questions are more central than building a good rapport. Regarding difficult or even awkward questions, Ostrander suggests that those are posed in the middle of the interview, and that the investigator also acknowledges when such questions are asked: "That's not a question I would ask you if we met socially, but my purposes here are quite different" (Ostrander 1993, 24).

Regarding what *type of questions* that are suitable in an elite context, Aberbach and Rockman (2002) strongly advise against asking closed-ended question in most interview situations but this is particularly important when it comes to elites. They argue that "elites especially – but other highly educated people as well – do not like being put in the straightjacket of close-ended questions. They prefer to articulate their views, explaining why they think what they think" (Aberbach and Rockman 2002, 674). At the same time, Rivera, Kozyreva, and Sarovskii (2002) remind researchers of the successful combination of open-ended questions being followed by more restricted "formulaic questions" to refine and make sure that the respondent's explanations are correctly understood. Consequently, a broad interview guide is constructed, combining a set of both open-ended and closed-ended questions (see *Appendix 2: Interview guides*). It should be noted that this interview guide is just that, a guide. It merely steers the conversation with the respondents and allow for follow-up questions. It should also be noted that different questions/themes are articulated for the MPs and for the secretariat officials as these obviously play very different roles in parliament.

In terms of *survey mode*, most methodologists strongly advise face-to-face interviews when studying elites. Sturges and Hanrahan (2004), for instance, contend that elites tend to provide less detailed responses in for instance telephone interviews, interviews over email or anonymous pen-and-paper surveys than they do face-to-face. However, while face-to-face interviews are superior in terms of depth and richness of detail of the answers, there is instead the risk of *social desirability* that the investigator may transmit upon the interview situation. Social desirability bias is obviously present in any face-to-face interview situation but Richman et al. (1999), among others, have shown that such distortion may be limited in elite interviews if the interviewee and the investigator meet alone, if there is the possibility to remain anonymous or if the respondent is given the possibility to backtrack (i.e., to change his or her statement after the interview is completed).

However, *anonymity* is impossible to ensure in a situation with such a limited sample frame as the one that I draw my respondents from: there are only 17 ordinary members in each committee and I wish to be able to reveal respondents' party affiliation. What I therefore make sure to do is to not reveal any confidences or names. Additionally, I offered respondents the opportunity to approve of quotes used in the thesis and the possibility to change any of these quotes should they wish to. Due to the impossibility of ensuring complete anonymity, a number of respondents did ask not to be quoted in the thesis.

While it is important not to reveal any confidences, it is possible to carefully triangulate among respondents. Information retrieved from a previous subject may be used to question or push a current interviewee more deeply. In fact, Hochschild (2009) contends that investigators should always ask the same question from different angles if this variety is present in the interviews. Hochschild adds that as tempting as it might be to ask elite respondents one's own research question, she strongly advises against this as it is usually "a big mistake". Few interview subjects think in the way that social scientists do and presenting them with an analytical puzzle thus usually leaves them in "puzzled stares and silence or stammers". Still, the more serious aspect of this is that investigators must remember that interviewing is not survey research. To stay open and allow for a certain degree of surprise and anomaly, researchers must leave enough space between his or her initial preconceptions or frameworks and the subject's particular framework.

This leads to the way material collected from the interviews is interpreted and analysed. First of all, there are different methods for documenting the interviews, either by intensive jotting or by recording the interviews. As I did not ask my respondents any particularly sensitive questions, I proposed that I record the interview,[35] which Aberbach and Rockman (2002), among others, advise researchers to do. The major advantage is that the interviewer can then focus more on engaging with the respondents than taking notes. Once the recordings are translated into a verbatim, Hochschild (2009) describes the process of analysing interview material as "endlessly iterative".

Regarding elite interviews, she advises researchers to think of the reporting process as "developing a history or analytical narrative". When it comes to reporting and analysing interview data, the interview guide is useful as this contains the main themes that the interviews, directly or indirectly, have involved. Still, Silverman (2006) and Hochschild (2009) contend that the structure of the final analysis of interview material is usually a mix of the original analytical schema, unpredictable findings and engagement with the extant literature on the topic.

[35] Most interviews with officials were not recorded. This was also the case for re-interviews, and for interviews that were conducted by telephone, because those interviews were shorter and easier to take note of by hand.

A few things should be said also regarding the *selection of respondents*. First it is important to consider what the population universe is. The population universe (i.e., sample frame) of my respondents is all parliamentarians and committee secretariat officials in the two parliamentary committees that I explore in the qualitative analysis. Each committee has on average 45 members, of whom 17 are ordinary members. The remaining are deputy members, who normally serve as ordinary members in one of the other sectoral committees. In this thesis, I am *primarily* considering ordinary committee members. However, due to the fact that several parties only have one or two members in each committee, several deputy members are also included in the study.

Moreover, it is important to ensure that the group of respondents included in the study reflect the broader set up of the committee, mainly to control for the effect of party dynamics. Indeed, the key control variable for my research is that differences across policy sectors depend on the way the political parties chose to do and not to do rather than being an effect of Europeanization. Related to this, then, is the selection of MPs that have sufficient experience in the committee. MPs that had only just entered the committee for whatever reshuffling, which usually takes place at the start of a new parliamentary session, are arguably of lesser informational value than a member who has served in the committee for years. For this reason, it is a methodological advantage to carry out interviews at the end of a parliamentary session, which is what I do. Previous committee experience of respondents may also be of significant value. For instance, MPs who have served in committees that are both highly Europeanized, and such that are hardly influenced by EU law at all, are thus certainly preferable.

Considering these facets, respondents are not selected randomly but rather systematically[36] according to the following three principles:

1) Committee members that serve as *ordinary members* of their committee are *preferred*. This means that substitutes/deputy members are still possible respondents but they are not as preferable. Likewise, only senior officials of the secretariats are included.

[36] Apart from such quota sampling, I also make use of the "snowball" or chain-referral technique. As is shown in the following chapters, respondents lead me to additional persons that they suggested would be valuable for me to speak to.

2) To the extent possible, respondents from *all parties represented* in the committee are interviewed.
3) Committee members are prioritized that have previously served in another committee that is decidedly more or less Europeanized to the one she/he currently serves in, as such *previous experiences* gives the respondent the possibility to benchmark his/her current situation.

Regarding the committee secretariats, things are a little more straightforward. Each secretariat is staffed by an average of eight officials, of whom two are administrative assistants. The remaining six are usually senior officials, of whom one is the head of the secretariat. For my research, I am mainly interested in the people that work directly with the MPs on drafting legislative decisions and evaluations (i.e., senior officials).

Once respondents were identified, they were contacted by email. A brief letter informing them of my affiliation, research, and the reason why I wish to speak with him/her was included in the email. In most cases, their response was swift letting me know whether or not they were willing to participate. The smaller parties, however, required several "call backs". On top of this, there were also cases that I never heard back from. In general, it may be said that the majority of ordinary committee members were contacted. In some cases, they organized themselves and suggested one "representative" for me to talk with. This was particularly the case with members from the Alliance. Additionally and as mentioned, in several situations the respondent asked not to be quoted.

There was a slightly different situation in getting hold of the officials. For this reason, I contacted the heads of the relevant secretariats and asked for relevant contact details. The large majority of officials were willing to participate, and these were of immense importance in providing legislative material and offering their interpretation on certain developments, however, only three of the interviewed officials agreed to be quoted in the thesis.

A total of 41 interviews were carried out with 33 unique respondents: 22 interviews with MPs and 19 interviews with parliamentary officials. Eight respondents were interviewed on two occasions. This means that almost half of each of the chosen committees' members (or 8 out of 17) were included in the study (see *Appendix 3: List of interviewees* for details). While this may seem like a small number, I soon achieved a maturation in variation in respondent answers. There was simply little variation across the interviewees, particularly in cases where I interviewed two or more respondent from the same party. A similar experience is reported by previous studies that rely on interviews with Swedish MPs, for instance

Barrling Hermansson (2004) and Hegeland (2006). It should also be mentioned that while the MPs serving in the chosen committees are the prime interviewees for each of the qualitative chapters, all 41 interviews have directly or indirectly contributed to the analyses.

The large majority of interviews were carried out face-to-face at the Swedish parliament. Three interviews were carried out by telephone. Interviews with MPs were carried out between 26 March and 12 June 2014; that is, during the 2013/14 parliamentary session. Interviews with officials were carried out between 12 June 2014 and 24 March 2015; that is, during the 2013/14 *and* 2014/15 parliamentary sessions. Interviews lasted between 30 minutes and just under 2 hours.

Regarding the timing of the interviews with the MPs, it should be noted that this coincided with intensive campaigning. In May 2014, there were elections for the European Parliament taking place. Even though the members of the national parliaments usually do not campaign in this election, the attention of the *parties* was certainly directed to this event. More importantly still, was the impending general election in early September the same year (i.e., fewer than three months after I carried out the main bulk of my fieldwork). As mentioned above, I regard it as a methodological advantage to speak with MPs about their committee work at the end of a parliamentary session. It is at this point that they should have gathered enough experience. However, the more senior party members, likewise committee members, were difficult to get hold of as they were largely involved elsewhere in the campaigning, debating and so on.

3.9 Summary

This chapter has provided details on the logical and logistical design of the thesis. In terms of the logical structuring of the thesis, I locate the rationale of investigation in a stepwise approach. First, a longitudinal large-n quantitative analysis is carried out to identify variation in the policymaking context, which guides me to two meaningful cases for the subsequent qualitative analysis. Second, a cross-sectional analysis takes place in which two cases are explored more in depth to better understand the extent to which Europeanization matters for the legislative function of parliaments.

To track policy sectors across different datasets, an analytical tool is achieved by drawing on the Comparative Agendas Project. A Swedish codebook is constructed according to which policy issues are organized into 21 major topics and 200+ subtopics. This coding scheme organizes not only legislative productions and election manifesto data according to policy sectors but also the parliamentary committees from which respondents are drawn in the qualitative part of the study. Thus, three sets of data are identified (see Table 3.5) that together provide the empirical evidence needed to answer my research questions.

Table 3.5 Summary of the three datasets

Dataset	**Type of dataset**	**Type of data**	**Period (time pt)**	**Unit of analysis**	**n**
Legislation	Population	Quantitative	1988–2015 (27)	Legal act	41573
Manifestos	Population	Quantitative /qualitative	1976–2010 (9)	Quasi-sentence	14537
Interviews	Systematic sample	Qualitative	2014/2015 (1)	Individual-level	41

For the longitudinal large-n analysis, I analyse two sources of data. The first is legislative data on all Swedish legal productions produced over the period 1985–2015, resulting in 41573 observations. These data are analysed vis-à-vis general patterns of policy dynamics, and the extent to which productions contain any reference to the EU. Second, election manifestos are collected. The explored period is 1976–2010, resulting in 61 election manifestos or 14537 semi-sentences (policy arguments).

For the cross-sectional qualitative analysis, in turn, I draw on 41 elite interviews with 33 parliamentary actors. These follow a broadly constructed interview guide. Together, these data make up a unique combination of empirical evidence according to which my theoretical assumption is qualified. The empirical analysis begins in the next chapter.

CHAPTER 4

Swedish legal production in the context of Europeanization

4.1 Introduction and structure of the chapter

It is now time to start the empirical investigation of this thesis. In this first empirical chapter, I identify the presence of EU legal norms in Swedish legal production for which purpose the analysis proceeds in four parts. In the first part I briefly consider the evolution of EU legal productions, comparing the evolution across time (1985–2015), types of legislation and types of legal instruments. In the second part of the chapter, I investigate the process of Europeanization of Swedish legislative production over the period 1988–2015. After a brief discussion of what the study of *legal Europeanization* can and cannot tell us about national parliaments, the empirical analysis is presented. For this analysis, I map general patters in the flow of legislative productions, focusing on what variation there is over time and across types of legislation and policy sectors. From the empirical picture that emerges, two meaningful cases are chosen for the qualitative part of the thesis, and these cases are briefly motivated. The chapter ends with some concluding remarks.

4.2 The production of EU law

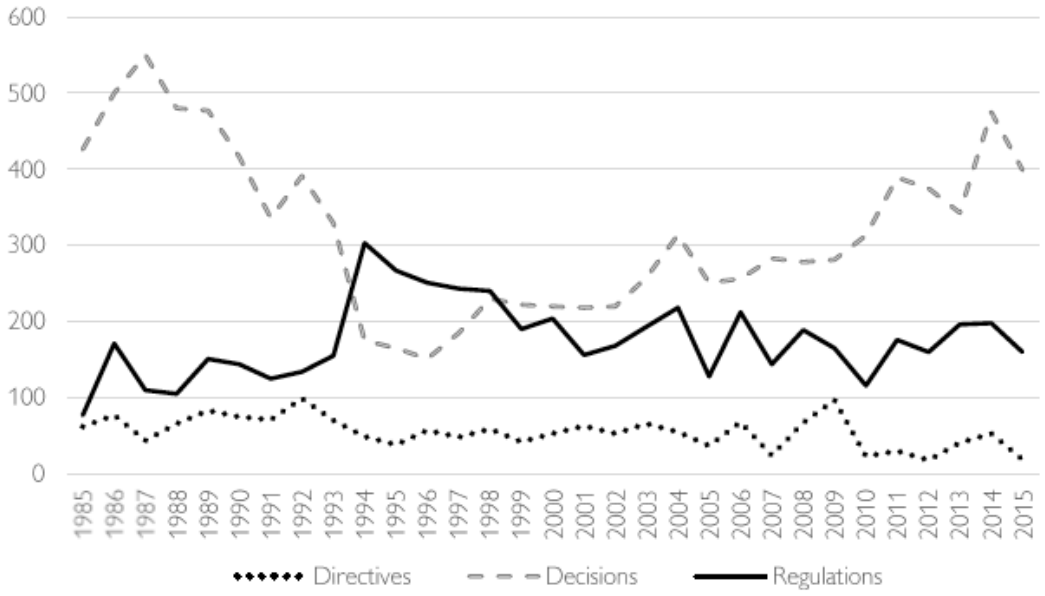
Before I investigate the presence of EU law in legal productions, it is apposite to first look at the production of EU legal norms. EU legal productions can be roughly divided into three sources of norms, according to their position in the EU legal-norm hierarchy. *Primary legislation* is generally seen as the supreme source of law. Primary legislation includes, first and foremost, the Treaties and the appended protocols. *Secondary legislation* – which is made by the EU institutions rather than by the Member States – follows. Secondary legislation includes unilateral acts (Article 288 TFEU) (i.e., the binding legal instruments regulations and decisions), which both have direct effect. It also covers directives, which first have to be transposed into national legislation before they enter into effect. To these acts there are also the two non-binding legal instruments: recommendations and opinions.[37]

The third category of legal source is delegated legislation, alternatively known as *tertiary legislation*. This follows from the right of the EU legislator (i.e., the European Parliament and the Council) to "delegate to the Commission the power to adopt non-legislative acts of general application that supplement or amend certain non-essential elements of a legislative act" (Article 290 TFEU). Tertiary legislation covers, in other words, implementation measures. These, however, are just as legally coercive. Added to these are implementing acts, which follow from Article 291 TFEU granting the right of the Commission, and in some cases also the Council, to produce legally binding EU acts to achieve uniform conditions for the implementation of secondary legislation.

The Eur-Lex database is the official legislative portal of the EU and provides complete access to EU law. From this database, I collate statistics on the annual production of secondary and tertiary legislation over the period 1985–2015. I differentiate across types of legal instruments but not across types of legislative procedures.[38] With that said, the data documented in Figures 4.1 and 4.2 contain the evolution of EC/EU secondary and tertiary legislation across legal instruments over the period 1985–2015. All corrigenda are excluded.

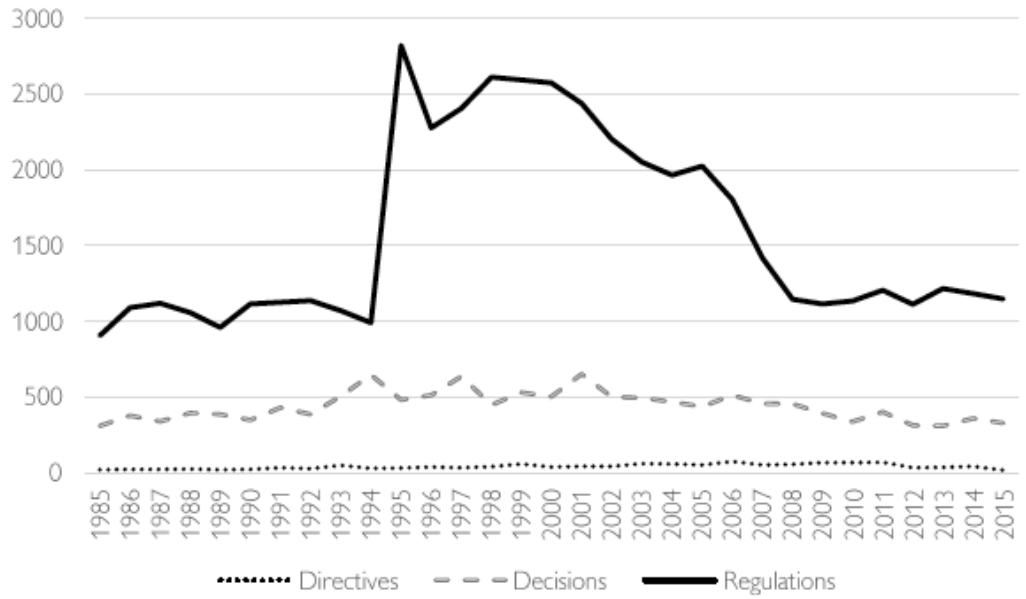
[37] To be precise, secondary legislation also includes various convention and agreements. What is more, secondary legislation can be both legislative and non-legislative (i.e., legal instruments can be produced both by the process of a legislative process, and by a non-legislative process). This does not change their legal character, only their position in the EU legal hierarchy.
[38] For an excellent analysis of EU law across types of legislative procedures see König, Dannwolf, and Luetgert (2012).

Figure 4.1 Evolution of EC/EU secondary legislation 1985–2015, excluding corrigenda



Source: Eur-Lex

Figure 4.2 Evolution of EC/EU tertiary legislation 1985–2015, excluding corrigenda



Source: Eur-Lex

Several important developments relevant for my particular research aim should be noted. Regarding both secondary and tertiary legislation, there is considerable variation in the production of the various instruments. For secondary legislation, there is particular variation vis-à-vis decisions. König, Dannwolf, and Luetgert (2012) interpret such variation as a proxy for variation in conflict between the EU and its Member States or other natural or legal personalities, such as individual persons/groups of persons or companies. Indeed, the EU institutions make use of decisions to enforce EU law in situations specific to the Member States or persons addressed.

More importantly, the overall number of regulations has increased over the studied period and this this holds for both secondary and tertiary legislation. The increased use of regulations is arguably related to the entry into force of the Treaty of Maastricht, which enlarged the legislative authority of the EU immensely. The production of directives does not follow the same trend, however. From this it can be gathered that EU institutions rely more heavily on the use of regulations rather than directives, which König et al. (2012) also point out in their investigation of EU legislative productions. What König et al. also find is that the large majority of legal norms are produced using the Ordinary Legislative Procedure, in which the European Parliament co-decides with the Council and decisions are taken by majority vote. This puts additional strain on national parliaments compared to legislative procedures when the Council is the single legislator and where decisions are taken by unanimity.

An important qualitative aspect that the above graphs do not show, but that previous studies have suggested, is that EU regulations are developing in the direction of larger and more framework-like legal acts, as opposed to the smaller, more detailed type of instruments that characterized EC/EU policymaking in the 1980s and 90s. This is because regulations increasingly frequently advance in the shape of “package deals”, implying a large number of legislative acts within a given policy area. Kardasheva (2013) has shown that around 25 per cent of the completed EU legislation in the period between 1 May 1999 and 30 April 2007 was decided through a package deal, including both single proposals that involve multiple issues and package deals on several proposals that are decided simultaneously (i.e., so-called omnibus legislation).

Thus, the central message is to that the mode of EU legislative developments is changing in a way that has particularly upsetting consequences for national parliaments. This is because regulations, as opposed to directives, do not need to pass via national legislation to enter into

effect. Regulations are directly applicable as soon as they enter into force (i.e. they have direct effect) and they are of general application for all Member States (i.e., binding in their entirety). This means that they must be complied with fully by those to whom they apply and that they do not need to be transposed into national law. In addition, they supersede national laws incompatible with their substantive provisions. This in turn motivates the need to measure the pressure of EU legal norms on national legislation in more detailed ways than "just" appreciating the number of directives.

4.3 What can the study of legal Europeanization tell us about national parliaments?

There was some debate on the import of EU legal norms for national legislative authority before the EU membership referendum in November 1994 and today, many years after, the question is certainly still around: how much power has actually been transferred from Stockholm to Brussels?[39]

Within this question there is a tacit understanding of the national legislative arena, and in particular the national parliament, as the bearer of legislative authority, and that the legislative role of parliament is determined by the legislative ambit that these enjoy. Political integration, however, means that national legislative bodies relinquish (or delegate, according to Strøm et al. 2003) parts of their authority to the EU institutions in return for better and more efficient policies, as well as access to the Common market, which can only be achieved in union with other Member States. The study of legal Europeanization, then, is introduced to provide an empirical measurement for the extent to which national legislative productions are tied to, interdependent of, or even contingent on community/EU law.

This is not to say that studies of legal Europeanization provide estimates for the erosion of national parliaments. A high degree of Europeanization in a given policy field does not automatically imply that the national parliament has lost its very raison d'être in that domain. A high degree of Europeanization in a given policy field does however strongly imply that the

[39] This question is raised regularly in the Swedish press and not only by Euroceptic voices. Consider, for instance: *Svenska Dagbladet* 20.05.2014. Mer makt till Bryssel, https://www.svd.se/europas-framtid-del-6-mer-makt-till-bryssel; *Europaportalen* 20.02.2015: Sverige har förlorat alltför mycket makt i EU, https://www.europaportalen.se/2015/02/sverige-har-forlorat-alltfor-mycket-makt-i-eu, *Altinget* 13.06.2016. Makten hamnar i Bryssel - mer eller mindre, http://www.altinget.se/artikel/makten-hamnar-i-bryssel-mer-eller-mindre

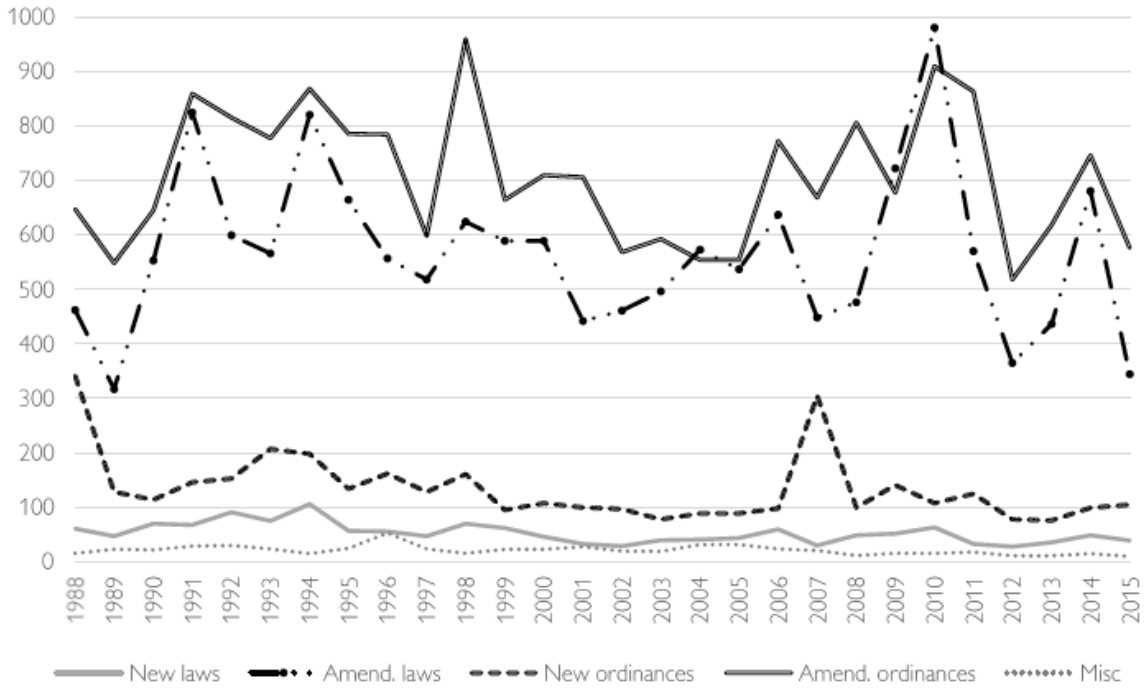
legislative role of parliament in that specific issue area is different from the legislative role it performs in a policy sector that bears no (or at most a minimal) imprint of EU law. As the EU increases the exercise of its legal competencies, the legislative manoeuvrability of national actors decreases, which in turn renders the nature of the policymaking task of parliaments more administrative than discretionary (Duina and Oliver 2005; Brouard, Costa, and König 2012). In other words, legal Europeanization is one type of method to empirically evaluate what type of role(s) a national parliament performs in various policy sectors, rather than whether the national parliament remains a legislature at all.

Another point of caution should be raised regarding the intrinsically political content of these studies. Any results about the influence of EC/EU law on national legislation may be used very elastically. Töller (2008) argues that the exact same study may be referred to by both national politicians with a Eurosceptic agenda, arguing that the EU does "too much" and by politicians running for election to the European Parliament, highlighting the importance of the EU. That is, the former would use the figures to exaggerate and demonize the European impact on the policymaking autonomy of Member States whereas the latter would use this debate to emphasize the relevance of the European Union and to convince voters to actually go and vote in European elections (Töller 2008). In other words, empirical studies on the share of Europeanized public policy are useful as they may reveal a great deal about the presence of EC/EU rules in national legislation. At the same time, it is important to keep in mind that such results may be framed very differently depending on what type of political purpose they are used for.

4.4 Mapping patterns of Europeanization in the flow of legislative productions

This section provides a descriptive analysis of the data, focusing on the larger flows of Swedish legislative activities and Europeanization thereof, and what variation there is over time, across types of legislation and policy sectors. The evolution of the legal universe is first considered. In Figure 4.3 I have plotted the annual production of laws and ordinances, as well as other forms of legal norms (misc.), from 1988 to 2015. A total of 41573 legal acts were passed during this period, with the vast majority being amendment legislation.

Figure 4.3 Evolution of Swedish legal productions, 1988–2015 (N=41573)

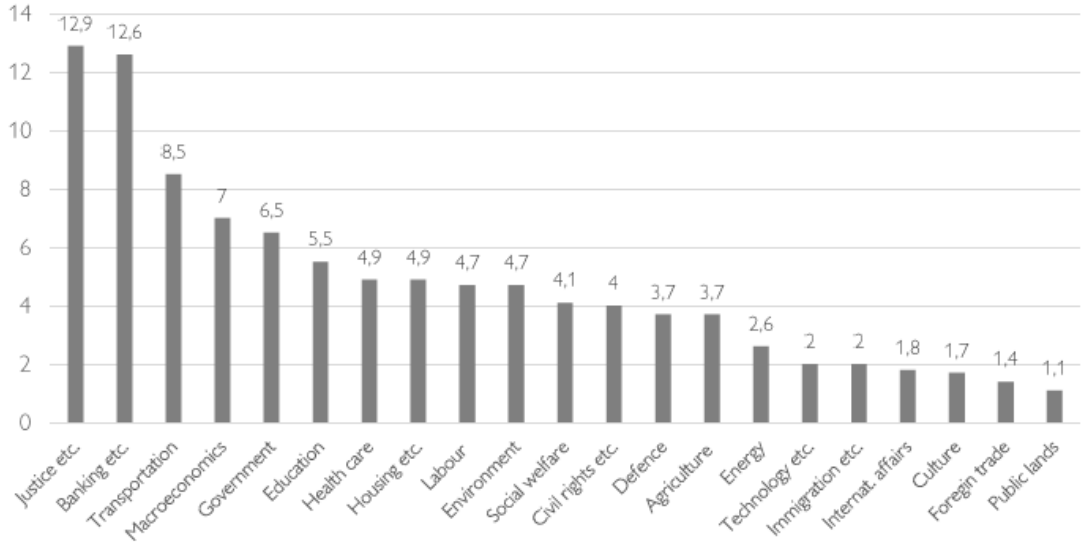


The legislative flow over this period presents a recognizable pattern of increased legislative activity just after a change in government and before a general election. Consider the rise in 1998/99 (which coincided with the renewed mandate for the social-democratic minority government), the increase in 2006/07 (when the centre-right coalition, the Alliance, won the election) and the return of the red-green block to office in 2014/15. The number of new laws, which contain larger policy reforms, has remained relatively stable over the studied period. Nor do new ordinances show any greater fluctuations. Apart from the sharp drop in 1989 and the temporary surge in 2006/07, which may be related to the reasons just mentioned, this legislative instrument also appears constant.

Figure 4.4 documents issue attention in these passed legal productions according to the 21 CAP policy sectors. The data shows that there is great variation across policy fields. It is primarily justice, crime and family issues (12.9 per cent) – closely followed by banking, finance and domestic commerce (12.6 per cent) – that are the most norm intensive of issue areas. In fact, these two issue areas alone amount to more than one quarter of the total legal volume. These policy sectors are followed by transportation (8.5 per cent), macroeconomics (7 per cent),

government operations (6.5 per cent) and education (5.5 per cent). At the other end of the spectrum we find issues pertaining to public lands, foreign trade and culture, each of which comprise less than two per cent of the overall legal volume for the studied period. The majority of issue areas occupy on average just under five per cent of produced legal norms, for instance health care, housing etc., issues pertaining to the labour market, environment, social welfare and civil rights.

Figure 4.4 Issue attention in legal productions, 1988–2015 (%) (N=41573)



Before examining the overall presence of EU legal norms in legislative productions, let's consider the different measurements I have devised for quantifying the presence of EC/EU in Swedish legislation. I refer to acts that contain one or more of the indicators as *Europeanized*. In the total volume of legislative acts passed during the studied period, 12.3 per cent are Europeanized (n=5096). Table 4.1 provides a breakdown of this subset across the different indicators included.

Table 4.1 Different indicators of Europeanization

Indicators	Generated hits (%)
Domain reference	10.2 (n=4227)
Official Journal	7.4 (n=3127)
CELEX	6.9 (n=2900)
Text search*	1.8 (n=766)
TOTAL**	12.3 (n=5096)

*A text search for identified keywords (see Table 3.3) is executed only for statutes that do not contain reference to any of the other indicators. **The total indicates the number of unique statutes that contain one or more of the measurements.

The table shows that domain reference – that is, any inclusion of a European legal act – generates the highest turnout of so-called Europeanized statutes: 10.2 per cent. References to the Official Journal are found in 7.4 per cent of the legal acts and the much-discussed CELEX measurement taps 6.9 per cent of the data. An additional 1.8 per cent of statutes include any of the keywords as provided in Table 3.3 (see Chapter 3). It should be noted that text search after the identified keywords is executed only on statutes that do not include any of the previously mentioned indicators. Compared to earlier studies on the Swedish case, my data both verify and question previous results. Regarding the CELEX identifier, my results are largely in line with what previous estimations that use the same measurement to tap legal Europeanization have shown, for instance Hegeland (2005) and RUT (2009). However, my data also question these results as they show that domain reference generate far more hits. This suggests that relying only on CELEX references is to underestimate the presence of Europe in national legislation.

Figure 4.5 in turn provides evidence for the considerable increase of the share of Europeanized statutes over the years. It was found that 12.3 per cent of the total legislative production in the 27-year period contains some reference to European norms, or to the EU and any of its predecessors but of course this figure varies greatly over the years. In the years prior to EEA and EU membership (i.e., 1988–91), an average of only 0.5 per cent of legal productions were Europeanized. From 1992, there was a yearly increase in the share of Europeanized acts, particularly in 1994 as approaching EU membership demanded harmonization of a great part of Swedish legal norms.

Apart from periodical drops in the share of statutes that refer to any of the indicators, it is safe to say that legal Europeanization of Swedish legislative productions increases immensely over the studied period. It may be well worth mentioning yet again that in 2015, 26.4 per cent of the overall volume of passed legal acts can be regard as Europeanized.

Figure 4.5 Evolution of EU indicators, 1988–2015 (n=5096)

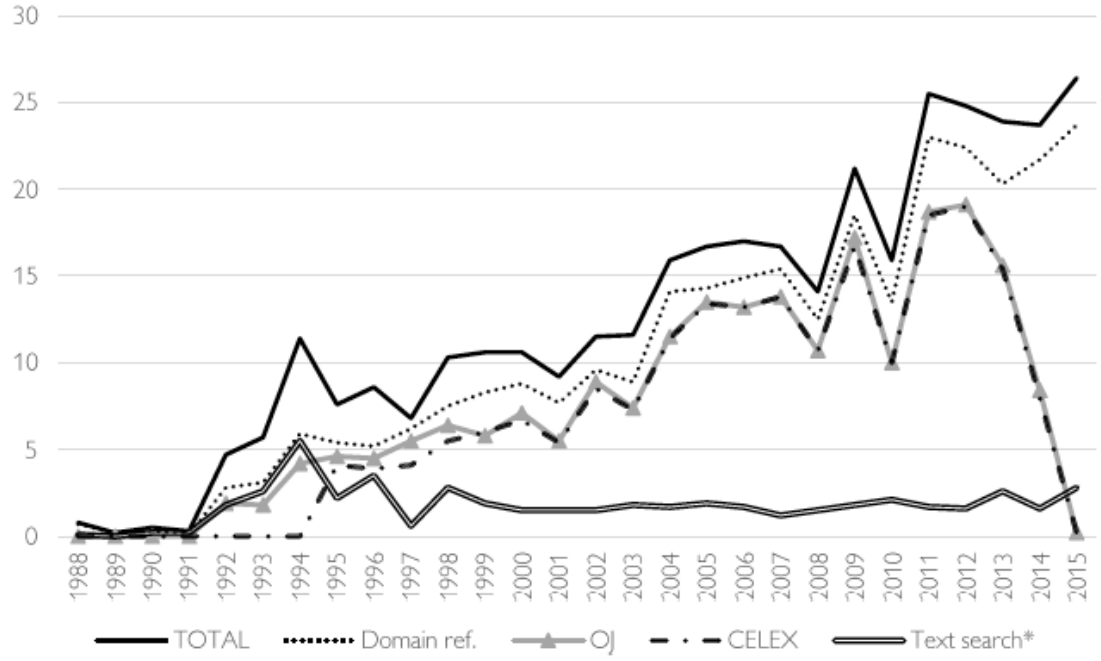
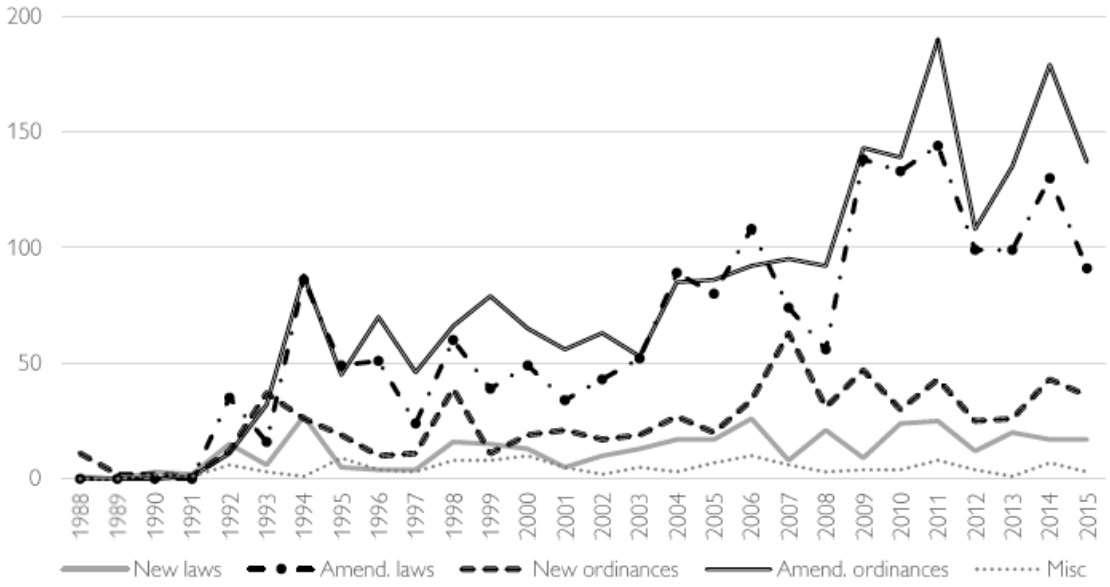


Figure 4.5 also illustrates the development of the different indicators for Europeanization. From 1988 to 2015, all indicators follow a rather linear increase, with a marked start in the early 1990s. From there onwards, the frequency of these indicators increase year by year. Presence of CELEX numbers and references to the Official Journal, however, show a sharp downward trend in 2013 and at the end of the studied period these search terms become obsolete. This is totally expected as it is in line with the revised guidelines of the government offices, according to which neither CELEX number nor any reference to the Official Journal need to be included in statutes that refer to EU law as of 1 July 2014 (Ds 2014:1).

It should also be noted that according to the government offices' guidelines, references to CELEX-number and to the Official Journal are both required, which explains the analogous development of these two indicators. Text search after keywords generates a small but important additional share of Europeanized legislation. While this method identified a relatively small number of acts, it is important to include particularly in the years leading up to Swedish EU membership. This indicator shows however a much more stable trend compared to the other indicators for legal Europeanization from 1995 onwards.

In Figure 4.6, I document the evolution of Europeanized legal productions across types of legal instruments. Out of the 41573 legal acts that were passed during the studied period, 5096 acts (12.3 per cent) contain reference to one or more of my indicators for Europeanization. This percentage varies of course immensely when analysed across time, which I come back to later in this chapter. With this in mind, an important finding to take note of is that reference to any of my indicators for Europeanization is mainly to be found in amendment ordinances and amendment laws. This suggests that the large part of legal norms produced in the EU, or any of its predecessors, are of the kind that can be transposed or complemented by a legal act that merely amends an existing national legal act.

