

**The adaptation of the Baltic parliaments to the EU multilevel governance:  
The case of Lithuania**

Anne-Sylvie Pigeonnier  
PhD. candidate at the University of Luxembourg  
e-mail: Anne-Sylvie.Pigeonnier@uni.lu

**Abstract**

While there is no lack of academic literature on national parliaments and European integration, empirical studies on the impact of the European Union on domestic legislatures are rare. This article is a case study about the adaptation of the Baltic parliaments to the EU multilevel governance. In the 1990s, the Baltic States wishing to join the EU, their parliaments had to face the simultaneous challenges of democratisation, Europeanisation and modernisation. During the pre-Accession period they were involved in the EU matters through the transposition of the EU law and the monitoring of the Accession negotiations. Inter-parliamentary contacts with their European counterparts were developed. This facilitated the learning of “good practices” and rules established in the EU Member States parliaments. Just after the EU Accession, the legal frameworks of the Baltic Parliaments were reinforced according to the Scandinavian model of parliamentary scrutiny system on EU affairs. Legally speaking today the Baltic parliaments are more powerful actors, but some limits to their real effectiveness still exist.

## Introduction

The Baltic States are specific in comparison with the other new EU Member States, because they were an integral part of the Soviet Union, and consequently fifty years they had a Supreme Soviet instead of a national parliament. After the first free elections organised in February/March 1990, the new elected Assemblies played a major role in the re-establishment of the independence. They had to face the numerous challenges of the democratic transition as the choice of a new constitution and the necessity to become a modern legislator. In the second part of the 1990s, the Baltic States wishing to join the EU, their parliaments became more involved in EU matters and faced the new challenge to transform themselves into an effective actor in the EU multilevel governance. The adaptation of the national parliaments of the post-communist candidate states to the EU has to be considered as a salient part of their democratisation and Europeanisation, because they are intermediary actors between their governments and the citizens. As intermediary actors, they have an influence in facilitating or complicating the understanding of the EU by public opinion. Moreover the national parliaments should be a “democratic regulator” for the national governments, but also for the EU institutions, which have often been criticised for their so-called “democratic deficit”. That is why they must learn how to be integrated in the EU governance, how to scrutinise EU affairs. If not, the national governments, the political leaders and EU specialised civil servants could monopolise the European dimension.

The research question of the paper will be to evaluate which impacts the EU Accession had on the parliaments of the Baltic States, more precisely on the *Seimas* of the Republic of Lithuania: did the EU membership change the relationships between the executive and the legislative? How did the *Seimas* monitor the EU Accession negotiations? What kind of parliamentary scrutiny system was established for the EU affairs? How did the Baltic parliamentarians learn from the experience of their European counterparts? Are they using their new powers? There are two visions of the EU impact on the national parliaments in the academic literature. One part of the authors adheres to the de-parliamentarisation thesis, in which the national parliaments are considered as the “victims” or “losers” of the EU integration (Moravcsik 1994; Raunio/Hix 2000; Maurer/Wessels 2001). According to their viewpoint, the European integration redistributes political resources in favour of the executive, by modifying the decision-making procedures, giving the control of the political agenda to the government, reinforcing the asymmetry of information and giving the

monopoly of ideological justification for specific policies (Moravcsik 1994). Political competencies which were belonging to the national parliaments were transferred to the EU. The decisions made at the EU level are the results of inter-governmental bargaining and have to be accepted by the parliaments as such. Another part of the researchers (Auel & Benz 2005/2006; O'Brennan/Raunio 2007) considers that the national parliaments are "latecomers" in the EU multilevel governance and that the de-parliamentarisation thesis should be re-evaluated. Their main argument is that the national parliaments of the EU Member States have gradually learnt to become an actor in the EU multilevel governance: on the one hand, they have reformed their rules of procedures and established stricter parliamentary scrutiny systems for the EU affairs, and on the other hand they have institutionalised the European inter-parliamentary co-operation. In the case of the new EU Member States, it seems that they have from the start of their membership implemented comprehensive and strong scrutiny mechanisms. The parliaments have benefited from their pre-accession involvement in inter-parliamentary co-operation and from the best examples and practices for the management of EU affairs in the old Member States (O'Brennan/Raunio 2007).

Considering the case of the new EU Member States, we will start from the hypothesis that the EU Accession has not weakened the national parliaments of the Baltic states in the management of EU affairs, primarily because the Baltic parliamentarians were inclined for geographical, cultural and strategic reasons to choose the Scandinavian model of parliamentary scrutiny system. The main methodological elements of this research paper are documents analysis and qualitative interviews. The sources corpus is primarily based on the Constitution of the Republic of Lithuania, the Statute of the *Seimas*, their amended versions and other laws. Semi-structured interviews were conducted between March and June 2011 with one former minister for Foreign Affairs, three Lithuanian parliamentarians and two former civil servants working in the *Seimas*' Committee on EU affairs. This research paper is divided into three parts. First, we will show that the *Seimas* and its Committee on European Affairs have played a significant role in the monitoring of the EU Accession negotiations despite the dominating position of the executive. Secondly, we will see that the Lithuanian parliamentarians were initiated to the EU governance through the networks established with the national parliaments of the EU Member States and with the EU Parliament. Finally, we will consider how the Lithuanian parliamentarians have established the existing constitutional and legal framework for the scrutiny of EU affairs according to the Finnish model, and whether they have used it effectively or not after the EU Accession.

## **1. The *Seimas* and the EU affairs learning in the pre-accession period**

### **1. 1. The role of the *Seimas* in the EU accession process**

From the early years following the restored independence the Lithuanian Parliament has been involved in the bilateral relationships between the CEE/EU and the Republic of Lithuania. The first learning experience concerning the European affairs was the ratification of the first agreements with the EU: the Agreement on Trade and Commercial and Economic Co-operation signed on May 11<sup>th</sup> 1992, the Free Trade Agreement signed on July 18<sup>th</sup> 1993 and the Europe Agreement signed June 12<sup>th</sup> 1995. The ratification of the Europe agreement by the *Seimas* was quite complex. During the negotiations with the EU, the article 47 of the Lithuanian Constitution on the land ownership which didn't allow the foreigners to buy land was a serious difficulty for the signature of the agreement. On May 4<sup>th</sup> 1995, the *Seimas* passed a declaration committing itself "to take the initiative to prepare and adopt an amendment to the Constitution of the Republic of Lithuania as well as a corresponding constitutional law regulating the implementation of the new constitutional norm". The amendment to the Constitution was passed, and the Europe Agreement was ratified on June 20<sup>th</sup>, 1996 (Vitkus 1998). The Treaty Accession signed in April 2003 and ratified by the *Seimas* on September 16<sup>th</sup> 2003 required also constitutional amendments. The *Seimas* adopted in July 2004 the Constitutional Act of the Republic of Lithuania on membership in the European Union, which enables the transfer of political competencies to the EU level.

The parliaments of the candidate states had to fulfil two other salient functions in the pre-accession period: the transposition of the *acquis communautaire* in the national legislation and the monitoring of the EU accession negotiations lead by their government. All parliaments of EU candidate states established Committees on European affairs. In the academic literature, it has been noticed that the debates on EU matters in the old Member States were often organised behind the closed doors of the Committees on European affairs. But it was not the case in the Lithuanian parliament. Following the publication of the European Commission's opinion on the application of the Central and Eastern European countries for the EU membership in July 1997, the debates in plenary sessions increased on EU matters.<sup>1</sup> Because of the exclusion of Lithuania from the group of Luxembourg, the

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<sup>1</sup> Interview with Loreta Raulinaitytė, 04.15.2011. L. Raulinaitytė was the Head of the secretariat of the *Seimas* Committee on European affairs from 2003 to 2006.

parliamentarians took this opportunity to generate discussions and protests towards the Government. On November 6<sup>th</sup> 1997, the *Seimas* adopted a resolution on the priorities of the Government's activities in Lithuania's integration into the EU: the Parliament urged the Government to prepare and to submit the Partnership Program for the Accession of Lithuania and the National Programme for the Adoption of the *Acquis*. On April 28<sup>th</sup> 1998, the *Seimas* adopted a resolution on a co-ordinated approach to the matters concerning Lithuania's integration into the EU: the Parliament urged the Government to avoid the duplication of ministerial functions<sup>2</sup> and to set up the authority under the Government responsible for the co-ordination of efforts in relation to Lithuania's integration into the EU.

The EU accession negotiations were led by the Government, but the most salient political decisions as the EU membership, the abolition of the death penalty or the decommissioning of the Ignalina nuclear power plant were made by the *Seimas* in plenary sessions.<sup>3</sup> For the negotiation's team, the support of the parliament was essential, because many laws in relationship with EU membership had to be adopted or amended. That's why all the specialised committees of the *Seimas*, and not only the Committee on European affairs, were involved in the negotiations with the EU.<sup>4</sup> The national consensus in the *Seimas* and between the *Seimas* and the Government in favour of Lithuania's integration into the EU was an important advantage.<sup>5</sup> Even if there were not many Eurosceptics in the *Seimas*, a national consensus was necessary and all parliamentary fractions and parties were involved because the EU negotiations raised very salient questions for Lithuania.<sup>6</sup> On January 18<sup>th</sup> 2002 all political parties consolidated their agreement on Lithuania's EU integration policy in which they expressed their determination "through their joint efforts to seek that Lithuania becomes an EU member together with the first wave of its new members". On January 23<sup>th</sup> 2001 the *Seimas* adopted a resolution in which it undertook to "adopt legal acts necessary for EU integration with the view to confirm the irreversible progress of Lithuania in its preparation

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<sup>2</sup> According to Loreta Raulinaitytė, the discussions in the *Seimas* would have a part in the abolition of the ministry on European affairs in 1998 (Interview with Loreta Raulinaitytė, 04.15.2011).

<sup>3</sup> Interview with Loreta Raulinaitytė, 04.15.2011.

<sup>4</sup> Petras Auštrevičius, Chief negotiator and Deputy Head of the Lithuanian delegation for the EU Accession negotiations, states to have established with the Lithuanian parliamentarians "very business-like relations on a weekly basis" and to have visited different specialised committees. Interview with Petras Auštrevičius, 06.09.2011.

<sup>5</sup> Interview with Egidijus Vareikis, 06.13.2011. E. Vareikis was the Co-chairman of the EU-Lithuania joint parliamentary committee from 2000 to 2004 and is a member of the Committees on EU and Foreign Affairs of the *Seimas* since 2000.

<sup>6</sup> Interview with Vytenis Povilas Andriukaitis, 06.14.2011. V. P. Andriukaitis was the Chairman of the Committee on European Affairs of the *Seimas* from 2000 to 2004.

for the membership during the Swedish presidency”. These statements created a favourable political background for speeding up the negotiations (Purlys 2005: 119). At the end of the negotiations, it seemed that the general will to join the EU and the time pressure have finally advantaged the executive, which had the knowledge and arguments to break the last resistance in the parliament.<sup>7</sup>

## **1. 2. The establishment of the Committee on European Affairs in the *Seimas***

From 1992 to 1996, the supervision on the EU integration policy was within the competence of the *Seimas*' Committee on Foreign Affairs. Few months before the signature of the Europe agreement, an European subcommittee was set up in March 1995 under the Committee on Foreign Affairs. But this structure did not played any important role in the democratic control over integration policy pursued by the Government, because of its relatively low legal statute and the saliency of the EU policy for the national interests. The subcommittee could only initiate discussions on the EU integration in the Committee on Foreign Affairs (Vitkus 1998: 3). After the signing of the Europe agreement, a working group of authorised representatives of parliamentary parties and factions prepared the amendment of the article 47 of the Constitution and the corresponding legal framework. The main co-ordinating work was performed by the European Affairs Subcommittee. But no time was left for the subcommittee to engage in other activities, including the supervision of the executive, since the parliamentary elections took place in October 1996. On November 28<sup>th</sup> 1996, the new *Seimas* adopted a resolution to establish the Economic Reform and Integration Commission. This Commission, however, was short-lived and did not introduce any notable initiatives in European affairs (Vitkus 1998: 4).

A few weeks after the publication of the opinion of the European Commission, the *Seimas* adopted in September 1997 a resolution for the establishment of the Committee on European Affairs (*Europos reikalų komitetas*). According to the article 72.2 of the Statute of the *Seimas*, the Committee on European Affairs shall perform the following functions:

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<sup>7</sup> According to Antanas Valionis, Lithuanian Foreign Affairs Minister from 2000 to 2006, the Parliament played an important part in the negotiations, but from 2002, the minister “could break any resistance in the Parliament, if needed”. Interview with Antanas Valionis, 03.10.2011.