Figure 4.6 Evolution of EU-related legal productions, 1988–2015 (n=5096)



A second finding is fluctuation in the share of Europeanized acts, which prima facie at least may be related with three different factors. First, the cyclical surges in the number of Europeanized acts seem to correlate with important treaty changes. Indeed, there is a particular increase in the number of Europeanized statutes both in 1997 and 2002, following the Treaties of Amsterdam and Nice, as well as in 2010 following the Treaty of Lisbon which meant a significant boost in the legislative ambit of the EU.

Additionally and as already mentioned, EU policy formation takes usually advances in the shape of "package deals", which implies a large number of legislative acts within a given policy area. Kardasheva (2013) has shown that around 25 per cent of the completed EU legislation in the period between 1999 and 2007 was decided through a package deal. For national legislation, this would correspond with temporal surges in the entry of EU legal norms, which would be followed by a calmer period, to then start again.

Third, the cyclical drops in the share of Europeanization seem to co-vary with the increased production of national norms. That is, the share of Europeanized acts depend not only on the extent to which the EU and its predecessors exercise its policymaking competencies but also on the overall production of national legal acts.

A third central finding is that legal Europeanization was a reality already at the start of the studied period. Several acts contained reference to EEC/EC legal instruments in the late 1980s and early 1990s. A deeper look into the data reveals that twelve statutes in 1988 refer to either EEC/EC rules or at least one of the institutions of the three Communities. These Europeanized statutes constitute by all means a very limited share of passed statutes that year but the legal importance of each and every one of these statutes is far from miniscule. Community law that is present in Swedish legislation in 1988 regards various policy sectors, including among others the use and labelling of various biocides and pesticides (ordinance 1988:525), foreign commerce and export (ordinance 1988:1225), animal production (law 1988:534) and international transportation, including air- and railways as well as international vessels (ordinances 1988:78, 626 and 764, respectively).

Other European rules that were mentioned in Swedish legislation already in the 1980s were those that pertained to migration within the EC (ordinance 1989:547). However, this was not implemented in Swedish law until 1992. Additionally, in 1990 and 1991 there was a small yet significant number of statutes referring to the EEC/EC on issues of international banking and finance, for instance international trading of various bonds (law 1990:1114) and of other

financial instruments (law 1991:980). There were also statutes including reference to European rules on car emissions (ordinance 1991:1481). Another observation to make is that Europeanization in the 1980s was mainly to be found in new laws or ordinances, rather than in amendment statutes.

The data also show that there was a great surge in the number of statutes that contain reference to EEC/EC rules in 1992/1993, which is a natural consequence of Swedish membership in the European Economic Area (EEA) (law 1992:1317). An important share of these Europeanized pieces of legislation pertains to mandatory conformity in CE marking (Fre. *Conformité Européenne*) for certain merchandise sold within the EEA. A battery of directives on the approximation of the laws of Member States relating to various products were passed already in the early 1970s and 1980s, which Sweden had to transpose into national legislation once the country became a member of the EEA in 1992 (e.g., law 1992:1534). EEA membership meant that Sweden had to adjust its legal norms also on issues relating to migration (and the free movement of people specifically) (e.g., law 1992:1165, law 1992:1776), public procurement (e.g., law 1992:1528), standards for various produce (e.g., law 1992:1535) and management of water and sewage systems (e.g., amendment law 1992:1542). This process continued in 1993 and 1994 with a growing number of statutes adjusting Swedish legislation because of the approaching EU membership.

Particularly in the brief period after the referendum and before formal entry into the EU (that is, between 14 November and 31 December 1994), there was an absolutely frantic production of statues to approximate Swedish legal norms to the *acquis*. Such harmonization of Swedish legislation took place regarding pretty much every possible issue area: customs regulations (e.g., statutes 1994:1550–1562), workers' rights (e.g., amendment law 1994:1686), hunting (e.g., ordinance 1994:1830), consumers' rights and safety (e.g., law 1994:1778), the use of GMO:s (ordinance 1994:901), access to the market on international transportation (e.g., ordinance 1994:905), EC Ecolabel requirements (ordinance 1994:1169), prohibition on the export on snuff (ordinance 1994:1266), sanctions on a number of third countries (e.g., ordinance 1994:1667), EU citizens' right to health care in Sweden (e.g., amendment law 1994:1751), welfare support to the disabled (e.g., amendment law 1994:1752), regulations on taxes and VAT (e.g., law 1994:1798) as well as several adjustments in the penal code (e.g., law 1994:1787), to mention only a sample.

By and large it is in the issue areas of banking, finance, and domestic commerce as well as transportation and environment that we find the largest numbers of statutes with references to EC rules in the year prior to EU membership. During these years there are also several cases of what I refer to as "soft" Europeanization, which do not refer to any specific legal norm but to the Communities or the Community institutions. An example of such "soft" Europeanization is the law on the referendum on EU membership (1994:1064). Once Sweden joined the EU (i.e., in 1995), the degree of Europeanization follows a yearly expansion; that is, legal Europeanization seems to increase linearly.

The data in Figure 4.6 are complemented with those in Figure 4.7, which give us the annual *share* of EU-related legal productions vis-à-vis non-EU related ones. The two bottom segments represent the share of EU-related laws and ordinances, respectively, and this joint share has increased quite steadily over the years. In the years prior to EEA and EU membership, fewer than one in every two hundred statutes (0.5 per cent) was to be considered as Europeanized. Of all legislative acts that were passed in 2015, on the other hand, more than one in every fourth legal act (26.4 per cent) was somehow EU-related.

Figure 4.7 Shares of different types of legal acts, 1988–2015 (N=41573)

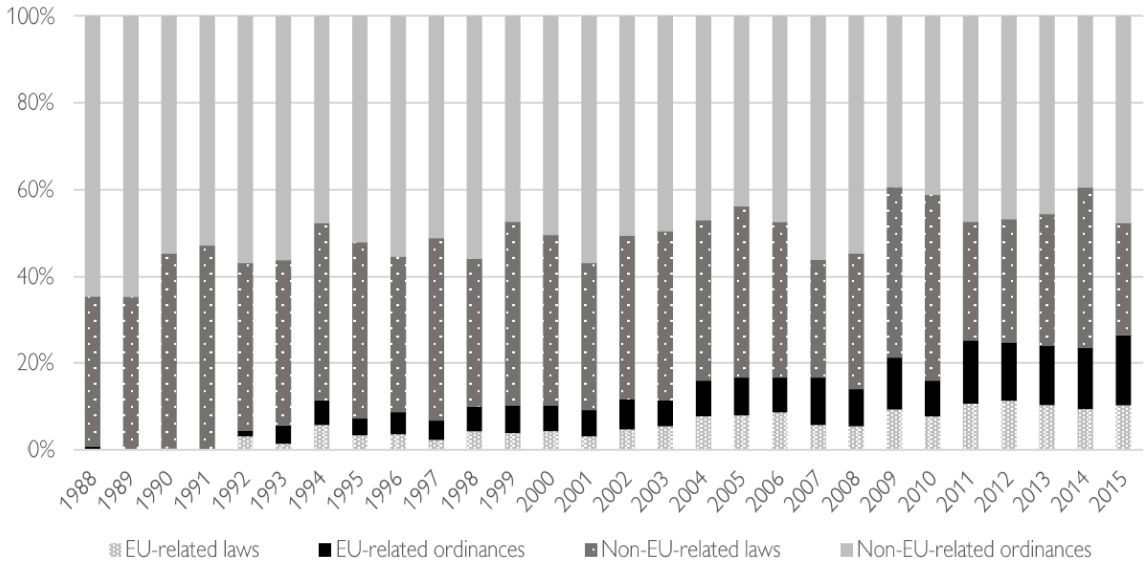


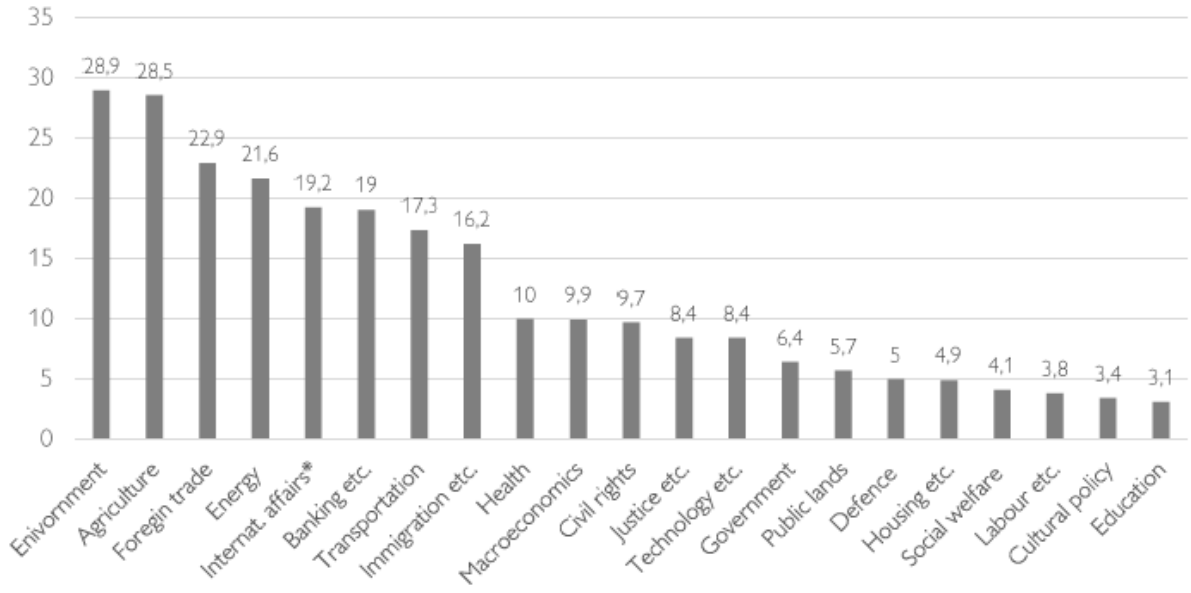
Table 4.2 documents the relative share of each type of legislative acts that contain EU-indicators. It shows that there is a noteworthy difference across types of legislative acts. Only 10.8 per cent of all amendment ordinances refer to EU legal norms whereas 23.8 per cent of new laws contain such a reference. This is an important complement to the results presented in Figure 5.3, which showed that most European legal norms are either transposed or complemented by the means of amendment legislation. Table 4.2 supplements this finding. It shows that amendment legislation contains the highest number of Europeanized pieces of legal norms in absolute terms whereas new laws contain the highest number of Europeanized acts in relative terms.

Table 4.2 Presence of EU legal indicators by type of legal instrument

Legal instrument	**n**	**Europeanized share % (n)**
New laws	1482	23.8 (n=352)
Misc.	591	21.5 (n=127)
New ordinances	3732	18.3 (n=682)
Amendment laws	15849	11.2 (n=1779)
Amendment ordinances	19918	10.8 (n=2156)

The third, and perhaps most anticipated step in this analysis, is to consider these data by policy sector. Figure 4.8 therefore breaks down the share of Europeanized acts by the 21 CAP policy sectors.

Figure 4.8 Average presence of Europeanization by CAP policy sectors (%), 1988–2015



* Issues relating to European integration are not included in the percentage as this would severely bias the result.

As expected, there is substantial variation across issue areas. Environment (28.9 per cent) and agriculture (28.5 per cent) generate by far the highest shares of Europeanized acts, followed by foreign trade (22.9 per cent), energy (21.6 per cent), as well as banking, finance and domestic commerce (19 per cent). International affairs generate 19.2 per cent of Europeanized statutes but it should be noted that issues relating to European integration such as EU constitutional issues are removed from the count as this would otherwise seriously bias the result. At the other side of the spectrum we find education (3.1 per cent) and culture (3.4 per cent), followed by labour policy (3.8 per cent) and social welfare (4.1 per cent), which indicate hardly any presence of EU legal norms. Difference across policy fields is even greater if we break down the results by year, see Table 4.3.

As noted earlier in the chapter, the degree of Europeanization was very muted in the late 1980s but picked up speed in the early 1990s due to Swedish EEA and EU membership. The presence of EC/EU legal acts in Swedish legislation was primarily noted in certain issue areas, including banking etc., foreign trade, and agriculture whereas national legislation in other issue areas, such as education, culture, and social welfare hardly required any approximation efforts.

Such differences between policy sectors increase over the studied period and this is particularly evident in more recently. For instance, in 2015 a whopping 58 per cent of passed statutes in the field of agriculture and 51.7 per cent in the field of environment contain reference to EU law whereas only 5.9 per cent and 4.4 per cent in cultural policy and education, respectively, contained such indicators.

While it is true that the share of Europeanization fluctuates over time, these figures strongly suggest that the de facto legal reach of the EU increases sharply in issue areas once the EU starts to legislate in these matters. This is in line with the argument of Craig and De Búrca (2011), who contend that in issue areas over which competence is shared between the EU and its Member States, for instance in the issue areas of environment and agriculture, the space of legislative authority successively decreases as the EU chose to exercise its legislative authority.

Table 4.3 Share of Europeanization across time and CAP policy sectors (continued overleaf)

Year/ CAP	Agriculture	Environment	Foreign trade	Energy	Banking etc.	Int. affairs	Transportation	Immigration	Health	Macro-economics
1988	**3.4**	**5.4**	**8**	0	0.6	0	2.1	0	2.1	0
1989	0	0	0	0	0	0	0	**7.1**	0	0
1990	0	0	**3.7**	0	0.5	**5.6**	**2.5**	0	0	0.9
1991	0	**1.1**	0	0	**0.8**	0	0	0	0	0
1992	1.6	0	**14.9**	0	**9.1**	**28.6**	2.4	6.5	6	1.9
1993	4.4	0	**36.4**	7.1	10.8	**13.8**	**13.1**	3.6	2.7	0
1994	10	8	**31.2**	10.6	13.5	14.7	**18.2**	**17.1**	10.3	12.2
1995	12.8	2.4	**27.3**	3.3	11.4	**16.7**	4.8	4	3.5	**12.9**
1996	11.1	3.2	**33.3**	0	11.3	**28.6**	**12.7**	8	3.7	7.7
1997	**15**	6	**38.5**	0	4.1	**31.6**	11.4	12.9	0	8.3
1998	17.1	**28.9**	**29.4**	10.7	9.7	**22.5**	14.2	13.9	4	6.2
1999	**36.4**	**34.6**	**32.4**	11.1	12.6	**32.4**	7.7	7.7	5.8	5.8
2000	**33.9**	21.3	**26.1**	22.6	13.6	**48.2**	15.3	14.8	0	4
2001	26.7	27.8	8.3	**28.6**	5.2	**41.7**	14.9	**37.5**	6.3	8.7
2002	**46.2**	**28.9**	18.2	19.4	15.5	18.8	24.5	**42.9**	10.3	5.6
2003	**29**	**31.4**	**33.3**	26.3	10.1	15	25.5	5.6	3.9	13.6
2004	**52.5**	**37.5**	21.4	20	**27.8**	9.1	**27.8**	22.2	13.1	11.1
2005	**42.9**	**27.4**	20	22.6	**30.5**	6.3	22.4	21.1	14.3	8.3
2006	**58.9**	**36.4**	**37.5**	21.6	30	6.3	29.8	18.8	11.9	10.5
2007	**42.2**	**38.7**	26.7	18.8	32.3	**36.4**	27.5	32.3	14.5	10
2008	**61.5**	**37**	21.4	**26.1**	25.1	16.7	8.5	17.9	10	8.5
2009	**55.6**	34.4	37.5	**42.2**	**43.9**	9.5	32	12.9	13.3	**20.5**
2010	**45.2**	**34.4**	**30.8**	21.3	27.3	19.1	18	6.1	17.1	**19.3**
2011	**51.9**	36.8	33.3	**50.8**	**40.2**	30	36.2	34.5	16.4	17.9
2012	**50**	47.4	28.6	**57.9**	**51.4**	33.3	41.1	12	20.9	28.4
2013	**36**	**38.8**	0	**63.3**	33.1	20	30.7	35.1	24.4	18.3
2014	**44.1**	**55.9**	16.7	**47.5**	37.4	13.3	25.7	25.5	10	18.1
2015	**58**	**51.7**	25	23.3	**38.4**	25	37.4	20	30.1	20.2

Comment: Three highest shares each year are marked in **bold**.

Table 4.3 continued…

Year/ CAP	Civil rights	Justice	Space etc.	Government	Public lands	Defence	Housing etc.	Labour market	Social welfare	Culture	Education
1988	0	0	0	0.8	0	0	0	0	0	0	0
1989	0	**0.8**	0	0	0	0	0	0	0	0	0
1990	0	0	0	0	0	0	0	0	0	0	0
1991	0	0	0	0	0	0	0	0	0	0	0
1992	0	1.9	**5.7**	1.5	0	**2.6**	0	1.1	**4.9**	0	1.1
1993	0	0	0	**3.3**	**3.7**	1.1	0.8	2.4	**5.4**	0	2.4
1994	**9.5**	6	0	**7.7**	0	2.2	3.5	5.3	6.6	**8**	2.5
1995	2.9	**8.1**	3.7	**4.3**	**4.2**	2.6	1.8	1	0	0	3.2
1996	**7.5**	3.4	**12.9**	4.8	3.9	3	2.4	3.8	2.2	**9.8**	4.9
1997	2.5	0.8	**10.5**	3.3	**5.6**	3.6	0	0	3.2	0	**7.9**
1998	7.1	4.4	**13.5**	3.7	**16.7**	5.6	**7.4**	0	1.4	2.7	1.4
1999	1.5	**10.1**	**21.7**	5.1	0	**8.2**	6.4	2.5	1.7	0	3.5
2000	**13.7**	4.7	**17.4**	7.4	0	6.3	**7.4**	2.7	2.2	4.4	1.5
2001	**5.4**	5	2.9	**7.6**	0	**7.1**	4.1	1.6	3.5	3.7	1
2002	**9.1**	5.4	**9.7**	7.1	**28.6**	2	4.8	1.6	1.1	8	5
2003	**14.9**	**8.2**	**14.8**	7.1	0	3.1	3.3	3.5	1.9	0	0
2004	**12**	6.8	0	**9.5**	0	0	**7.6**	2.7	3.8	0	0
2005	**15.8**	8.4	**15**	7.5	4.2	7.1	12.5	**17.4**	6	0	1.9
2006	**17.6**	5.2	2.9	5.5	**26.3**	4.4	5.7	**7.5**	5.1	0	3.9
2007	**9.1**	**8.9**	7.8	**12.8**	0	8.5	7.8	4.6	8.2	2.9	5.6
2008	8.3	**10.2**	8.7	5.9	0	**9.3**	3.3	**10.3**	0	6.7	3
2009	13.9	**16.1**	8	6.7	0	**17.1**	**20.3**	4.7	2.2	0	2.3
2010	5.6	**9**	**10.3**	**16.2**	3.6	4.1	7.9	7.7	6.9	3.9	8.2
2011	13.5	**19.2**	**22.7**	16	11.8	**28.6**	12.2	11.9	6.1	6.7	8.8
2012	**22**	**20.9**	14.3	9.1	**33**	19.1	3.1	6.4	2.2	0	3.3
2013	**25.8**	20.9	15	17.7	0	**25**	**23.1**	3.6	15.7	10	4.6
2014	16.7	**19.8**	**18.2**	13.4	16.7	15.7	**22**	5.4	17.8	2.9	2.6
2015	20	**28**	10	**21.4**	20	4.4	**36**	6.7	6.7	5.9	4.4

Comment: Three highest shares each year are marked in **bold**.

4.5 Case selection for the qualitative analyses

To recap, the purpose of this chapter is twofold. It first investigates variation in the adaptational pressure EU legal norms exercise on Swedish legal productions across time and policy fields, which the previous parts of the chapter have done. Second, the chapter sets out to give direction for the subsequent qualitative analyses of what Lieberman (2005) calls "meaningful cases". As I discussed in the introductory chapter, and detailed further in the methodology section (Chapter 3), the aim with my empirical analysis is to contrast and compare the legislative function of parliament across two policy fields that vary distinctively in the degree to which these are Europeanized.

With that said, the first issue area that I believe deserves greater investigation is *cultural affairs.* The analysis above has shown that culture, alongside education, is the one issue area that consistently shows the lowest degree of legal Europeanization throughout the studied period. With a few fluctuations aside, the overall share of Europeanized statutes in culture is as low as 3.4 per cent, which allows us to consider this area of policy as an imagined *baseline situation*. While education shows an even lower overall share of Europeanization (3.1 per cent), I opt for cultural policy since the legal scope of EU cultural measures remains even more restrained vis-à-vis education. This is more closely developed in the following chapter (Chapter 5). An additional reason why culture is a more suitable choice than education is that cultural policies are managed at the *national* level (i.e., by the parliament) whereas education, in particular the management of schools including financial aspects, are decided at the *local* level.

As mentioned, environment also shows a very high degree of Europeanization. Nevertheless, agriculture is preferable because environmental policy is more dependent on international agreements, such as the Kyoto and Paris Agreements, than it is on Union-specific legislation. This is why environmental policy is usually regarded as a case of *internationalization* (or *globalization*) rather than as a case of Europeanization. It should be acknowledged, however, that EU Member States rarely undertake action unilaterally in this policy field (Craig and De Búrca 2015). Vice versa, it should be acknowledged that agricultural policy is not only dependent on EU legal action but also by what takes place on the global scene. By all accounts, WTO negotiations and other developments on the global agricultural market have a major impact on the formulation of the Common Agricultural Policy. However, these

agreements are fully channelled through EU secondary law, which is not the case for environmental law.

4.6 Conclusions

This first empirical chapter has provided evidence for the extent to which Swedish policy production has become Europeanized, which is here understood as the presence of EC/EU legal norms in national legislative outputs. All national legal acts produced over the period 1988–2015 were collected for this purpose (n=41000+) and following the indicators for Europeanization that were determined in the methodology chapter (Chapter 3), I have offered an analysis of the successive harmonization of the national policy fabric across time and 21 policy fields.

In brief, the analysis shows that EEC/EC legal norms were certainly present, if only to a limited extent, across several policy fields already at the end of the 1980s. From Swedish EEA and EU entry in 1992 and 1995 respectively, such harmonization has increased almost linearly. Considering the total number of legal productions over the studied period, an average of 12.3 per cent contain reference to Community norms. This overall share is however very different when broken down across time and policy fields. In some issues, such as agriculture, environment and trade, to mention but the primary ones, the presence of the EU is relatively vast whereas other policy sectors, such as culture and education, appear relatively untouched by European law.

Perhaps more importantly, there are not only tremendous differences across policy sectors but such differences are also becoming increasingly prominent over time. This suggests an increasingly segmented "way of doing things" across policy sectors. Against this empirical picture, I have identified two policy fields for further inspection in the qualitative part of the thesis. I have chosen to compare cultural affairs, which continue to show a very low presence of EU law, with agricultural policy, which instead is regarded as a so-called EU issue *par excellence*. How such variation in the policymaking context makes itself known from the viewpoint of parliamentary actors is explored in the latter part of the analysis.

Apart from these empirical insights, the analysis presented in this chapter also has a clear methodological value that should be noted. Most previous studies – not only on the Swedish case (e.g., RUT 2000; Hegeland 2005; RUT 2009; Halje 2012) but studies of legal Europeanization generally (e.g., Brouard, Costa and König 2012) – have only considered bits and pieces of national legislation, such as only laws or only legislative proposals, using a seriously restricted conception of what constitutes an EU legal norm. In general, it may be said that these studies entertain an understanding of legal Europeanization as limited to the implementation of directives. It is true that only directives have an explicit and visible (and therefore more easily researchable) effect on national legislation. Directives must be transposed into national legislation to enter into effect. Yet, while everybody knows that regulations and decisions as well as other non-binding instruments also have a coercive effect on national policies, these have simply been disregarded in most previous research frames.

With my methodology, in contrast, I have included search terms that tap the presence not only of directives but of any Community or Union legal norm by controlling for the presence of domain references in the legal acts. In addition, I have also included a text search identifying the presence of mentions of EU-related terms, such as EU institutions and agencies. Together these developments show that legal Europeanization is so much more than the implementation of directives. Rather, there is reason to believe that also with this relatively generous definition of what constitutes an EU legal act, the legal effect of European integration on the national policy fabric is probably still underestimated.

CHAPTER 5

Swedish election manifestos in the context of Europeanization

5.1 Introduction and structure of the chapter

The previous chapter provided empirical evidence for the adaptational pressure that EU legal norms have exercised upon Swedish legislative outputs. The message was clear: Swedish legislation has become increasingly tied to EU law since the early 1990s. More importantly, it showed that there are tremendous and growing differences across policy fields.

In this second empirical chapter I explore the level of Europeanization of the legislative work of parliament from the far side of the moon, considering the extent to which legislative parties include EU-related mentions in connection with their policy pledges. In other words, while the previous chapter dealt with the influence of the EU on policy *output* in this chapter I investigate the influence of the EU on policy *input* instead.

Scholars show that changes to individual party programmes provide one of the most fundamental processes of Europeanization of political parties (Ladrech 2002, 396). For the Swedish case in particular, the centrality of election manifestos is all the greater. This is because Swedish politics is party politics. Studies repeatedly show that the Swedish party system features a very high level of cohesion (e.g., Bergman and Strøm 2011; Willumsen 2017). And, at the individual level, Esaiasson and Holmberg (1996) conclude that party members are very party orientated and that MPs view themselves first and foremost as *party* representatives rather than representatives of a particular interest or group of their electors. The party line, here explored through the means of manifestos, is therefore something that the individual MP is bound to relate her- or himself to.

The analysis proceeds in four parts. First, some general developments in the manifesto data are commented on to situate this analysis in its proper context. Second, I consider the mentions of Europe across time and policy sectors, exploring how the presence of Europe in manifestos varies over different phases of integration and what variation there is over the 21 CAP policy sectors. The third step of the analysis looks more closely at the different ways parties raise the issue of the EU in their policy pledges and the role parties' position on the EU and possible internal dissent on the EU may play in this regard is examined.

Particular attention is paid to the situation in the 2010 election, as this offers a snapshot of the situation that MPs found themselves in at the time of the subsequent qualitative analysis. In the fourth and final step of the analysis, by introducing new experimental data I begin to explore the traditional explanation of why parties seem to reluctant to speak of Europe; namely, the negative associations that talk of the EU induces in general citizens. First, however, I offer some general remarks on what the study of election manifestos generally, and the study of the Europeanization of such documents particularly, may tell us about parliamentary life.

5.2 What can the study of Europeanization of election manifestos tell us about national parliaments?

Apart from the general centrality that election manifestos have in revealing the party line that Swedish MPs are supposedly bound to, manifestos are valuable inclusions in the analysis for other reasons as well. While there might be growing disagreement about parties' capability to represent (e.g., Thomassen 1994; Naurin 2011), it should be safe to say that the act of voting is

not merely a question about voting *parties* into office. It is also a matter of voting for a certain set of *policies*, or as Krastev puts it: "Democracy means not only that people can vote in free and fair elections but that they can influence public policy as well" (Krastev 2002, 45). Put differently, a choice of party should also be a choice of policy.

While the extent to which manifestos have informational value is up for the debate, they are in this situation usually regarded as an *indicator* of what sort of policies parties intend to carry out if they attain the majority position. Before elections parties present policy suggestions in the form of manifestos to the voters to explain what sort of politics they have in mind to advance. The act of voting thus implies a directive from the voter to the representative. Parties in the majority position organize and give coherence to the institutions of government and in this position they are expected to seek to build the policy programmes that will serve the interests of their supporters. Parties in the minority position rather actively monitor and oppose the government's policy formation and seek to steer the agenda in the direction that serve their voters instead.

In operational terms it is thus possible to specify election manifestos as the *policy content* of the mandate that parties ask their voters for in so far as they are an indicator parties' intentions. As such they guide parties' actions in between elections and serve as benchmarks at the end of the election period in the evaluations of how well parties are able to implement their decisions. Therefore, at least in theory, election manifestos might be regarded as a *compass* for voters when they form opinions about parties' policy preferences, when they chose which party to vote for and when they evaluate the extent to which they are satisfied with how the parties have performed.

A common critique of the study of election pledges is that few voters in real life actually read parties' election manifestos. While that might very well be true, the information that does reach voters from sources such as media and party representatives themselves does draw plentifully on information from manifestos. Manifestos are consequently transmitted, however indirectly, to voters (Strömbäck 2004; Costello and Thomson 2008). Helbling and Tresch (2010) show that there is a fairly high level of correspondence between media coverage of parties' policy positions and the positions the parties themselves put forward in their manifestos, even though it should be mentioned that there is a media bias regarding the selection of topics.

Election manifestos also play a central role in campaigning, and particularly so in *negative* campaigning, as parties give attention to what they see as flaws in their competitors' agenda and in their incapability to get things done. In a study of Swedish party manifestos, Esaiasson and Håkansson (2002) showed that the most used invective in political debates among parties in televised media during the twentieth century was that other parties are "not trustworthy" and "do not honour their words" – that is, they do not advance what they set out to do. Naurin (2011) thus points out that election promises, fulfilled or unfulfilled, are "notions of importance in public debates" and therefore, they also have a central position in academic research.

Election manifestos certainly have a central position also in Europeanization research. In this literature, they serve as a point of entry for study the Europeanization of parties, which has received academic attention since the early 2000 (e.g., Mair 2000; Ladrech 2002). The key finding in the literature is that the EU does not impose a *direct* effect on parties' environmental context (Mair 2007b) but there is an important *indirect* effect due to the changes that Europe means for the domestic political system in general. More precisely, Mair (2007b) categorizes this indirect constraint of Europe on parties into three facets: i) a limited *policy space* available to competing parties; ii) a reduction in the *policy instruments* at the disposal of parties, once they enter into office, and; iii) a limiting of the *policy repertoire*. Ladrech (2009) concludes that together, these three constraints point in the direction of an "overall reduction or limitations […] to offer choice to voters" (Ladrech 2009, 8).

This alleged indirect effect of Europe on parties has been explored from many different angles in academic research, of which one relates to the study of changes, or lack thereof, in parties' programmatic platforms (i.e., election manifestos). These studies have employed both national and comparative data on party manifestos, in both qualitative as well as quantitative ways, to detect how much the EU or any aspects thereof, is referred to in these documents. These studies were reviewed in the methodology chapter (Chapter 3).

The empirical purpose of my analysis of election manifestos regards the way political parties *politicize*, or at least, *acknowledge* Europe in their programmatic platforms that they propose to the electorate. Studying such explicit mentions of Europe is thus a proxy for the extent to which the key actors in representative democracy (i.e., political parties) make the European dimension of policymaking present in the national political debate. The analytical purpose is straightforward: the more parties connect a given policy sector to the EU, the more

they thereby recognize that the EU matters for that particular policy field. Vice versa, parties' choice not to include mentions of the EU, even though common wisdom tells us that the EU does indeed matter, may then be interpreted not necessarily as a rejection but as an unwillingness to discern the influence of the EU over national policy measures.

In this sense, studies have come a long way in explaining political parties' way of "making sense of Europe" before their electors (Pennings 2006). However, previous studies on how Swedish parties respond to Europe in their programmatic platforms remain few. Pennings (2006) included Sweden in his comparative study on co-occurrences of Europe in national manifestos but this is – as far as I am aware – the only study that explores the Europeanization of Swedish national election manifestos to date.[40]

5.3 General trends in Swedish parties' election manifestos

In this section I map general developments in Swedish election manifestos over the period 1976–2010. The most obvious change over this period, which was already commented on in the methodological chapter (Chapter 3), is the unmistakable increase in the *length* of manifestos. More precisely, the average number of semi-sentences per manifesto grows over the studied period from 115 semi-sentences in 1976 to 226 in 2010.[41] In other words, the length of the average manifesto has nearly doubled over the studied period.

Despite this rather immense growth in detail, little has changed in relative terms. As we can see, four particular policy areas are steadily the most invoked subjects in these documents. First and foremost, issues relating to *domestic macroeconomics* (13 per cent) receive the largest share of parties' overall attention. This is followed by issues that pertain to the *labour market* (9.4 per cent) and *social welfare* (9.2 per cent), as well as *civil rights* (7.8 per cent). Figure 5.1 documents the average issue attention to these and the other CAP issue areas.

[40] While Pennings' (2006) analysis is impressive in terms of number of countries included and number of elections covered, the analysis builds only upon a totally computer automated word search on manifestos that are first translated into English. It should also be mentioned that the study by Kritzinger and Michalowitz (2005) does include Sweden but, as mentioned, only manifestos in view of elections to the European Parliament and not to the national parliament.

[41] It should be recalled that in 2010, both the left-of-centre block (S, Mp, and V) and the centre-right Alliance (M, C, L, KD) presented joint coalition manifestos.

Figure 5.1 Issue attention in election manifestos (%), 1976–2010 (N=13563 semi-sentences)

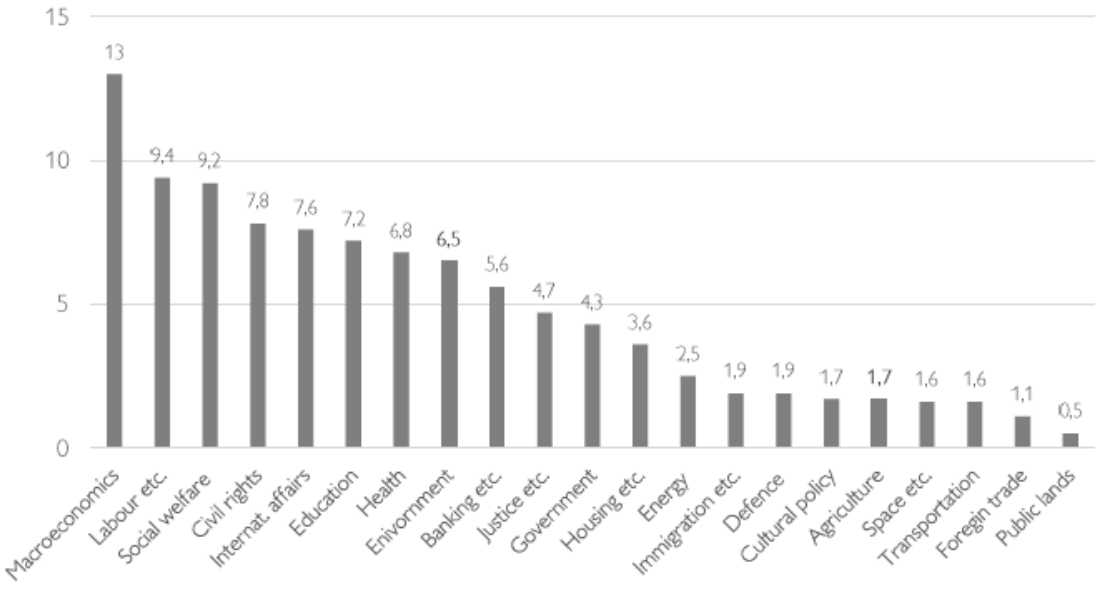


Table 5.1, in turn, indicates that these particular issues are fairly consistent in terms of attention received throughout the studied period. Particularly the issue of social welfare and labour market concern have kept a very stable position in the electoral arena, with only small fluctuations over time. An exception should be noted regarding issues of macroeconomics, which have received less and less attention in more recently, particularly if we compare the situation with the mid 1990s. This is hardly surprising considering that Sweden experienced a difficult financial crisis in the early 1990s and that Sweden also has been spared from the economic and financial crisis that has plagued Europe from 2008 onwards.

While economic concerns have become less important in parties' manifestos, the issue of education is instead on the rise. Particularly in the more recent elections (i.e., 2006 and 2010), education has been high on the agenda. In 1991 and 2002, issues relating to foreign affairs (including EU constitutional issues) also ranked very high and in 1998 the issues surrounding environment received plenty of attention as well. Apart from these fairly moderate fluctuations, the manifesto data show a relatively stable spread over the 21 CAP issues of the total attention in parties' election manifestos.