- “1) consider major issues, within the jurisdiction of the *Seimas*, relating to the policy of the Republic of Lithuania in respect of the European Union and submit recommendations to the Government;
- 2) co-ordinate the activities of the *Seimas* committees and commissions related to the issues concerning the integration into the European Union;
- 3) consider a strategy of preparation for the membership of the European Union, the implementation of a programme in harmonisation of the European Union legislation with legal acts of the Republic of Lithuania, the Government provisions concerning major issues related to the preparation for negotiations on the membership of the European Union, other issues relating to the integration into the European Union, and submit recommendations to the Government;
- 4) exercise parliamentary control over public authorities when preparing for and having entered into the negotiations for the membership of the European Union; and
- 5) assist in ensuring democratic development of the process of Lithuania’s integration into the European Union.”<sup>8</sup>

From 1997 to 2004, the Committee included up to 33 members. Its membership, like that of the other committees, is composed in accordance with the principle of proportional representation. The resolutions of the Committee were of an advisory nature. Any executive institution which received recommendations or proposals by the Committee must have considered them and, within 15 days of receipt of the proposals or within an agreed period, informed the Committee of the results of its deliberations. The Committee could exert influence on the executive institutions by initiating decisions or resolutions of the *Seimas* which were binding on the Government. The Committee on European Affairs made use of this possibility by initiating the adoption of the two above-mentioned *Seimas*’ resolutions in 1997-1998 (Vitkus 1998: 5).

Contrary to the specialised committees, the Committee on European Affairs had an extraordinary statute. According to the article 10 of the Statute of the *Seimas*, each parliamentarian may serve as a member of only one committee, except for the Committee on European Affairs which may consist of the members of other committees. The Committee on European Affairs has to be constituted of not less than 15 *Seimas* members, whereas the other committees should be made up of no less than 7 and no more than 17 *Seimas* Members (article 44). The chairperson of the Committee on European Affairs has to be elected from among the *Seimas* Board members (article 46), who normally may not serve as a committee chairman and deputy chairman. According to the Lithuanian political scientist Gediminas Vitkus, Lithuania chose a model of the committee oriented towards the consideration of “strategic” integration issues, integration policy and co-ordination of work performed by other committees rather than a model which would turn the body into a forum for the consideration

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<sup>8</sup> Statute of the *Seimas* of the Republic of Lithuania, February 17<sup>th</sup> 1994, N° I-399, amended version on November 11<sup>th</sup> 1997, VIII-508 ([www.lrs.lt](http://www.lrs.lt)).

of integration-related issues. The Committee on European Affairs could hear information furnished by representatives of other state institutions, but also express its own opinion, initiating parliamentary investigations and identifying problems connected with pre-accession. The size of the Committee allowed it to form as many as 8 working groups on the basis of eight short-term priorities defined in the National Programme for the Adoption of the *Acquis*. Thus Committee on the European Affairs did not only exercise control over the executive but took certain initiatives itself (Vitkus 1998: 6-7).

However it is difficult to assess precisely the part played by the Committee on European Affairs in the EU Accession negotiations between 2000 and 2002.<sup>9</sup> The Committee could not follow in a detailed way every topic related with the EU negotiations, but its members tried to cover as many files as possible and met regularly the chief negotiator for the EU Accession. The most problematic and sensitive issues were discussed as a separate subjects. The Committee organised hearings on the decommissioning of the nuclear power plant, on the Kaliningrad issue or on the sale of land to foreigners.<sup>10</sup>

## **2. The socialisation of the Lithuanian parliamentarians through European networks**

### **2. 1. The establishment of the first inter-parliamentary relations**

From the restored independence, the *Seimas* had developed inter-parliamentary relationships with the national parliaments of the States of the Baltic Sea Region. The Baltic Sea Parliamentary Conference was founded in 1991 in order to set up a forum facilitating the political dialogue between the parliamentarians of the Baltic Region. The Baltic Assembly is an organisation established in November 1991 with the aim of promoting co-operation between the parliaments of Estonia, Latvia and Lithuania, discussing issues and projects of mutual interest and expressing a common position concerning international, economic, political and cultural issues. The Baltic Assembly institutionalised relationships with other parliaments of Western and North Europe, especially with the Nordic Council in 1992 and the inter-parliamentary Council of Benelux in 1994. Concerning the co-operation with international organisations, the *Seimas* sent delegations to the OSCE, the Parliamentary

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<sup>9</sup> The minutes of the Committee on European Affairs are available on the Website of the *Seimas* only from the year 2003.

<sup>10</sup> Interview with Živilė Pavilonytė, 04.15.2011. Ž. Pavilonytė worked in the Committee on European Affairs of the *Seimas*. She is the permanent representative of the *Seimas* to the EU institutions since 2008.

Assembly of the Council of Europe, the Parliamentary Assembly of NATO, the European Security and Defence Assembly and even the Assembly of “La Francophonie”.

However, all these inter-parliamentary networks are different from the relationships developed with the European Parliament and the national parliaments of the EU Member States. The organisations of the Baltic Sea Region promoted the exchange of information, recommendations and good practices useful for the EU Accession, but their initial aim was to deal with regional topics. Moreover, we can wonder about the real impact of these inter-parliamentarian links on the *Seimas* and its members. It seems that there was no “cumulative effect” of the benefits derived from the inter-parliamentarian networks, but a “fragmenting” effect, because of the job-sharing in the *Seimas*. The international relations department (*Tarptautinių ryšių departamentas*) is responsible for the inter-parliamentary co-operation, apart from the co-operation with the EU.<sup>11</sup> Only the members of the Committee on European Affairs (parliamentarians and civil servants) are specialised in the relationships with the EU institutions and the parliaments of the EU Member States.<sup>12</sup>

## **2.2. The Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC)<sup>13</sup>**

The relations between the *Seimas*, the European Parliament and the parliaments of the EU Member States began in 1997 with the EU-Lithuanian parliamentary joint committee and the COSAC. As the other candidate countries Lithuania participated for the first time in the COSAC, which took place in Luxembourg in November 1997. In the academic literature the COSAC is often presented as a forum, as a vector of socialisation. The COSAC had a double impact for the parliamentarians coming from the candidate states. On the one hand, it was for the Lithuanian participants “*an eye-opening experience*”<sup>14</sup>: they could meet their European counterparts, exchange ideas, work together and learn about the institutional setting in the EU Member States. On the other hand, the involvement in the COSAC was considered as a sign of legitimisation, of recognition for the candidate states. Some European circles and networks

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<sup>11</sup> The international relations department is divided in four units : the Inter-parliamentary Relations Unit responsible for the bilateral relations, the Protocol Unit, the International Organisations Unit, the Interpretation and Translation Unit (www.lrs.lt). The EU Parliament doesn't appear on the international organisations' list of the department.

<sup>12</sup> Interview with L. Raulinaitytė and Ž. Pavilonytė, 04.15.2011.

<sup>13</sup> Conférence des Organes Spécialisés dans les Affaires Communautaires et Européennes (COSAC).