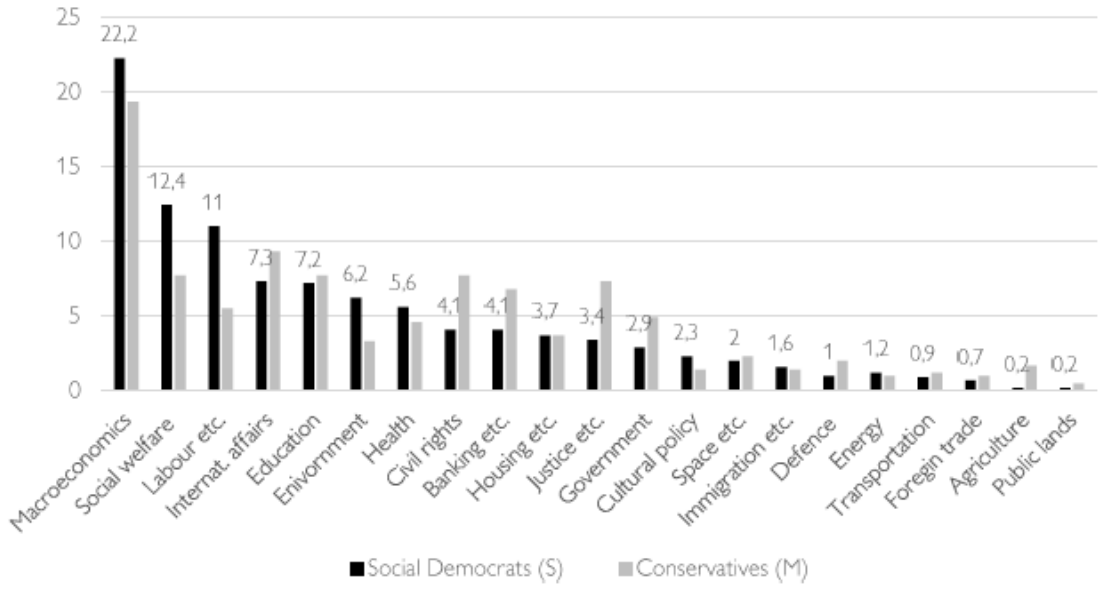
Table 5.1 Issue attention in election manifestos across CAP policy sectors (%), 1976–2010 (N=13563 semi-sentences)

CAP policy area	1976	1979	1982	1985	1988	1991	1994	1998	2002	2006	2010
Domestic macroeconomics	**11.9**	**13.8**	**20.9**	**19.0**	**9.5**	**14.6**	**22.6**	**18.0**	7.8	8.0	8.1
Civil rights etc.	8.7	8.6	**8.1**	**10.8**	6.8	6.5	6.8	6.1	**10.7**	6.5	6.7
Health	5.2	5.9	2.7	3.7	**8.9**	6.8	3.1	7.1	7.0	**10.6**	7.8
Agriculture	1.3	2.1	2.5	2.0	1.1	2.5	1.1	0.7	2.7	1.1	1.2
Labour and employment	**15.6**	**10.0**	**12.4**	6.3	6.6	5.6	**10.8**	8.7	7.6	**11.5**	**11.4**
Education	2.4	5.4	4.7	6.2	5.4	5.1	5.5	**8.8**	8.5	**9.6**	**9.5**
Environment	4.3	5.4	6.5	6.1	**10.6**	7.6	6.2	5.0	5.8	5.8	7.8
Energy	4.6	5.0	1.9	2.1	2.0	2.4	1.9	1.8	1.3	3.7	3.2
Immigration etc.	0.9	1.9	0.2	0.4	2.4	2.3	1.1	1.4	3.1	2.4	2.3
Transportation	1.3	0.8	1.2	1.2	1.2	2.2	1.2	1.4	1.9	1.7	2.4
Justice etc.	1.5	2.9	2.1	2.2	3.1	4.9	3.3	4.9	5.9	8.1	5.7
Social welfare	**10.6**	**8.7**	7.9	**10.5**	7.9	**9.2**	**10.3**	**9.2**	**8.8**	8.4	**9.7**
Community development etc.	7.2	6.0	3.5	3.7	4.7	2.0	2.2	2.8	3.6	3.4	3.5
Banking etc.	7.2	6.5	6.0	6.4	5.6	4.6	6.6	6.1	6.0	4.0	4.8
Defence	2.4	1.5	4.6	3.0	2.7	1.8	1.2	0.5	1.1	1.2	3.0
Technology etc.	1.7	1.8	1.5	1.6	2.1	0.9	0.9	1.5	1.6	1.9	1.9
Foreign trade	0.9	0.8	0.7	1.0	1.2	0.6	0.6	2.1	2.0	0.8	0.6
International affairs etc. (incl. EU const. issues)	2.4	5.1	4.9	5.6	8.5	**12.6**	9.2	6.6	**8.8**	6.1	6.4
Government operations	8.0	6.2	5.7	6.2	3.8	6.4	4.3	5.7	3.4	2.4	1.2
Public lands etc.	0.7	0.7	1.0	0.7	0.5	0.2	0.3	0.8	0.2	0.1	0.7
Cultural policy issues	1.1	1.1	1.2	1.4	5.6	1.3	0.9	0.8	2.2	1.3	2.0

Comment: Three most frequent co-occurrences each period are typed in **bold.**

There is of course great(er) variation at the party level, particularly if we compare the two main contenders – the Social Democrats (S) and the Conservatives (M). While issues related to macroeconomics are the most important issue for both parties, the socialists pay *relatively* more attention to this field of policy. The Social Democrats also pay relatively more attention to social welfare and labour market issues compared to the Conservatives, which instead favours justice and crime, international affairs, banking etc., as well as government operations more than their main opposing party. Without entering into further detail about what issues the different parties pay attention to, it suffices to say that there is obviously important variation in issue attention across parties, which we should keep in mind for the remaining part of the analysis.

Figure 5.2 Issue attention by two main parties across CAP policy sectors (%), 1976–2010 (n=3872 semi-sentences)



5.4 Europeanization of election manifestos per phase of integration and policy sectors

As a second step the analysis explores the overall mention of Europe across the studied period. In this type of analysis, it is key to consider the *uneven process* of Europeanization. This process is uneven not only due to the uneven legal authority across policy sectors (as was documented in the previous section of the chapter) but also across elections since there is reason to treat this as

a temporal process that develops over time. More precisely, it might be reasonable to expect that parties' inclusion of Europe in the political debate *ought to increase* over time, not only due to countries' entry into the EU and to any increase in EU legislative activity but also as it simply takes time for Member State actors to "come to terms" with their dependence on Europe as membership advances. In fact, this is what has happened with legislative production, which I extensively detailed in the first part of the chapter. From being largely absent in the late 1980s, the presence of EU legal norms in legislative outputs has grown almost linearly over the years.

However, this *does not happen* in Swedish parties' election manifestos over the studied period. Table 5.2 documents, rather, a remarkably low share of semi-sentences that include any mention of the EU across each election period.

Table 5.2 Overall references to Europe by election (% of all semi-sentences that include reference)

	1976	**1979**	**1982**	**1985**	**1988**	**1991**	**1994**	**1998**	**2002**	**2006**	**2010**
Mentions	0	0.1	0.1	0	1.3	5.5	8.1	6	4.6	3.2	3.5

From these figures – contrary to what might be expected (i.e., that the phase of integration would impose a *linear* increase in Europeanization, just as the presence of EU legal norms have increased linearly in legislative outputs) – the results rather suggest a *curvilinear* development. In fact, the immediate finding is the low overall share of co-mentions of Europe present in parliamentary parties' election platforms and that this share is increasing up until EU membership to thereafter successively flatten out over time.

More precisely, co-mentions of Europe were as good as non-existent before 1991, when Swedish EEA membership became a political issue. Mentions thus started to appear in the early 1990s and the highest share, 8.1 per cent, was seen in election manifestos presented in view of the election of 1994, which preceded the general referendum on EU membership by only two months. While the membership issue was formally lifted out of the general election, and instead dealt with in the referendum, it is hardly surprising that parties paid great attention to this issue also in their election platforms. Ever since, however, the overall share of mentions of the EU has steadily fallen even though this decrease is less noteworthy in the more recent elections. From

8.1 per cent in 1994 only 3.5 per cent of semi-issues (including any co-occurrence with Europe) were found in the latest election included in the study (i.e., 2010).

This finding is largely in line with other studies that deal with the more wide-ranging process of the politicization of Europe, even though these studies draw first and foremost on mass media coverage rather than manifesto data. Hutter, Grande and Kriesi (2016) show that Europe has been politicized rather actively during national membership debates and during the years leading up to the ratification of the Treaty of Maastricht. From there onwards, however, the politicization of Europe seems to have worn off in most European countries. They also find that Sweden is the one case – out of the countries included in the study – in which the EU issue is the least invoked.

This begs the additional question of how the share of EU-related mentions is distributed across policy sectors. Considering the empirical picture that was painted in the previous chapter, it is reasonable to expect substantial variation across policy areas. We now know that the interdependence on legislative output on EU law varies tremendously over policy fields. For instance, agriculture, trade, environment, transportation and energy, among others, are closely tied to EU law whereas culture, education, government operations and so on remain very far from the legal reach of the EU. Is there a similar segmentation also in the manifestos data? For this purpose, Table 5.3 documents the share of mentions of the EU across the 21 CAP areas.

Table 5.3 References to Europe per policy sector and per election (% of semi-sentences that include reference)

CAP codes/Election	**1988**	**1991**	**1994**	**1998**	**2002**	**2006**	**2010**	***Average***
Domestic macroeconomics	0	1.6	1.4	1.5	2.3	0.8	0.7	*1.0*
Civil rights etc.	0	1.2	10.8	1.1	0.4	0.9	0.9	*1.3*
Health	0	0	2.6	0	0	0.6	0	*0.2*
Agriculture	0	3.1	14.3	**27.3**	**23.3**	5.3	**23.8**	***11.5***
Labour and employment	0	1.4	0	0	0	1.0	1.5	*0.5*
Education	0	1.5	0	0	0	0	0	*0.1*
Environment	0	1.0	4.0	7.9	6.3	**11.2**	11.2	*5.0*
Energy	0	3.3	9	0	3.6	3.2	0	*1.2*
Immigration etc.	0	**6.9**	15.4	0	6.4	2.4	0	*3.3*
Transportation	0	0	0	0	0	3.5	4.9	*1.4*
Justice etc.	0	0	5	1.4	3.1	0	1	*1.3*
Social welfare	0	0	0	0	0	0	0	*0.1*
Community development etc.	0	0	3.7	0	0	1.7	0	*0.4*
Banking etc.	0	0	0	0	0.8	0	1.2	*0.3*
Defence	**4**	**13**	**20**	0	8	**20**	3.4	*6.0*
Technology etc.	0	0	0	0	0	0	0	*0*
Foreign trade	0	0	**28.6**	**84.4**	**47.7**	7.1	**30**	***35.5***
International affairs etc. (incl. EU const. issues)	**16.1**	**38.8**	**68.1**	**52.0**	**23.1**	**23.2**	**26.6**	***30.1***
Government operations	0	2.4	0	1.2	5.4	0	0	*1.2*
Public lands etc.	0	0	0	0	0	0	0	*0*
Cultural policy issues	0	0	0	0	0	0	0	*0*

Comment: Three most frequent co-occurrences each period are typed in **bold.**

The data reveal that the relatively small overall share of EU-related semi-sentences is indeed very unevenly distributed across policy areas. When Europe is mentioned by parties, this is first and foremost regarding either *foreign trade* or *EU constitutional matters* such as EEA and EU membership, new EU Member States, and whether Sweden should adopt the single currency. Another notable issue is *agriculture*. This means that the EU is mentioned in relation with *some* of the policy fields upon which EU legal norms have exercised great pressure. In most other policy sectors, there are only very few co-occurrences of Europe, at least when considering the more recent elections included in the study.

Returning first to the issue of trade, this seems to be the issue that political parties have hinged the EU issue on so to speak, perhaps because this is what the EC was all about. Foreign trade is articulated by parties in connection with Europe very frequently, at least in relative terms. In 1998, as much as 84 per cent were framed in this regard, even though this share had shrunk to only 30 per cent in 2010. The second issue that Europe is contained within is international affairs, and a more careful look reveals that it is first and foremost vis-à-vis EU constitutional matters. The third policy area that is connected rather frequently to the EU is agricultural matters. In both 1998 and 2006, as well as in 2010, about one quarter of semi-sentences on agriculture contains references to the EU. Thus, it may be said that these three issue areas include *relatively* frequent mentions of Europe ever since the early 1990s and particularly since the 1994.

Three additional policy sectors – namely *immigration*, *environment* and *defence* – have been related to the EU to an important extent as well but only in the earlier elections of the studied period. Particularly the issue of immigration documents a peculiar development as it fairly frequently co-occurs with talk about Europe in 1991 (6.9 per cent) and 1994 (15.4 per cent). This connection has dried out in the more recent elections. In fact, in 2010 not a single semi-sentence on migration issues was related to the EU. Environment, on the other hand, is increasingly connected by parties to the EU and this has been particularly so in more recent elections. Last but not least, defence are connected to the EU to a large extent in some elections (e.g., 20 per cent in 1994 and 2006) but in other years there is no connection whatsoever.

How does this picture resonate with the picture that was produced vis-à-vis legal productions? The answer is highly unevenly. It was found in the previous section that EU legal norms are present in 12.3 per cent in the overall share of legislative production[42] and that considerably higher levels of Europeanization were found across the policy landscape (e.g., agriculture, environment, trade, transportation, energy and immigration).

While it would be unreasonable to expect a perfect symmetry between these two agendas in terms of Europeanization, the finding rather points in the direction of *asymmetry*. This is because in the manifesto data, the key issue over which parties invoke the EU is when the EU itself is discussed, which indicates that Swedish parties (still) frame the EU in terms of *membership*. Even in 2010, 15 years after Swedish EU entry, the EU is primarily discussed in binary and constitutional terms (e.g., should Sweden become a member of the EMU? Or, should Turkey be a member of the EU?). From this it follows that quite rarely is the EU also connected to substantial policy areas and this holds only really for foreign trade and agriculture, which actually do contain relatively high number of co-occurrences of Europe. When the EU is connected to other policy fields, this seems to happen rather haphazardly.

In addition, it should be noted that foreign trade and agriculture are two of the least prioritized issue areas in election manifestos. Going back to the data in Figure 5.1, agriculture receives an average of only 1.7 per cent of the total number of semi-sentences and foreign trade even less so: 1.1 per cent. This finding may be interpreted very differently. Playing the advocate of the parties, it is possible to say that these actors choose to talk about the EU in two key areas that are regulated at the EU level, and because of changes in the society at large, agriculture and trade are simply very unimportant for the electors. As mentioned previously, the agriculture sector now only employs circa 2 per cent of the Swedish population. Also, it is possible to say that it is simply unreasonable to expect that parties should include talk of the EU in all policy issues. Playing devil advocate instead, the findings may suggest that parties only dare to include talk about the EU in electorally non-salient issue areas. I come back to this point in the next steps of the analysis.

[42] The average presence of 12.3 per cent of EU legal norms is however drawn from a slightly different period than that of the manifesto data.

5.5 Europeanization of election manifestos by parties

The Europeanization of party manifestos may be uneven also due to party strategic behaviour. Green-Pedersen (2012) argues that the reason why parties do, or do not, politicize the EU has to do with what incentive the mainstream parties have for doing so. To reveal such differences, in this penultimate step of the analysis I dig deeper into any possible variation between parties. For this purpose, I first offer a brief longitudinal analysis of each parties' inclusion of the EU in their respective manifestos, and I thereafter explore what particular policy issues parties relate to the EU, with particular attention to the situation in 2010. To begin with, Table 5.4 overleaf provides the overall share of EU-related mentions by each party per each election period.

It was noted in the previous section that parties first and foremost included mentions of the EU in connection with the general discussion of the EU-referendum, which loomed large in 1994. Broken down at the party level, important differences are revealed and such variation can clearly be related to *intra-party* dynamics. Parties that had a coherent position on the EU in view of the referendum, no matter if it was pro- or anti-EU, included mentions of the EU much more frequently compared to those parties that suffered from serious internal dissent on the matter.

In fact, the most pro-EU parties of the bunch – the Conservatives and the Liberals and possibly also the Christian Democrats – showcase throughout the period the highest shares of co-occurrences. Particularly the Conservatives which allocated as much as 17.9 per cent of its manifesto to issues regarding the EU in the election of 1994 and the Liberals and the Christian Democrats some less so, 10 per cent and 9.7 per cent respectively. Similarly, the Greens which entertained a clear anti-EU stance at the time also allocated an important share of their program of 1994 to the EU, 9.1 per cent. By contrast, the Social Democrats which were severely torn on the issue, not only regarding party representatives but also to voters, chose to give considerably less attention to the EU dimension. The Social Democrats struggled immensely with closing ranks in view of the referendum on EU membership, and spent indeed much less attention on the EU at only 2.6 per cent.

The same situation holds for the Centre Party which also was very agnostic of the EU at the time. While this party certainly spoke more of the EU than the Social Democrats, its 5.1 per cent must still be described as a relatively small share. The exception to this trend is the Left Party (and possibly also far-right, yet pro-EC, New Democracy). While the former was decidedly against Swedish EU membership at the time, the party only related 5.5 per cent of its

manifesto to the EU, which is on par with the situation for the internally divided Centre Party. New Democracy, on the other hand, was a radical far-right party but, oddly enough, strongly favoured Swedish EC membership in the early 1990s. Despite such internal agreement on the issue, this party related also a relatively low share of arguments to the EU in 1991 when they ran for election (2.6 per cent).

Table 5.4 References to Europe per party and election (% of semi-sentences that include reference)

Party/Election	**1988**	**1991**	**1994**	**1998**	**2002**	**2006**	**2010**	*Mean*
The Left party (V)	2.2	4	5.5	4.9	4.9	3.7	-	*3.0*
Social Democrats (S)	1.0	1.4	2.6	6.1	2.4	2.0	-	*2.4*
The Greens (Mp)	1.3	-	9.1	5.6	4.5	3.1	-	*4.5*
*The Red-Greens**	-	-	-	-	-	-	2.5	*2.5*
The Centre Party (C)	0.9	2.6	5.1	5.4	0	-	-	*1.6*
The Liberals (L)	0.6	10	10	5.1	7.5	-	-	*4.2*
The Conservatives (M)	1.5	9.2	17.9	9.9	6.3	-	-	*6.9*
The Christian Democrats (Kd)	-	8.1	9.7	1.8	2.9	-	-	*4.1*
*The Alliance***	-	-	-	-	-	3.5	3.8	*3.7*
New Democracy (Nd)	-	2.6	-	-	-	-	-	*2.6*
The Sweden Democrats (Sd)	-	-	-	-	-	-	3.5	*3.5*
*Mean****	*1.3*	*5.5*	*8.1*	*6.0*	*4.6*	*3.2*	*3.5*	

Comment: * *The Red-Greens* signifies the joint election manifesto of S, V, and Mp. ** *The Alliance* signifies the joint election manifesto of M, C, L, and Kd. *** The means are taken across periods and parties on a stacked data set.

The explanatory power in parties' possible dissent on the EU issue has been raised in previous accounts, not least by Holmberg (1996) and Aylott (1997). Holmberg, in particular, explores how parties' internal dissent affected the way these campaigned in view of both the general election and the referendum on EU membership in 1994. Holmberg contends that the EU-referendum serves as a perfect example of the importance of internal coherence. The Conservatives, the Liberals, the Left Party and the Greens were in a relatively easy situation as these were clear on what argument they should put forward vis-à-vis possible EU membership and surveys showed that these parties' line of argument was also largely congruent with the opinions of their traditional voters.

The Social Democrats and the Centre Party, on the other hand, had to tread very carefully in the campaign as important party representatives embraced a radically different view on EU membership than what was supposedly the official view of the party. What is more, these parties' traditional voters were very ambivalent on whether it was a good choice to enter the Union. Holmberg shows that as many as 53 per cent of Social Democrat voters and 54 per cent of Centre Party supports favoured a no to the EU, which meant that voters drifted in the direction of issue voting rather than party voting (Holmberg 1996, 226).

Such internal dissent has plagued the Social Democrats especially also in the more recent period. The most candid example of such internal dissent was clearly displayed in the debate in view of the referendum on the single currency in 2003. The Social Democratic minority government at the time officially favoured the adoption of the euro but certain enclaves of the party were not convinced. Little by little, such internal dissent was obvious also within the heart of the party; that is, within the cabinet. Then Minister of Industry Leif Pagrotsky – and to a certain extent also Minister of Environment Lena Sommestad – openly opposed the official line of the government on the issue of the single currency. For a considerable period of time, arguments for the probable advantages of euro-membership had been actively put forward by PM Göran Persson, Minister of Foreign Affairs Anna Lindh, and Minister of Finance Bosse Ringholm.

While Persson, Lindh, and Ringholm had worked hard at convincing the electorate of the advantages of fully taking part in the EU, Pagrotsky challenged this view and started to run his own election campaign just months before the referendum was about to take place. He argued that there was "no advantage on adopting the single currency" and consequently a fiery "verbal war" between the ministers broke out (Dagens Nyheter 2003; Svenska Dagbladet 2003).[43] In this sense, it may be said that both the EU and the euro referenda signify a radical break with the traditional way Swedish parties have been able to use referenda. In the past, Swedish referenda have served as vehicles for party politics rather than issue politics. Consider for instance the fiercely politicized referenda on pension reforms in 1957 and on nuclear power in 1980 (cf. Holmberg 1996, 225).

[43] *Dagens Nyheter*, Pagrtosky talade mot EMU med förbehåll, published 2003.05.01 http://www.dn.se/nyheter/politik/pagrotsky-talade-mot-emu-med-forbehall/ ; *Svenska Dagbladet*, Fult ordkrig mellan s-ministrar i EMU-frågan, published 2003.07.25. https://www.svd.se/fullt-ordkrig-mellan-s-ministrar-i-emu-fragan-89w0

The second key finding is that the mentions of the EU are slowly but surely *decreasing* ever since the election in 1994. This is surprising if we consider the linear *increase* in the presence of EU legal norms in policymaking that has taken place over the same period. Yet again, there is important variation across parties also on this point. The Conservatives, the Liberals and the Greens are the three parties that continue to incorporate the EU fairly actively in their policy platforms whereas aspects related to Europe more or less dry out in the manifestos of the Social Democrats, the Centre Party and the Christian Democrats.

However, from 2006 onwards any remaining differences across parties are seemingly wiped out. As both the left-of-centre and the centre-right coalitions have started to run on joint election programmes, the EU issue is de-emphasized even further. In fact, in 2010 the joint manifesto of the left-of-centre block, the *Red-Greens*, dedicates only 2.5 per cent (alternatively, n=10 semi-sentences) of political arguments to the EU. Co-mentions of the EU are slightly higher in the joint coalition manifesto of the *Alliance*, 3.8 per cent (n=47) closely followed by newcomer far-right and staunch EU-sceptics the Sweden Democrats with 3.5 per cent (n=6).

Again, this finding may be framed in very different terms. Perhaps the decreasing presence of Europe is best explained by the sheer attrition of the integration issue in the minds of the voters, as particularly the younger generations of voters have assimilated themselves to the new way of doing politics. EU-membership is a matter of fact. From another angle, the low share of mentions of the EU might be explained by parties having to downplay the European dimension, as the coalition dynamics now force them to frame the issue in coherent terms. It is well established that parties within both blocks entered these coalitions with decidedly different views, perhaps even conflictive ones, on the EU among themselves (Gilljam and Holmberg 1996; Poguntke 2007). It seems that a way to escape such tension is simply not to speak of the EU at all. This technique might work in the short run. In the long run however it obscures what position the party has in certain regards but this is arguably preferable to a fragmented party. Either way, the EU, or any aspects thereof, appears to develop into a non-issue.

As an additional effort to reveal any differences across parties, it is well worth considering what policy issues parties speak of when they do include mentions of the EU. Table 5.5 provides such a breakdown of the results. It should be mention that the data provide the average percentage of parties' references to Europe for the period 1976–2002 (i.e., before parties started to run on joint coalition platforms). The situation for 2010 is dealt with separately.

Table 5.5 Average distribution of parties' mentions of Europe across CAP policy sectors (%), 1976–2002

	V (n=72)	**Mp** (n=26)	**S** (n=48)	**C** (n=29)	**L** (n=92)	**M** (n=127)	**Kd** (n=27)
Int. affairs (incl. EU)	**56**	**65**	**69**	**59**	**51**	**70**	**48**
Trade	**15**	**19**	2	**21**	**12**	**12**	4
Agriculture	**6**	4	0	0	5	**4**	**15**
Environment	3	0	**6**	**10**	5	2	**15**
Defence	4	0	2	4	5	0	0
Justice etc.	0	**8**	0	0	0	3	0
Immigration	**6**	0	2	0	3	2	0
Macroeconomics	3	0	**8**	0	4	**4**	4
Civil rights	3	0	4	0	**10**	0	0
Government	4	0	0	7	1	0	4

Comment: The three most frequent co-mentions for each party are marked in **bold**.

The cross-tabulation shows that when parties *do* speak of Europe, the vast majority of co-mentions regard the EU itself (i.e., EU constitutional matters such as membership concerns, treaty change, EU institutions and the like). This trend holds without any exception for all parties but there is some variation to take note of. Around 70 per cent of mentions of Europe are invoked regarding EU constitutional affairs by both the Conservatives and the Social Democrats whereas only 48 per cent of EU-mentions of the Christian Democrats and 51 per cent of the Liberals show this distribution. While the Conservatives allocate a noteworthy share of co-mentions also to trade (12 per cent) and the Social Democrats to macroeconomics (8 per cent), the two main parties (S and M) almost only speak of Europe when the EU itself is discussed.

By contrast, several other parties connect the EU to also substantial policy fields. The Left Party, for instance, also infers issues pertaining to foreign trade (15 per cent), immigration and agriculture (both 6 per cent) to an important extent. Moreover, Christian Democrat mentions of the EU are also frequently framed in terms of agriculture and environmental issues (both 15 per cent). Foreign trade, perhaps obviously, is rather frequently the issue whereby European aspects are brought up but there is important variation also here. About one fifth of EU-mentions is dedicated to trade by both the Centre Party and the Greens whereas a much smaller share of EU mentions of the Social Democrats (2 per cent) and Christian Democrats (4 per cent) relates to trade. The most pro-EU party of the lot, the Liberals, showcase a fairly even allocation of EU-mentions across policy fields: 12 per cent of co-occurrences are related to trade, 10 per

cent to civil rights, and the remaining 20 per cent is distributed across agriculture, environment, defence and macroeconomics.

The unexpected and remarkable trend to pay attention to is that parties do not include mentions of the EU in issues that traditionally rank high on their agenda, even when those policy issues are very dependent on what happens in the European legislative arena. The Centre Party, for instance, whose ideology is wholly based on agrarianism (the party is the result of the merge between the *Farmers' League* and the *National Farmers' Union* in 1922, and the party is relatively strong in the rural areas of the country) does not allocate a single co-mention of Europe to agricultural concerns over the studied period. In all fairness, nor does the Social Democratic party but this does not make it any less peculiar. Both common wisdom and academic research tell us that the EU has assumed almost total control over agricultural matters but the agricultural party in Sweden seems unwilling to connect this issue to Europe in its election manifestos.

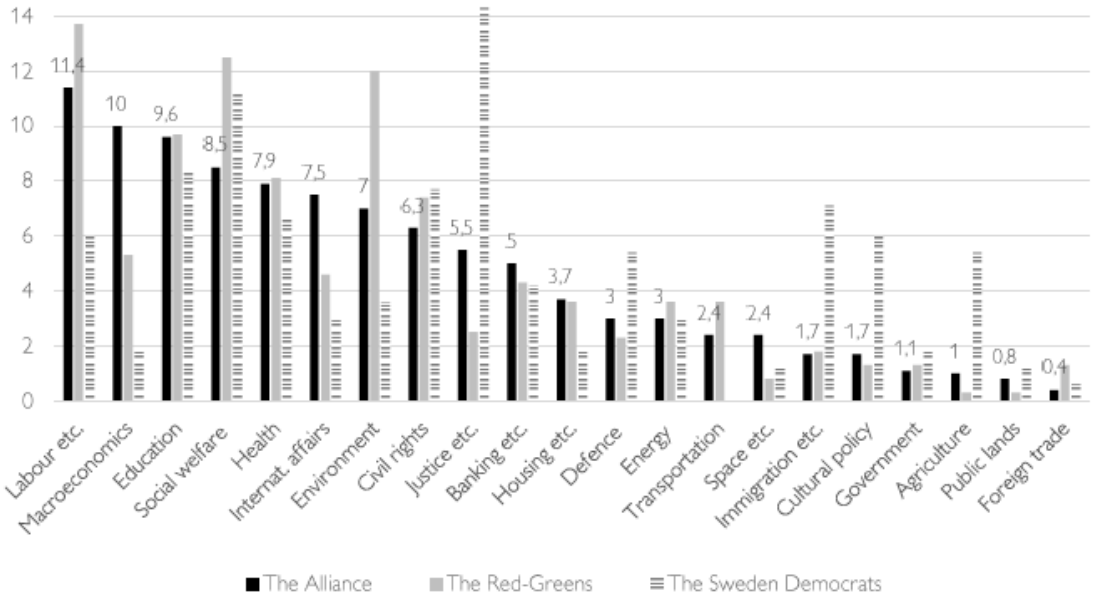
Similarly, the Greens, whose most central political issue is environmentalism, do not once mention the EU in connection to environmental affairs. The previous chapter provided hard evidence of environmental legislation being very closely tied to EU law but the Swedish environmental party seems to do what the Centre Party does regarding agricultural concerns. That is, it decouples the EU issue from the substantial policy issue in question. Moreover, the Conservatives and the Christian Democrats, which voters traditionally give very high priority to matters relating to defence, do not once include a single co-mention of Europe in this regard. It is true that the EU only plays a supportive role in defence matters but the Common Security and Defence Policy (CSDP) is no small matter. In fact, the common defence policy allows the Union to take a leading role in not only peace-keeping operations but also in conflict prevention, and in the strengthening of the international security (Article 42–46 TEU). For this purpose, the CSDP draws heavily on the military assets of its Member States, including Sweden.

One way of describing these findings is to say that Europe is deliberately being under-emphasized by Swedish parties, particularly in policy fields that they keep closest to their heart. From another view, we can say that the presence of the EU is indeed acknowledged but only in certain areas, first and foremost regarding the EU itself, foreign trade and by some parties also in agricultural affairs. We saw in the previous chapter that Swedish legislative production in the area of trade is closely connected to EU law; indeed, it is an exclusive competence of the EU. But the interdependence of Swedish policies on EU law is vast also in the cases of agriculture,

environment, transportation, banking, immigration and energy, even labour market, in connection with which Swedish parties almost never speak about the EU (with some exceptions, of course).

The presence of the EU is further subdued in the most recent election studied, which is well worth spending a few paragraphs on. In 2010, both blocks ran on joint coalition platforms: *The Alliance*, consisting of the Conservatives, the Liberals, the Centre Party and the Christian Democrats, and *the Red-Greens*, consisting of the Social Democrats, the Greens and the Left Party. The election of 2010 also saw the entry of the Sweden Democrats into the Riksdag, which is therefore also included in the analysis. To begin with, Figure 5.3 documents the relative issue attention across CAP policy sectors in these three manifestos.

Figure 5.3 Issue attention across parties/party coalition in 2010 (N=1807 semi-sentences)



The first development to take note of is that the Alliance, which enjoyed the position of majority government at the time of the election, distributes its attention much more evenly across the CAP policy sectors than both the Red-Greens and the Sweden Democrats. Issues relating to the *labour market* are by far the most important sector for the two blocks whereas the Sweden Democrats pays most attention to justice and crime, closely followed by matters surrounding social welfare. Macroeconomics, which traditionally has been more important to the Social

Democrats than to the Conservatives, is significantly more central for the Alliance in 2010. The Sweden Democrats, in particular, are relatively unconcerned about this matter. The Red-Greens, on the other hand, pay much more attention to environmental affairs and to social welfare whereas the Alliance is more concerned with issues pertaining to international affairs, including EU constitutional matters.

Turning to these parties'/party coalitions' inclusion of the European dimension, it can be seen that there is a small but importance difference among them. The Alliance allocates 3.8 per cent of its manifesto to aspects relating to Europe. Considering the remarkable length of its manifesto of 2010 (1234 semi-sentences), this means 47 semi-sentences being dedicated to the EU. This compares with only ten semi-sentences, or 2.5 per cent, invoking Europe in the manifesto of the Red-Greens. The Sweden Democrats, in turn, allocate 3.5 per cent of manifestos to any aspects of Europe. This, it should be noted, only translates into 6 semi-sentences. Together, this means that out of the total number of 1087 political arguments (i.e. semi-sentences) that Swedish legislative parties presented to voters in view of the election in 2010, only 63 contain some reference to the European level of decision-making. Table 5.6 documents the distribution of each party's/coalition's co-occurrences of Europe across policy fields.

Table 5.6 Distribution of parties' mentions of Europe across CAP policy sectors, 2010 (n=63)

	The Alliance (n=47)	**The Red-Greens** (n=10)	**The Sweden Democrats** (n=6)
Int. affairs (incl. EU)	**24**	**2**	**3**
Trade	1	1	**1**
Agriculture	**4**	0	**1**
Environment	**13**	**2**	0
Defence	2	0	0
Transportation	2	0	0
Justice and crime	0	0	**1**
Macroeconomics	1	0	0
Civil rights	3	1	0
Banking	0	1	0
Labour	0	**3**	0

Comment: The most frequent mentions by each party/party coalitions are typed in **bold**.

What do these data add to the analysis? In the diminishing share of parties' manifestos that are dedicated to any aspects relating to the EU there are some small differences across the political

blocks. Both in relative and absolute terms, the centre-right block (i.e., the Alliance), is more inclusive of the European dimension than the Red-Greens and the Sweden Democrats. The Alliance has also a somewhat wider scope regarding the policy sectors in which co-occurrences appear. Europe is first and foremost mentioned regarding EU constitutional affairs but an important part of the Alliance's co-mentions of Europe also regard the environment and agriculture as well as civil rights.

The Red-Greens, by contrast, include the European dimension regarding labour issues instead. However, it should be mentioned that this means only two semi-sentences. Only two semi-sentences on environmental issues co-occur with the EU and the left-of-centre parties thereby make zero connection between the EU and, for instance, agriculture, transportation, immigration and other issues that we know are tightly knitted to EU law. The Sweden Democrats, finally, distribute three out of six semi-sentences to EU constitutional matters and relate the remaining three to trade, agriculture as well as justice and crime.

Against this background, it is therefore possible to say that the *general decrease* in the mentions of Europe certainly continued in the election of 2010. To be sure, there is some variation in this trend across parties but it is possible to conclude that Swedish parties overall paid very little attention to the European dimension of decision-making in their 2010 election manifestos. When they do include any aspects of the EU, it is (still) first and foremost regarding the EU itself. In terms of substantial policy sectors that parties relate the EU to, this is only really taking place for trade, environment, and agriculture. Moreover, the incumbent at the time, the centre-right block, is certainly more inclusive of the European dimension than the opposition parties.

5.6 The voter dimension and the (non-)Europeanization of party manifestos

In this last step of the analysis I offer an additional piece to the puzzle of parties' very selective and strategic references to the EU. As mentioned earlier, previous studies suggest that the extent to which legislative parties politicize, or rather *de*politicize, the EU is down to party strategic reasons. Mair (2007b) contends that the EU level of governance does not provide office-seeking parties with anything that may aid them to achieve that goal. Green-Pedersen (2012) adds to this by arguing that it is electorally very unpredictable for mainstream parties to politicize the EU and its policies. Green-Pedersen explains that the EU dimension of politics is kept largely

hidden in the political debate as those that hold the power to wake "the sleeping giant" (van der Eijk and Franklin 2007) simply have no incentive to do so.

One hitherto novel way to qualify this finding is to generate experimental data to show voters' reaction when prompted about the EU. While it is common to explain parties' reluctance to politically mobilize the EU through the electoral punishment that voters impose on them for doing so, this statement is rarely supported by empirical opinion data. One step in this direction is to explore the way voters react when cued about the EU. Simply put, what effect does the term "the EU" carry on general voters?

One easy and straightforward way to start to explore this is to make use of survey experiments, including the application of so-called split samples. Here, one split of the sampled respondents is asked about a given matter without any inclusion of the EU; that is, they are given a *neutral question*. The other split receives the same question but with an "EU cue" included; that is, they receive the *treatment*. In order to try this experiment I have applied with a questionnaire to the Citizen Panel web survey[44] (Swe. *Medborgarpanelen*), which is carried out by the SOM Institute at the University of Gothenburg.[45] At the time of my survey experiment in 2012, the Citizen Panel included circa 60000 active respondents, consisting of Swedish citizens 18 years of age and over (i.e., eligible voters). These respondents are regularly sent online questionnaires on various aspects of political life. It should be noted that while respondents for each questionnaire are randomly sampled from the n=60000 sample universe, respondents are in the first place active as well due to their voluntary participation in the panel (i.e., this is not a sample that is selected randomly from the general population). However, the experimental treatment is distributed randomly, which is what matters here.

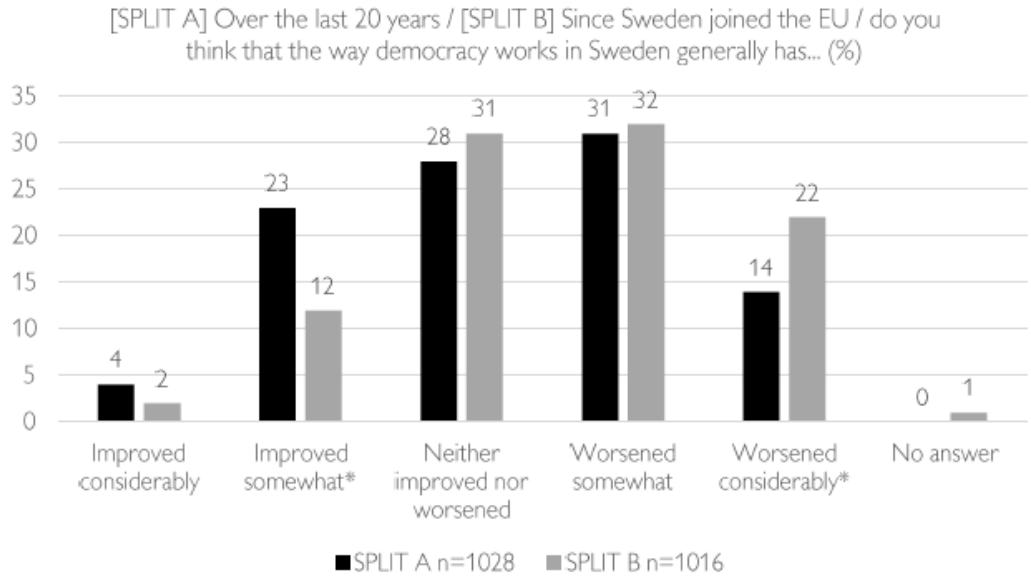
I then designed an experiment questionnaire aimed at measuring the possible effect that the inclusion of "the EU" may have on respondents' understanding of the way democracy has developed in Sweden. A total of 2044 respondents are included in the experiment, which is fairly evenly split into two sub-samples. Split A of the sample (n=1028) received the neutral question: *Over the last 20 years*, do you think that the way democracy works in Sweden

[44] For more information see the official website of the panel at www.medborgarpanelen.gu.se
[45] The question was asked in Swedish: [SPLIT A: Under de senaste 20 åren] / [SPLIT B: Sedan Sverige gick med i EU], hur tycker du att demokratin i Sverige har utvecklats? Har den förbättrats avsevärt, förbättrats något, varken förbättrats eller försämrats, försämrats något eller försämrats avsevärt?

generally has improved considerably, improved somewhat, neither improved nor worsened, worsened somewhat or worsened considerably?

Split B of the sample (n=1016) was instead cued about the EU and received the question: *Since Sweden joined the EU* [i.e. circa 20 years ago], do you think that the way democracy works in Sweden generally has improved considerably, improved somewhat, neither improved nor worsened, worsened somewhat or worsened considerably? The results from this experiment are presented in Figure 5.4 below.

Figure 5.4 Citizens' views on the development of Swedish democracy, split sample survey experiment (N=2044)



Data: The Citizens' Panel Module IV 2012 (Swe. *Medborgarpanelen IV*). * T-test sig. 0.05

The survey experiment shows that the EU cue has a statistically significant effect at the 0.05 level when it comes to respondents who report that Swedish democracy has *improved somewhat* or *worsened considerably* since the mid 1990s. More precisely, respondents in the Split A sample (i.e., those that received the neutral question) are more likely to report that democracy has improved somewhat than what those are that received the treatment. Vice versa, those that received the EU-cue are statistically more likely to report that democracy has worsened considerably compared to those that were asked the neutral question.

To phrase it differently, my experiment shows that the mere presence of "the EU" carries a negative effect on respondents' evaluations of the way democracy has developed in Sweden. Without entering a debate about why respondents respond negatively by the mere utterance of "the EU", it is safe to say that parties face a very difficult crowd when they seek to discuss EU politics. If we consider parties to be rational and office-seeking political creatures, there is simply very little reason to expect them to politicize EU policies if voters automatically punish them for doing so. In fact, rather than it being electorally unpredictable for politicians to *politicize* to Europe it seems unwise for parties to even *mention* it at all.

5.7 Conclusions

In this chapter I have explored the extent to which legislative parties include mentions of the EU in their election manifestos. All election manifestos that were presented by parties represented in the Riksdag over the period 1976–2010 are included in the analysis. This amounts to a total of 61 election manifestos and 14537 semi-sentences (i.e., political arguments), of which 13563 semi-sentences contain some political content.

The analysis shows that the presence of the EU and its predecessors was virtually non-existent up until the early 1990s. From the early 1990s and up until the election of 1994 such co-mentions steadily increased. An all-time high was reported in 1994, at which point just over 8 per cent of the total number of political arguments co-occurred with any mention of the EU. Ever since, however, co-mentions of the EU have steadily diminished: only 3.5 per cent of all semi-sentences presented to Swedish voters contained some reference to the EU in 2010.

When the EU is included in the manifestos, this is first and foremost regarding the EU itself (i.e., EU constitutional issues, such as EU membership or the possible adoption of the single currency). Quite rarely is the EU dimension connected to substantial policy areas and this only really holds for the issue fields of foreign trade and agriculture (with some generosity, we may also include environmental affairs in that cohort). Regarding trade and agricultural matters, the data suggest that most parties have come to terms with the relatively dependence on the EU in these two policy fields. In the remaining policy sectors, however, parties very rarely include mentions of the EU, no matter how obvious the presence of EU law is in the legislative

production of those issues. There is, in other words, a certain *asymmetry* between the degree that legal inputs and legal outputs have become Europeanized, at least if we consider explicit co-mentions of Europe.

As a last step, I introduced new experimental data to start to explore a suggested underlying reason for why parties do not talk about the EU more than what they do. The survey experiment shows that the mere mention of "the EU" invokes negative associations when it comes to how general voters perceive of the way democracy has developed in Sweden. These data suggest that the above-mentioned asymmetry between the obvious dependence on EU law that legislators face in the policymaking process, on the one hand, and their unwillingness to transmit this matter of fact in the national political debate, on the other, will be difficult to overcome.

CHAPTER 6

The MPs and their parties in cultural affairs: Business as usual?

6.1 Introduction and structure of the chapter

In the previous chapters, I dealt extensively with the presence of Europe in legislative production, on the one hand, and parties' programmatic platforms on the other. The empirical picture that emerged bore witness to an increasingly varied *policymaking context* across policy sectors, not only regarding the variable interdependence of policies on EU law but also regarding the way parties actually connect policies to the European legislative arena when they propose policy measures in view of general elections. Based on maximum variation in the adaptational pressure that EU legal developments place on the national policy fabric, I have chosen two policy sectors that showcase decidedly different contexts from one another: cultural affairs and agricultural policy. In the remaining part of the thesis I seek to explore the ways in which, if at all, these differences make themselves known from the viewpoint of individual MPs.

This first qualitative chapter deals with the way MPs understand their role in parliament in cultural affairs, which was chosen for its relative independence from EU law. Indeed, culture represents a policy sector in which the process of Europeanization remains almost absent when it comes to legislative production. In this sense, the issue field of cultural politics might resemble the closest we get to a baseline situation, as legislative authority remains if not purely then primarily national. What characterizes the policymaking process in this policy field? How do the MPs that are active in this policy field understand their task in the legislative process? What possibilities and what difficulties do they see?

To explore these questions and more, I carried out intensive elite interviews with MPs and high-officials who are deeply entrenched in the law-making of cultural policy. Before I present the key findings from these interviews, a few general remarks about the organization of cultural policy in the Riksdag are in order. In the parliament, cultural policy is prepared and drafted in the Committee on Cultural Affairs, which deals virtually exclusively with this particular policy issue. Yet, it should be noted that the committee also prepares legislative decisions in the issue area of sports (Article 165 TFEU) and youth issues (Articles 165 and 166 TFEU). Cultural affairs is the issue field of primary interest here and even though I have actively encouraged the interviewees to reflect on this particular issue field rather than the committee's overall work, it is of course methodologically impossible to totally isolate the issue field of culture from the remaining topics that respondents may deal with in the committee and in the parliament at large.

While all 41 interviews have directly or indirectly contributed to the analysis presented in this chapter, of key importance are eight interviews with MPs serving in the Committee on Cultural Affairs. Due to the results of the election in 2010. the political make-up of the parliamentary committees for the 2010–2014 parliamentary sessions follows this formula: out of the seventeen ordinary members, six were from the Social Democratic party (S), five from the Conservatives (M) and one member from each of the remaining six parties. Out of the eight interviews with MPs in the Committee on Cultural Affairs, two were drawn from the Conservatives and one from each of the remaining parties, with the exception of the Left Party for which I regrettably could not get hold of a respondent. Table 6.1 offers an overview of the set-up of the committee in the parliamentary session 2010–2014, and the numbers of interviews (the latter in parenthesis).

Table 6.1 Make-up of the Committee on Cultural Affairs 2010–2014 and interviewees in parenthesis

	No. of members/interviewees
The Left Party (V)	1 (0)
The Greens (Mp)	1 (1)
The Social Democrats (S)	6 (1)
The Centre Party (C)	1 (1)
The Liberals (L)	1 (1)
The Conservatives (M)	5 (2)
The Christian Democrats (Kd)	1 (1)
The Sweden Democrats (Sd)	1 (1)

As already discussed in the methodology chapter (Chapter 3), I chose to interview not only MPs but also high-officials who work with the parliamentarians in the legislative process, as I believe that this latter set of actors complements the experiences recounted by the MPs. More precisely, in addition to the eight MPs I also interviewed two high-officials of the secretariat of the Committee on Cultural Affairs, two high-officials of the secretariat of the Committee on the Constitution, two officials of the EU Coordination Unit, and one official of the secretariat of the Committee on Taxation. The reason I included officials beyond the Committee on Cultural Affairs is the cross boarder nature of legislative activities of MPs, as the analysis shows.

An additional remark should be made regarding the legislative ambit of the EU in cultural affairs. In formal terms, the competence of the EU in cultural affairs is relatively muted. Ever since the conception of the Communities, culture has been somewhat barred from the overarching goal of ever-closer Union. In fact, the Treaty of Rome contained only scant reference to cultural policy, largely because any inclusion could have led to tensions within the Community institutions (Craufurd Smith 2011). The founding Treaties even contained something of a "vaccine" against future harmonization: Article 36 EEC permitted Member States to restrict fundamental trade principles to "protect national treasures of cultural value".

Today, however, EU cultural policy enjoys a separate treaty base in the form of Article 167 TFEU. The material content of the treaty objective may be summarized as three "mandates": "to contribute to the flowering of the cultures of the Member States, to respect their national and regional diversity and to bring the common cultural heritage to the fore" (Article 167(1) TFEU). It is not by chance that cultures are used in the plural, since national primacy in cultural matters is underscored in Article 6 TEU. In fact, according to Article 6 TEU, EU action in the cultural sphere should only occur to support and supplement national actions, meaning

that the EU must not harmonize cultural policy at all. Despite obvious legal advancement of the cultural issue in EU law, EU legal operations in this field therefore remain fairly cautious, including "soft" policy measures such as the European Capitals of Culture, various prizes, a European Youth Orchestra, the European Heritage Label and so on. While the extent to which MPs sense the presence of the EU in cultural policy (and whether the original "vaccination" against harmonization contained in Article 36 EEC has worn off) is explored here, it is safe to say that culture is one issue area that remains *relatively* remote from the legislative ambit of the EU. This was illustrated empirically in the previous chapters.

Following these general remarks on the set-up of the interviews and of cultural politics as such, the chapter proceeds in four steps. First, I explore how MPs describe their contact with voters and organized interests. That is, I analyse how they understand their function in the electoral arena, for which I also include a more qualitative analysis of the way parties speak of cultural policy in their manifestos. In the second part of the chapters, I present MPs' perceptions of the possibilities and difficulties they see in the decision-making process in parliament in general, and in the committee in particular. That is, I analyse how they understand their role in the parliamentary arena. In this section, I also report how MPs' perceive of their task in monitoring the government. In the final part of the chapter I offer a brief discussion of the main findings.

6.2 MPs' on their role the electoral arena

How then do the MPs in the Committee on Cultural Affairs describe their work in the policymaking process? Starting first with their perception of their contact with *voters* and *organized interests*, the respondents describe their contact with voters in terms such as "central", "rewarding" and "being of outmost importance". One member of the Social Democratic party (i.e., of the parliamentary opposition) explains:

> I put the greatest emphasis on my representative role in parliament. Representation of my hometown and of the country as a whole. And also of certain groups in the cultural sector. That is my job in the committee, to tend to those groups' interests (KrU4).

The respondent went on to describe, at quite great length, how she on a weekly basis meets up with voters and actors in the cultural sector in her home constituency to discuss any matter they might want to share with her.

Frequent meetings with voters in the home constituency is also an important part of the work of a member of the parliamentary majority – that is, the Centre Party – who asserts:

> My task, not only in the Committee but in the Riksdag as such, is to do what the voters put me here for: I have a certain idea of how Swedish politics should develop to benefit not only the populace at large but also disadvantaged groups, and I do my best to advance these voters' interests (KrU2).

The respondent explains that he is one of the relatively few MPs that were elected based on personal voters:

> I am one of the MPs that got the highest number of personal votes in the last election. Of course, I am very proud of that, and I see this as voters giving me the "thumbs up', that I am advancing their interests in a way they can agree with (KrU2).

The respondent also gives a concrete example of when he managed to "directly influence" legislation in the direction of his voters' interests. The recently passed law on library services (law 2013:81), for instance, is an example he uses to describe when he successfully managed to respond to voters' concerns in the decision-making process.

A member of the opposition adds to this experience:

> Meeting the voters is of course one of the most important and rewarding aspects of my job as a representative […]. And I think that the representative part of my work is particularly present when it comes to cultural policies, because these decisions need to be firmly anchored in the community. […] Cultural policies affect the every-day lives of citizens and therefore need to be articulated from their point of view (KrU3).

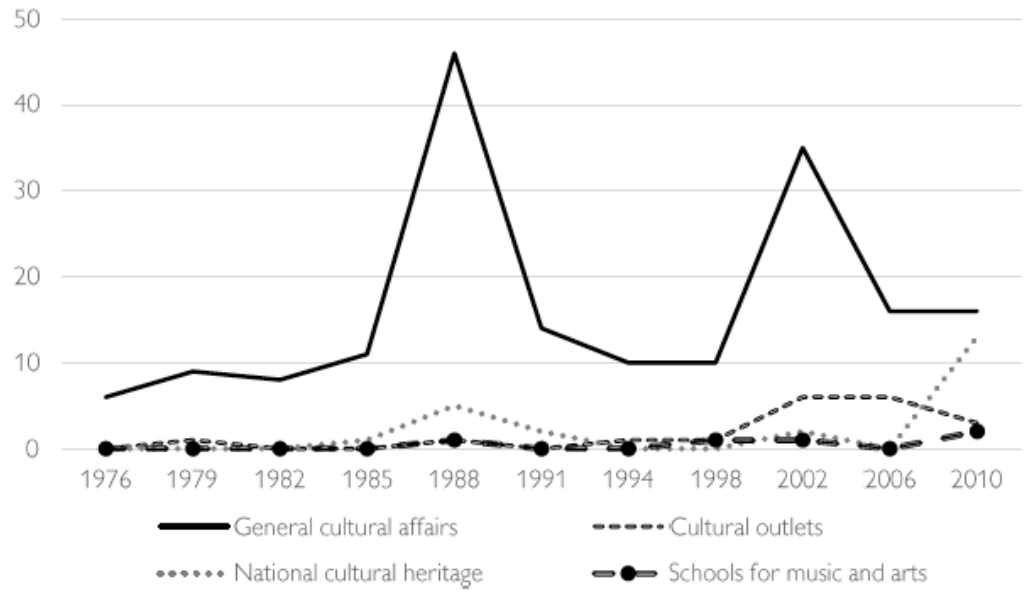
Yet another respondent in the opposition agrees with the centrality of being in close contact with the voters:

> Cultural policies are really about our way of life, about values and civic society, and so the debate is usually very *ideological* and forward-looking. What kind of society do we want? It might sound dramatic but these big questions are really what we deal with in cultural affairs, and so of course the voters' perspective is always present (KrU4).

That the policy debate surrounds policy measures at the *general* level, perhaps even at the *ideological* level (rather than about smaller, technical details) is something that we might find evidence of in the manifesto data. These data were analysed at the macro-level in the previous chapter.

Here, instead, I explore the more fine-grained details of what exact policy concerns parties speak of when it comes to cultural policy. Figure 6.1 shows that over the period 1976–2010, Swedish parties attributed 234 semi-sentences (i.e., policy arguments) to cultural affairs, which amounts to 1.7 per cent of the total number of semi-sentences put forward in the studied period (see Chapter 5 for further details). As already noted in Chapter 5, this percentage suggests that cultural policy is not a particularly salient issue, at least not compared to the key issue areas that make up parties' election manifestos. These include, among others, domestic macroeconomics (13 per cent), labour affairs (9.4 per cent) and social welfare concerns (9.2 per cent).

Figure 6.1 Distribution of semi-sentences on cultural policy in Swedish parties' election manifestos, 1976–2010 (N=234)



It is true that cultural affairs is not a high-ranking issue in parties' policy platforms, but should be noted that several other policy issues show a similarly low overall number of semi-sentences, for instance defence (1.9 per cent), transportation (1.6 per cent), foreign trade (1.1 per cent) and immigration policies (1.9 per cent). As also noted already in the previous part of the analysis, Swedish parties have not connected any of the 234 semi-sentences on cultural affairs to Europe; that is, they have not once over the studied period included any aspects of Europe in connection with cultural policy, which is quite unsurprising considering the low presence of EU law in legislative production in this area.

At any rate, most semi-sentences that are dedicated to cultural affairs concern *general remarks* about cultural policies. Such general remarks include questions on the overall direction and priorities of cultural policies – including any mentions of the Ministry of Culture, its organization and capacity – as well as the extent of taxes and duties within the Minister's general area of responsibility. State subsidies to the arts and other sorts of funding as well as questions on the content quality of culture are also included in this general cohort of policy arguments. One respondent from the opposition parties adds to this by stating that "there are some fundamental things that we all agree on, at least when it comes to the crunch but if you follow the debate in the media, the political debate on cultural politics is quite heated and ideological" (KrU8). Additional respondents share this evaluation, and one respondent (KrU7) would even call the cultural politics as "an ideological battle ground".

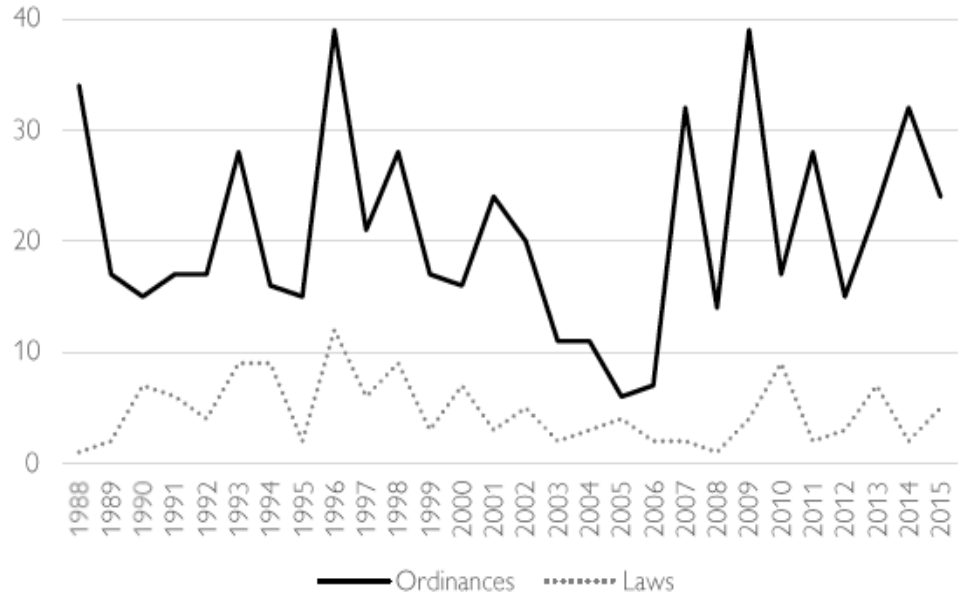
At the same time, there are certainly important fluctuations in parties' issue attention to cultural concerns over the years, with obvious peaks in 1988 and 2002. However, the point here is that the more fine-grained CAP sub-topics of cultural affairs attract relatively few semi-sentences. Only a handful of semi-sentences are dedicated to issues regarding *cultural outlets*, which include any mentions of museums, libraries and cinemas, as well as any possible entrance fees to these places. Neither the issue of *art and music schools* (Swe. *musikskolor* och *kommunuala musikskolor*) nor the issue of *national cultural heritage* receive much attention. Yet, it should be noted that the number of semi-sentences related to national cultural heritage showed a sharp increase in 2010. which is wholly explained by the high attention to this particular issue in the election manifesto of the newcomer Sweden Democrats. With these small fluctuations aside, it is safe to say that when parties speak of cultural policies in their programmatic platforms they speak of it in fairly *broad and general terms*, even in ideological ones, rather than specific issues nested within cultural policies.

6.3 MPs in the parliamentary arena

How then do these MPs understand their position as decision-makers (or, indeed, legislators) in the parliamentary arena? Before I analyse respondents' views of their capacity to decide on public policy, it is worth first taking a closer look at the larger development of cultural policymaking. Figure 6.2 (overleaf) therefore documents the evolution of Swedish legislative act in the field of culture over the period 1988–2015.

First of all, it should be noted that cultural affairs is not a very norm-intensive issue field. Over the studied period, only 715 legal acts were passed. This compares with, for instance, justice and crime, as well as banking and domestic commerce, which each stand for more than 5000 legislative acts over the same period. The fact that cultural affairs is not a very norm-intensive issue field is well established in the academic literature. This is because cultural policy is "a matter of rhetoric" rather than a regulatory exercise (Hugoson 2000) and advances through the steps of large, framework laws, rather than small, detailed legal norms (Harding 2007).

Figure 6.2 Evolution of Swedish legislative productions in the area of culture, 1988–2015 (N=715)



On this point, Harding (2009) offers a discussion about the *content* of Swedish cultural politics not really being subjected to politics at all. In most democratic societies, legislators abide to, or at least should abide to, the idea that culture should be kept at arm's length (Swe. *armlängds-principen*). The role of politicians is therefore to discuss the scene upon which culture takes place, rather than to regulate the expressions or contents of culture. Therefore, he explains, cultural politics is merely about the *organization* of the cultural sphere, such as funding, intellectual rights, taxation, the role of culture in schools and media and so on.

There are considerable fluctuations to take note of regarding legislative outputs, and these are largely explained by election dynamics. In fact, sharp peaks in legislative production are mainly to be found after a change of government. The large increases in 2006 and 2009 can be related to the entry of the centre-right Alliance to government. Shortly after assuming office, the Alliance launched government bill 2009/10:3 proposing a new "cultural model", which came to be referred to as the "portfolio model" (Swe. *Portföljmodellen*). In brief, the centre-right parties sought to "rearticulate" Swedish cultural politics by relocating the responsibility over the cultural sector as such, and the management of state subsidies for culture, from the national to the regional level.

Enjoying the majority position, the bill "literally breezed through parliament" (KrU8). In committee report 2009/10:KrU5, the Committee on Cultural affairs approved of all changes that the government bill imposed on cultural sectors. By doing so, the Committee underscored that the previously laid down objectives for all Swedish cultural authorities, passed by the Riksdag in 1996, were entirely cancelled.

The government's reformulation of cultural policy received (and still received, at the time of the interviews) heavy criticism from the left-of-centre parties. Their argument is that the new management of cultural affairs relies too heavily on regional politicians' knowledge of cultural politics and particularly in the smaller counties, there is not always enough engagement in these issues. The survival of the cultural sector is in this way left to the cultural actors themselves to attend to, which was put forward not only in the media but also in the reservations to committee report 2009/10:KrU5.

Respondents from the opposition parties confirm that the particular approach to cultural politics that the Alliance has invoked has "raised the level of conflict" in the cultural debate. According to one respondent from the Social Democrats, when the Alliance entered government in 2006 there were even "rumours"[46] that the Minister of Culture sought to scrap public funding of the cultural sector altogether. However, almost immediately after taking her place in the Reinfeldt I cabinet, the Minister of Culture had to resign due to a scandal of unpaid TV license fees and so rumours about the possible end to the traditionally very generous state funding never came to the surface.

The Alliance's reboot of cultural politics in the parliamentary session 2009/10 is brought up as an example of the traditional government-opposition dynamics being totally dominant in the agenda setting for cultural politics. Frenander (2005) argues that Swedish cultural policy discourse in the twentieth century has been largely ideological and even "class bound", invoking either "worker class, peasant, or bourgeois values". Consequently, the composition of parliament is therefore expected to shape cultural politics to an important extent. This is not to say that legislators are faced with a carte blanche when they decide on cultural policy. There is certainly a search of consensus building in cultural affairs, just as in Swedish politics in general. Whispers of the Alliance's planned abolishment of state funding of the cultural sphere appear unlikely considering the traditionally very high subsidies advocated by the left-of-centre parties.

Nonetheless, the main point is that parties speak of cultural affairs in decidedly different terms and with very different goals in mind. In his doctoral thesis on the organization of Swedish cultural policy, Harding (2007) shows that while many actors – both politicians and academics – seem to view cultural policy as an issue field of a low level of conflict and that its central norms are uncontroversial, there are "major differences between the various political positions, even on important points" (Harding 2007, 7).

In addition, Harding claims that there are signs that cultural policy is becoming more explicitly politicized, not only in Sweden but in many other countries as well. A type example of this international trend could include the murder of the Dutch film director Theo van Gogh in 2004. In Sweden, Harding mentions a work of art displayed in an exhibition at the Museum of National Antiquities in Stockholm relating to an international Holocaust conference in 2004.

[46] Harding (2007) offers a more detailed discussion about the left-of-centre parties' suspicion that the Alliance would abolish state funding for the arts.

What was pictured was a Palestinian suicide bomber floating on a raft in a dam filled with red water, which provoked the Israeli ambassador to attempt to destroy the display during the opening ceremony. Yet another example is the infamous cake installation at the World Art Day at the Stockholm Museum of Modern Art in 2012. The cake was in the shape of a naked black woman's torso, with the artist's own head being part of the cake. The head started to scream when the Minister of Culture cut the cake. The cake installation was intended to problematize female circumcision but received heavy criticism from the Afro-American community, which called it a racist manifestation masquerading as art.

Turning to *scrutiny of the government*, it may be said that the majority-opposition line is the dominant structure for explaining respondents' understanding of this task. Respondents from the opposition parties are quick to underscore the centrality of this task in parliament, that they monitor the government closely and that they see themselves as always having to question and put pressure on the government and its policies, not only in the Riksdag but in the media as well. For this purpose, opposition members make active use of various parliamentary tools such as interpellations and questions to the minister to "raise public awareness" about a certain issue.

Respondents from the majority parties, by contrast, hesitate to describe their role in parliament in terms of scrutiny. One member from the Conservative Party explains:

> I would not say that my role in parliament is to scrutinize my colleagues in government, particularly not in the issue field of culture. I already enjoy a direct link to the government in these issues, and I can influence the way things are going in this way (KrU1).

Two additional respondents from the government parties add that, as a general rule, members of the government parties do not table parliamentary bills in the issue area of the committee they serve in since "that would just be weird".

For this reason, respondents from the majority parties emphasize the variable roles they play depending on the parliamentary composition, and this is just the more obvious when it comes to decision-making. While respondents from the government parties speak of the "agenda-setting possibilities" they enjoy in the legislative process, respondents from the opposition parties describe their job in parliament in very different terms. One respondent from the Centre Party (i.e., parliamentary majority) begins:

> The government decides to a large extent which issues should be addressed and which issues that should be set aside. The ministry sets the priorities and the objectives, and by what means to get there. To enjoy the majority position, then, which we did in the previous mandate period, was such an advantage. […] But also now in a minority position, members of the government parties enter into the legislative process at an early stage, we have direct access to the government where most initiatives are taken and we get an immediate response when we voice our concerns (KrU2).

The respondent adds that during the preparation of the new library law he was in contact with the ministry "almost on a daily basis" and that he knew that his concerns were considered. Two additional respondents from the Alliance parties contribute to this description of the situation and underscore the advantage of enjoying "a direct link" to the ministry and to always knowing what will be on the agenda.

This picture contrasts with the experience of one Social Democratic party respondent (i.e., a member of the opposition), who recalls a totally different situation:

> The committee is almost entirely dependent on what the government wants to do. Particularly in the previous parliamentary situation [the Reinfeldt I majority government], we [the left-of-centre parties] had a very difficult time to influence the direction in which cultural politics were going. We never knew what was coming and when we had a government bill on the table there were only small chances for the opposition parties to carry any influence. Now when we have a minority government, they [the Alliance] have become a little humbler but it is the government, no doubt about it, which sets the agenda (KrU4).

The other respondents from the opposition parties share similar stories. They describe the parliamentary work in cultural affairs in the previous mandate period as "a conveyor belt" for the government's policy measures. "With a minority government, the balance of power has certainly shifted, and this has an obvious effect on our work in the committee too" (KrU7).

In this regard, respondents are also able to contrast the work in the Committee on Cultural Affairs with other committees they have served in. Respondents point out the singularity of the Committee on Cultural Affairs in that it "just like education policy, remains very nationally entrenched" (KrU6).

This is not to say that the agenda is deaf to international events. Indeed, several respondents brought up the ongoing debate to allow for a wider range of cultural expressions, following in the footsteps of immigration. Rather, respondents underscore the fact that cultural politics is relatively "open for reform" and several respondents also contrast this situation with that they have experienced in other committees. Compared to the situation in the Committee on Justice, for instance, two respondents contend that the actual "handicraft" of cultural policy is much more "proactive than reactive". One respondent from the Sweden Democrats adds to this:

> My task as a legislator in cultural affairs is very much about finding a long-term strategy. It's a matter of distribution of funding, rather than to take swift decisions on technicalities through legislation, which I think is the situation in many other committees (KrU3).

On this note, respondents also highlight the relative independence that cultural politics enjoy from EU law. They repeatedly describe cultural policy as "a purely national issue" or a "national competence". Respondents also contend that there is large agreement that this should be the case. According to one member of the Conservative party, "everyone, not only in Sweden but in Europe as well, agrees that cultural affairs is something that should be the responsibility of *national* parliaments" and she adds that "cultural politics is the best example I can think if you want to know what a national issue is" (KrU1).

Other respondents are not too sure of the use of such dichotomies. A member of the Social Democratic Party expands on this:

> The line between domestic and EU issues is blurred. On the one hand, culture is a purely national issue but at the same time, it has come to assume certain European elements. Regarding budgetary issues, for instance, how much we should spend on public museums and so on is usually seen as purely national matter. But in the case of museums, we now want to partake in the EU collaboration "Digital Museum of Europe", which then makes it a European issue […] (KrU4).

All the same, respondents add that when so-called "EU documents" do enter the agenda, the Committee's treatment of these is "*reactive* rather than proactive". A member of the government parties explains:

> The EU documents that relate to cultural policy are usually about overarching issues and priorities, for instance that the creative sector (Swe. *kreativa näringarna*) is important to foster. Of course, we all agree with this and we are not bound to these documents and so we don't have to follow them very closely. Therefore, EU initiatives on culture are something that we handle reactively rather than proactively […] they are simply something that we take note of, and that's it […] (KrU2).

Another respondent adds that EU initiatives on culture are essentially down to "our own will".

In this regard, respondents are also able to contrast their work in the Committee on Cultural Affairs with other committees they have served in when it comes to relative independence from EU law. One respondent from the Social Democratic party expands on this:

> The work in other committees, such as the Committee on Environment and Agriculture for instance, is determined by the EU rather than by the parliamentary majority. Several committees here in parliament deal almost exclusively with the implementation of EU instruments, which we do not have any of (KrU4).

Another respondent from the Social Democratic party believes that the low presence of EU law has an obvious impact on the work in the committee. She believes that compared to the Committee on Transportation, where she previously served, there are "fewer meetings in the Committee on Cultural Affairs, and simply less papers to sift through", which allows for more frequent contact with voters instead. Respondents add that the independence from not only European but international agreements in general make the political task rather exempt from previous agreements: "We don't have to pay attention to what has been decided somewhere else by somebody else. In cultural politics it is the parliament that sets the framework" (KrU2). Against this background, respondents describe their working conditions in parliament as "fairly unique".

That EU legislation in the field of cultural policy is largely absent is hardly surprising given that Article 167 TFEU does not open for harmonization.[47] Rather, the EU should only support and coordinate national legislative measures in cultural policy,[48] as was previously

[47] The situation is slightly different for sports and youth issues which treaty anchorage is determined by Article 165 TFEU. These are in principal just as shielded from legislative measures from the side of the EU, even though these issues may be subjected to the Ordinary Legislative Procedure instead.
[48] The only legislative proposal in their area of responsibility that respondents knew of "in the pipeline" had to do with a council decision on match-fixing. This proposal was later put forward in COM(2015) 84.

mentioned (Article 6 TEU). For this purpose, cultural policy – together with issues pertaining to education, sports and youth issues – are subject to the Education, Youth, Culture and Sport configuration (EYCS) of the Council of Ministers. This Council convenes (only) twice per year in its full configuration. Decisions in these issue fields are taken primarily by *unanimity*, with only a handful of topics being subjected to qualified majority voting, and decisions adopted are usually *incentive measures* and *recommendations* (i.e., non-legally binding measures). The European Parliament does not take part in the decision-making procedure.

The Open Method of Coordination (OMC) is thus a favoured method for cooperation. In practice, OMC means that national experts meet to exchange best practices, experiences and information as well as to chisel out common guidelines, recommendation and handbooks. In these OMC-groups, experts from the government offices and authorities, as well as from other organizations, take part. These individuals receive no political mandate in view of the OMC-meetings but the outcome of these meetings is reported to the Ministry on a regular basis.

All the same, respondents are quick to add that the European dimension in their work is greater than what one might expect and this is largely due to the inter-connectedness of policy areas. The building of the single market has certainly had an "indirect" or "contagion effect" also for cultural politics. For this reason, respondents speak of a process of *minimum harmonization* (Swe. *minimiharmonisering*), which takes place when EU law sets certain standards or thresholds in neighbouring policy fields, which national legislation must meet but may very well exceed. The respondent from the Sweden Democrats therefore particularly objected to my description of the competence of the EU in cultural affairs being only *supporting*:

> The EU has a fairly large say over cultural issues, I would not say that the EU's competence is only supportive. […] There are a number of directives that set certain indirect standards for cultural policy and, the EU controls what *type* of culture that should be promoted. Filmmakers who apply for financial support have to include at least three EU Member States in the project and so on. These might sound like minor details but they are not. The EU certainly takes a very direct part in cultural politics (KrU3).

Not only respondents from the traditionally EU-sceptic parties share this reflection. Rather, there is wide agreement across political lines that the influence of EU law on cultural policy is "unexpected and far from unimportant" (KrU6). For this reason, all respondents believe that it is important to closely monitor the activities at the EU legislative arena. One member of the Conservative party explains that

> I definitely see it as my role to monitor the EU institutions and there are many different ways through which we can realize that role. For instance, [we can do so] via the ministers and our MEPs but the parliament can also travel to Brussels and meet with the Commission and Commissioners directly and let them hear what we think about their work on cultural affairs (KrU8).

Respondents brought up several EU legislative measures that are indirectly influencing cultural affairs. One example is the AV-directive – that is, the audio-visual media services directive (directive 2010/13/EU of the European Parliament and Council) – which governs EU-wide coordination of national legislation on all audio-visual media, both traditional TV broadcasts and on-demand services. The overarching objectives of the directive are, among others, to provide common rules to shape technological developments, to preserve cultural diversity (including the combatting of racial and religious hatred), to safeguard "media pluralism" and to protect children and consumers.

It should be noted that the treaty anchorage for this directive is actually free movement of services (Articles 53 and 62 TFEU) and not cultural policy (Article 167 TFEU). It should also be mentioned that the government bill that was issued to transpose the directive was not treated in the Committee on Cultural Affairs but in the Committee on the Constitution, as the organization of media is an area of responsibility of this particular committee. However, respondents refer to the AV-directive as having "obvious consequences" for the cultural sectors. While none of the respondents objects to the key objectives of the AV-directive, they underscored the fact that it is aimed at "cultural expressions", even though it is formally a measure about the mobility of services, including advertising, and intellectual rights.

Second, respondents brought up Council directive 2006/112/EC, also called the value added tax (VAT) directive, as an example of the indirect approximation of cultural politics.

While income taxation remains shielded from EU legislative involvement, the EU does enjoy specific competence on VAT, as laid out in Article 113 TFEU. The directive harmonizes legislation on turnover taxes by means of a common VAT system to eliminate, as far as possible, factors that might distort conditions of competition, whether at national or Community level.

However, in Sweden approximately 200 000 non-profit organizations – such as sports, cultural and religious associations – enjoy an exemption from the consumption tax levied on goods and services (VAT act, Swe. *momslagen* (1994:200) 4 Ch. 8 §). The Swedish VAT law is in this way "a reflection of the old Swedish associative tradition" (Hedlund 2010), with the argument being that non-profit organizations add to civic society, and should therefore not have to pay tax. The Swedish VAT exceptions are consequently unique in the EU in this regard.[49] While the VAT-directive from 2006, which should have been implemented in all Member States by 1 January 2008 at the latest, does allow for a number of exceptions, to exempt all non-profit organizations from VAT is, according to the Commission, an overly generous interpretation.

Consequently, Swedish national VAT acts are in direct conflict with EU law, whereby the European Court of Justice initiated an infringement procedure against Sweden on its unlawful VAT exemptions in June 2008. In an attempt to avoid a lawsuit, the government applied to limit the levy to organizations with an annual turnover of more than one million SEK, which would keep circa 90 per cent of all non-profit organizations tax exempt. In March 2011, however, the Commission rejected the government's application, which was met with great alarm regarding the possible consequences a full transposition of the directive would mean for sports and cultural associations.

In the meantime, the Commission had issued a Green Paper on the future of VAT – towards a simpler, more robust and efficient VAT system, COM(2010) 695 – in the search to take European tax law one step further. The Commission wanted to launch a debate on the European VAT system as it believes that there is reason to "simplify and modernise" the current system, for which further harmonization would be needed. According to the Commission, the current VAT system, which is in part based on EU law (primarily directive 2006/112/EC, also called the VAT-directive) and in part national legislation, suffers from a number of shortcomings.

[49] It should be mentioned that Finland has a similar type of VAT legislation.

First, domestic and intra-EU transactions are treated differently for VAT purposes, which is an obstacle to the functioning of the single market. Second, existence of numerous options and derogations for Member States under common VAT law further compounds this situation as it leads to divergent rules within the Union. It is for this reason that the Commission wishes to see "a more coherent fiscal environment" and the Green Paper foreshadows new legislative measures to streamline the system.

This heated debate continued until April 2016. at which point the Commission presented an Action Plan on VAT: Towards a single EU VAT Area, COM(2016) 148. The Action Plan sets out future key principles for common VAT legislation, in which common VAT levies, and various measures to simplify and modernize the VAT rules for small and medium sized companies, as well as the fight against tax fraud, are at the forefront. More importantly for the Swedish cultural sector, the Action Plan opens the possibility of exempting certain elements of national VAT legislation from EU law, which – at least for now – accommodates the Swedish (and Finnish) model of exempting non-profit organization from paying VAT. With the presentation of the Action Plan, the cultural sector thus drew a collective sigh of relief.

Much can certainly happen before the Action Plan translates into legislation. However, the main point I wish to make with the AV- and VAT-directives is that they not only indicate that cultural policy is certainly *indirectly* affected by EU law, or at least potentially so, they also show that the Committee on Cultural Affairs did not play any *formal* role in the parliamentary scrutiny of these measures. In fact, what the AV and VAT-directives have in common is that neither is anchored in Article 167 TFEU and therefore neither was formally referred to the purview of the Committee on Cultural Affairs. The AV-directive falls within the area of responsibility of the Committee on the Constitution, and VAT legislation is an issue of the Committee on Taxation.