<sup>14</sup> Interview with Loreta Raulinaitytė, 04.15.2011.

were formed during the COSAC: the participants regrouped according to their political affiliation, their interests<sup>15</sup> or their regional identity.<sup>16</sup> Thus the Baltic States established “pre-COSAC meetings”: every six months the Baltic parliamentarians from the European Affairs Committees met a few weeks before the COSAC, in order to exchange some information and to explain their point of view, their position. This practice established before the EU accession is going on until today.<sup>17</sup>

A part of the academic literature is also sceptical about the real effectiveness of the inter-parliamentary European collaboration and especially about the COSAC (Kiiver 2006: 130-132). In the one hand, the COSAC would have a limited impact, because it cannot make any firm and binding recommendations. On the other hand, the involvement in COSAC has been limited to politicians directly involved with European committees (Bengtson 2007: 51-52). It is true that in the Baltic States, the participation to the COSAC during the pre-Accession has been restricted to a small group of “specialists”, but the group increased with the time. In November 1997 Estonia and Latvia sent only one observer to the COSAC, Lithuania two. Just before the EU Accession, four Estonians, four Latvians and five Lithuanians took part to the COSAC organised in Rome in October 2003. After the EU Accession the *Saeima*, the Parliament of Latvia, sent only three observers to the COSAC organised in Dublin in 2004, but the *Riigikogu*, the Parliament of Estonia, sent seven observers and the *Seimas* eight.<sup>18</sup> One of the reasons why a larger number of parliamentarians was not involved in the European co-operation in the pre-Accession was their limited knowledge of West-European foreign languages: the politicians of post-communist countries could speak fluently Russian, but not everyone knew English, French or German.<sup>19</sup>

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<sup>15</sup> The Chairmen of the European Affairs Committees of the six candidate countries from the so-called Luxembourg group (Estonia, Poland, Slovenia, Hungary, Czech Republic, and Cyprus) held regular meetings in the pre-Accession period.

<sup>16</sup> Interview with Loreta Raulinaitytė, 04.15.2011.

<sup>17</sup> Interview with Živilė Pavilonytė, 04.15.2011. Recently Poland has joined these pre-COSAC meetings.

<sup>18</sup> The same person (parliamentarians and civil servants) were regularly present in the three Baltic delegations : Tunne Kelam, Rein Lang, Liina Tonisson, Liia Hänni (parliamentarians), Olev Aarma (administrative staff) for Estonia, Edvins Inkens, Guntars Krasts, Oskars Kastens (parliamentarians), Baiba Endezele (administrative staff) for Latvia, V. P. Andriukaitis, J. Karosas, K. Rimšelis, E. Vareikis (parliamentarians), L. Raulinaitytė, A. Andrulis, R. Bunevičiūtė (administrative staff) for Lithuania.

<sup>19</sup> Interview with Loreta Raulinaitytė, 04.15.2011.

### 2.3. The EU-Lithuania joint parliamentary committee

The first meeting of the EU-Lithuania joint parliamentary committee took place in October 1997. The joint committee met two times a year, in Brussels or in Lithuania. Thirteen official meetings has been organised between 1997 and 2004. The EU-Lithuania joint parliamentary committee was especially useful for the development of informal contacts between the Lithuanian parliamentarians and the members of the European Parliament.<sup>20</sup> The Lithuanian parliamentarians, who took part to the joint committee, were not required to be members of the *Seimas*' Committee on European Affairs. Between 2000 and 2003, a permanence of the parliamentarians participating to the joint committee can be noticed from the EU side<sup>21</sup> as well from the Lithuanian side.<sup>22</sup> But the number of Lithuanian parliamentarians varied from five to fourteen. This variation is related with the meeting place: the sessions in Vilnius attracted more participants than the sessions in Brussels. Once again, it seems that the knowledge of English (and French) was also a brake on the Lithuanian participation especially in Brussels.<sup>23</sup> A few members from the Lithuanian negotiation team and some representatives from the EU Commission took systematically part to the joint committee.

Some topics are recurrent in the minutes of the EU-Lithuania joint parliamentary committee: the energy questions, the closure of the nuclear power plant in Ignalina, the Kaliningrad transit, the land sale to the foreigners and the administrative capacity of Lithuania to implement the *acquis communautaire*. Each meeting assessed the political and economic situation of Lithuania, the preparation for the EU Accession and the progress made in the bilateral negotiations. From 2003 discussions were more about the ratification of the

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<sup>20</sup> Egidijus Vareikis, co-president of the joint committee, could travel seven times per year to Brussels and had access to all the procedures concerning the EU Accession. Interview with E. Vareikis, 06.13.2011.

<sup>21</sup> Gary Titley, a British Labour Party MEP, Michael Gahler, a German CDU MEP and Jonas Sjöstedt, a Swedish MEP for the Left Party were regularly representing the EU Parliament in the EU-Lithuania joint parliamentary committee.

<sup>22</sup> From 2000 to 2003, the EU-Lithuania joint parliamentary committee has been chaired by Egidijus Vareikis (Center Union, the Union of Modern Christian Democrats and the Electoral Action of Lithuanian Poles). The following Lithuanian parliamentarians took part to the joint committee : Roma Dovydenienė (social-democrat coalition), Rolandas Pavilionis (social-liberal), Dailis Alfonsas Barakauskas (liberal), Gediminas Dalinkevičius (social-liberal), Justinas Karosas (social-democrat), Alvydas Medalinskas (liberal), Kazimiera Danutė Prunskienė (Farmers' and New Democracy Parties), Alfonsas Macaitis (social-democrat), Klemensas Rimšelis (liberal), Eimundas Savickas (liberal), Birutė Vėsaitė (social-democrat), Andrius Kubilius (Homeland Union), Juozas Olekas (social-democrat), Algirdas Saudargas (Christian-democrat), Vytautas Saulis (Social democrat), Gintaras Steponavičius (liberal). The president of the Committee on European Affairs, Vytenis Povilas Andriukaitis, participated only once to the joint committee.

<sup>23</sup> Interview with E. Vareikis, 06.13.2011.

Accession Treaty in the EU Member States, the referenda organised in the candidate states, the Convention about the future for Europe, the role of the Lithuanian observers in the EU Parliament and the preparation for the European elections in June 2004. We can conclude that the joint parliamentary committee had a double aim. On the one hand, the meetings were an opportunity to monitor the Accession negotiations and to evoke the most difficult chapters outside the official framework. According to Egidijus Vareikis, the European parliamentarians wanted to help their Lithuanian counterparts and not to delay the negotiations, despite some difficult discussions. Some Members of the European Parliament even explained how to write the reports to make them more acceptable for the European Commission.<sup>24</sup> On the other hand, the meetings familiarised the national parliamentarians with the European Parliament. However there are two limits to the socialisation hypothesis of the parliamentarians from the EU candidate countries in the pre-Accession period. First, it seems that their participation to the inter-parliamentary networks was more a symbol of legitimisation than a deep socialisation experiment: the frequency of the meetings and the numbers of the participants were finally quite restricted. Only after 2004, the contacts between the Lithuanian parliamentarians and their European counterparts became much more intense.<sup>25</sup> The socialisation is still a going on process. Secondly, it is quite difficult to research on this topic and to measure with precision such a process, because of the lack of concrete elements in the documents and in the interviews.