To briefly return to the Green Paper on the VAT system, it is fair to say that the Paper was "very controversial" from the perspective of the Swedish cultural sector. Despite repeated pleas from the Swedish government, the paper did not contain any attempt to accommodate the unique Swedish VAT exemptions and representatives of the cultural sector were therefore very active in objecting to the paper. As one respondent said: "they fought with sticks and stones" (KrU2). In fact, it should be noted that out of the 1726 opinions that the Commission received during the public consultation period between 1 December 2010 and 31 May 2011, no fewer

than 968 opinions came from Swedish non-profit associations.[50] In addition, representatives from a number of sports clubs, theatres, art centres, cafés and various other associations contributed to an intense debate in the media in which also members of the Committee on Cultural Affairs actively took part.[51] The public interest of the Paper was in this way regarding civic society, not taxation as such.

Within the walls of the Riksdag, however, the debate on the Paper was limited to the Committee on Taxation. With the treaty base being Article 113 TFEU (i.e., taxation), it was this committee that had the full responsibility of the scrutiny of the paper. In May 2011, it issued a statement (Swe. *utlåtande*) 2010/11:SkU25, welcoming "the broad overview of the common VAT system" and describing the Commission's paper as a "praiseworthy initiative" (statement 2010/11:SkU25, 1). In the preparation of this statement, the Committee on Cultural Affairs was invited by the Committee on Taxation to share a formal opinion (Swe. *yttrande*).

It is important to note that the Committee on Cultural Affairs did not issue a "proper" opinion but only shared an excerpt from the minutes of one of its meetings (Swe. *protokollsutdrag*), in which the Committee engaged in a relatively brief argumentation about the importance of the continuous VAT exemption for non-profit associations. It should also be noted that no member of the Committee on Culture took part in the public hearing on the future of the common VAT system was held in the Riksdag in March 2011. More precisely, the Committee on Taxation had invited experts from the Government Offices and Swedish Tax Agency, as well as representatives from the Commission, the Swedish industrial sector and the Swedish Association of Local Authorities and Regions to discuss the possible consequences of the proposed measures. However, regarding politicians only MPs in the Committee on Taxation took part in the hearing.

One may say that it is unproblematic that the Committee on Cultural Affairs was largely absent in the scrutiny process. This is because political interests in the Riksdag are realized first and foremost through the party caucus, not through the committee system.

[50] Details available in the Commission's summary of the outcome of the public consultation: http://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/common/consultations/tax/future_vat/summary_vat_greenpaper.pdf

[51] See, among others, the article by the previous head of the Committee on Cultural Affairs, Berit Högman, in *Svenska Dagbladet*, published 31.01.2012: Sverige bör blockera EU:s nya momsdirektiv, https://www.svd.se/sverige-bor-blockera-eus-nya-momsdirektiv

Strelkov (2015) finds convincing evidence of this in his study of the scrutiny process in the Swedish parliamentary Committee on Social Insurance. According to Strelkov, the scrutiny of EU affairs in the Riksdag "can be considered a 'party game', not a 'committee game', as decision-making, exchange of information and coordination take place through partisan channels" (Strelkov 2015, 118). Therefore, it does not matter if representatives from the Committee on Cultural Affairs partook in the formal scrutiny or not because their political colleagues in the Committee on Taxation did. Indeed, both the statement and the public hearing touched upon the possible consequences that the Commission's proposed legislative measures would impose on non-profit cultural associations.

From another point of view, it is possible to say that by anchoring the scrutiny exclusively on the basis of the legal provision (i.e. taxation), this is what will be the focus of attention. In fact, the possible upsetting consequences that the VAT levy would impose on Swedish civic society in general, and the cultural sector in particular, are only marginally present. According to the transcripts of the hearing, the tax exemption was mentioned at only one occasion. The argument was raised by a representative of the government and it may be said that he only did so in passing.

Regarding the statement, the Committee on Taxation refers to the excerpt of the minutes that the Committee on Cultural Affairs had shared but, again, it is by no means a central component of the statement. This is curious because it was in the cultural sphere that the large part of the debate was taking place. Respondents explain that any possible consequences of the proposed VAT system are probably important for Swedish companies but not of any greater magnitude and that "while the formal decisions are taken in the Committee on Taxation, it is us [politicians dealing with cultural policy] that have to take the debate" (KrU4). To put it differently, respondents lament the fact that the formal review of the future VAT rules "took place somewhere else by somebody else, when it is us that journalists are asking for a comment" (KrU3).

The picture is further complicated if we consider the occasions when the Committee on Cultural Affairs have had a *formal* say on EU legislative measures, which respondents describe as "malfunctioning" and "much ado about nothing". Indeed, it might be said that the Committee's formal channels for scrutiny of EU legislative action are focused on the procedure or *form* of scrutiny rather than the *content* of what is being scrutinized.

Turning first to the Committee's review of draft legislative proposals' compliance with the principle of subsidiarity (i.e., the Early Warning Mechanism), it should be noted that during the first five years of Protocol No. 2 (between 1 December 2009 and 31 December 2015) the Committee on Cultural Affairs was forwarded only five documents to review. Thereby, the Committee on Cultural Affairs is the Riksdag committee that has been forwarded the fewest number of EU legislative proposals over this five-year period.[52] Neither of these five proposals resulted in the committee to suggest a reasoned opinion to the Chamber, and it should be safe to say that neither has left any major impression on the respondents as they all had difficulties recalling the content of these proposals.

Thus, while respondents describe the scrutiny mechanism as "principally very important", it is "very secondary" to their work in practical terms as it demands little time and effort from their side. This is not only because the Commission forwards relatively few proposals in the field of cultural policy: out of the 522 legislative proposals that the Riksdag subjected to its subsidiarity control over the abovementioned period, only five were forwarded to the Committee on Cultural Affairs, and out of these only three had the treaty base in Article 167 TFEU.[53]

Additionally, MPs view the scrutiny exercise as of little practical importance because the proposals that they have had to scrutinize from the viewpoint of subsidiarity have been "totally unproblematic", or even "ridiculous". One respondent in the opposition expands on this:

> The only proposal I can think of that we have had to subsidiarity check had to do with some library in Italy […]. And it was pretty meaningless, because it was clear to all that this was totally unproblematic from the viewpoint of subsidiarity. But the Riksdag has decided to screen all proposals, and so we had to discuss it in the Committee at two meetings (KrU3).

Curiously enough for a researcher at the European University Institute (EUI), the particular proposal that the Committee had to review on the basis of subsidiarity was a proposal for a Council regulation regarding the deposit of the historical archives of the EUI, COM(2012) 456. The proposal aimed to amend an existing Council regulation from 1983, Council Regulation

[52] Other committees that have scrutinized only a very low number of proposals include the Committee on the Constitution (8 proposals), the Committee on Defence (9) and the Committee on Education (14).
[53] The remaining two proposals were anchored in one or more of Article 114 TFEU (harmonization of rules for the establishment and functioning of the internal market), Article 166 TFEU (education), Article 173 TFEU (industrial policy) and Article 352 TFEU (the flexibility clause).

(EEC, Euratom) No 354/83, from which it follows that the EC institutions, as defined in Article 1 of that Regulation, shall establish historical archives and to make these available the public once they are 30 years old.

Since 1984, the European Parliament, the Council and the Commission have each deposited their archives at the EUI where they are made available to the public. Since then, the European Court of Auditors, the European Economic and Social Committee, as well as the European Investment Bank have also decided to deposit their archives at the EUI. The proposal of 2012 thus sought to "confirm the role of the EUI in managing the historical archives of the institutions", which was partly due to the planned relocation of the archives from one part of the EUI campus to another (from Villa II Poggiolo to Villa Salviati, to be precise).

For this reason, the content of the proposal was very, if not purely, administrative as it did not in any way change the main elements of the original regulation. It would not affect the ownership of the historical archives, nor would it affect the existing rules under which the institutions decide which documents to open to the public after 30 years. Rather, the proposal was technical in character as it only sought to clarify and distinguish the responsibilities of the EUI, first and foremost regarding paper and digital archives, and well as the protection of personal data.

Still, for the Swedish Riksdag, this proposal should be subjected to the subsidiarity check, because this is what the Riksdag Act prescribes. For this purpose, the Ministry of Culture shared with the Riksdag a memo on the legislative proposal in which it stated that the government "does not see any difficulties with the proposal from the viewpoint of subsidiarity", nor did it foresee any "budgetary consequences" (Ministry of Culture 2012/13:FPM2). Nonetheless, the Committee scrutinized the proposal at two Committee meetings "because this is what the protocol prescribes" and eventually came to the conclusion that the proposal was unproblematic in the sense that it did not breach the subsidiarity principle.

A second example when the formal control of EU legislative measures becomes a matter of procedure rather than content is in view of the EYCS Council. The background is that respondents believe that

> while we [EU Member States] all agree that culture is a matter for national parliaments to deal with, the Commission tries to include cultural issues in its area of legislative action all the time. When these issues are debated at the EU level it is extremely important that we hold the banner high and show some resistance (KrU8).

Therefore, before EYCS meetings, the Minister of Culture (and, on occasion, also the Minister of Youth issues) visits the Committee to anchor the line of argument she will put forward to her European counterparts. According to the respondents, "we always make sure to *demand* that she reminds her European colleagues and the EU institutions that culture is, and must remain, a national concern" (KrU8).

The Committee's consistent demand on the Minister of Culture to repeat that cultural policy is national policy escalated in 2015. In the EYCS Council 23–24 November 2015, the Member States were to adopt two resolutions, which among many things involved the "role of culture in the Union's external relations". The Minister of Culture had been given a mandate from the Committee on Culture 20 November 2015, which was formalized in the EU Affairs Committee 21 November. According to this mandate, she should state that while "Sweden agrees to adopt the proposed resolutions", she should "emphasize that cultural policy is a national concern, and that the Council resolutions should not be seen as a step towards a common cultural policy" (Minutes from the EU Affairs Committee 21 November 2015, remark 187). The Minister of Culture agreed to do so, and fully sympathized with the instructions given to her (ibid.).

However, having arrived at the EYCS Council there was no possibility for the Swedish Minister to put forward what the Riksdag had instructed. This is because the adoption of the resolutions was put down as a so-called *A item* on the legislative agenda, for which Member States representatives are given a very limited – if any – possibility to deliberate. Consequently, the Minister of Culture returned home having adopted the two resolutions but without having vocalized the precise phrase required of her, which the parliament was subsequently made aware of in the government's minutes of the Council meeting. This annoyed a member of the opposition to the extent that she later chose to report the Minister to be subjected to the scrutiny of the Committee on the Constitution (Swe. *KU-anmälan* 2016/17:43, Dnr. 1132-2016/17). In spring 2017, the Committee on the Constitution reviewed the event and came to the conclusion that the Minister had "failed in her task to put forward the Swedish point of view" and the Committee therefore directed a fairly harsh critique against the Minister in question (Committee report 2016/17:KU20, 62–64).

Without objecting to the paramount importance of the government's dealings in the EU being firmly anchored in the Riksdag, it might be said that the whole event is more about the clash between the national and European legislative arenas than about the failure of the

government to act in line with its parliamentary mandate. In fact, it is beyond doubt that the Minister of Culture was of the same opinion as the Committee on Cultural Affairs; that is, that cultural policy is and should continue to be "a national competence". The minister had, at several previous Council meetings, stated the exact same phrasing and there is an obvious consensus among Swedish political parties that culture should be a political concern for the Member States.

Moreover, while it was unfortunate that the Minister agreed to voice a certain opinion without having made sure that there in fact will be the possibility to do so, what is more interesting is that the Riksdag requires a firm legislative mandate also for non-legislative items on the Council agenda. This suggests that there is a problematic incompatibility between the expectations of the national legislative arena to state its sovereignty, and the possibilities of it doing so at the European one.

The proposal regarding the EUI historical archive is another example of the unreasonable situation that occurs when procedure rather than content is the priority. In this case, the provisions of the Riksdag Act led the Committee on Cultural Affairs to review a purely technical, perhaps even administrative, proposal that was of very limited significance, both from a political and legal perspective. The expansion of the EUI library involved, quite literally, the movement of books from one hill in Florence to another. Thus, while the content of the proposal as such was of very limited interest, the Committee still reviewed the proposal because, in the words of one official, "we have to abide by the protocol" (KrUb). For this reason, there is more to the story on the EUI historical archive than its curiousity value.

6.4 Conclusions

It was theorized in the introductory chapter that the role that the parliament assumes in the democratic policymaking process hinges on the *policymaking context* that it finds itself in, which in turn is largely shaped by several factors. In this thesis I consider two such aspects. On the one hand, I look at the adaptational pressure that EU law exercises on the national policy fabric, which was explored in the previous empirical chapter. On the other, I survey the extent to which national parties acknowledge the interdependence of policymaking on the EU legislative arena, here understood as the extent to which Europe is co-mentioned in their election manifestos.

It was shown in the previous parts of the empirical analysis that cultural policy, alongside education policy, is the issue sector that shows the lowest presence of EU legal involvement. Over the period 1988–2015, an average of 3.4 per cent of legislative productions in the field of cultural policy contain EU legal norms[54] and over the period 1976–2010 Swedish parties have – hardly surprisingly – not once mentioned the European legislative arena in connection with their policy pledges on cultural affairs. The purpose of this chapter has been to explore what parliamentary life looks like from the viewpoint of individual MPs that serve on the Committee on Cultural Affairs, on the basis of their seemingly shielded position from EU legislative action. For this purpose, a close analysis of the legislative and manifesto data has been carried out and complemented with ten elite interviews with MPs and high-officials of the committee secretariat.

What, then, does the analysis presented in this chapter suggest about the role perception of MPs in the Committee on Cultural Affairs? Is it a situation of "business as usual" as the chapter heading suggests? Are politicians' perceptions of their role in parliament largely explained by traditional factors, such as opposition-government dynamics, and is the European dimension as absent as we might think?

On the one hand, little has indeed changed when considering the legislative and manifesto data. In terms of the rate of legislative output, there are both increases and decreases to speak of but these are mainly to relate to election dynamics in general, and to changes in government in particular. In terms of the way parties "speak of" – or politicize – cultural affairs, the manifesto data suggest that cultural affairs continue to be framed in broad and general terms, which is further verified by the stories told by the respondents. Respondents underscore the centrality of their representative role in parliament and they inform me of being in close contact with their voters and other organized interests.

In addition, MPs view the cultural debate to be about the future direction of the cultural sector at large, and cultural politics is even described as an ideological battlefield. Following this observation, the role perception of MPs is first and foremost explained by traditional party politics. Whether a MP enjoys the majority position or not carries great consequences for what function they see themselves performing in parliament. This is because the political agenda is as good as totally dependent on the government's priorities.

[54] NB: This percentage varies across the years, see table 4.5 for details.

Particularly during the Reinfeldt I majority government, members of the government parties explain the relative ease they faced in the legislative process and they mention the introduction of the Portfolio Model as an example of when they have managed to completely reformulate public policy. The role of scrutiny of government is consequently a function that the opposition members engage in. Respondents from the majority parties are hesitant to describe their task in parliament in such terms. Scrutiny of EU institutions, however, is a task that unites the respondents, including also members of the majority parties. While respondents emphasize that cultural policy is a "national concern" or "national competence", respondents give several examples of the *indirect* effect that EU law places on cultural policy – first and foremost the VAT-directive and the AV-directive.

A central finding is that in terms of what *formal* tools MPs have in their scrutiny of EU legislative action in the cultural issues, scrutiny becomes a matter of procedure rather than content. The review of legislative proposals' compliance with the principle of subsidiarity (i.e., the Early Warning Mechanism) is regarded as principally important but practically meaningless in cultural affairs. EU legislative proposals that are anchored in Article 167 TFEU have so far been of miniscule political and legal interest. Another example of when the Committee's scrutiny of EU legal action in the field of culture becomes a matter of form rather than content is regarding Ministers' conduct at the EYCS Council.

This contrasts with the rather limited role that the committee has had to play in EU legislative matters when the organization of cultural policy really has been at stake, not least regarding the Green Paper on the future VAT system. On the one hand, the Green Paper was indeed subjected to parliamentary scrutiny, only by a different parliamentary committee. On the other hand, the possible consequences of the proposed legislative measures would first and foremost be felt by non-profit cultural and sports associations, which is why respondents lifted the scrutiny of the paper outside of the parliamentary arena. Together, these findings suggest a nuanced meaning of the competence of the EU in cultural affairs being "only" supporting (Article 6 TEU).

CHAPTER 7

The MPs and their parties in agricultural affairs: From policy shapers to policy reviewers?

7.1 Introduction and structure of the chapter

Having considered MPs' views on the policymaking process in the Committee on Cultural Affairs in the previous chapter, here I turn to a diametrically different context. In Chapter 4, it was documented that EU law wields enormous influence over agricultural policy. Almost one quarter of all legislative productions over the period 1988–2015 include reference to EU legal norms and this number is closer to 60 per cent in the more recent years of the studied period. To a certain extent, it is also possible to say that the European legislative arena is included when parties propose agricultural policy measures in view of general elections. More precisely, alongside foreign trade and talk of the EU itself, agricultural policy is the one issue area in which parties actually do include mentions of Europe to a notable extent. In this chapter I turn to consider how the parliamentary actors themselves make sense of these developments generally and how they understand their role in a policy issue that is primarily decided in a different legislative arena.

Before I explain the structure of the chapter, it is important to take note of the chief building blocks of EU agricultural legislation as these determine the policymaking context that my respondents find themselves in. Being the first community policy in its own right, the EU policy on agriculture has been dubbed both "a corner stone" of and "a stumbling block" in European integration (Senior Nello 2011). In fact, the Common Agricultural Policy (CAP)[55] is perhaps the most criticized of all EU policy measures; it is usually regarded as overly complicated, and lamented for its large share of the EU budget as well as for its distortive effects on both the environment and on international trade.

From a historical perspective, however, the creation of a common market for agricultural produce appears less controversial. In fact, there were several strong reasons why Member States agreed to pool resources to create a common market for agricultural products. In the 1950s, the agricultural sector was of immense importance in the EC(6) as it employed circa 20 per cent of the working population (Senior Nello 2011). This can therefore not be compared with today's situation, where the corresponding number in EU28 is only five per cent (Eurostat) and less than two per cent in Sweden (SCB).

In addition, the experience of starvation during the two world wars prompted additional prioritization of this issue, first and foremost vis-à-vis self-sufficiency. The "black pool" of the European Coal and Steel Coalition (i.e., the pooling of resources that would render war materially impossible) was therefore to be complemented with a "green pool" of all of the main food products. Consequently, the aim of a Common Market for agricultural produce was included already in the Treaty of Rome, not just as a bundle of different national policies but as a truly common approach. Articles 38–44 TFEU articulate five original criteria:

- Improving productivity
- Providing farmers with decent standard of living
- Stabilizing markets and prices
- Ensuring stable food supplies (self-efficiency)
- Ensuring reasonable prices for consumers

[55] NB: This should not be confused with my methodological tool, the Common Agendas Project codebook, which adopts this acronym.

In many ways, these criteria were vague and objectives were also quite contradictory, which was largely due to disagreement within the EC(6) (Senior Nello 2011). On top of this, there were no mechanisms envisaged in the Treaty of Rome for how this policy should be put into practice.

For several years, therefore, the idea of a green pool remained little more than just an idea. The first three CAP mechanisms were not articulated until 1962 and included the unity of markets (i.e., trade liberalisation and common prices), community preferences (i.e., the priority of EC producers) and financial solidarity, with a common fund (European Agricultural Guidance and Guarantee Fund – EAGGF, later EAGF) to cover all common costs. In addition, an agreement on common price levels was reached in 1964.

With the original objectives still in place, the CAP of the 1960s, '70 and '80s coupled support to farmers with production. The policy resulted in massive production surpluses, giving rise to problems with "wine lakes" and "butter mountains". Another unfortunate development, which has rendered the CAP controversial, has been its huge costs. In the 1980s, the CAP budget amounted to more than 70 per cent of the total EU budget. It should be noted that this amount constituted the total agricultural spending of the EU, meaning also spending for Member States' implementation measures, from which perspective the figure is much less extreme.

At the time of Swedish EU entry, the CAP had just undergone a dramatic reform: price support was decoupled from production. The 1992 McSharry Reform – named after the Commissioner of Agriculture at the time – meant a radical break with the past as the Reform cut prices for certain key products and instead introduced direct payments, including early retirement incentives for farmers, and prioritized reforestation, set asides, and numerous new environmental measures. The McSharry Reform sought in this way to gradually shift farmers' support from product support (i.e., through prices), which encouraged high production, to producer support (i.e., through income support and direct payments), which encouraged sustainable alternatives instead. Little by little, the key rationale of the CAP therefore moved from high production, with intervention storages preferably filled to the brim, to sustainable farming. The Reform also started a slow journey towards a more acceptable size of the CAP budget. In 2014, the CAP amounted to circa 40 per cent of the total EU budget.[56]

[56] NB: This does not mean that agricultural spending has decreased in absolute terms. In 1980, the CAP budget was ca. 21 bn EUR, in 2015 it was ca. 52 bn EUR.

The CAP has been, and continues to be, reformed at regular intervals, including for instance the 1999 Berlin Agreement and the 2003 Fischler Reform. What matters for the purpose of this chapter is that all of these reforms have meant a gradual shift from high and stable production and prices to sustainability, food safety, animal welfare and wider rural development. This means that the CAP constitutes today what may be considered a legislative umbrella for a very large number of policy areas – including direct supports and market measures – but also rural development, fisheries, environmental aspects of agricultural activity, bioenergy, organic farming, forest resources, food and feed safety, animal health and safety, state aid, research and innovation, plant heath and school schemes, to mention but the main ones.

The body of secondary legislation that accompanies EU agricultural policies is thus vast. As of the Treaty of Lisbon, agriculture is formally a *shared competence* between the EU and Member States (Article 4 TFEU). Since shared competence is "pre-empted by EU legislative action" (Craig and De Búrca 2015), however, agriculture is now regarded as a de facto exclusive competence of the EU, at least in the academic literature (Sbragia and Stolfi 2015).

Who takes decisions in agricultural affairs once these have moved to the EU, then? The Commission in general, and the Directorate General of Agriculture and Rural Development (DG AGRI) in particular, are tasked with the legislative initiative, and treaty provisions provide that decisions are take in the Agriculture Council (in which QMV applies) through the means of the ordinary legislative procedure (OLP), meaning that the European Parliament co-decides. The Commission then executes legislative decisions, and enact non-legislative decisions to implement these measures.

It should be noted that in certain parts of agricultural policy the EU enjoys exclusive competence (Article 3 TFEU). The area of fisheries is pertinent here and the Common Fisheries Policy (CFP) includes the conservation and exploitation of biological marine resources. This means that the EU alone may legislate and adopt binding acts in these fields. The Member States' role is therefore limited to applying these acts unless the Union authorises them to adopt certain acts themselves. The formal role of national parliaments in the EU process is enshrined in Protocols No. 1 and 2 (i.e., the right to information and the duty to scrutinize draft legislative acts that fall under the provisions of Protocol No. 2). Again, it should be noted that the scrutiny mechanism does not apply to draft legislative proposals over which the EU enjoys exclusive competence.

In the Swedish Riksdag, agriculture is an area of responsibility for the Committee on Environment and Agriculture, meaning that the committee not only deals with agriculture but prepares also matters concerning nature conservation and other environmental protection measures as well as meteorological services, which are not investigated in this study. I have actively sought to encourage respondents to separate their understanding of their functions in agricultural affairs from that in environmental matters but I recognize that respondents are naturally influenced by their overall experience in the Committee and in the parliament at large.

It should also be mentioned that in the committee, agriculture connotes farming (i.e., food and animal production, fisheries, hunting and wildlife conservation, forestry, horticulture and reindeer farming – the latter being an exclusive right of the indigenous Sami population). In this sense, the committee certainly deals with more aspects than "just" those that are included in the CAP. It should also be mentioned that, at the level of the government, the Ministry of Enterprise and Innovation (previously the Ministry of Rural Development and, before that, the Ministry of Agriculture) oversees this portfolio.

A final note should be given regarding the financial responsibility of implementing the CAP, since it differs greatly across the two pillars of the CAP. Pillar I of the CAP (i.e., the different farm supports) is fully funded by the CAP, which means that there is "very limited space" for national interpretation (Eriksson 2016, 67). Pillar II (i.e., rural development) is instead co-financed with the CAP and Member States. This allows for a certain degree of flexibility. Pillar II is carried out by programmes that each Member State present before the Commission.

In Sweden, the Program for Rural Development (Swe. *Landsbygdsprogrammet*) is detailed by the Ministry of Enterprise and Innovation. Once the Commission has approved of the national programme, the Swedish Board of Agriculture (Swe. *Jordbruksverket*) and the County Administrative Boards (Swe. *Länsstyrelserna*) are responsible for executing the Program. The detailed and often very technical Rural Programs means that the implementation measures are delegated to experts at the administrative level (Eriksson 2013). Eriksson (2016, 68) adds that "in practice, the Swedish Board of Agriculture has large influence over the program" and in addition, "individual administrators at the County Administrative Boards enjoy great manoeuvrability when they interpret […] the national program."

A total of 41 interviews were carried out for the analysis of the thesis, but for this chapter interviews with MPs serving in the Committee on Environment and Agriculture and with officials of this committee are of particular importance. At the time of my interviews with these MPs (i.e., during the 2010–14 parliamentary session) the set-up of the Committee followed the same formula as was commented upon regarding the Committee on Cultural Affairs. Of these MPs, I have interviewed nine individuals: three from the Social Democrats, and one MP each from the Left Party, the Greens, the Centre Party, the Liberal People's Party and the Sweden Democrats. Regrettably, I could not get hold of a respondent from the Christian Democrats. See Table 7.1 and *Appendix 3: List of interviewees* for more details.

Table 7.1 Make-up of the Committee on Environment and Agriculture 2010–14 and interviewees (in parenthesis)

	No. of members/interviewees
The Left Party (V)	1 (1)
The Greens (Mp)	1 (1)
The Social Democrats (S)	6 (3)
The Centre Party (C)	1 (1)
The Liberals (L)	1 (1)
The Conservatives (M)	5 (1)
The Christian Democrats (Kd)	1 (0)
The Sweden Democrats (Sd)	1 (1)

The chapter proceeds in three steps. First, I offer an analysis of respondents' description of their role in the policymaking process in the electoral arena, including the way these actors interact with voters and organized interests, and regarding what precise measures agriculture is included in parties' election manifestos. Second, I move to MPs' understanding of the policymaking process in the parliamentary arena, including the possibilities and difficulties they face in decision-making, the task of scrutiny of both the government and the Commission as well as the Committee's subsidiarity review of draft legislative proposal. The third part of the chapter briefly summarizes these findings.

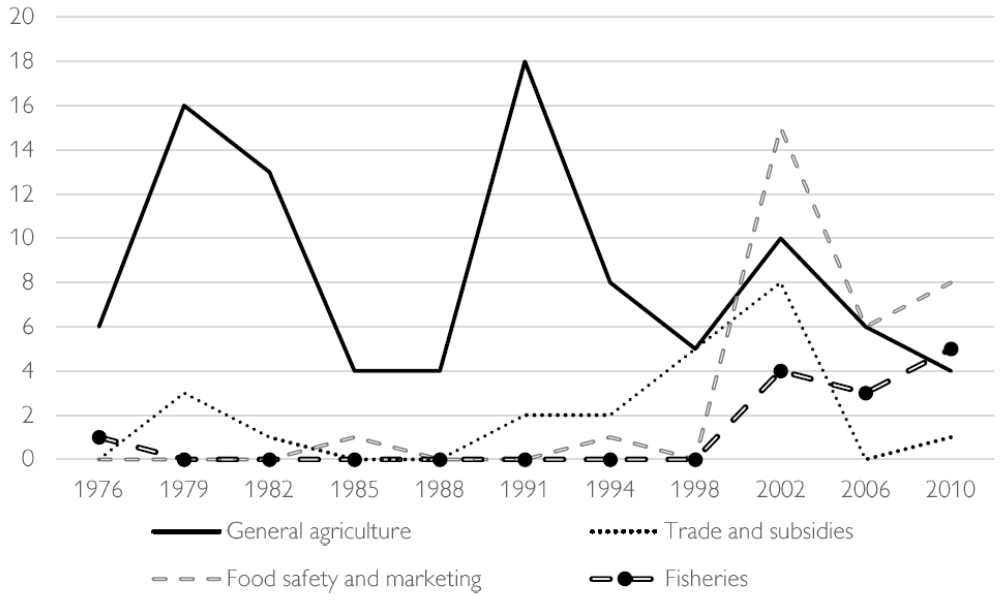
7.2 MPs on their role in the electoral arena

Before I turn to the accounts shared by the representatives themselves, it is well worth revisiting the manifesto data that were analysed only at the macro-level in Chapter 4. Figure 6.2 therefore documents the distribution of parties' attention to agricultural across the more fine-grained CAP coding-scheme sub-topics.

First of all, it should be noted that in the 61 election manifestos that Swedish parties put forward over the period 1976–2010, a total of 227 semi-sentences are dedicated to agricultural concerns. This suggests that agricultural policy is not a prioritized issue area in parties' manifestos, even though there is no sign that agricultural affairs are attracting less and less attention over the years. This is not to say that the way parties speak of agricultural policy measures is stable. In the 1970s, 80s, and early 1990s, the data witness of several shifts in the overall number of semi-sentences dedicated to agriculture, with important peaks in the election of 1979 and 1991 whereas the elections of 1976, 1985 and 1988 certainly contained less talk about agricultural policy.

The more important finding, however, is that parties have come to include agricultural concerns in their programmatic platforms in new ways. In fact, *general remarks* about agriculture, including aspects such as overall priorities, direction and dealings of the relevant Ministry, was by far the most common way that parties spoke of agriculture in the past. These types of general, or overarching, comments about agriculture dry out however over the studied period as parties have chosen to discuss more precise agricultural issue matters instead. Parties thus shift in the way agricultural concerns are included in their election manifestos. Figure 7.2 documents this development more closely.

Figure 7.2 Distribution of attention across agricultural concerns in election manifestos, 1976–2010 (N=227)



The data show that several of the more detailed agricultural topics have received greater attention over the studied period, including trade and subsidies as well as fisheries. The most striking development, however, concerns semi-sentences that regard *food issues*, including food safety and food marketing. From being non-existent in the election manifestos in the early elections studied, policy arguments directly related to food gain remarkably in attention in the election of 2002. Attention to food issues slumps somewhat in the election of 2006 and regains some centrality in the subsequent election.

At any rate, in the more recent elections, food is the number one topic that parties speak of when they include mentions of agricultural policy. A closer look at the data show that the increased attention for food issues is present notably in manifestos put forward by the centre-right parties, first and foremost the Christian Democrats and the Centre Party. However, the Greens have also been very inclusive of this issue in their more recent manifestos. More precisely, the centre-right parties advertise the importance of various aspects of what constitutes "good food", including for instance the importance of "domestic food production" and "reliable information to consumers". The Centre Party especially advocates the importance of the *domestic* agricultural sector in this regard. The Greens, in turn, speak of food in terms such as "climate friendly food" and "sustainable food", including ecological and local food production.

Respondents believe that the increased importance of food generally, and food production particularly, is obvious in the public debate, which certainly is well established by a number of official reports on the matter. Among others, the Swedish Board of Agriculture presented a report in 2014 that showed that Swedish and locally produced food is increasingly sought after by Swedish consumers and that this holds not only for animal produce but also fruit and vegetables.[57] For this reason, MPs see it as totally normal that they "pick up on topics that are important to the voters" (MJU4). The shift from general to more detailed agricultural issues is further explained by MPs as because "the debate on Swedish agricultural policy is not like it was *before*, for better and for worse" (MJU3).

Indeed, the modern development of Swedish agricultural policy before EU membership (i.e., from the 1950s up until the 1990s) has been described as a "classic drama" in that it involved hefty political conflict about the overall objectives of the agricultural sector (Flygare and Isacson 2003, 227). Up until the early 1990s, Swedish agricultural policy veered constantly between four contrasting goals: fair income for farmers (Swe. *inkomstmålet*), a decent level of effectiveness (Swe. *effektivitetsmålet*) and higher production, with the ultimate aim being a certain degree of self-efficiency (Swe. *produktionsmålet*).

In this process, the Riksdag was the forum in which this drama was played out. It was at the parliament's discretion what aspects of the agricultural policy that should be reviewed and which parts of the policy that should be evaluated and reformulated. Agricultural policy thus became an issue characterised by dynamism, fierce party competition and politicization (Flygare and Isacson 2003, 228). The direction of agricultural measures thus shifted as parliamentary majorities did. Protests and demonstrations outside the Riksdag took place regularly, for instance in May 1985 when more than 21 000 dissatisfied farmers handed over an appeal to the parliament. Flygare and Isacson consequently describe Swedish agricultural policy throughout the second half of the 1900s as "extremely shaky" (Flygare and Isacson 2003, 255).

It should also be noted that in June 1991 – that is, just three and a half years before Swedish EU entry – the Riksdag agreed to drastically *deregulate* the agricultural sector as proposed by the centre-right government. The argument was that food prices should be set by the market. The reform was strongly influenced by neoliberal ideals about minimal involvement

[57] A summary of these surveys is available here: http://www.jordbruksverket.se/download/18.724b0a8b148f52338a35f71/1414683576111/Rapport_matvanor_2014.pdf

of politics and New Public Management. However, the 1991 parliamentary decision to start to deregulate the agricultural sector was almost immediately replaced by a massive reregulation of the same. Yet as of Swedish EU entry in 1995 Sweden took on the *acquis*, which also meant that Swedish agricultural legislation had to approximate the Common Agricultural Policy. The aim of high production, a decent standard of living for farmers, market stabilization and safe and high-quality agricultural products at fair prices were to be realized through a very high level of market regulation, which characterizes the CAP.

Petersson (2016) therefore concludes that EU membership certainly came to constitute "a critical juncture" for Swedish agricultural politics. As legislative authority over the agricultural sector was delegated to the supranational arena, the parliament's wish to deregulate was no longer viable. Instead, the CAP meant a return to the old goals that had steered Swedish agricultural politics in the past. The CAP objectives resonated quite well with the objectives that had characterized Swedish agricultural politics up until the early 1990s and the CAP goals had also a much more long-term perspective than Swedish agricultural politics had had previously. EU membership therefore gave the sector a much-needed period of stability. The "shaky" developments that had shaped Swedish agriculture over the previous decades would no longer be possible, "for better and for worse", in the words of the respondents themselves.

It is perhaps for this reason that respondents are quick to underscore that they find themselves in "a particular situation as everything we do has bearing in Brussels" (MJU1) and that most respondents believe that this is very clear from the political debate on agricultural politics. One respondent from the Social Democratic party explains: "I think that almost everyone has heard of the Common Agricultural Policy, and I don't think that anyone is trying to hide the fact that Swedish agricultural policy is tightly connected to European agricultural policy" (MJU4).

This is not to say that respondents find agricultural policy's obvious connection to the European legislative arena as uncomplicated to accommodate in their contact with voters. Rather, respondents explain their role in the electoral arena as "sometimes difficult" and they lament the general "low public awareness" about the EU in this regard. One member of the Conservative party explains this in the following terms:

> When I go and speak with voters I have to be very *pedagogic* and explain what role the parliament has in environmental and agricultural policies these days. That the EU decides in these issues, and not the parliament, is something the voters see as a democratic problem. My task, then, is to explain that we *have to* solve these problems at the European arena, that we get something good out of it. These issues are transnational, and it is because of this reason Sweden has delegated power to the EU. In return we get also Poland and the Baltic block to raise their standards, which have been so poor in the past (MJU1).

Several other respondents in the Committee on Environment and Agriculture share a similar story. On the one hand, they certainly describe their role with terms such as "representative" and "a commission of trust" (Swe. *förtroendeuppdrag*). On the other hand they are open about the difficulty they face in this process which is due to "the fact that these issues are not national, they are European" (MJU2).

However, this seems difficult to put across to the voters, and to return to the previous respondent, he also gives a concrete example of this difficulty:

> The problem is when voters ask me to do things that are just impossible. […] You want an example? Take the issue with oceanic health and marine biological resources, for instance. This is an area where the EU enjoys exclusive competence and where the Riksdag can't do anything. But voters that I've met in my home constituency in Blekinge, residents close to the Baltic Sea inlet, they want the Riksdag to raise the standards to prevent future disasters, to improve the fish stock and some others want to be able to fish eel, to give you another example. […] But how could we possibly do that? (MJU1).

Unlike most other agricultural matters over which EU legislative competence is shared, the protection of marine biological resources – including fish stock – became an *exclusive* competence of the EU as of the Treaty of Lisbon. This includes measures such as the fixing and allocation of all fishing opportunities,[58] the so-called Total Catch Limits (TACs) and any measures that deals with public aid under the Fisheries Funds, as well as any pricing, levies and taxes that may be introduced (Article 43(3) TFEU). These measures are subject to the special legislative procedure, in which there is no consultation or any involvement of the European Parliament nor of the national parliaments whatsoever in relation to the decision-making

[58] With exceptions for national waters.

process. Measures under Article 43(3) TFEU are proposed by the Commission and passed by the Council by QMV. Should the Council wish to amend the proposal it can only do so by *unanimity*. When voters then urge national legislators to take action in issues that are included in Article 43(3), the task of the MPs becomes that of teaching and explaining – indeed it is a "pedagogic" task – rather than representing.

Respondents also tell a story of the difficult situation that occurs when Sweden strays from EU rules and the perhaps most obvious example of this is wolf hunting. Of course, this is not an agricultural concern but rather a rural issue. Still, this is the number one issue that respondents in the Committee on Environment and Agriculture brought up as particularly problematic to deal with in the electoral arena. One member of the opposition explains:

> When I meet voters in Dalarna [a rural region in Sweden], their possibilities to shoot wolves is a question that I get constantly but it is quite rarely that we manage to discuss this constructively. The habitats directive [Council directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora] is a European issue, obviously. At the same time, it is an issue that affects my voters' every day live. What do I say to them? We can discuss how dated the directive is, sure. But we also know that the Commission has clamped down on us [Sweden] for not playing by the rules. […] The Riksdag can put pressure on the government to encourage the European Parliament and Commission to review the purpose of the directives. But that's it, and it might have an effect in five years' time, and I am not sure that voters are very impressed by this (MJU9).

The habitats directive, which was passed before Sweden became a member of the EU, has indeed caused tensions, not only between animal welfare organizations and farmers as well as between Sweden and the Commission but also between voters and their representatives. In brief, Article 12 in this directive prohibits the hunting of certain species, among others wolves, to offer strict preservation of endangered species. Article 16 grants some derogation from these rules under defined conditions. The Swedish wolf population is severely pressured due to both geographic isolation and inbreeding. In 2014 there were only approximately 350 wolves left. Consequently, all measures taken which affect the wolf in Sweden must be carefully considered to avoid detrimental impact on the population.

Year after year, however, Swedish hunters are licensed by the local authorities to shoot wolves. The authorities' argument has been that this is a long-term solution to the heavily inbred population. The Commission, however, is sceptical of this argument and instead views Sweden as failing to bring its wolf policy in line with the directive. It has threatened to bring Sweden before the Court of Justice on more than one occasion. Hence, the Commission initiated infringement proceedings in early 2010, claiming that Swedish "license hunting" breached obligations under the directive. The Swedish government got back to the Commission in March 2011 announcing a "temporary change" of policy to circumvent the legal action from Brussels (Darpö 2011). Local authorities have nonetheless continued issuing licences and the Commission has consequently yet again threatened to bring Sweden before the Court.

Another member of the Centre-right alliance adds to this story:

> Of course we want a strong and healthy wolf population in Sweden but farmers that I meet have serious problems with their cattle being killed and we also know that the wolf population is inbred. […] I think this should be an issue for the local experts to deal with as they have the expertise needed. But then we have the Commission hovering over us so we are stuck in this impossible situation (MJU2).

It may be said that the story of this particular MP resonates the tension between advancing voters' interests and at the same time following the law; that is, between representing and being responsible.

Eriksson (2017) shows in his doctoral thesis at Umeå University how the wolf policy may be connected to a process of *alienation*: as residents in the rural areas have increasingly had direct encounters with wolves, negative attitudes about the latter have risen in those cohorts of the population. At the same time, the restrictive wolf policy is largely framed as an elitist intervention, which has spurred tension between the rural areas and the larger cities, particularly Stockholm. The "wolf issue" is thus by all accounts a particularly complex and conflictive matter.

In most other agricultural affairs, however, MPs in the Committee on Environment and Agriculture view things less problematically, at least when in contact with organized interests. The Federation of Swedish Farmers (Swe. *Lantbrukarnas Riksförbund*, LRF) in particular is "totally aware" of how the Swedish agricultural sector is dependent on EU law.

The Federation is generally "quite positive" towards the CAP and repeatedly underscores the absolute necessity of Swedish EU membership to protect Swedish farmers on the international market.[59] A member of the Centre Party expands on this:

> There is usually no problem when we are in contact with representatives of the agricultural sector, such as the LRF, because they know how the CAP works. Our talks are very constructive, and we share a common understanding of things. But, to discuss agricultural concerns with individual voters can be difficult. […] I don't think that the voters know that we have so little power in environmental and agricultural affairs compared to most other policy fields, and they expect things to work like they do in social issues for instance. There is, sadly, a pretty low awareness about matters related to the EU (MJU4).

An important aspect to take note of, and which the respondents raise repeatedly, is that their task as representatives is sometimes difficult in the area of agriculture and environment for reasons beyond the unmistakable presence of EU law.

According to one member of the Green Party, it is also due the very nature of agriculture policies, which are "technical" and require a lot of "expertise". They accept this would probably be the case even if the EU did not exist. She adds:

> The roles and tasks I have had in the different committees I've served in have been quite different. The role that I have now in the Committee on Environment and Agriculture is certainly different from that I had in the previous parliamentary session [when she served in the Committee on Taxation]. But this is not only because the EU's involvement is greater here; it is also down to the fact that the different policy fields are different in nature. […] When it comes to representing voters' interests, then, this is a much more indirect and long-term process in the area of agriculture. We [the Riksdag] obviously cannot force the government to change the Common Agricultural Policy tomorrow but we can put indirect pressure via the minister, set priorities for future [CAP] reforms and so on. Surely this is to represent too, isn't it? (MJU5).

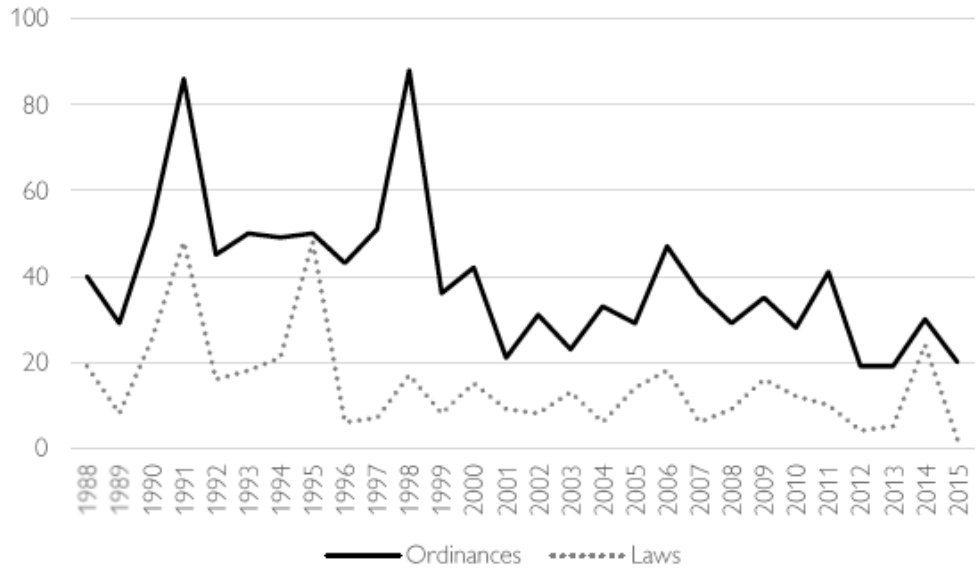
[59] The Federation's positive stance on the CAP is explained on their website: https://www.lrf.se/politikochpaverkan/jordbruks--och-handelspolitik/cap/

7.3 MPs on their role in the parliamentary arena

How, then, do these MPs describe their actual decision-making work in parliament? Before I analyse respondents' views of their capacities in this regard as well as to decide on public policy and to control the government and the Commission in this process, I first return to the larger development of agricultural policymaking.

It was documented in the analysis of Swedish legislative productions 1988–2015 (Chapter 4), that legal acts in this area have become increasingly influenced by EU norms. What does this development look like more in detail? Figure 7.3 document the evolution of Swedish legislative act in the field of agriculture over the period 1988–2015.

Graph 7.3 Evolution of Swedish legislative productions in the area of agriculture, 1988–2015 (N=1538)



These data tell us several important things. First, regarding the 1538 legal acts that were produced over the studied period there are certain fluctuations to take note of, which was also commented on in Chapter 4. The data suggest that legislative productions seem to increase just after and just before general elections, considering for instance the peaks in 1990/91 and

1998/99. There are also increases just before Swedish EEA and EU membership accessions in 1992 and 1995, respectively.

Second, and perhaps more importantly, is that the total number of legislative outputs seems to be trending slightly downwards over time. We should not be very surprised by this. While the *explicit* Europeanization of legal acts was measured in Chapter 4, the data in Figure 6.3 show the *latent* side of legal Europeanization. As EU legislation in the area of agriculture advances, national legislative action is pre-empted. Put differently, a large part of legal acts in the area of agriculture has moved either "upwards" to EU regulations or "downwards" to the national regulatory level of government authorities and these legal acts are not included in the Code of Statutes that are documented in the graph. The consequence is that there is simply little left to legislate on in the traditional form of national laws and ordinances.

As mentioned before, it is the Swedish Board of Agriculture and the County Administrative Boards that have the sufficient expertise to deal with these usually very technical matters and these authorities are therefore tasked with the responsibility to implement the large majority of EU norms. Through such delegation and sub-delegation of legislative authority from the legislative to the executive branches of government, it is possible to expect that the legal purview of the Riksdag in agricultural matters has diminished even further. Legislative decisions on agricultural matters have simply, in the words of one respondent, "slipped away". Respondents also have the impression that EU legal norms in the field of agriculture generally, and in the field of food production particularly, have shifted from smaller, highly detailed legal acts, to broader, framework regulations, which previous research has commented on (Kardasheva 2013). This was also discussed in Chapter 4.

In the words of one respondent:

> We often see these huge regulations being proposed, and it is difficult sometimes to really get a grip of what effect this regulation may have in the future. […] To keep track of things we must follow what happens in the Councils very carefully, and to make sure to give a clear message to the Minister as early as possible in the process (MJU5).

With the perhaps awaited exception of EU-sceptic, or at least EU-hesitant parties (i.e., the Sweden Democrats and the Left Party), the majority of respondents is very "pragmatic" about the EU's huge legislative impact on agricultural affairs. One respondent sums up the general view on the matter with the following answer:

> It really is quite normal that the EU has a large presence in environmental and agricultural politics and I think that most of us are of this opinion. Those are transnational problems, which have to be solved at that level (MJU1).

Regarding the legislative authority having shifted to the government authorities is neither regarded as "problematic":

> It is inevitably so that parts of the legislative authority over agricultural matters have moved to the regulatory level. The kind of expertise that is needed when setting up the details for the Rural Programme, for instance, isn't something that we have here in the Committee and neither does the government, I should say (MJU4).

Respondents also mention that the agricultural sector and the Federation of Swedish Famers are generally very positive of Swedish EU membership in terms of agriculture, since "without the CAP it would be impossible for Swedish farmers to survive on the international market" (MJU1). Swedish partaking in the CAP is for this reason no divisive matter for the established parties. Even if they witness a sometimes awkward situation when in contact with individual voters, as described above, the majority of respondents view Swedish dependence on EU law in the issue of agriculture as an uncomplicated fact of life.

Nonetheless, the diminishing manoeuvrability of political parties in agricultural matters begs the question of how members of the Committee on Environment and Agriculture understand their role as decision-makers in the parliamentary arena. The main message is that this role varies, and this is not only due to whether or not MPs enjoy the majority position or not. Rather, respondents explain that their influence in the legislative process varies across agricultural issue areas. In issue areas that remain "national", or at least "relatively national", such as forestry, respondents explain that they dispose of a very different "toolbox" in the legislative process compared to issues that are decided at the EU level of governance.

In this way, respondents are generally very aware of their possibilities to influence legislation being different from one issue area to the next. One respondent from the Social Democratic party explains:

> There are obvious limitations to what changes we can propose in the area of agriculture or chemical politics, for instance. These are not open for change, and therefore, the role one has to play is to urge the government to take other types of initiatives than legislative ones, to initiate debate, for instance, or to raise public awareness. […] But if you want to see a change in the area of forestry policy, then we can come with concrete proposals and initiate a legislative process and in these issues we can hold the government accountable in a whole different way. So, there are very different ways to deal with the issues depending on where the decisions are taken (MJU2).

As the respondent points out in the above excerpt, forestry is certainly one of the very few issue areas over which the EU does not enjoy any specific legal base. Apart from forestry, however, most respondents see themselves as having an "indirect rather than a direct" (MJU1) influence in the making of agricultural policy and this is the reported impression by respondents in both the position of opposition and majority. Respondents from both the left-of-centre and centre-right blocks give very similar interpretations of their legislative role in agricultural affairs: "every aspect of agricultural policy is an EU issue" (MJU1) and therefore, "our task in the legislative process is to send a message to the Council meetings through the Minister of agricultural affairs, and then we can only hope that likeminded Member States tag along to achieve the number of votes needed [in the Council]" (MJU2).

While most respondents describe the task of legislator as an indirect rather than a direct one, an important exception should be mentioned. One respondent, who had served in the Committee for no fewer than twelve years at the time of the interview, does not regard his influence in the legislative process as indirect. Rather, he feels that "the limitations we face in the EU legislative process are often exaggerated" (MJU3). Instead, he has found several informal ways to make use of to influence agricultural decisions at the EU level, also when in opposition.

In relation to the new regulation on fisheries, the Reinfeldt I majority government especially agreed to the Council to set transferrable fisheries quotas and he explains that he made good use of contacts in the European legislative arena through which he managed to influence the negotiations:

> The government wanted to give the Council the right to decide on this matter and to insist that transferrable quotas should be compulsory. We [the opposition] fought back with all we had! We believe that this is not something we should transfer to the European level. Instead, we had to seek support from other Member States. I discussed the issue with other countries through our Members of the European Parliament and officials in the government secretariats. I know exactly whom to call. I informed myself what the debate was like in other parts of Europe, how the negotiations were going and how we could put across our view on the matter. Over time, I become increasingly convinced that the government's line would fail, which it did (MJU3).

When comparing their work in the Committee on Environment and Agriculture with other committees they have served in, respondents see a clear difference in this regard. They stress, among other things, that their work in the current committee is much more about consultations and deliberations with ministers and the scrutiny of EU documents and much less about legislative initiatives.

One respondent, who also serves as a deputy member in the Committee on Transportation, believes that the tasks he performs are very different between the two committees:

> This is due to the involvement of the EU being so much smaller in the policy fields of traffic and transportation [compared to agriculture and environment]. Take national legislation on traffic and large infrastructural programmes, for instance. […] In these issues the EU has literally nothing to say. So I would say it is a fairly obvious difference in the way we work. The government, and the parliamentary majority, has more freedom in issues regarding transportation, which is noted not least in the way we propose parliamentary bills (MJU1).

When comparing their work in the Committee on Environment and Agriculture with other committees, respondents also note a difference in terms of the *time frame* for the legislative work. This is first and foremost noted regarding the relatively very frequent meetings of the Agriculture and Fisheries Council configuration (AGRIFISH) (i.e., the meetings in the Council of Ministers at the EU level), which take place at least once per month. Before each meeting, the relevant Minister(s) meet with the Committee to share *information* or, when there are legislative items on the Council agenda, to formally *deliberate* (Swe. *överläggning*) on what the Swedish position should be.

One member of the opposition explains:

> We are literally bombarded with EU documents but at the same time, we never get the full picture. […] The legislative process can stand still for years and all of a sudden, things have to be decided next week and then everything has to happen at a very high speed. On more than one occasion we have met with the Minister *just* to get information but then suddenly the meeting turns into a formal deliberation instead without us [the opposition] having prepared what we think that the Swedish position should be (MJU7).

A member of the Green Party adds to this:

> We often get the government's proposal for what the Swedish line of argument should be [in AGRIFISH] only one or two days before the Committee is supposed to deliberate with the minister, which creates a rather panicked situation. […] You are supposed to have a good understanding of what the Swedish position should be but we don't have the time to prepare. This was never the case in the Committee on Taxation as there simply weren't Council meetings that often. In other issue matters, we come in at an earlier stage and can have more of a say, for instance when we review Green Papers. But it is very rare that Green Papers become the subject of a Council meeting, or too much time has gone by such that when it is time to discuss it we sit in a different Committee (MJU5).

These two respondents' stories suggest that as a MP serving in a policy domain that is mainly decided in the EU legislative arena is quite paradoxical. On the one hand, MPs perceive of the process as going too fast for them to get adequately involved and to have a say. On the other, they rarely stay in the Committee long enough to see the whole process through.

Respondents are at the same time quick to add that the influence of EU law on agricultural policy "should not be exaggerated" and that "there is plenty left for us to decide" (MJU3). What, then, is subject to debate and disagreement in the Committee on Environment and Agriculture? The key priorities of the Swedish government in Council negotiations seem to be an unlikely issue of conflict. In fact, research tells us that there has been consensus among Swedish parties vis-à-vis which major issues Sweden should push for at the EU level (Eriksson 2016; Petersson 2016). For the largest part of Swedish membership, Sweden has favoured, first, that less money be spent on farm support and, second, that more resources are directed to environmental priorities, which is also the direction in which the CAP is developing (Eriksson 2016).

Instead, it is in terms of *implementation* of EU legal norms that respondents describe their legislative task in agricultural matters and this is because "it is implementation that remains a national issue" (MJU5). Another respondent adds that "you can say that implementation is the area where we have lots left to decide ourselves. Exactly what standards we have for car emissions, or details on the transportation of animals, those are national issues and it is no small matter" (MJU1).

Respondents describe implementation as more *political* than what one might expect and they brought up to two key aspects that cause disagreement in the legislative process of implementing EU law. First of all, there is party conflict regarding in which cases, and how, Sweden should set *higher national standards* than those of the EU. One respondent from the Social Democratic party explains: "The agricultural policies of the EU may be difficult for us to change, at least in the short term but what we have left to decide is the extent to which national rules should be higher than that of the EU" (MJU2). In fact, the main purpose of the CAP is to achieve conditions for free and fair competition on the common market for food products. For this purpose, the CAP only sets certain standards – "an overarching framework of minimal rules" (Petersson 2016) – which means that Member States may set higher national rules in certain areas should they want to.

Ever since the entry negotiations Sweden has chosen to make use of the possibility to set higher national standards in a number of issue areas. In the area of food production. This is first and foremost the case for animal welfare and animal protection. EU rules on a range of animal species and welfare-affecting issues are harmonized as of Council directive 98/58/EC. This directive specifies minimum standards for the protection of all farmed animals and a large number of more detailed directives are put in place for individual species, such as poultry, welfare standards for the transport of animals and conditions at the time of stunning and slaughter.

Animal welfare and protection are very salient issues for the Swedish electorate. Since the late 1980s, Swedish legislation on animal protection in general, and particularly regarding farmyard animals, has been radically higher than that of most other EU countries. The 1988 Swedish law on animal protection (1988:534) introduced 4 § from which it follows that "animals should be kept in such a way that […] promotes *natural behaviour*" (emphasis added).

The introduction of this paragraph was a reaction to the large-scale animal production that started to appear in Sweden in the 1960s and 70s. The requirement that animals should be reared in such a way that allows them to exercise the type of behaviour that they would do if they were not under human control came to mean that economic interests in food production should always be adjusted vis-à-vis animal welfare (see SOU 2011:75, 458).

Over the years, this requirement has gained "great symbolic value" (SOU 2011:75, 445). At the time of Swedish EU entry in 1995, Swedish national requirements on animal welfare were consequently substantially higher than that of the other EU Member States. Sweden has for this reason prioritized higher animal welfare standards in the agricultural negotiations, alongside higher environmental standards, ever since her entry in the EU (Jordbruksverket 2015, 23). This development has come to be referred to as "the Swedish model", which means that production should be based on a high level of animal protection, a high level of animal welfare and a high level of disease prevention (Jordbruksverket 2015, 24).

Today, Swedish legislation on animal welfare is significantly higher than that of the EU standard on four key issues. First, compulsory outdoor grazing for dairy cows for a set number of days per year is required. Second, there is compulsory stunning of animals at the time of slaughter, with no exceptions for religious slaughter (i.e., kosher and halal). Third, higher welfare concerns for the transportation of animals within Swedish boarders is set. Finally, a set of welfare rules for pig farming, such as compulsory stunning of pigs before castration, is in place.

Out of these four issues, respondents report that there is a fairly high level of consensus in the committee vis-à-vis animal transportation, slaughter requirements, and pig farming.[60] One respondent see parties' positions on these issues are more or less the same and refers to similar parliamentary bills proposed during last few years. He describes that all parties basically all want the same thing, even though the Sweden Democrats probably motivate the stunning of animals before slaughter [i.e. no exceptions for ritual slaughter] for other reasons than what the rest of them do.

[60] Consider for instance committee reports 2014/15:MJU10, 2015/16:MJU16, and 2016/17:MJU12 where the political argumentation of these parliamentary bills were very similar across the political parties.

At the same time, higher national requirements appear to become increasingly difficult to sustain and have thus emerged as a potentially conflictive issue. More precisely, the national rules have caused problems in those instances where Sweden has chosen to set higher national requirements. For instance, "it is *impossible* to allow for [certain] compensations in the Rural Programs", which has led to "dissatisfaction in the agricultural sector since Sweden has lost market shares ever since its entry into the EU" (Eriksson 2016, 76, emphasis added). In fact, Swedish imports of agricultural products have gone up dramatically since the mid 1990s and there is growing concern about Sweden's capacity to feed its population in the event of a crisis (Eriksson 2016).[61]

While there is general agreement on the national requirements for slaughter, animal transportation and pig welfare, the Swedish outdoor grazing rules has become an attractive issue to politicize by the centre-right parties in the last decade. A member of the parliamentary majority (i.e., centre-right coalition) expands on this topic:

> We have come to a point where we always have to take into consideration what national deviations from the EU standard mean for the farmers' position on the common market. […] Swedish farmers, in particular dairy farmers, are already under great strain from the higher national standards that we have in Sweden and we must do everything we can to help them. If we don't, we will not have much Swedish milk production to speak of in a few decades' time (MJU1).

Except for the Liberal People's Party, all centre-right parties have put forward a significant number of parliamentary bills on this issue in the last few years.[62] In brief, these initiatives propose that grazing rules should be reconsidered, or dropped entirely, as they impose serious disadvantages for Swedish dairy farmers on the EU market. In their opinion, the grazing rules impose considerable costs, and lessen farmers' milk production, at least in the short run.

[61] On this point, three respondents from the centre-right parties refer to an ongoing report on the competitive strength of Swedish agricultural sector, and how Swedish and EU rules can be harmonized (i.e., how Swedish rules should be lowered to that of the EU standard). The report was later presented in early 2015, SOU 2015:15, Swe. *Konkurrenskraftsutredningen*.

[62] Consider, for instance, parliamentary bills 2008/09:393 by Staffan Danielsson and Lennart Pettersson (C), 2014/15:1602 by Mikael Oscarsson (KD) and 2015/16:673 by Lotta Olsson and Sten Bergheden (M).

In addition, dairy farmers are not allowed to seek EU support for keeping their cows outside whereas dairy farmers that let their cows graze outside in other EU countries can. This is because EU animal welfare support is only applicable for farmers that raise animal welfare standards above *national* requirements. Respondents from the centre-left parties explain the situation quite differently. In the words of one respondent from the Green Party:

> The rules are there for a reason. […] The government authorities may try to reformulate the requirements, and to allow for some flexibility but to drop them completely I see as impossible from an animal welfare perspective. I agree that this issue is something that has become more conflictive over the years, and we take the debate with the government [the Alliance] every year when we discuss animal welfare issues (MJU5).

A second, yet closely related, area that traditionally causes disagreement is what constitutes the *appropriate level of detail* for legislative measures that are being implemented. In fact, striking "the right balance" between broadly articulated standards set in laws (Swe. *målstyrning*), which would allow farmers and other producers a certain degree of flexibility, and rules of a high level of detail set in regulations (Swe. *detaljstyrning*), which would ensure that the purpose of the legislative act is met in a particular way, is a recurrent theme in Swedish agricultural politics.[63]

To return to the growing centrality of *food* in parties' election manifestos, respondents witness the growing challenges parties face in translating what they propose in the electoral arena into policy output. In fact, food issues – such as the production, control, quality/content or sale of food – do not leave national actors with any greater legislative manoeuvrability than they have with agricultural matters at large. EU law related to food production is regulated first and foremost by the so-called *hygiene package*, which consists of the three regulations: (EC) 852, 853 and 854/2004. This package of legislative acts covers each and every stage of the production, processing, distribution and marketing of food intended for human consumption.

[63] A case in point is the analysis of Swedish legislation on animal protection and welfare that was presented in 2011 (SOU 2011:75, Swe. *Djurskyddsutredningen*). In brief, the authors of the report argued that the key decision to take in the coming review of the national animal welfare legislation would have to be exactly this (SOU 2011:75, 409).

To these general rules on food safety, there is also a host of legal acts related to the more specific matters of food, such as allowed ingredients and flavourings (e.g., regulation (EC) 1334/2008), as well as advertising and information to consumers including nutrition labelling (e.g., regulation (EU) 1169/2011). Nonetheless, the issue of food, including food production and food consumption, is a topic that has been hotly debated in the parliament in the last few years.

The government's attempt to put forward official recommendations on climate-friendly eating is a telling – and perhaps also an uncomfortable – example of the mismatch between what parties propose to do and what they actually are capable of carrying out once in office. In brief, in 2008 the government launched a project called *Matlandet Sverige*, a campaign effort to transform Sweden into a "food country", which invoked slogans such as "Eat Swedish" and "climate friendly food". The initiative sought to strengthen Swedish food production from various angles, including rising levels of domestic food production, food exports and food tourism, while at the same time paying maximum attention to the climate. At the helm stood then Minister of Rural Development Eskil Erlandsson a prominent member of the Centre Party, who came to allocate almost 50 million SEK of the state budget per year to this initiative.

As part of this greater initiative, the government sought to issue *public recommendations* on healthy and environmentally friendly eating, a task delegated to the National Food Agency (Swe. *Livsmedelsverket*). The Agency issues material such brochures on eating habits and dietary advice on a regular basis, both regarding certain cohorts of the population, for instance women who are pregnant or breastfeeding, and regarding certain foodstuff, such as fish and shellfish. For these new environmentally friendly food recommendations, a scientific report was carried out,[64] on which basis the Agency proposed a set of public recommendations in spring 2009. The recommendations sought to provide consumers with advice on how to reduce the environmental impact of food consumption through food choices. Due to the environmental advantages of short transport, among other things, *Swedish* or even *locally produced* foodstuffs – including meats, vegetables, fruits and berries, cereal products and packaged water – were overtly encouraged in the recommendations.

[64] See Livsmedelsverket, Rapport 9, 2008, *På väg mot miljöanpassade kostråd*

Following Directive 98/34/EC of the European Parliament and of the Council,[65] Member States must notify the Commission and other EU Member States when new technical regulations for products are introduced. This notification procedure is intended to prevent the creation of technical barriers to trade by ensuring the compatibility of national rules with EU law and internal market principles. The Swedish government therefore dutifully forwarded the proposed food recommendations to the Commission and other Member States' governments for review in May 2009 (ref. 2009/292/SE).

In August 2009, the Commission returned with a detailed opinion (Communication SG(2009) D/51899). Having examined the notified text,

> the Commission notes that the Swedish information campaign promotes Swedish consumers to choose locally produced beef, lamb, pork, chicken, vegetables […]. While the Commission believes that this project is conceived form an environmental point of view, it is clear that the encouragement of Swedish consumers to buy locally produced (i.e. Swedish) products is contrary to the principle of free movement of goods on the internal market.

The Commission added that "the Swedish government is reminded that Article 28 of the EC Treaty prohibits quantitative restrictions on intra-Community imports and all measures having equivalent effect."

Moreover, the statement noted that "the Commission takes the view therefore that the notified Swedish text and its encouragement of buying locally produced foodstuffs is incompatible with Article 28 of the EC Treaty" and that "the Commission is of the opinion that the same environmental concerns could be upheld by using recommendations that would not overtly encourage the buying Swedish goods over goods coming from other Member States" (Communication SG(2009) D/51899).

The Commission built its case quite convincingly, referring to previous court rulings where Member States had sought to overtly or covertly favour domestic grown produce. In the early – and also relatively well-known – case "Buy Irish" (*Commission v. Ireland* (Case 249/81) [1982] ECR 4005), the Irish government sought to produce sales of various Irish goods, with the objective being to manage a switch of three per cent in consumer spending from imports to domestic products. While the Irish government relied heavily on the private sector to finance

[65] It should be noted that this directive has now been replaced by directive (EU) 2015/1535.

and implement this objective, the Court of Justice ruled that the Irish government's campaign constituted a breach with Article 28 EC.

Following the Commission's disapproval of the recommendations, the government and the National Food Agency had little choice but to return to the drawing board. A revised version of the document was presented in March 2010, and this may be described as a seriously shortened and watered-down version of the first set of recommendations. The National Board of Trade (Swe. *Kommerskollegium*) thought that the recommendations were still running the risk of violating Article 28 EC, however.

Perhaps because of this reason, the government never forwarded the revised version for notification. Instead, the government decided to permanently drop the proposed recommendations for climate-friendly eating in November 2010, and informed the Commission of its decision accordingly. When this news hit the press, mainly sector-specific magazines, the government received very harsh criticism from not only the agricultural sector but also the opposition (i.e., the left-of-centre parties). The event presented the opposition with perfect material for criticizing the government for letting trade principles trump environmental concerns.[66]

Critique, or rather *scrutiny of the government*, is something that all respondents across the political spectrum brought up as a key feature of their work in the Committee. To engage in scrutiny of the government jointly can be seen as an extension of the fact that it is the *Swedish* line of argument that the government puts forward in the Councils, and not just the majority position. In this way, MPs act on behalf of the whole populace, and not just their voters, when they take part in the policy process. Negotiations on EU legislation are a matter of one group of Member States' interests against another; that is, Sweden and likeminded countries versus other states with a different approach.

Compared to other committees that they have served in, respondents believe that the task of scrutiny is distinctive for the Committee on Environment and Agriculture. One member of the Centre party (i.e., parliamentary majority) develops this in the following words:

[66] It may be noted however that since the Red-Green coalition entered into office in 2014, they have not picked up the food recommendations that they so heavily criticized the Alliance for abandoning in 2010.

> We [the parliamentarians] are not only legislators but also scrutinizers of the government. To follow up and control is something that we have to do broadly *across all parties*, not just the opposition. We select different issues that are worth to be scrutinized deeper, for instance how the government has developed fisheries reform or the Rural Development Programme. Scrutiny is an important part of our work in this Committee, it is part of the interior (MJU4).

Several respondents also believe that the focus on scrutiny has become greater over the years:

> You could say that our role is shifting in the direction of scrutiny. […] Sure, the parliament can initiate issues and put these on the agenda. At the same time, it is very rare that the parliament proposes bills that lead to concrete legislation, and this is of course due to the limitations we face in the EU. Such initiatives we take with other expectations in mind, to start a debate in the media for instance (MJU5).

Regarding scrutiny, the Committee is also very active in the scrutiny of the Commission's draft legislative proposals. A key task of the Committee is the subsidiarity check; that is, the Early Warning Mechanism (EWM). It has already been mentioned at several occasions in this thesis that the Riksdag is *the* most active of national chambers in this new exercise and inside the Riksdag the Committee on Environment and Agriculture stands out. Over the period 1 December 2009 to 31 December 2015, the Committee was forwarded 116 draft legislative proposals falling within the provisions of Protocol No. 2, thereby making it the most active committee in the subsidiarity review.[67]

However, of the 116 draft legislative proposals that the Committee on Environment and Agriculture subjected to it subsidiarity review, only five led to the Committee proposing a reasoned opinion. This is far fewer than most other Committees, for instance the Committee on Finance, yet again, which has issued twelve reasoned opinions during the same period. How should we interpret these numbers? Does it suggest that the Committee is using its new legislative tools efficiently? And why do so few proposals give rise to a reasoned opinion?

[67] Most other committees of the Swedish Riksdag received far fewer proposals over the same period of time. The committee on Finance received the second highest number of draft legislative proposals (73), followed by the Committee on Transportation (63), the Committee on Justice (53) and the Committee on Industry and Enterprise (44). Most other committees received less than 20 draft legislative proposals over the given period.

Both parliamentarians and committee officials are of very mixed opinions. On the one hand, they agree that the new tools given to national parliaments in the Treaty of Lisbon are "principally important" and should be used. On the other, respondents brought up several examples of why it is a "heavy" and "time-consuming" exercise. The most obvious problem is that the Commission has sent a large number of proposals in the issue area of agriculture and, according to the Riksdag Act, the Riksdag should scrutinize *all* draft legislative proposals that fall under the provisions of Protocol No. 2.

The Committee secretariat in particular notes the increased workload since the Treaty of Lisbon entered force. According to one official in the Committee secretariat, "the parliament allocates a lot of resources on this but I am unsure what it leads to" (MJUa). Another official adds to this, saying that:

> the principle of subsidiarity is more complex than what one might think and as an official the Early Warning Mechanism can put you in an unreasonable position. We only have eight weeks at our disposal to scrutinize the proposals, and at more than one time the Commission has sent us huge packages of legislative acts just before the summer closure, which meant that we had hardly any time at all. The routine is that the responsible official has to write a PM on each proposal and present it for the Committee members and I had fewer than two weeks to prepare this huge PM. Obviously I do not have the expertise to really understand what each and every proposal would entail; I am not an expert on all of these issue areas. We are in close contact with the officials in the government offices who understand the details but it would take a lot more resources and expertise here in the Riksdag if we wish to have an impact. And, I wonder how this works in other national parliaments where there is hardly any administration at all (MJUb).

The officials also believe that, even though the Committee and the Riksdag in general formally scrutinize each and every proposal that fall under the provisions of Protocol No. 2. there are obviously cases where the subsidiarity check becomes more "shallow". One official gives a concrete example of this:

> There was this one proposal about fruit, vegetables and milk in schools [COM(2014) 32], which made me think "is this really what the EU should be doing?" But this is something that there already is a lot of EU legislation on and so, from the perspective of subsidiarity, it would have been very difficult to protest. […] Also, the proposal coincided with other, more controversial proposals so we chose to prioritize those instead (MJUb).

For the parliamentarians there is less of a difference before and after the entry into force of the Treaty of Lisbon. This is partly because a new parliamentary session started in the autumn of 2010 and with that several respondents arrived at the Committee.

Therefore, most respondents are unsure of how to separate the effect of change of committee from new activities as of the Early Warning Mechanism. The interviewed parliamentarians rather view the subsidiarity check as a task for the experts in the secretariats. That the subsidiarity check is mainly carried out by the officials may in turn explain why all respondents were totally unaware of the tools put in place to foster inter-parliamentary cooperation, such as IPEX. Only one of the interviewed MPs had heard of IPEX before but she had no idea of how to make use of it: "This is because the subsidiarity check is mainly the responsibility of the secretariats" (MJU5).

Respondents also confirm that there is more or less zero communication between the Riksdag and other EU national parliaments in view of the subsidiarity check. In the words of one member of the Green party, "we do our thing and we can only hope that other parliaments also react in the case of a breach so that we can attain enough votes [to raise a yellow card]" (MJU5). However, the officials may only contact other parliaments if the parliamentarians ask them to: "obviously, we cannot initiative contact between the Riksdag and other parliaments. That has to come from the politicians" (MJUa).

Since the subsidiarity check is carried out by Committee officials, "whose judgement we have little choice but to trust" (MJU5), parliamentarians view the subsidiarity check as "a totally *apolitical* exercise" (MJU4). There is virtually always "total agreement" (MJU2) in the Committee when draft legislative proposals are scrutinized and they believe that whether a draft legislative proposal complies with the principle is usually quite obvious. At the same time, understanding the possible consequences of proposals is all the more difficult. One respondent describes the Early Warning Mechanism as an "individual learning process" (MJU1) and it is therefore difficult when large parts of the Committee members are replaced every fourth year.

Moreover, there is disappointment with the Commission's approach to subsidiarity. Many draft legislative acts "do not include any motivations", or at least "unsatisfactory motivations" (MJU2) vis-à-vis the principles of subsidiarity and proportionality, which makes it impossible for the parliament to carry out its duties as of Protocol No. 2. This concern has also been raised at repeated occasions by the Committee on the Constitution in its annual overviews of the subsidiarity check (e.g., statement 2014/15:KU9). That the Commission repeatedly neglects to include a proper motivation of legislative measures vis-à-vis the principles of subsidiarity and proportionality is something that respondents views as "undermining the whole exercise. If the Commission doesn't motivate their proposals, then how are we supposed to do our job?" (MJU6).

To exemplify what the respondents call the Commission's "unwillingness to listen to national parliaments" (MJU2), respondents brought up the feuilleton of the Commission's proposal for a regulation of the European Parliament and of the Council on the "distribution of food products to the most deprived persons in the Union". More precisely, in the autumn of 2010 the Riksdag received proposal COM(2010) 486 [hereinafter proposal 1], which is the first of a long series of subsidiarity checks of essentially the same legislative initiative. Over the next two years, the proposal will be subsidiarity checked four times by the Riksdag.

The background is the following. Food aid was introduced in the CAP in 1987 as part of a package solution to deal with the large food surpluses that the EC countries produced. The general rule was to store food surpluses in intervention storages, which worked fine for cereals and grains but less so for fresh fruit and vegetables. When intervention storages were full, the EC would then have the possibility to dump foodstuffs on the world market but this would seriously antagonise other producers, not least the US.

The other possibility would have been to burn the produce but this would be just as difficult from an ethical point of view. The remaining option for the Commission was to propose that agricultural surpluses were handed out to deprived people in the EC Member States, and consequently, food aid became an integral part of the CAP. Due to the gradual shift of the key objectives of the CAP from high production to sustainable production, food surpluses became less and less of a problem and consequently the allocation of food to deprived persons hinged on whether or not there were any surpluses at all in the intervention storages. Proposal COM(2010) 486 aimed to change this support. Instead of food being taken from the intervention storages, it could also be purchased on the world market. What the Commission (DG AGRI) in practice

proposed was "a European-based soup kitchen" (MJU4), in which the Commission would oversee the purchase of food and then hand it out to people in need. The first proposal that arrived was referred to the Committee on Environment and Agriculture due to the legal basis of the proposal being agriculture (Article 42 TEU). The Committee was critical of the proposal for several reasons and the committee's suggestion to issue a reasoned opinion won support in the Chamber.

In November 2010, the first reasoned opinion was consequently forwarded to the EU institutions. The Riksdag was critical, first of all, of the Commission's choice of *legal basis* (2010/11:MJU7):

> The Riksdag notes that the measure thus has shifted from being a measure of agricultural policy to a measure of social policy. *The Riksdag therefore considers that the legal basis upon which the proposal rests is incorrect as neither the purpose nor the content of the proposed instrument can be comprised of the common agricultural policy.* A measure of the main social policy purpose of supplying food to the most deprived can in itself be considered to fall within the Union's objectives. The Riksdag thus concludes that the Commission in support of this proposal might choose Article 352 TFEU as the legal basis instead.[68]

Also, the Riksdag found that the proposal was not compatible with the *principle of subsidiarity* (2010/11:MJU7):

> *The Riksdag considers that the measures proposed can in no way be considered necessary for achieving any of the objectives laid down in the Treaty. The Riksdag rather considers the proposed measures as contrary to the principle of subsidiarity.* [...] Each Member State has a responsibility in the fight against poverty and exclusion, as well as to work to support those who are worst off. It is a responsibility, which is often shared with authorities at the regional or local levels. According to the principle of subsidiarity, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local levels; therefore, by reason of its scale or effects, be better achieved at the Union level. *The Riksdag cannot find any reasons why the objectives of the planned measure in the current proposal would be better achieved at the Union level.*

[68] Author's translation from Swedish of all of the quoted reasoned opinions.