### **3. The *Seimas* after the EU Accession : a real actor in the EU multilevel governance ?**

#### **3.1. The preparation for a new constitutional and legal framework**

The Convention on the Future of Europe also involved national parliamentarians from EU Member States and candidate states, giving them the opportunity to learn about the decision-making procedures in the EU governance. Opinions on the European Convention are divided within the academic literature, especially concerning its impact for the national parliaments. However, the national parliamentarians became an important part of the European agenda. For the first time they could influence the draft treaty and ratify the final outcome of the 2003 Inter-Governmental Conference, what gave them the opportunity to assemble an overview of the European integration process (Bengtson 2007: 54). For the

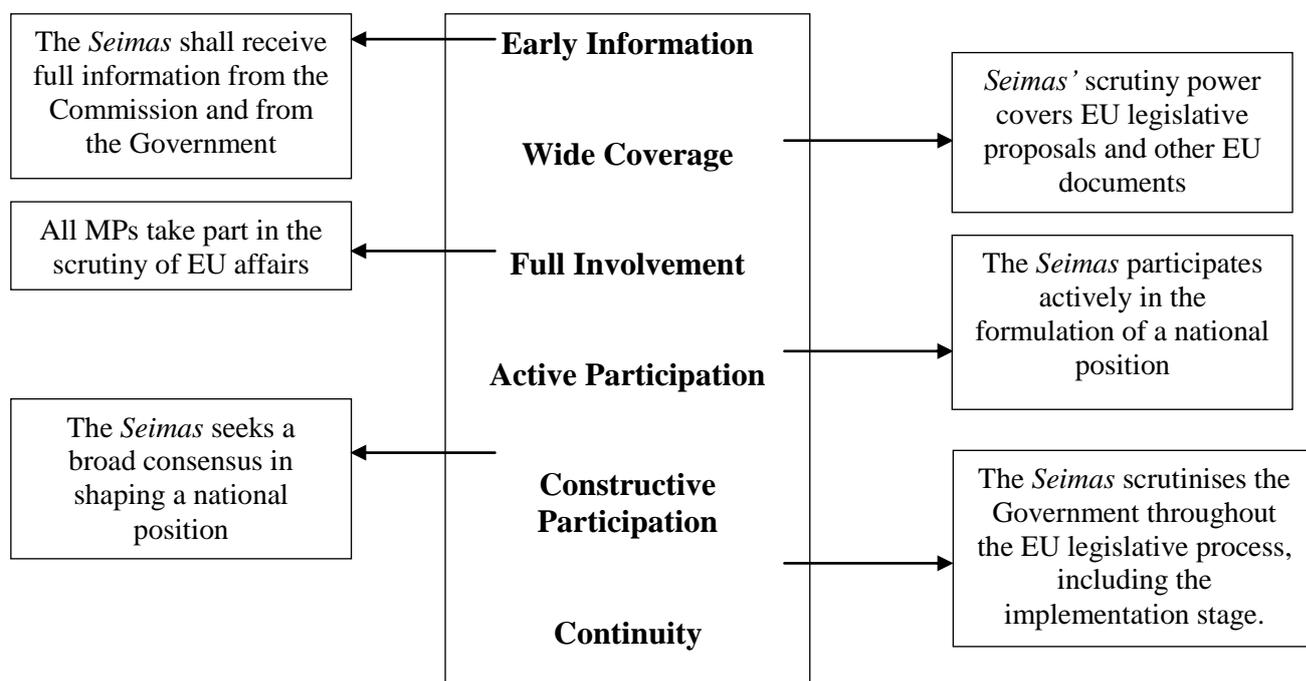
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<sup>24</sup> Interview with E. Vareikis, 06.13.2011.

<sup>25</sup> Interview with Ž. Pavilonytė, 04.15.2011.

Lithuanian parliamentarians, the participation to the European Convention was a very positive experiment.<sup>26</sup> Thanks to the European Convention, they realised that the role of the national parliaments within the EU would become more salient and that they were belonging to this process. Consequently the *Seimas* had to reinforce its constitutional and legal position concerning the EU affairs management.<sup>27</sup> A multi-institutional working group gathering together members of the *Seimas*, of the Government and of the Presidency was established on July 19<sup>th</sup> 2002 on *Seimas*' initiative. The outcomes of the working group were presented to the Board of the *Seimas* on July 7<sup>th</sup> 2003. The working group defined the guiding principles for the EU scrutiny system. With these principles, the "*Parliament made sure that it didn't lose the grip on the EU affairs*" after the Accession.<sup>28</sup>

### The guiding principles for the EU scrutiny system in the *Seimas*



Source: Publication of the *Seimas*' Committee for European Affairs

<sup>26</sup> It seems that the representatives of the Lithuanian government were much less impressed by the European Convention than the members of the *Seimas*. Rytis Martikonis, secretary in the Minister for Foreign Affairs and representative of the Lithuanian government in the European Convention, states that for him "*the Convention was not special in any sense*". Interview with Rytis Martikonis, 04.13.2011. Vytenis Povilas Andriukaitis, the Chairman of the Committee on European Affairs, describes this time as "*a very rich period*" and the Convention as "*an excellent university*". Interview with V. P. Andriukaitis, 06.14.2011.

<sup>27</sup> Interview with Loreta Raulinaitytė (04.15.2011) and with Vytenis Povilas Andriukaitis (06.14.2011).

<sup>28</sup> Interview with L. Raulinaitytė, 04.15.2011.

For cultural and strategic reasons, the Lithuanian parliamentarians chose as model the parliamentary scrutiny system of the Nordic countries, especially the Finnish and the Danish models which were recognised as the most efficient in the EU.<sup>29</sup> The meetings in the COSAC could not give to the parliamentarians from the candidate states a very deep view of the scrutiny systems for EU affairs established in the Member States. That is why the *Seimas* created a budget line to finance the travels of delegations in the EU Member States. The aim was double: the delegation should introduce Lithuania and its *Seimas*, and it should study the different scrutiny systems and practices for the EU affairs.<sup>30</sup> In 2003, the parliamentary delegation led by the President of the Committee on European affairs, travelled to different EU Member States.<sup>31</sup> Finally the working group chose as basis the Finnish model.