Several other chambers responded with a similar objection as the Riksdag. More precisely, the UK House of Lords, the French Sénat, the Danish Folketinget as well as the Dutch Eerste Kamer and Tweede Kamer also issued reasoned opinions following COM(2010) 486 (COM(2011) 344 final: 18th report on Better Lawmaking 2010).

However, in its response to these chambers (communication C/2011/232) the Commission maintained that the proposal was largely unproblematic, both in terms of legality and subsidiarity. In December 2010. the Commission consequently sent a new version of the proposal, COM(2010) 799 [proposal 2]. The Committee examined proposals 2 and found that "more or less nothing of substance had changed vis-à-vis the first proposal" (MJUb).

The Committee, and later the plenary, therefore came to the conclusion that the proposal (still) contains ambiguities regarding first and foremost the legal basis, and issues a second reasoned opinion (2010/11:MJU21):

> The Riksdag notes that the measure thereby shifted from being an agricultural policy measure to being a social policy measure. *The Riksdag therefore considers that the legal basis on which the proposal rests is incorrect as neither the purpose nor the content of the proposed instrument can be comprised of the purposes of the CAP*."

In addition, the Riksdag finds that the proposal is (still) contrary to the principle of subsidiarity:

> *The Commission's analysis of the proposal in relation to the principle of subsidiarity has considerable shortcomings*. [...] The Riksdag is therefore very critical of the Commission's proposal. Therefore, the Riksdag both underscores and repeats the views previously expressed in the reasoned opinion on the first proposal.

The second reasoned opinion also contained criticism of the Commission's unwillingness to make clear what changes it had made in relation to the first proposal and how it would address the shortcomings that the Riksdag and other parliaments already had pointed out. However, at this point several of the other Chambers that had previously contested the proposal on basis of its breach with subsidiarity lost interest. For instance, Folketinget did not issue a reasoned opinion in view of Proposal 2, even though it had done so in the first instance (for further details see Hegeland 2015, 433).

Several months later, in October 2011, the Commission issued a third version of the original proposal, COM(2011) 634. The difference was that the proposal now rested on a so-called double legal basis, agricultural policy (Article 42 TEU) *and* territorial cohesion (Article 175 TEU). The proposal was referred yet again to the Committee on Environment and Agriculture, which reviewed the proposal one more time and decided to issue a third reasoned opinion, repeating its objections from the previous two opinions.

In the third reasoned opinion, the Riksdag was "extremely critical" (MJU8) of the proposal in terms, firstly, vis-à-vis its legal basis, (2011/12:MJU8):

> *The extended legal basis does not make the Riksdag to be of a different opinion as the Riksdag does not consider Article 175.3 to be any more of a correct legal basis for the proposal*. [...] Neither the purpose nor the content of the proposed instrument can be comprised of any of the objectives of the CAP in Article 39 TFEU, nor any of the objectives of economic, social and territorial cohesion laid down in Article 174 of the same treaty.

As had already been stated in the previous two opinions, the Riksdag also found the proposal to violate the subsidiarity principle:

> The Riksdag notes that none of the proposals regarding food aid have contained any justification in light of the subsidiarity principle. *The Riksdag finds it remarkable that the Commission fails to meet this obligation that is essential for broad democratic confidence in the decision-making process in the EU*. [...] *Regardless of the choice of legal basis, the objectives of the proposed action, which essentially are social policy, can be sufficiently achieved by the Member States, at national level, or at regional and local level*. The Riksdag therefore considers the proposal as contrary to the principle of subsidiarity.

In other words, the Riksdag, thanks to the active involvement of the Committee on Environment and Agriculture, had worked up considerable momentum in its critique of the Commission's proposal. Apart from the Riksdag, only the UK House of Lords was still contesting the proposal.[69] Then, for almost one year the Commission kept silent, which the respondents interpreted as "the Commission having realized its blunder" (MJU8).

[69] For details on the issued reasoned opinions see COM(2012) 373 final: *19th report on Better Lawmaking 2011*.

However, in October 2012 the Commission reformulated the draft and sent out a fourth version, COM(2012) 617. The legal basis was now *only* social and territorial cohesion whereby the proposal was referred to the Committee on Social Affairs instead of the Committee on Environment and Agriculture. This was one of the first draft legislative proposals that the Committee on Social Affairs had had to scrutinize from the viewpoint of subsidiarity. Yet, respondents confirm that there was literally no communication between the two Committees on this matter.

At any rate, also the Committee on Social Affairs saw the proposal as problematic and the plenary decided to issue a fourth reasoned opinion. However, this fourth reasoned opinion was quite different from the three previous ones. First of all, there was no questioning of the legal basis, nor of the Commission's choice to change the legal basis in the way that it had. The Riksdag consequently issued the fourth reasoned opinion on the matter, (2012/13: SoU8) focusing first of all on the *political* content:

> The proposed fund will support national systems where food products and other basic products for personal use will be awarded to those who are worst off. *The Riksdag contends that poverty and social exclusion is best tackled by promoting work that enables self-sufficiency, and that develops social security systems covering the entire population*.

In the opinion, the Riksdag also argued that the proposal would violate the subsidiarity principle:

> The Riksdag contends that direct social support should be the responsibility of each Member State, and that support of people in a vulnerable situation is something that is more efficiently designed and supplied by the Member States themselves. *The Riksdag therefore considers the proposal to be incompatible with the principle of subsidiarity*.

In other words, the Committee on Social Affairs did not question the compliance with subsidiarity, however, it did not engage in any deeper analysis (the above paragraph is the complete opinion) and consequently much of the momentum was lost. In fact, the responsible official explained that "in the reading of the Committee on Social Affairs, it was the correct legal basis, and therefore the proposal was difficult to contest" (SoUab). Still, four other parliaments/chambers had raised objections to this proposal and in addition to the reasoned opinion of the Riksdag also the German Bundestag, the UK House of Commons and House of

Lords and, yet again, the Danish Folketinget contested the proposal for its breach of the principle of subsidiarity.[70]

The parliaments' involvement came to have little effect, however, as the number of reasoned opinions did not reach the critical threshold to trigger a yellow card (i.e., one third of all votes). Consequently, the Commission carried on with its proposal and on 11 March 2014 the proposal was adopted following the Council's approval of the European Parliament's position after the first reading.

What does this story tell us? The respondents are unsure. On the one hand, it shows that the Riksdag certainly makes use of its new tool in the EU policy process, which is regarded as "principally important" and that learning by doing builds confidence in how to interpret Protocol No. 2. It is thus a process of "individual learning" (MJU1). On the other hand, the respondents have been left rather disillusioned by not only the Commission's handling of this particular proposal but also the relative passiveness of other parliaments:

> One proposal that we have discussed at great lengths in the Committee is food products to the most deprived. The Committee objected instinctively to this initiative, because it is about social politics and not agriculture, and the EU should not be dealing with this. But the proposal kept coming back, no matter how solid our arguments were, so I am left very unsure of how well the subsidiarity check actually works. […] In fact, I would rather say that the new role that we are given as of the Treaty of Lisbon has not changed the influence of the Riksdag, at all. To be totally honest, I would rather say that it has created more work, for us and for the secretariat (MJU2).

In addition, one other member of the Social Democratic party believes that national interests may explain why other chambers did not react:

> But what about the other parliaments [that did not issue a reasoned opinion]? They do not seem to be of the same opinion because they were not reacting. Perhaps they have an interest in getting rid of their apples? I think that whether parliaments react or not does not have to do with subsidiarity but with the political substance of the proposals […] if they like it or not (MJU3).

[70] For details on the issued reasoned opinion see COM(2013) 566 final, *Annual report on subsidiarity and proportionality*.

In other words, MPs are ambivalent about the subsidiarity check and this is not only because their understanding of Protocol No. 2 – or indeed, of reviewing new legislation – is "apparently different from that of the Commission" (MJU6). It is also because respondents question the overall effect that the greater scrutiny of EU documents places on their work as representatives. In fact, respondents suggest that the increased scrutiny of EU legislative activities has had a certain *backlash effect*:

> As for now, we need to be in Stockholm from Tuesday morning until Thursday afternoon [committee meetings take place Tuesday and Thursday mornings], the rest of the week we may travel around the country and meet voters. But our work in the Committee has certainly gotten more complex over the last few years. It involves more paper work, not least due to the subsidiarity mechanism, which increasingly demands much of our time. […] In this way, one could say that the representative role has to give way to the role of scrutiny unless we make sure that there is a central function of scrutiny in the parliament, which would continuously brief us (MJU9).

7.4 Conclusions

This chapter has been dedicated to describing parliamentary actors' understanding of their work in agricultural affairs, which is an issue area that has become a *de facto* exclusive policy concern of the EU (Sbragia and Stolfi 2015). The analysis set out to explore how members of the Committee on Environment and Agriculture reconcile their task as MPs given this unmistakable fact, both in the electoral and parliamentary arenas. What has been attempted is thus an analysis of MPs' understanding of their role in an issue area that provides political parties with sparse legislative manoeuvrability and how parliamentary actors have taken on the new role ascribed to them as of the Treaty of Lisbon.

For this purpose, the chapter proceeded in four steps. First, I briefly described the key features of the organization of agricultural policy under the Common Agricultural Policy (CAP). The CAP builds on the original objectives set out in the Treaty of Rome and is regarded as an overarching framework of minimum standards that builds on a very high level of market regulation. As of the Treaty of Lisbon, agricultural decisions follow the ordinary legislative procedure and the role of national parliaments is largely understood as reviewing and safeguarding the subsidiarity principle (Protocol No. 2). I also explained the distribution of chairs in the Committee at the time of my interviews and briefly documented the interviews

carried out. I have thereafter presented the key findings of my analysis, starting with the way MPs describe their role in the electoral arena, including how they perceive of contact with voters and organized interests.

The study reveals that respondents are both pragmatic and candid about the coercive power that EU law places on national agricultural affairs and that they have adopted their way of working accordingly. This is not to say that MPs and their parties have wholly embraced the new reality that they find themselves in. While respondents certainly view themselves as representatives, they explain that this task is sometimes awkward as voters often ask or expect action from their side that is not legally possible for them to undertake. It was also found that the way parties speak of agricultural concerns in their election manifestos have radically shifted over the studied period. Since the mid 1970s, parties successively abandoned the more general aspects of agricultural issues, such as overarching reform and priorities, and allocate instead more attention to the particular issue of *food* related topics, such as food production and consumption.

Turning to the way MPs see their role in the parliamentary arena, all respondents underscore the obvious presence of EU law and that their role as legislators is therefore *indirect* rather than *direct*. In brief, it was found that MPs are well aware of their hands being relatively tied in agricultural law-making. The political lines of conflict in agricultural affairs surround implementation measures, including issue areas where Sweden has decided to set higher national standards: first and foremost regarding animal welfare and animal protection. In most of these particular issues, however, there is a relative consensus among the established parties. The second line of conflict is the appropriate way/level for how to implement EU norms. For this reason, political conflict in the area of agriculture makes itself known in the parliament in legal technical terms, rather than in substantial policy terms.

Respondents also give examples of the difficulty that parties face in advancing what they propose in the electoral arena once in the majority position. Returning to the high attention given to food related aspects in parties' manifestos, the centre-right government got a close encounter with the meaning of Article 28 EC as the Commission disapproved of the Swedish government's intention to issue an online brochure on climate-friendly eating. To recommend Swedish citizens eat *locally* produced foods to reduce food productions' burden on the climate is to recommend citizens to eat *Swedish*, which is a direct violation of the principle of open and free competition. The manoeuvrability of policymakers in in the issue area of agriculture is in

other words seriously circumscribed. For this reason, it is possible to say that rather than *directly* initiating, presenting and amending legislative proposals, the role of MPs in the area of agriculture is rather *indirect*, such as raising public awareness in the media and by carefully monitoring the government's activities in the Council. MPs' monitoring task also includes the review of EU draft legislative proposals.

The Committee on Environment and Agriculture is the one committee in the Swedish Riksdag that has reviewed the highest number of draft legislative proposals to date and respondents believe that this task is principally very important. This means that they are very actively reviewing agricultural legislation, deciding whether this is an issue for the national or for the European level to decide. However, the task is seen as totally *apolitical*: there is virtually always total consensus in the Committee on whether the proposal complies with the principle of subsidiarity. This task is primarily carried out by officials of the Committee secretariat who have the expertise required rather than by the legislators themselves. Moreover, while Protocol No. 2 has certainly caused an increased workload for the Committee, respondents are unsure of what effect their involvement in the subsidiarity review has really had.

To what extent, then, is it still apposite to speak of MPs in the Committee on Environment and Agriculture as *policy reviewers* rather than policy shapers, as the title of the chapter suggests? I introduced this type of legislative role in the legal and historical review of national parliaments (Chapter 2), arguing that European integration has neither caused *deparliamentarization* nor *reparliamentarization* but parliamentary *transformation* instead. In policy fields over which legislative competence is shared between the EU and its Member States, national parliaments have been given the task of safeguarding the principle of subsidiarity; that is, of gatekeeping the mere introduction of new legislation, rather than initiating and influencing public policy. This is what traditionally comes to mind when the legislative role of parliaments is referred to.

However, if parliaments are to be successful in effectively gatekeeping legislation, they need to act as a collective and, the Commission must engage in this exercise in good faith. It is doubtful if this is what we see when looking back at the first years of Protocol No. 2 (e.g., de Wilde 2012). For this reason, I suggest that the national parliament, and the actors therein, act as *policy reviewers*. Their legislative role is exercised by acting in response to measures put forward by the EU institutions, rather than creating or controlling the legislative agenda themselves.

The analysis put forward in this chapter suggests that there certainly is a great amount of reviewing involved in the every-day work of MPs in the Committee on Environment and Agriculture. We already know that the vast majority of national legal productions in the issue field of agriculture is more or less the mere translation of EU legal acts. MPs describe a situation in which they feel "bombarded" by EU documents, they exercise legal influence "only indirectly" by monthly deliberations – about a pre-set agenda – with the Ministers in view of Council meetings and the Committee has also reviewed the highest number of EU legislative proposals to date. Legislation is for these MPs about implementation and interpretation of EU legal norms and in this process of legal work, the range of choice that legislators are facing is very limited. Moreover, due to traditional Swedish consensus politics, the few remaining issues, which policymakers could contest and seek to alter, they have no wish doing so.

What is more, MPs' are surprisingly frank and candid about this matter of fact, which is why this is a peculiar finding. It is a peculiar finding because the stories told by my respondents only really hold at the individual and at the committee level of parliamentary actors and not at the party level. To put it differently, the way in which *individual* legislators understand of national policymaking in agricultural affairs resonates badly with the way *parties* speak of agricultural matters in view of general elections.

The data analysed in Chapter 5 showed that parties include mentions of the EU first and foremost in relation to the EU itself (i.e., EU constitutional matters and much less so regarding substantial policy fields). Foreign trade and agriculture are two of the relatively few policy issues that legislative parties do connect to the EU legislative arena to some extent but this connection is by all accounts fairly suppressed, at least in comparison with the vast adaptational pressure that we know EU legal norms exercise on those issue domains. There is thus reason to speak of an awkward mismatch between what party representatives do in the parliamentary arena and how they, at the party level, portray this task in the electoral arena. This and other findings of the thesis are discussed more thoroughly in the concluding chapter.

CHAPTER 8

Conclusions

8.1 Introduction and structure of the chapter

Within fewer than three decades, Sweden has shifted from being a hesitant, external observer of the integration process to an EU-member heavily entrenched in the European legislative arena. EU membership has thereby radically changed the arena upon which politics unfolds. The national legislative arena has been supplemented with "the sphere of Eurocracy" (Georgakakis and Rowell 2013), by which policy processes and authority are subjected to a complex division of legislative power and actors. Academic research on national parliaments in the EU has developed in parallel with this process. However, this literature remains focused on activities of parliamentary scrutiny generally and of the government's handling of so-called EU issues particularly, leaving us with less insights into the effects of integration on the broader legislative role of our representatives.

The aim of this research has been to move beyond the traditional point of investigation and instead start to explore the wider conjuncture between the EU and the national legislative arenas, focusing on what role the parliament has now come to assume in the multi-tiered legislative process and how this role differs across policy fields. Instead of drawing on empirical information garnered from formal rules and scrutiny activities limited to the EU Affairs Committee, which most previous studies rely on, I have instead chosen to focus on the parliamentary actors themselves, including individual MPs, parliamentary committees and political parties. Over the course of the previous seven chapters I have provided a host of arguments, data and interpretations. In this concluding chapter I collate the empirical evidence generated in the previous parts of the thesis. I connect the dots, so to speak, in seeking to answer the research questions posed at the start of this project and to identify where we might go from here.

The chapter proceeds as follows. I first offer a brief recap of my starting observation, of my research questions, of my theoretical assumptions and of the logical and logistical strategies I have designed to answer my research questions. I thereafter present the key findings, which I organize thematically. I then close the thesis with a few suggestions for further research.

8.2 Recap of my research questions, argument, method and material

In Chapter 1, I set the scene for this research project, including the formulation of my key research questions. The starting observation of this thesis derives from the uncomfortable clash between the normative task usually ascribed to parliaments in public policymaking and in democratic society generally, and the ongoing haemorrhage of their actual policymaking powers. While democratic theory tells us that public policies should be vested in an assembly of directly elected representatives (e.g., Manin 1997) – a task that has traditionally fallen upon national parliaments – there is reason to question the extent to which EU national parliaments are still exercising this task. Due to Member States' wish to attain more effective policies and to reap the advantages of access to the common market, they have actively and quite voluntarily pooled their legislative competencies at the European level of governance.

Consequently, the EU now enjoys, if not exclusive legislative competence (Article 3 TFEU), then competence that is shared with its Member States (Article 4 TFEU) or competence to support, coordinate and complement national policy measures (Article 6 TFEU). I have formulated three research questions that follow from this starting observation:

- What happens with national parliaments in the process of uneven hand over of legislative authority that EU membership entails?
- What is the legislative role of individual MPs and their parties in policy issues over which not only the parliament but the national arena altogether has lost practically all legislative manoeuvrability?
- And how is this new legislative role different from the legislative role that MPs and their parties (still) perform in issue areas that remain, if not purely, then primarily, national?

In my historical and legal review of the role played by national parliaments in the EU (Chapter 2), I argued that there is little reason to describe the effect that European integration places on national parliaments in binary terms such as *deparliamentarization* or *reparliamentarization*. Rather, I argued instead that we should view integration as causing a process of *parliamentary transformation*, which suggests a much more nuanced understanding of what national parliaments have become in the EU multi-tiered system of doing politics.

More precisely, I argued that the role of national parliaments in the legislative process has slowly shifted in the direction of *reviewing* the introduction of new legislation. This means that they are moving from a position of policymakers, or at least policy influencers, to playing the role of policy reviewers. Just as important is that the role national parliaments perform in the policymaking process is becoming highly *segmented* as it depends on the division of competencies between the EU and its Member States. That division is by no means static, but fleeting, both across policy sectors and over time. In policy areas over which the legislative authority now belongs exclusively to the EU – such as trade, customs union, certain aspects of the common fisheries policy and so on – the national level must not take any legislative action at all and the new duties of parliaments as enshrined in the Treaty of Lisbon do not apply. In these matters there is – in crass terms – very little legislative role left to speak of.

By contrast, in policy sectors over which the EU only enjoys competence to support national legislative measures – such as education, culture and tourism – the legislative role of parliament is kept largely intact as these continue to hold the highest legislative power. The crux

of the matter is therefore regarding policy sectors over which the EU shares competence with its Member States, such as agriculture, environment and transportation, to mention but a few. The role of national parliaments will, in this cohort of issues, depend on the extent to which they actively make use of their duty to safeguard the principle of subsidiarity. This evolution points to increasing segmentation, not only of parliament's legislative work but of the very rationale of parliaments in the first place. It is therefore reasonable to expect that the legislative role of parliamentary actors varies significantly across policy sectors. The legislative role of MPs is in this sense shaped and determined not only by traditional factors, such as whether they enjoy the majority position or not, but also by the fleeting division of competencies between the EU and its Member States.

To empirically illustrate my argument, in Chapter 3 I presented a mixed-methods research strategy that proceeds cumulatively. First, to explore what variation there is in the *policymaking context* that parliamentarians find themselves in, I have carefully measured the presence of EU legal norms in Swedish legal production, on the one hand, and the extent to which parties include mentions of Europe in their election manifestos, on the other. More precisely, to reveal how the Swedish policy fabric has become interconnected with EU law, all legislative acts produced over the period 1988–2015 were collected by the means of data mining. This resulted in 41573 observations that have been coded according to the policy issues to which these relate, for which purpose I have designed a Swedish version of the Comparative Agendas Project's (CAP) master codebook. I have also coded whether or not these statutes contain any reference to the EU or any of its predecessors, including both domain references, inclusion of so-called CELEX and Official Journal numbers and "softer" mentions of Europe.

Regarding election manifestos, I collected all manifestos (N=61) put forward by parties that made it into the Riksdag over the period 1976–2010. Each semi-sentence (i.e., policy argument) in these documents (N=14537) was scanned for any co-mentions of the EU or any aspects thereof. In terms of policy content, the semi-sentences were also coded according to the same coding scheme as legislative productions (i.e., the Swedish CAP codebook), thereby allowing a unique juxtaposition of the degree of Europeanization across two agendas. Against the empirical picture that the first step of the analysis produced, I have chosen two policy fields that showcase the greatest difference regarding the extent these are tied to EU legal norms.

After the selection of meaningful cases I moved forward and collected individual-level data to reveal the more fine-grained processes suggested in the first steps of the analysis.

Therefore, in addition to the first two types of longitudinal and quantitative evidence, I also collected cross-sectional and qualitative data by means of 41 intensive elite interviews with parliamentary actors, including both MPs and parliamentary officials, who aid the former in the legislative process. Parliamentary actors serve in this sense as complementary information carriers, as such interview data add colour, depth and definition to the quantitative picture gleaned in the first two steps of the analysis.

Together, these complementary types of data have enabled me to uncover the increasingly variable contexts for policymaking across time and across policy areas, thereby offering a detailed account of Swedish parliamentary life over almost four decades. To put it differently, these data have provided a *chiaroscuro* picture of what parliamentary life looks like and how it differs across two policy fields that vary distinctively in their degree of Europeanization. Below I introduce thematically what key findings these analyses suggest.

8.3 The asymmetric impact of Europe within parliament

My first answer to the overarching research questions is that the uneven handover of legislative competence from the national to the European legislative arena carries a correspondingly uneven impact *within* the national parliament: the legislative function of parliament becomes *segmented* across policy sectors. What to expect of not only individual MPs but of the parliament at large, thus depends on the policy sector we have in mind. The previously noted "asymmetry thesis" (Casula Vifell 2009) seems to hold also for the assembly. It is against this background that I argue for an *asymmetric* impact of Europe on national parliaments.

I come to this conclusion by reflecting on the following. Regarding the *policymaking context* that the national parliament finds itself in, I have extensively explored two key factors: legal production and election manifestos. Considering the former, it was shown that the process of legal Europeanization is unmistakable for Swedish legal production since the early 1990s and that the presence of EC/EU legal norms has increased on an almost linear basis since EEA and EU membership in 1992 and 1995, respectively. Yet the adaptational pressure of the EU on national policies is substantially uneven across policy sectors, with some areas being very closely connected to EU norms whereas others remain hardly touched by European legislation, at least on the surface of things.

I have also shown that such differences across policy sectors increase over the studied period. In some issue areas, such as agriculture and environment, the interdependence on EU law is quite significant and growingly so, as the vast majority of passed legal acts in these issue fields contain reference to EU legal norms in the more recent years of the study. At the same time, other issue areas continue to be relatively shielded from harmonization, at least on the surface of things. Education, culture and issues pertaining to public lands, most notably, are three issue fields over which the EU seemingly does not wield much adaptational pressure at all. While we already suspected this from a reading of the Treaties, the thesis shows what the *legal* division of competencies looks like *empirically*. From this finding it is reasonable to say that not only the manoeuvrability but the very purpose of national legislation – and by extension, the task of national legislators – is becoming increasingly differentiated across policy fields.

To empirically develop this suggested segmentation of parliament's legislative role, I chose to contrast the role performed by MPs in two committees that are situated in diametrically different policymaking contexts. On the one hand, cultural affairs – which appears more or less barred from harmonization – has seen little change regarding the way parties propose and speak of culture in their election manifestos. On the other hand, agricultural affairs – despite it being a shared competence between the EU and its Member States – has become an EU competence *par excellence*. In legislative parties' election manifestos, general remarks about the overarching priorities and aim of agricultural policy are largely abandoned and instead parties have jumped to contest more detailed issues, first and foremost the issue of food production and food consumption.

Interviews with MPs and high officials produced new information about what – if anything – these growing differences in the policymaking contexts mean for individual legislators. And, without a doubt, it is shown that the growing differentiation of the policymaking context resonates in parliamentary actors' perceptions of their role in the legislative process. Members of the Committee on Cultural Affairs view their role in the legislative process as a task to influence and shape the larger priorities of cultural policy and they are quick to add the centrality of their *representative* role in this process. In addition to this, they understand their legislative role as largely dependent on whether they enjoy the majority position or not as this gives them a direct link to influence and anticipate the legislative agenda.

The stories told by respondents from the majority parties are totally different from those that sit in the opposition. As mentioned, contact with voters and organized interests is a central

aspect of their role as representatives and, in the electoral arena, cultural policy is continuously proposed in highly disparate and ideological terms. It is also shown that, once in office, actors see great possibilities in also advancing the proposed measures into actual measures and to reformulate cultural policy should they wish to.

Little has changed over the studied period when we consider the legislative and manifesto data, which also the interview data largely verify. There are general fluctuations in the number of legislative productions and these may be related to traditional election dynamics. Also, the manifesto data bear witness to a relatively stable development. While it certainly varies over the studied elections the extent to which parties speak of cultural affairs, the *way* parties speak of cultural policy remain at the general or even at the ideological level.

That being the case, it is easy to assume that respondents are "right" in stating that cultural matters are a purely "national concern" or even "an exclusive national competence". MPs in the Committee on Cultural Affairs are very focused on the division of competence when discussing the involvement of EU in cultural affairs. The concept of certain issue areas being a national competence has become something of a buzzword in both the academic and the political debate, with the subtext being that the EU has nothing to do in such policy fields.

However, this type of national competence is a political rather than a legal invention, as there is no such type of competence described in the Treaties. The idea of exclusive national competence suggests that certain issues remain very sensitive to national legislators and that national actors are principally reluctant to let the Commission propose legislation on these issue areas, no matter if there is a legal basis or not for EU action. Granat (2014) shows that this imagined type of competence is often raised by national parliaments in view of their policing of the subsidiarity principle, which leads to "some simplifications" in the way national parliaments object to draft legislative proposals.

More than that, however, it may be argued that old ideas about where legislative authority belongs may spur parties to camouflage the presence of EU legal action in the public debate. The legislative ambit of the EU is certainly present also in cultural policy, both directly and indirectly. While Article 167 TFEU shields harmonization of cultural policy per se, integration in neighbouring policy fields, such as taxation and audio-visual media, highlights that cultural politics is indirectly interdependent on EU law. A telling example is the VAT-directive, which Sweden has failed to fully implement due to the detrimental effects it would have on non-profit organizations, such as the many tax-exempt cultural outlets and sports

associations that exist in the country. All the same, while the cultural sector is affected by EU law, at least indirectly, this is not properly catered for in the parliamentary arena. The Committee on Cultural Affairs was absent in both the parliamentary scrutiny and debate of related initiatives. Instead, when the Committee does scrutinize EU legal action, it becomes a matter of form or procedure rather than political or legal content.

That national legislation is interdependent on EU law is nothing short of an understatement when it comes to agricultural policy. The analysis of the legislative data showed that in the more recent years of the studied period, the vast majority of legal production in the field of agriculture contains EU legal norms. The data also showed that the sheer number of legal productions is trending downwards, which is to be expected since legal rules are increasingly nested in grand regulations at the EU level or in detailed measures at the regulatory level. This means that legal action in agricultural matters is actually slipping away from the purview of parliaments.

According to Dinan (2012), national parliaments were for long shielded from the powers of European integration. They were "the institutional Cinderellas of European integration"; sleeping beauties frozen in a situation in which they still believed that they enjoyed the highest legislative power. According to Auel, Rozenberg and Tacea (2015), national parliaments have only recently been "kissed" and are now trying to find their feet in a new and puzzling reality. In the issue field of agriculture, however, it seems that MPs have been very much awake for a considerable period of time. Members in the Committee on Environment and Agriculture are quick to declare that everything they do in the Committee has bearing in Brussels.

What is more, the majority of respondents does not see this as a problem but as an uncomplicated fait accompli. They describe their legislative task in parliament as surrounding the process of implementation of EU law, on the one hand, and monitoring the activities in the EU legislative arena, on the other, which they think is "no small matter". The implementation of EU rules is to a large extent an administrative or even legal-technical task but it does open for politics when legislators choose when and how Swedish standards should be higher than what EU law stipulates.

However, due to the largely consensual position on instances where Sweden has chosen to set higher national standards, the political element of implementation is further subdued. The task of scrutiny is therefore of greater centrality, and members of both the parliamentary majority and opposition emphasize the importance of keeping track of the government's

handling in the Councils. On this point, however, MPs suggest a paradoxical situation as they are on the one hand "bombarded" with EU documents and frequent deliberations with the Ministers, on the other the EU legislative process is difficult to anticipate and decisions are often taken without MPs having adequate information.

Rather than *initiating* and *shaping* the legislative agenda, what is subject to the national legislative arena is instead the *reviewing* of legislative initiatives by the EU, including the subsidiarity review of draft legislative proposals. The Riksdag is the most active of all national parliaments in this regard, and in the Riksdag, it is the Committee on Environment and Agriculture that has scrutinized the highest number of draft legislative proposals up to date. The MPs in this Committee are thus very well versed in this exercise, and they underscore that the subsidiarity review is principally very important.

All the same, MPs view the subsidiarity check as a totally apolitical exercise. There is as good as total consensus on whether there is a breach of the subsidiarity principle. In addition to this, respondents are growing wary of how well the subsidiarity review actually works. Respondents are not convinced that the Commission seeks to engage in this exercise in good faith but rather, that it simply brushes off the reasoned opinions and continues as if though nothing has happened. The boomeranging proposal for food to the most deprived persons in the Union suggests that only few Member States react also in relatively obvious cases of a breach of – if not the subsidiarity aspect – then of the legality aspect.

This example also bears witness to what Falkner (2011) calls a *treaty base game*, in which the Commission "plays" with the legal provisions to anchor legal proposals in what is – for the Union legislative initiator – the most convenient way. Considering the ingenuity of the Commission in this regard, and the relative passiveness of most other national chambers when it comes to Protocol No. 2, there is reason to question not only what actual effect the extremely high activities of the Swedish Riksdag may have but also, to what audience it is playing.

In my analysis of MPs' perceptions of their legislative role I have made use of a neo-institutionalist perspective, which supposedly aids the exploration of actors' behaviour and perceptions, invoking that actors are bound by a logic of both *consequentialism* (i.e., they are rational and gain-seeking, and *appropriateness* (i.e., they shape and reshape the understanding of their role in parliament following a process of collective learning and adjust their behaviour and norms accordingly. This theoretical lens has proved to be helpful in making sense of my

results, as it may be said that from a neo-institutionalist perspective, representatives' sense of purpose is radically different across the two committees.

Considering the stories told by MPs in the Committee on Cultural affairs, it is possible to say that these legislators continue to derive their source of legitimacy and purpose from "below": they make sense of their role in parliament by seeking to translate voters' opinion into policy. The task of representation ranks definitely high, and several respondents report stories of the continuous interaction they have with voters during the legislative process and, that they have been successful at directly influencing legislation in the direction that serves their voters.

This contrasts with the situation that MPs in the Committee on Environment and Agriculture find themselves in. These legislators rather derive their sense of legitimacy and purpose from "above": they rationalize their task in parliament by playing by the rules and by being a responsible actor in the multi-level policy process, rather than by representing voters' interests. MPs' describe their contact with individual voters as sometimes awkward, not because voters ask things that are difficult to carry out or because MPs do not agree with what is proposed but because the action that is requested by voters is simply not legally possible. It is arguably for this reason that MPs describe their representative function in quite pragmatic and educative terms. They explain that they have to be very "pedagogic" in the electoral arena, teaching voters about the ways in which EU policymaking works. As they now spend more time on implementing legislation than initiating or shaping the same, MPs explain that their legislative role, and by extension also their representative role, is only indirect and long-term, which is certainly different from what it was pre-EU membership.

This finding echoes the argument of Deschouwer (2005, 93) who argues that the institutional changes in the context in which national representatives operate have altered their role as intermediaries of democratic representation, and that the often erratic, and perhaps even unpredicted, process of integration have put parties in a position in which the link between citizens and the political authority has changed. Traditional understandings of parliamentary democracy assume that legislators have the manoeuvrability needed to formulate, and once in office, advance policy promises that are meaningful to their voters.

But this is not what we see in agricultural policy. Rather than acting on behalf of the citizens (i.e., from *below*) parties now increasingly act on behalf of the state, or, the EU level of governance (i.e., from *above*) (Esaiasson and Holmberg 1996; Mair 2000). Mair (2011) therefore questions the applicability of traditional assumptions that are involved in principal-

agent treatments of the parliamentary chain of delegation. As multi-level governance advances, prudence and consistency in government, as well as accountability, requires that legislators conform to external constraints and past legacies, and not just answer to public preferences. That is, representatives' task to govern is increasingly at stake with their task to represent (Mair 2011). Schmidt (2006) makes a similar point when she argues that old ideas of democracy are now shoehorned into new practices of doing politics.

An alternative take on this development, which is suggested by my findings, is that representatives are not torn between being either responsive *or* responsible. In fact, it is just as possible to describe the situation uncovered in the Riksdag as MPs having different *types* of relationships with citizens depending on what issue they currently deal with. Following the categorization of Lawson (2005, 163), it is possible to say that in some policy areas, MPs and their parties provide *responsive*, perhaps even *participatory* linkage, as they contribute to the building – or at least the chances – of what is classically regarded as true democracy. In other policy areas, these actors rather engage in *directive* linkage of the *educative* sub-type. In this situation, parties contribute to the *maintenance* of power instead of the *building* of power, which may aid or upset the quality of democracy. In other issue fields still, these actors might engage in what is described as a *coercive* sub-type of linkage, in that they contribute to the *maintenance* of power and work against any *involvement* of citizens in the policy process. More importantly, the key point I wish to make with this thesis is that such different types of relationships between representatives and voters may cohabit peacefully within the same political institution. The Europeanization of national parliaments thereby introduces new types of representation into domestic politics and individual actors shift from one legislative role to the next with relative ease.

8.4 The asymmetric impact of Europe between the parliament and the electoral arena

My second, complementary answer to the research question is that European integration carries an asymmetric impact within parliament but not only. The results brought forward in the empirical analysis also suggest that EU law causes an asymmetric trend *between* the parliamentary arena and the electoral arena. This is because legislative parties are unwilling to connect Europe to public policymaking.

More precisely, I have showed in my analysis of the legislative material in Chapter 4 that Swedish legislative production is increasingly shaped by EU legal norms. The centrality of supranational decision-making for most national policies cannot be highlighted enough.

However, the analysis presented in Chapter 5 showed that in legislative parties' election manifestos, the EU-dimension is fairly absent and articulated with little sophistication. It was shown that the presence of Europe in parties' manifestos steadily increased up until the election of 1994 (i.e., shortly before the Swedish referendum on EU membership). But ever since, any co-mentions of Europe have steadily decreased. Only 3.5 per cent of all policy arguments presented to Swedish voters in 2010 contained some reference to aspects of the European legislative arena, and the centre-right parties was far more inclusive than the left-of-centre parties in this regard. At any rate, when the EU is mentioned by parties, this is first and foremost in connection with the EU itself. Only rarely do parties explicitly connect the European legislative arena also to substantial policy fields. The process of *issue expansion* of the EU dimension, as for instance Senninger (2016) argues for has taken place in the Danish Folketing, is conspicuous by its absence in the Swedish case. There is, in other words, a variable but growing discrepancy between the way Swedish parties *talk* about public policy in the electoral arena and the way they *carry out* policy in the legislative arena.

It is more important (and interesting) still to take note of the fact that this mismatch is just as present across different *levels* of parliamentary actors. At the individual level (i.e., MPs), actors have perhaps not fully embraced but at least come to terms with their new role in the legislative process. Members in the Committee on Environment and Agriculture are quick to acknowledge that everything they do in the legislative process has bearing in Brussels and they explain their role in the policymaking process as indirect rather than direct, in which their legislative work is quite reactive as it involves a large amount of reviewing and scrutinizing of EU legislative proposals rather than proposing and shaping policy.

Also at the committee level, there is good reason to say that we witness considerable adaptation. The Committee on Environment and Agriculture is the one committee in the Swedish Riksdag that has reviewed the highest number of draft legislative proposals to date, which suggests that also the committee system has accepted the new role ascribed to it rather wholeheartedly. The signs of active learning and adaptation that I detect at the *individual* level is difficult to recollect at the *party* level, however. Judging from parties' election manifestos in view of general elections, the data reveal that parties only speak of the EU relatively rarely, and

when they do, it deals with European integration, not governance. Only to some extent do parties connect the EU also with functional aspects of EU policymaking, first and foremost details related to trade and agriculture. The frequency of such co-mentions is fairly low, however, at least if we consider that the EU has assumed almost total legislative control in these and several other policy fields. Furthermore, some parties remain very reluctant to include mentions of the EU despite the obvious connection certain areas have to EU law. Some parties literally avoid co-mentioning the EU in relation with agriculture in their policy platforms, even though it is safe to say that without the EU legislative action, or permission, there is no agricultural policy development at all.