### **3. 2. The *Seimas*: an actor reinforced by a new constitutional and legal framework**

The Lithuanian scrutiny system for the EU affairs is legally based on the Constitutional Act on the Membership of the Republic of Lithuania in the European Union adopted on July 13<sup>th</sup> 2004, and on the Statute on the *Seimas*, amended on November 9<sup>th</sup> 2004.<sup>32</sup> The Constitutional Act defines the relations between the Government and the *Seimas* regarding the EU affairs as follows:

*“The Government shall inform the Seimas about the proposals to adopt acts of European Union law. As regards the proposals to adopt the acts of European Union law regulating the areas which, under the Constitution of the Republic of Lithuania, are related to the competence of the Seimas, the Government shall consult the Seimas. The Seimas may recommend to the Government a position of the Republic of Lithuania in respect of these proposals. The Seimas Committee on European Affairs and the Seimas Committee on Foreign Affairs may [...] submit to the Government the opinion of the Seimas concerning the proposals to adopt the acts of the European Union law. The Government shall assess the recommendations or opinions submitted by the Seimas or its Committees and shall inform the Seimas about their execution following the procedure established by legal acts.”*<sup>33</sup>

The Constitutional Act includes an *ex ante* parliamentary control of the Government's positions. According to Loreta Raulinaitytė, the expression “*shall assess*” is “*very strange*”, because the initial version prepared by the working group contained the expression “*shall take into consideration*”. The Lithuanian Government should have refused this formulation, what

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<sup>29</sup> Tapio Raunio assessed the parliamentary scrutiny systems in the fifteen old EU Member States: Denmark and Finland received the best marks (0.83/1), followed by Sweden and Austria (0.67/1) (Raunio 2006: 22).

<sup>30</sup> Interview with L. Raulinaitytė, 04.15.2011

<sup>31</sup> In 2003 the parliamentary delegation went three times to Belgium, two times to the United Kingdom and Ireland, once to Germany, two times to France, once to Austria, once to the Netherlands, two times to Italy and two times to Finland (www.lrs.lt). Loreta Raulinaitytė has also evoked visits to Denmark, Sweden and Portugal (Interview 04.15.2011).

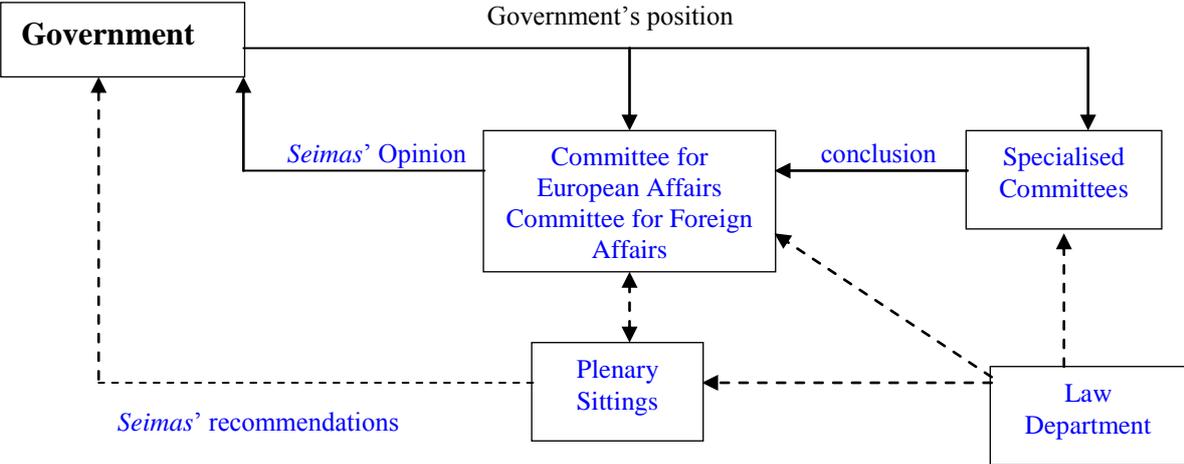
<sup>32</sup> The Law on the Government of the Republic of Lithuania was also amended on November 26<sup>th</sup> 2004.

<sup>33</sup> The Statute of the *Seimas* of the Republic of Lithuania, February 17<sup>th</sup> 1994, N° I-399, amended version on November 9<sup>th</sup> 2004, IX-2545 (www.lrs.lt).

caused the dissatisfaction of the parliamentarians in charge with the EU affairs. But in practice the Government never went against the will of the *Seimas*.<sup>34</sup>

Two committees in the *Seimas* play a central role for the EU affairs. According to the article 180.2 of the Statute of the *Seimas*, the Committee on European Affairs is dealing with the questions related to the first and third pillars of the EU (European Communities, Police and Judicial co-operation in criminal matters) and the Committee on Foreign Affairs is dealing with the second pillar (Common Foreign and Security Policy). They exert the parliamentary control in the following way: 1/ by deliberating on the national position related to the EU legislative proposals, 2/ by mandating the Prime minister or the relevant ministers to represent the Lithuanian position in the European Council of Ministers, 3/ by hearing and assessing the reports of the meetings in the European Council. The delivered mandate is not legally binding as in the Danish model, but it is politically binding.

**The parliamentarian scrutiny procedure on EU Affairs**



Source: Publication of the *Seimas*' Committee for European Affairs

According to the Statute of the *Seimas* amended in 2004, the Committee on European Affairs is unique by virtue of its composition and functions. It is considered like a mini-plenary, following the model of the Grand Committee.<sup>35</sup> It is constituted of not less than 15, but no more than 25 members in conformity with the principle of proportional representation. The members of other committees may take part to the Committee on European Affairs

<sup>34</sup> Interview with Loreta Raulinaitytė, 04.15.2011.  
<sup>35</sup> Interview with Loreta Raulinaitytė, 04.15.2011.

(article 44.1). The Committee is the last one to be formed after the *Seimas*' elections. As members, political groups delegate chairpersons of other committees or their deputies, leaders of political groups or their deputies, members in charge of EU Affairs. The aim of these dispositions is to guarantee a better co-ordination and a better involvement of the specialised committees in the EU matters.<sup>36</sup> The article 61 of the Statute of the *Seimas* enlarged the activities of the Committee on European Affairs. The Committee is an organiser, but also a decision-maker. As organiser, it has to co-ordinate the activities of the *Seimas* committees and commissions when considering European Union issues (61.6), to organise debates on major issues of the agenda of the European Union in a *Seimas* plenary sitting, as well as European weeks in the *Seimas* (61.12). As decision-maker, it participates in the process of the preparation and evaluation of the Lithuanian position concerning proposals to adopt legal acts of the EU (61.9) and it assists in ensuring an appropriate representation of the interests of the Republic of Lithuania in the EU (61.3). For the first time the relations with the European Parliament and other EU institutions as well the representative's role of the committee in the COSAC are mentioned (articles 61.7 and 61.8). The transparency and publicity of the parliamentary work are reinforced: the Committee on European Affairs meets at least two times a week. The sessions are public except when they are dealing with secret information.

All the specialised committees of the *Seimas* take part to the parliamentary scrutiny and to the preparation of the Lithuanian national position on EU matters. The specialised committees are responsible for the initial examination of the EU legislative proposals. They assign them one of the following categories: "very relevant", "relevant", "moderately relevant" (Statute of the *Seimas*, art. 180). Their conclusions are transmitted to the Committees on European and/or Foreign Affairs. The Government must give its position on all topics classified in the categories "very relevant" and "relevant" in the fifteen days following their reception. The Government's positions are examined by the specialised committees, the Committees on European or Foreign Affairs. Examining the Lithuanian position, the opinion of a majority is not taken into account, because the aim is to reach a consensus in the committee. If a consensus is not achieved for the topics with the mention "very relevant" or "relevant", the Committees on European and Foreign Affairs "may obligate the minister to express the parliamentary reservation" (Statute of the *Seimas*, article 180.18).

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<sup>36</sup> Interview with Živilė Pavilonytė, 04.15.2011.

The Government shall have the right to voice the parliamentary reservation in the institutions of the European Union, until such a consensus is found in the *Seimas*.

### **3.3. A similar evolution of the EU affairs scrutiny in Estonia and Latvia**

In Estonia and Latvia, the EU Accession produced also a reinforcement of the legal framework defining the parliamentary scrutiny of the EU affairs. The *Riigikogu*, the Parliament of the Republic of Estonia amended the Rules of Procedure Act in February 2004, in order to establish legally the control of the executive and to define a co-ordination system for the EU affairs. Until the amendments to the Rules of Procedure Act in March 2004, the *Riigikogu* had a special European Affairs Committee that monitored the Government's actions in the pre-accession phase as well as the accession negotiations. The mandate of the European Affairs Committee as well as the *Riigikogu* in general was not stipulated in legal acts, the scrutiny then relied primarily “on good practices and customs”.<sup>37</sup> In 2004, the committee changed the name in the European Union Affairs Committee. According to the Rules of Procedure Act, the EU Affairs Committee, or the Foreign Affairs Committee, as far as the common foreign and security policy of the EU is concerned, shall, in co-operation with other standing committees, form the position of the *Riigikogu* on the draft legislation of the EU and provide its opinion on other affairs, as well as supervise the activities of the Government of the Republic in pursuing the policies of the EU (Section 18.3). There is the same work division between the two committees as in the Lithuanian case. The EU Affairs Committee is constituted of at least 15 members (Section 25.2). As in Lithuania, double membership makes the Committee unique: members of the Committee are at the same time members of other specialised committees. Members of the Board of the *Riigikogu* can be members of the EU Affairs Committee, which is not possible in case of other standing committees (Section 24). Contrary to the Lithuanian and Latvian cases, the sittings of the EU Affairs Committee are not public. The public document, which reflects the sitting, is the minutes. Before the Council of Ministers meetings, the Government sends Estonia's positions adopted by the Government to the EU Affairs Committee and the relevant minister appears before the Committee to explain the positions and for discussions with the members of the EU Affairs Committee. After the EU Affairs Committee session the Committee's position is sent to the Government. The

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<sup>37</sup> Website of the *Riigikogu* ([www.riigikogu.ee](http://www.riigikogu.ee))

Committee may also decline to form an opinion.<sup>38</sup> According to the Rules of Procedure Act, “the Government of the Republic is **required** to adhere to the opinion of the Riigikogu” (Chapter 181, paragraph 1524.3).<sup>39</sup> If the Government of the Republic has failed to do so, it shall provide justification thereof to the EU Affairs Committee or the Foreign Affairs Committee « *at the earliest opportunity* ». The mandate of the EU Affairs Committee is not legally binding in the Rules of Procedure Act.<sup>40</sup> At least once a year the Prime minister initiates debates in the plenary and presents to the *Riigikogu* an overview of the activities of the Government of the Republic in implementing EU policies.<sup>41</sup>

The *Saeima*, the Parliament of the Republic of Latvia, was one of the first parliaments of the EU accession countries to establish an European Affairs Committee in November 1995. Its main task was to harmonise the Latvian legislation with the EU legislation. But in 2000 the weak involvement of the *Saeima* in the Accession negotiation attracted the attention of the European Commission.<sup>42</sup> Consequently, the Rules of Procedure of the *Saeima* were amended in January 2001. The “Regulations of the Cabinet of Ministers on Co-ordination of the Latvia’s negotiation positions” were adopted. It was stipulated that the government submits all draft negotiation positions to the European Affairs Committee which approves national position before position goes to the EU institutions. The fact that the head of the European Affairs Committee was part of the negotiation delegation was unique to Latvia. The Rules of Procedure of the *Saeima* were amended in October 2004.<sup>43</sup> The *Saeima* shall participate in EU affairs through the European Affairs Committee (art. 185.1). The European Affairs Committee shall be composed of at least one Member from each parliamentary group in the *Saeima*. The composition of the Committee should be a proportionate reflection of the parliamentary groups (art. 185.2). No precise figure is mentioned: in the practice, the

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<sup>38</sup> As in Lithuania, the EU Affairs Committee tries to reach a consensus. In case of disagreement(s) the topic is either put to a vote or a (dissenting) opinion is entered into the minutes of the Committee sitting. According to the *Riigikogu* Rules of Procedure Act, a committee adopts a proposal if the majority of the members have voted in favour.

<sup>39</sup> *Riigikogu* Rules of Procedure and Internal Rules Act, adopted on February 11th 2003 (RT I 2003, 24, 148), amended on February 11th 2004 (RT I 2004, 12, 77).

<sup>40</sup> According the website of the Estonian Government, “all positions of the Government on strategic EU issues have to be approved by the EU Affairs Committee.” ([www.valitsus.ee](http://www.valitsus.ee))

<sup>41</sup> Before the EU-related amendments to the *Riigikogu* Rules of Procedure Act, it was the European Affairs Committee which initiated annual debate on the EU issues in the plenary. Such debates were held as deliberations of matter of significant national importance. Specialised plenary debates on the EU issues were held in 1998, 2000, 2001, 2002, and 2003 ([www.riigikogu.ee](http://www.riigikogu.ee)).

<sup>42</sup> The European Commission stated in its 2000 Regular Report on Latvia that the parliament “and in particular its European Affairs Committee, have undertaken to further strengthen its role in matters related to European Integration, including in the formulation of Latvia’s positions for EU accession negotiations, and a change in the Parliament’s rules of procedure to codify these changes is foreseen.”

<sup>43</sup> The Rules of procedure are available of the *Saeima*’s website ([www.saeima.lv](http://www.saeima.lv)).