A telling example is the issue of food consumption, which ranks increasingly high on Swedish voters' agenda (Jordbruksverket 2014). The manifesto data also show that over the studied period, parties have come to abandon general aspects of agricultural policy, such as overarching priorities and reforms and have instead jumped to more specific and detailed sub-issues, most notably food, including food consumption, food safety and marketing. For both the left-of-centre parties and the centre-right block, it is certainly the issue of food that emerges as the number one agricultural concern in their manifestos, with the goal of safe and climate-friendly eating, coupled with the importance of locally produced food.

Moreover, parties as good as never relate the issue of food to the EU level of governance. When the Commission then disallows the government to take action in this issue field, and when this hits the national news, parties find themselves in an uncomfortable situation. The failed attempt of the government to issue an online brochure with recommendations for climate-friendly eating is an illustrative snapshot of the very difficult situation that parties face when they seek to actually carry out what they proposed in the electoral arena. What is thus gleaned from this analysis is something that we could call *confused contestation*: contestation over policy takes place in the *national* arena whereas the decisions are taken in the *European* legislative arena, and parties do not achieve much connection between the two.

This finding has been theoretically presaged by Mair (2005, 6) who explains that the EU polity features two parallel and complementary channels for public representation with two sets of delegates who may be mandated: one *direct* that runs from the citizenry to the European Parliament, and one *indirect* that runs from the citizenry via the national parliament and national government to the Councils. Following the division of competencies between the EU and its

Member States, as well as the decision-making processes implied, these channels differ not only in terms of what tasks they are to be dealing with but also in terms of what policy areas each channel deals with and how.

According to Mair (2005, 9) the conduit that runs from voters to the European Parliament is to view as a *functional* channel as it tackles priorities and approaches of already existing policies. The channel that runs from voters to national governments and Councils is instead a *constitutional* or *Europeanization* channel which has exclusive authority over constitutional questions. To phrase it differently, issues over which the EU enjoys important competence, such as most aspects related to agriculture, are increasingly dealt with by the Commission and EU legislators rather than by each national government individually. Vice versa, issues that are still reserved for the national arena, such as membership in the Eurozone, are not subjected to the European Parliament at all. The key decisions on such constitutional aspects are taken in the national arena. Why then do we see a process of confused contestation taking place?

Mair (2005, 7) explains that these two channels experience considerable and problematic *overlap*. Overlap occurs as a result of co-decision in the EU which includes both channels simultaneously in the decision-making process. Overlap also occurs because, in the main, the intermediaries in both channels are commonly the same actors: national political parties. Perhaps because of this overlap, the use and purpose of each channel is muddled if we study the way political parties make use of them. As I have described in detail in this thesis, political parties continue to debate and propose policy issues before national elections when those exact issues are not the prerogative of the political majority but rather subjected to the EU institutions. The legislative leverage of the national parliament over for instance fisheries and the details of food production are meagre, still this is the arena where those issues are debated and proposed.

If we think of political parties as providers of meaningful linkage between the electoral arena and the workings of the public policy-process, this finding is a little inconvenient. If we instead appreciate parties as rational and gain-seeking creatures, this finding is less surprising. It is perhaps rather unlikely to expect that parties should be open about their dependence on EU law since this would be to confess that they have more or less lost their traditional job in the policymaking process. Parties do not wish to point out what they do not have any control over, instead, they prefer to politicize matters where they can make a difference. What becomes difficult then, is that parties continue to frame matters as if they have the possibility to change

things, independent of the EU legislative arena but when it comes to the crunch, EU law forbids them to. This practice has upsetting consequences, which are summarized by Mair (2005, 9):

> In practice, however, the real-world patterns of contestation tell quite a different story. That is, when we look at the debates and programmes that are found in each of the channels, we tend to find opposition regarding the institutionalization of Europe being voiced within the European channel, where no relevant competence lies; whereas opposition along the functional dimension is usually invoked in the national channel, even though on this dimension authority is shared with the European channel. The result is simple. The choices in both channels become increasingly irrelevant to the outputs of the system, and the behaviour and preferences of citizens constitute virtually no formal constraint on, or mandate for, the relevant policy-makers. Decisions can be taken by political elites with more or less a free hand.

Moreover, the results of this thesis suggests that the effect of political integration on party politics perhaps is not only *indirect*, as Mair explains (2007b). When it comes to organization of mainstream parties, and what opportunities integration poses for those parties to win both votes and office, research shows that Europeanization has meant very little. When considered at the individual level –that is, when we ask individual party representatives that take part in the policymaking process – the study suggests that the impact of EU legal authority is very *direct*. The division of competencies between the EU and Sweden determines their everyday work. Depending on what parliamentary committee they find themselves in, their task in parliament – and in the policy process at large – will differ. In other words, the situation that develops from the elite interviews with MPs and parliamentary officials resonates badly with the state of affairs that is suggested at the party level. To be clear, it is for this reason that I argue that Europe carries an asymmetric impact not only *within* parliaments but also *between* the parliamentary arena and the electoral arena.

At the same time, the relative possibilities or impossibilities that MPs face in the policymaking process should not be exaggerated. All policy developments are first and foremost subject to priorities of the government rather than the parliament. Research over the last 40 years bears witness to a process in which executives increasingly dominate the state of affairs, not only in the European arena but also in the national one (e.g., King 1976; Norton 1996). Likewise, neither the relative presence nor absence of EU law in the parliamentary arena should be exaggerated. In the above I have described findings that suggest that parliamentary life is

very different depending on what policy sector we look at and I have indeed spoken of it in terms of a "chiaroscuro". What is important to make clear is that this is not to equate with EU law being totally present in some issue fields and totally absent in others. Rather, EU legal norms are a relative rather than a categorical ingredient in today's public policymaking, as the idea of the single market has come to encompass most imaginable issue fields.

In this complex and dynamic way of doing politics, there is reason to believe that there are no so-called EU issues. Nor are there any national issues. Instead, there are just issues. The separation of policy matters into "national" and "EU" issues is not only highly superficial, it is outright unhelpful. All the same, the term seems indispensable in both political and academic debate. During my work with this research project, the term EU issue has been used by literally every person I spoke with, yet all have very different ideas of what it means in mind. For respondents in the Committee on Cultural Affairs, the divide between EU and national issues is derived rather *normatively*: an EU issue is what the EU should be dealing with and national issues are those that should be determined in the national arena. Hence, culture is not an EU issue, no matter whether the EU has an effect on this policy sector or not.

In the Committee on Environment and Agriculture, by contrast, the term has more of a *functional* meaning: EU issues are those issues that are currently touching base in Brussels and when they bounce back to the national level, then they are regarded as national. Consider, for instance, a proposal for a directive on a given topic. In the parliament's review of that proposal, in its deliberations with the government before Council negotiations and so on, then the issue is an EU issue. When the government then presents the parliament with a bill to transpose that particular directive into national law, it becomes a national issue, no matter if the bill is nothing more than a copy/paste of the original directive. Whether we look at a national or an EU issue is in this way a question of *timing*.

A third usage is presented in Swedish fundamental law (The Parliament Act and the Instrument of Government), in which the term EU issue is instead framed in *procedural* terms (cf., Bobbio 1984), as such issues are only defined by *how* the parliament handles them: "The Government shall deliberate with the committees in matters concerning European Union business decided by the committees" (Article 12 the Riksdag Act), "The committees shall monitor the work of the European Union within their respective subject areas" (Article 13); "The Government shall inform the Committee on EU Affairs of matters which are to be decided by the Council of the European Union" (Article 14); "The Government shall account to the

Riksdag concerning its actions in the European Union […]" (Article 21) and so on. To put it differently, EU issues or EU affairs are, on the one hand, indispensable in the debate about Europe and, on the other hand, constitute a term that is now of little informational value unless accompanied with *some* delineation. As of now it appears to be a souvenir from when there was still a watertight seal between what the national legislative arena dealt with and what was delegated to the European level.

Before I close the thesis with a few suggestions for future research, I wish to briefly comment on the fruitfulness of the Swedish case for the particular purpose of this thesis. While I have detected additional idiosyncrasies with this case as my work as proceeded, several of the key findings of this thesis should hold for other countries too. For countries that joined the EU in the 1980s and later, the introduction of EU law into the national policy fabric is likely to advance linearly, and that differences between policy sectors grow considerably over time. I also believe that insights from the two cases-in-case – agriculture and cultural affairs – have general applicability: parliamentary life in issues that are totally harmonized look very different from parliamentary life in an issue that remains barred from legal integration. As for the general applicability of the process of confused contestation, there is very little reason to believe that this is something unique for the Swedish context. There is the greater reason, however, to question to what extent we should continue to view the Riksdag as a stronghold for parliamentary democracy. In the introductory chapter I quite suggestively introduced the Swedish case as a hard test for the resilience of parliamentary democracy as it is usually described as strong and resourceful in the integration process. In relative terms, this might be true. However, the tremendous failure of Swedish legislative parties to meaningfully communicate the increasing leverage of EU law over national policymaking fits badly with the notion of Sweden as particularly representative and well-functioning.

8.5 Suggestions for future research

With this thesis I have proposed that there is important explanatory power of EU legal authority when explaining what parliamentarians do and do not do but this finding is only preliminary given my focus on one case only. Further research is therefore needed.

At a conceptual level, there is certainly room for a more developed role theory that can link the asymmetry across policy sectors with the core concepts of representation, decision-

making and scrutiny (or monitoring). These concepts have, for this study, been central heuristic devices and they have helped me to gauge the relative emphasis MPs place on these tasks depending on what committee they sit in. But as central as these concepts have been in the empirical analyses, I have difficulties accommodating the classical literature on legislative roles. This literature, which took off with the seminal work of Eulau, Wahlke, Buchanan, and Ferguson (1959), temporarily regained some speed in the 1990s with Searing's work (1994) but has ever since gone into hiding. Traditional legislative role theory has been bemoaned for its descriptive approach, its lack of prescriptive power and its incapability to fit political parties into the picture.

Few recent studies (with the important exception of Blomgren and Rozenberg 2012) have managed to resuscitate the use of role theory in the study of modern parliamentary life. This is problematic since academic interest for legislative actors is certainly on the up, which the increasing usage of institutionalist theory bears witness to. We therefore need more and better attempts at theorizing the function of parliamentary actors, why they do what they do in parliament and how these actions connect with the basic virtues of parliamentary democracy. One way to make progress in this research tradition would therefore be to analyse how the type of findings produced in this thesis can feed back to a conceptual and theoretical development of the somewhat dormant literature on parliamentary roles. From a theoretical perspective, what distinguishes the role of policy reviewers? And how is this different from that of the more traditional policy shapers? And what does this mean for the quality of representative democracy?

Three further and immediate agendas for research can also be identified. First, we need to empirically qualify the robustness of the argument that parliamentary life is structured also by adaptational pressures rather than "only" by parties' strategies and/or institutional incentives. As was noted upon in the introductory chapter (Chapter 1), previous studies on Western parliaments have primarily explained changes in parliamentary activities by either institutional rules, such as the constitutional powers of parliaments (e.g., Döring and Hallerberg 2004) or by inter-party dynamics, such as issue politics (Green-Pedersen 2010).

My suggestion is that such traditional approaches to parliamentary life should be complemented by explanations anchored in the juridical division of competencies between the national and the EU legislative arena. In fact, the findings of this thesis strongly imply that parliamentary actors go about the legislative process in different ways depending on which

legislative arena a policy issue is proposed, scrutinized, and eventually decided. Additionally, Hegeland (2006) provides evidence for parliamentary work with so-called EU issues being of a separate kind, neither comparable with that of foreign policy nor with traditional domestic affairs. However, in what exact way Europeanization segments parliamentary work should be more thoroughly explored.

As I have stressed repeatedly in this study, far from all changes and transformations of parliamentary democracy emanate from EU membership. There is an extensive body of literature that details the general and quite far-reaching shift in parliamentary life from legislative, or ex-ante, to non-legislative, or ex-post, activities. To what extent does European integration enforce this process? A second challenge is therefore also to establish more precisely what change is driven by European integration and what change stems from developments well beyond the process of Europeanization. This exploration should include analyses of both the individual level analysis and of the "system" level. Regarding the former, it may be said that the conceptualization of the role of individual MPs as sensitive to the forces of Europeanization rather than as independent factors in this process, has so far been unexplored in academic research.

It is true that a small but important number of previous studies in the field of Europeanization have explored individual parliamentary actors, including both MPs and high officials, such as Wessels (2005) and Högenauer and Neuhold (2015). However, also these studies continue to view MPs, and by extension political parties, as *influencing* the integration process, rather than being *influenced by it*. This is not what the findings of this thesis suggest. At the system level of things, a possible way forward is to examine the extent to which variation in the way MPs make use of parliamentary legislative and non-legislative tools is structured, not only by policy sectors but the extent to which these policy fields are decided at the EU rather than at the national level.

Third, and finally, the intersection between the national chain of delegation via national parliaments and the one that runs via the European Parliament constitutes an interesting research gap. The problem is that the literature on parliaments in Europe tends to focus on either one of these paths for political representation and in doing so neglecting the other one. While elections to the national parliaments still are "first order" in most EU countries and clearly is so in the case studied here (Sweden), increasingly legislation is subjected to decision-making procedures

in which the “second order” European Parliament has much more of a direct say over the policy formulation. The complexities of these dual chains are an intriguing research topic.

In this thesis I propose that there is much to be gleaned from studying the situation that occurs when these two legislative arenas meet. I have, among other things, proposed that we see a process of confused contestation as issues that are decided in the European legislative arena are proposed and debated by political parties in the national arena, and vice versa (cf. Mair 2005). A host of fundamental aspects remains to be explored in this context. Among others, the extent to which are there signs of parties coming to terms with the fact that policymaking is increasingly subjected to two legislative arenas? If yes, how? And if no, why not? Additionally, to what extent are voters coming to terms with the same? Do voters “partition” their policy preferences and political behaviour in a meaningful way across the two channels and if so, how? These and several other research topics come to the fore when we position national parliaments in the context where they arguably already belong: the European.

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Appendix 1: Swedish CAP codebook

SWEDISH CONTENT CODEBOOK

TOPIC AND SUBTOPIC CATEGORIES

VERSION 15.08.2016

Introduction

The Swedish codebook is based upon the CAP Master codebook, which is an adaption of the original codebook for the US Policy Agendas Project developed by Frank Baumgartner, Bryan Jones, and John Wilkerson.

Each entry is coded into one of 22 major topics and respective subtopics of which one is for observations of non-policy content. For each major topic, all subtopics are listed with country specific examples of issues coded in each subtopic. The "general" (00) subtopic includes cases where more than one distinct subtopic was discussed. For example, if a case discussed water pollution (code 701) and air pollution (code 705) equally, it would be coded as a general environmental issue (code 700). Thus, the general category within each major topic area includes some cases that are truly general as well as some cases that are the combination of as few as two subtopics. Each major topic includes an "other" (99) code subtopics that do not fit into any of the categories and for which there were too few cases to justify the creation of a new category. Finally, a list of suggestions for categories that have close links with other subtopics is provided. Those concerned with identifying each case dealing with a particular issue may want to use extra care in also examining the textual summaries for cases in related subtopics and in the general subtopic, since these can include cases that discuss several subtopics.

Users should note that topic and subtopic numbers are not always consecutive.

Principles of coding:

4) All issues should be coded into a topic;
5) Issues are coded according to the single predominant; substantive policy area rather than the targets of particular policies or the policy instrument utilized. For example, if a case discusses changes to the home mortgage tax deduction, it would be coded according to the substantive policy area (consumer mortgages, code 1504) rather than the policy instrument (the tax code, code 107). In other words, while taxation is the tool being used in this example the policy area is consumer mortgages.

6) Activities equally dealing with two topics should be coded with the lowest code in case of two topics from different major topics or into the general 00-subtopic in case of two subtopics in the same major topic.
7) The coding of questions to a minister may involve several questions on various aspects of a particular issue. These questions need not necessarily be coded into the same topic or subtopic. For example, some of the questions may concern whether the universities should pay rent (601) whereas some of the questions may concern public buildings and property (2008).

Principles of coding questions related to other countries:

1. General questions that concern other countries should be coded into the relevant 1900 subtopic(s) or, less frequently, the relevant 1800 subtopic(s). For example, a question on the French compliance with international human rights should be coded as 1925, and a question on whether South Korea meets international trade agreements should be coded as 1802.
2. Questions where Sweden and another country are compared or in any other way discussed in conjunction should be coded into the relevant domestic subtopic. For example, a question on the comparison of the health care systems of France and Sweden should be coded into the correct 300 subtopic. Provided it involves Sweden, any other question concerning the EU countries should also be coded in this way, for example, a question on a German bill to establish an EU environment agency.
3. Traditional questions of foreign policy, such as Swedish relations with China should be coded into the relevant 1900 subtopic.

Principles of coding questions related to the EU:

1. Questions on constitutional and/or general aspects of the EU and its predecessors, such as EU institutions, questions on Treaties, membership referendums, elections to the EP, expansion of the EU and so on, should be coded as 1910;
2. The rationale of substantive policy area rather than the targets of particular policies or the policy instrument utilized naturally holds also here. Therefore, questions on the CAP, for instance, should be coded as 400 or relevant subtopic, general questions on the VAT-directive as 107, and so on.
3. Questions on the Euro may be coded as either 1808 or 100. It should be coded as 1808 when the argument deals with the EMU, ERMs, and EUR, the relationship between the Euro and other currencies, including the SEK, and any mentions of membership referenda and opt-outs. When the Euro/crisis is discussed vis-à-vis its effects on domestic economic politics generally, this should be coded as 100.

Colour codes vis-à-vis the Master Codebook:

Black. Original Master code

Blue. Relabelled code / Sweden specific description

Green. New code (Master codebook correspondence in parentheses)

Summary of content codes

1. General domestic macroeconomic issues
2. General civil rights, minority issues, and civil liberties
3. General health
4. General agriculture
5. General labour and employment
6. General education
7. General environment
8. General energy
9. General immigration, integration and refugee issues
10. General transportation
12. General law, crime and family issues
13. General social welfare
14. General community development and housing issues
15. General banking, finance, and domestic commerce
16. General defence
17. General space, science, technology, and communications
18. General foreign trade
19. General international affairs, foreign aid, and the EU
20. General government operations
21. General public lands, water management and territorial issues
23. General cultural policy issues
99. Other and non-policy content

Detailed list of content codes

1. General domestic macroeconomic issues

100: General (includes combinations of multiple subtopics)

101: Inflation, prices, and interest rates

103: Unemployment and employment rate

104: Monetary supply, the Swedish Central Bank ("Riksbanken"), government bonds and dealings of the Ministry of Finance

105: National budget and debt

107: Taxation, tax policy, VAT, and tax reform

108: Industrial policy reform

110: Price control and stabilization

199: Other

2. General civil rights, minority issues, and civil liberties

200: General (including combinations of multiple subtopics)

201: Ethnic minority and racial group discrimination

202: Gender and sexual orientation discrimination

204: Age discrimination

205: Handicap and disease discrimination and rights

206: Voting rights and issues

207: Freedom of speech, freedom of religion, freedom of assembly and abortion rights

208: Right to privacy, right to information and government acts

209: Government restrictions and anti-government activities (NB does not include terrorism)

210: The Swedish National Church (207)

299: Other

3. General health

300. General (including combinations of multiple subtopics)

301: Comprehensive healthcare reform

302: Insurance reform, availability, and costs

321: Regulation of the drug industry, medical devices, and clinical labs

322: Facilities construction, regulation, and payments (includes waiting lists and ambulance service)

323: Provider and insurer payments and regulation (includes other or multiple benefits)

324: Medical liability, fraud, abuse and patient redress

325: Health manpower and training

331: Disease prevention, treatment and health promotion (includes specific diseases not mentioned elsewhere)

332: Infants, children, and maternity medical services

333: Mental health and mental retardation

334: Long-term care, home health, terminally ill and rehabilitation services

335: Prescription drug coverage and costs

341: Tobacco abuse, treatment and education

342: Drug and Alcohol or Substance Abuse Treatment

398: Health research and development

399: Other

4. Agriculture

400: General (including combinations of multiple subtopics)

401: Agricultural trade

402: Government subsidies to farmers and ranchers (includes agricultural disaster insurance)

403: Food inspection and safety (includes seafood inspection and safety)

404: Agricultural marketing and promotion

405: Animal and crop disease, animal welfare and pest control

408: Fisheries and fishing

498: Agricultural research and development

499: Other

5. General labour and employment

500: General (including combinations of multiple subtopics)

501: Worker safety and protection

502: Employment training, employment counselling and workforce development

503: Employee benefits (includes employee pension contributions)

504: Employee relations and labour unions

505: Fair labour standards and labour law

506: Youth employment and child labour

507: Unemployment compensation (including early retirement pension) (503)

529: Migrant and seasonal workers

599: Other

6. General education

600: General (including combinations of multiple subtopics)

601: Higher education (including doctoral research)

602: Elementary and secondary education, including the Swedish municipal primary school ("grundskolan"), lower secondary school ("högstadiet") and upper secondary school ("gymnasiet")

603: Education of underprivileged students

604: Vocational education

606: Special education

607: Educational excellence

698: Educational research and development

699: Other

7. General environment

700: General (including combinations of multiple subtopics)

701: Drinking water safety, water supply, water pollution and water conservation

703: Waste disposal

704: Hazardous waste and toxic chemical regulation, treatment and disposal

705: Air pollution, global warming and noise pollution

707: Recycling

708: Indoor environmental hazards

709: Species and plant life protection

711: Land and water conservation (includes environmental issues related to agriculture)

798: Environmental research and development

799: Other

8. Energy

800: General (including combinations of multiple subtopics)

801: Nuclear energy (including the mining of uranium)

802: Electricity and hydroelectricity

803: Natural gas and oil (includes drilling for gas and oil)

805: Coal (including the mining of coal)

806: Alternative and renewable energy

807: Energy conservation

898: Energy research and development

899: Other

9. General immigration, integration and refugee issues

900: General (includes combinations of multiple subtopics)

930: Entry, stay and integration of regular immigrants (900)

931: Refugees and asylum seekers (900)

932: Nationality acquisition and citizenship (900)

933: Expulsions and irregular immigrants (900)

999: Other (900)

10. General transportation

1000: General (including combinations of multiple subtopics)

1001: Mass and public transportation and safety

1002: Road construction, transportation, maintenance and safety

1003: Airports, airlines, air traffic control and safety

1005: Railroad transportation and safety

1007: Maritime issues

1010: Public works (infrastructure development)

1098: Transportation research and development

1099: Other

12. General law, crime, and family issues

1200: General (including combinations of multiple subtopics)

1201: Agencies dealing with law, crime and public safety (includes executive agencies, police, fire and weapons control)

1202: White-collar crime and organised crime

1203: Illegal drug production, trafficking and control

1204: Court administration

1205: Prisons and non-custodial treatment

1206: Juvenile crime and the juvenile justice system

1207: Child abuse, child pornography and trafficking in children

1208: Family issues (includes family law and domestic abuse)

1210: Criminal and civil code (includes specific crimes not mentioned elsewhere)

1211: Riots and crime prevention

1227: Police and other general domestic security responses to terrorism (e.g., Special Police)

1230: Prostitution and human trafficking (1210)

1299: Other

13. General social policy

1300: General (including combinations of multiple subtopics)

1302: Poverty and assistance for low-income families

1303: Elderly issues and elderly assistance programs (includes government pension)

1304: Assistance to the disabled and handicapped

1305: Social services and volunteer associations (includes charities and youth programs)

1308: Parental leave and child care (includes child care allowance)

1399: Other

14. General community development and housing issues

1400: General (including combinations of multiple subtopics)

1401: Housing and regional/community development (includes private homes ownership, regional development)

1403: Urban economic development and general urban issues (does not include capital city affairs)

1404: Rural housing and farm housing assistance programs

1405: Rural economic development and general rural issues

1406: Low- and middle-income housing programs and needs

1407: Veterans housing assistance and military housing programs

1408: Elderly and handicapped housing

1409: Housing assistance for homeless and homeless issues

1498: Development and research

1499: Other (including rental market regulation)

15. General banking, finance, domestic commerce, and consumer issues

1500: General (including combinations of multiple subtopics)

1501: Banking system and financial institution regulation

1502: Securities and commodities regulation (examples: including international stock markets)

1504: Consumer finance, mortgages, and credit cards

1505: Insurance regulation

1507: Bankruptcy

1520: Corporate mergers, antitrust regulation, and corporate management issues

1521: Small and medium-sized businesses

1522: Copyrights and patents (ex. intellectual property)

1523: Domestic disaster relief

1524: Tourism

1525: Consumer safety and consumer fraud

1526: Sports and gambling regulation

1598: Development and research

1599: Other (including licensing, sell beer, farm sales of alcohol)

16. General defence

1600: General (including combinations of multiple subtopics)

1602: Defence alliances and security assistance

1603: Military intelligence and espionage

1604: Military readiness, coordination of armed services air support and sealift capabilities, and national stockpiles of strategic materials

1605: Arms control and nuclear non-proliferation

1606: Military aid and weapons sales to other countries

1608: Manpower, military personnel, and dependents (includes military courts and veteran's issues)

1610: Military procurement and weapons system acquisitions and evaluations

1611: Military installations, constructions, and land transfers

1612: National Guard and Reserve Affairs

1614: Military environmental compliance

1615: Civil defence (includes general military and other national security responses to terrorism and war)

1616: Civilian personnel and civilian employment by the defence industry

1617: Oversight of defence contracts and contractors

1619: Direct war related issues

1620: Relief of claims against national military

1628: Freedom from alliance, military neutrality (1699)

1698: Research and development

1699: Other

17. General space, science, technology, and communications

1700: General (including combinations of multiple subtopics)

1701: Government use of space and space exploration agreements

1704: Commercial use of space (e.g., commercial satellites)

1705: Science technology transfer and international scientific cooperation

1706: Telephone and telecommunication regulation (includes the infrastructure for high speed internet and other forms of telecommunications)

1707: Media including newspaper, publishing, and broadcast industry regulation

1708: Weather forecasting, related issues, and oceanography

1709: Computer industry and computer security (hacking, virus, illegal downloading generally)

1798: Research and development

1799: Other

18. General foreign trade

1800: General (including combinations of multiple subtopics)

1802: Trade negotiations, disputes, and agreements

1803: Export promotion, regulation, and export credit agencies

1804: Foreign private business investment in Sweden and Swedish private business investment abroad

1806: Productivity and competitiveness of domestic business (includes balance of payments)

1807: Tariff and import restrictions (includes import regulation)

1808: The Euro, exchange rates, and related issues

1899: Other

19. General international affairs, foreign aid, and the EU

1900: General (including combinations of multiple subtopics)

1901: Foreign aid and assistance

1902: International resources exploitation and resources agreements

1905: Developing countries issues

1906: International finance and economic development

1910: Common market issues, the EU and its predecessors

1913: Western Europe (1910)

1921: Specific country/region (only cases not codeable elsewhere)

1925: International human rights

1926: International organizations other than finance (includes NGOs)

1929: Swedish diplomats, Swedish citizens abroad, foreign diplomats in Sweden, passports, and border control

1927: International terrorism and hijacking (e.g., acts of piracy, terrorist incidents in foreign countries)

1931: Nordic, Scandinavian, and Baltic Sea relations and cooperation (1913)

1999: Other (democracy promotion)

20. General government operations

2000: General (including combinations of multiple subtopics)

2001: Intergovernmental relations (ex. includes relations between state, municipalities and counties/regions). General questions on centralisation/decentralisation.

2002: Government efficiency and bureaucratic oversight

2003: Postal services issues (includes mail fraud)

2004: Government Employee Benefits, Civil Service Issues

2005: Nominations and appointments

2006: Currency, Commemorative Coins, Medals, Mint

2007: Government procurement, procurement fraud, and contractor management

2008: Public ownership of buildings, property, and in corporations. General questions on privatisation/nationalisation.

2009: Management of the Central Tax Administration

2010: Impeachment and scandals

2011: Government branch relations, administrative issues, parliamentary powers, and constitutional reforms

2012: Regulation of political campaigns, political parties and advertising, and voter registration

2013: Census and statistics (does not include un/employment statistics)

2014: Capital city affairs (status, tax function, local government, certain rules)

2015: Relief of claims against the national government

2030: National holidays

2099: Other (including the monarchy, royal family issues)

21. General public lands, water management, and territorial issues

2100: General (including combinations of multiple subtopics)

2101: National parks, memorials, historic sites, public recreational areas (includes the management and staffing of cultural sites)

2102: Sami issues (including reindeer farming)

2103: Use and protection of public natural resources such as state forests and mines

2104: Water resources development and research (including harbours)

2105: Dependencies and territorial issues (includes devolution)

2199: Other

23. General cultural policy issues

2300: General (including combinations of multiple subtopics) content/quality of media beyond regulation

2301: Cultural outlets (museums, operas, theatres, cinemas, libraries, archives) (2300)

2302: National cultural heritage, history, and national languages (2300)

2303: The Swedish schools for music and arts (2300)

2399: Other

99. Other and non-policy content

Appendix 2: Interview guides

INTERVIEW GUIDE MPs

I would like to begin with a couple of **general questions** about your every-day work in [PARLIAMENTARY COMMITTEE], and thereafter some questions about a number of **particular aspects** of this work.

Q1. You are currently an ordinary member in [PARLIAMENTARY COMMITTEE] and consequently deal in-depth with a range of related policy issues. While I understand that it may be difficult to generalize, how would you describe your **day-to-day work** on issues related to [POLICY SECTOR OF PARLIAMENTARY COMMITTEE]?

Q2. If we consider the committee's work with public policymaking, there are many different phases of this process, of which one is **contact with voters and organized interests**. How would you describe your contact with the political community regarding issues relating to [POLICY SECTOR OF PARLIAMENTARY COMMITTEE]? What possibilities and what difficulties do you see? Can you give me some precise examples of such contacts?

Q3. If we consider the **content of election manifestos** over the last few decades, it is possible to detect [SHORT DESCRIPTION OF DEVELOPMENT IN POLICY SECTOR OF PARLIAMENTARY COMMITTEE]. What is your interpretation of this development? What would your explanation be?

Q4. Focusing on the **decision-making process** in the committee and parliament at large, how would you describe this work? What structures are there in place, what difficulties do you see, what strategies do you employ etc.?

Q5. Looking at the development of **laws and ordinances** since the 1980s, the situation for the policy area of your particular parliamentary committee [SHORT SUMMARY OF DEVELOPMENT]. How would you explain this development?

Q6. Another part of your work concerns the **control of government**. How would you explain this part of your work in [PARLIAMENTARY COMMITTEE]? What possibilities and what difficulties do your see?

Q7. You previously served as a member in [PARLIAMENTARY COMMITTEE/S]. How would you **compare** the work in these committees with one another? What are the main differences? What are the main similarities?

Q8. A term that commonly appears in the political debate is “EU” or “European issues'. In your understanding of the term, what is an **EU issue**? And how would you describe your work in parliament on such EU issues?

Q9. By contrast to EU issues, then, what is a **domestic issue**? And how would you describe your work in parliament on such domestic issues? In what way is this work different from your work on EU issues?

Q10. As the Lisbon Treaty entered force in 2009. the **EU's competence** in policy issues related to [POLICY AREA OF PARLIAMENTARY COMMITTEE] is formally described as [EXCLUSIVE/SHARED/SUPPORTING] vis-à-vis national competence. How do you think that this is to account for the various developments just discussed: developments in election manifestos and legislation, as well as for how you just described your work in parliament?

Q11. What difference do you see in your work in [PARLIAMENTARY COMMITTEE] **before and after the introduction of Protocol No. 2**? What resources does this new responsibility require, for instance?

Q12. Please explain how the draft legislative acts are scrutinized in the [PARLIAMENTARY COMMITTEE]? Do you coordinate with other national parliaments during the inquiry, do you follow up the motivated opinions you have sent etc.?

Q13. Since 2010. the [PARLIAMENTARY COMMITTEE] that you serve in has issued X reasoned opinion, for instance on.... Do you remember if there was largely **agreement or disagreement** in the committee whether a motivated opinion should be issued or not?

I now only have a couple of questions left and these concern what all of the developments just discussed tell us about the health of parliament and representative democracy in Sweden.

Q14. What are your final reflections on what we have just discussed vis-à-vis the health of the Riksdag? [CONNECT THE DIFFERENT ANSWERS GIVEN DURING THE INTERVIEW]

Q15. In a near future, a general election will be held in Sweden in which voters will elect parliamentarians to fend for their interests and opinions. How do you understand the capacity of members of parliament to do so?

INTERVIEW GUIDE HIGH OFFICIALS

I would like to begin with a couple of **general questions** about your everyday work in [PARLIAMENTARY COMMITTEE], and thereafter some questions about a number of **particular aspects** of this work.

Q1. How would you explain your work in [COMMITTEE SECRETARIAT]? Can you give me some examples of your **everyday work**?

Q2. The competence of the EU is [SUPPORTING/SHARED/EXCLUSIVE] vis-à-vis national competence in [POLICY AREA OF COMMITTEE]. How do you think that the **legislative competence of the EU** is influencing the decision-making work of the committee?

Q3. Since the entry into force of the Treaty of Lisbon, national parliaments are tasked with policing the subsidiarity principle in the legislative process of the EU. What difference do you see in your workload in [PARLIAMENTARY COMMITTEE SECRETARIAT] **before and after the introduction of Protocol No. 2**? What additional resources does this new responsibility require, for instance?

Q4. Once the Protocol 2 procedure has been initiated, please describe your **internal procedures** in [PARLIAMENTARY COMMITTEE] for carrying out the subsidiarity check. Do **different procedures** apply according to the priority of the draft?

Q5. Do you consider the **position of the Government** when preparing the matter? Has it ever happened that the position of the parliament has differed from that of the government?

Q6. Do you ever coordinate with **other national parliaments** during the inquiry, for instance via **IPEX**, to gather sufficient support to reach the thresholds set out in Protocol 2?

Q7. What do you think of **the Commission's motivation** of its legislative proposals from the viewpoint of subsidiarity and proportionality? Are there differences across policy sectors (i.e., DGs?

Q8. What do you think of **the Commission's answer** to the reasoned opinion that have been issued? Has the committee every taken action vis-à-vis the Commission, for instance by sending a reply to the Commission's answer?

Q9. Since 2010. the [PARLIAMENTARY COMMITTEE] has proposed a number of reasoned opinions to the plenary. Do you remember if there was largely **agreement or disagreement** in the committee whether a motivated opinion should be issued or not?

Q10. Do you actively **follow up** the reasoned opinions that are issued, for instance by following up adopted legislation?

Q11. Do you have any **final comments** on the parliament's work with Protocol No. 2? What could be improved, for instance?

Appendix 3: List of interviewees

All interviews were carried out face-to-face at the Swedish Riksdag unless otherwise stated.

The Committee on Cultural Affairs

KrU1 Member of the Conservative Party. Ordinary Committee member. 03.06.2014.

KrU2 Member of the Centre Party. Ordinary Committee member. Interviewed at two occasions. 04.06.2014 and 15.06.2014.

KrU3 Member of the Sweden Democrats. Ordinary Committee member. 12.06.2014.

KrU4 Member of the Social Democrats. Ordinary Committee member. 03.06.2014

KrU5 Member of the Liberal People's Party. Deputy Committee member. Telephone interview. 18.06.2014.

KrU6 Member of the Christian Democrats. Ordinary Committee member. 10.06.2014.

KrU7 Member of the Green Party. Deputy Member. 09.06.2014.

KrU8 Member of the Conservative Party. Ordinary Committee member. 10.06.2014.

KrUa Official of the Committee secretariat. 10.11.2014.

KrUb Official of the Committee secretariat. 17.11.2014.

The Committee on Environment and Agriculture

MJU1 Member of the Conservative party. Ordinary Committee member. 27.03.2014 and follow-up interview by telephone 03.04.2014.

MJU2 Member of the Social Democrats. Ordinary Committee member. 12.06.2014.

MJU3 Member of the Social Democrats. Ordinary Committee member. Interviewed at two occasions. 05.06.2014 and 21.09.2014.

MJU4 Member of the Centre Party. Ordinary Committee member. Interviewed at two occasions. 27.03.2014 and 11.06.2014.

MJU5 Member of the Green Party. Ordinary Committee member. 12.06.2014.

MJU6 Member of the Liberals. Deputy Committee member. Interviewed by telephone 10.06.2014.

MJU7 Member of the Left party. Deputy Committee member. 10.06.2014.

MJU8 Member of the Sweden Democrats. Deputy member. 12.06.2014.

MJU9 Member of the Social Democrats. Deputy member. 16.06.2014.

MJUa Committee secretariat official. Interviewed at two occasions. 16.06.2014 and 20.10.2014.

MJUb Committee secretariat official. Interviewed at two occasions. 17.06.2014 and 28.01.2015.

MJUc Committee secretariat official. 16.02.2015.

MJUd Committee secretariat official. 15.06.2017.

The Committee on Social Affairs

SoUab Two Officials of the Committee secretariat interviewed together. 17.11.2014.

The Committee on the Constitution

KUa Official of the Committee secretariat. 16.02.2015.

KUb Official of the Committee secretariat. 29.01.2015.

The Committee on Foreign Affairs

UUa Official of the Committee secretariat. 21.08.2014.

UUb Official of the Committee secretariat. 23.09.2014.

The Committee on Taxation

SkU1 Member of the Green Party. Deputy Committee member. 12.06.2014.

SkUa Official of the Committee secretariat 21.08.2014.

The EU coordination unit

EuSa Official of the secretariat. Interviewed at two occasions. 23.09.2014 and 20.03.2015.

EuSb Official of the secretariat. 21.10.2014.