European Affairs Committee is one of the biggest in the Parliament. The European Affairs Committee may send the official positions of the Republic of Latvia, as well as legislative proposals of the EU and documents of other EU institutions, to other *Saeima* committees for them to review and hand down decisions (art. 185.4). It seems that legally the specialised committee have a limited role in the EU affairs scrutiny.<sup>44</sup> The European Affairs Committee shall examine the official positions of the Republic of Latvia prepared in accordance with the procedure set by the Cabinet of Ministers and shall rule on them before they are communicated to European Union institutions (art. 185.3). The parliamentary scrutiny is made *ex ante*, but it seems that the Government defines the procedure, what can limit the influence of the European Affairs Committee.<sup>45</sup> The minister who represents Latvia in a relevant Council of the European Union has to inform the Committee on the government's position regarding all significant decisions on legislative and strategic issues. The relevant minister receives a mandate to present Latvia's position to the Council only when it has been approved by the Committee. If the Committee rejects the position approved by the Cabinet of Ministers, the relevant ministry must change its position in accordance with the recommendations of the Committee.

Despite some differences, the Baltic parliaments chose the Nordic model for the parliamentary scrutiny on EU Affairs. The European Affairs Committee of the *Saeima*, the Parliament of Latvia, has a less precise legal framework than its Estonian and Lithuanian counterparts. However its members can give a legally binding mandate to the Government regarding all significant decisions on legislative and strategic issues.

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<sup>44</sup> In actual practice, the European Affairs Committee co-operates with other committees of the *Saeima*: they hold joint meetings during which they discuss topical issues and define Latvia's opinion on events and processes which are taking place in the EU (*Saeima's* publication, 2011).

<sup>45</sup> In August 2005, the Cabinet of Ministers adopted "*the procedure for drafting, approving and representing the positions of the Republic of Latvia concerning European Union issues*". The Part IV mentions the involvement of the Parliament: "30. *The responsible competent institution informs the Saeima about the topical issues related to the work of Council of the Ministers according to the Rules of Procedure of the Saeima. 31. If the issue fundamentally affects Latvia's interests, prior to review of the issue at the European Council or the meeting of Council of Ministers or in any other stage of review of the issue, the responsible institution in compliance with the provision of the Rules of Procedure of the Saeima discusses the national position with the Saeima European Affairs Committee*" (COSAC, 2007). It seems that the Government, and not the *Saeima*, decides which issues are important for the Latvian interests. The procedures were amended at the beginning of 2009.

### The European Affairs Committees of the Baltic parliaments

|                                      | <b>Lithuania</b><br><i>Seimas</i>  | <b>Latvia</b><br><i>Saeima</i>  | <b>Estonia</b><br><i>Riigikogu</i>  |
|--------------------------------------|--|---|---|
| Committee's official title           | Committee on European Affairs<br><i>(Europos reikalų komitetas)</i>  | European Affairs Committee<br><i>(Eiropas lietu komisija)</i>   | European Union Affairs Committee<br><i>(Riigikogu Euroopa Liidu asjade komisjon)</i>      |
| Creation's date                      | September 1997   | November 1995   | January 1997  |
| Legal Framework                      | Constitutional Act adopted in July 2004 (point 3)<br>Statute of the <i>Seimas</i> amended in November 2004 (article 44.1 and article 61)                         | Rules of procedure of the <i>Saeima</i> , amended in January 2001 and in October 2004 (chapter VII)               | <i>Riigikogu</i> Rules of Procedure Act amended in March 2004 (article 18.3, chapter 181) |
| Composition                          | At least 15 and not more than 25 members in conformity with the proportional representation of political groups of the <i>Seimas</i> .<br>At present, 22 members | At present 19 members in conformity with the proportional representation of political groups of the <i>Saeima</i> | At least 15 members<br><br>At present 19 members  |
| Frequency of the sittings            | At least two times per week  | One until two times per week  | At least two times per week   |
| Parliamentary scrutiny on EU Affairs | Politically binding mandate<br>Parliamentary reservation on the topics classified "relevant" or "very relevant"  | Legally binding mandate regarding strategic issues  | No legally binding mandate  |

Sources: [www.cosac.eu](http://www.cosac.eu), [www.riigikogu.ee](http://www.riigikogu.ee), [www.saeima.lv](http://www.saeima.lv); [www.lrs.lt](http://www.lrs.lt)

### 3. 4. The *Seimas* after the EU Accession: a more powerful actor?

Because of the semi-presidential regime of the Lithuanian Republic, a reinforcement of the executive could have been expected during the pre-Accession, but it has not been the case. The *Seimas* has one of the strictest scrutiny systems on EU affairs among the Member States. According to V. P. Andriukaitis, chairman of the Committee on European Affairs from 2001 to 2004, the working group changed and even improved the Finnish model thanks to the good practices learnt in the European Convention. From his viewpoint, the Lithuanians created “*like an evolutionary, next-step model related to Finnish Eduskunta model, Grand Committee*”.<sup>46</sup> This opinion is confirmed by Petras Auštrevičius, the current Vice-chairman of the Committee on European Affairs: the *Seimas* is today one of the most active parliaments in the EU regarding the European affairs.<sup>47</sup> From the very beginning the Lithuanians have also anticipated the implementation of the subsidiarity principle defined in the Treaty establishing a Constitution for Europe. The *Seimas* was the first parliament to ratify this Treaty on November 11<sup>th</sup> 2004. The Statute of the *Seimas*, amended on November 9<sup>th</sup> 2004, established the procedure for the control of the principle of subsidiarity (article 180.6).<sup>48</sup> Until today, this article remained unchanged despite the ratification of the Lisbon Treaty by the *Seimas* in 2008.<sup>49</sup>

The *Seimas* is reinforced, primarily because it has more competent civil servants and parliamentarians specialised in the EU affairs. Regarding the Europeanisation of the behaviours, values and practices, it is still difficult to formulate a general appreciation on the

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<sup>46</sup> Interview with V. P. Andriukaitis, 06.14.2011.

<sup>47</sup> Interview with Petras Auštrevičius, 06.09.2011.

<sup>48</sup> According to the article 180.6, the specialised committees are responsible for proper and timely control of the principle of subsidiarity. The specialised committees shall submit conclusions concerning possible nonconformity of very relevant or relevant proposals to adopt legal acts of the EU with the principle of subsidiarity within 3 weeks of the receipt of the proposal or within 3 days of the Government’s opinion about possible nonconformity of a proposal to adopt a legal act of the EU with the principle of subsidiarity. The Committee on European Affairs or the Committee on Foreign Affairs, on their own (their chairmen’s) initiative, shall consider the conclusions of the specialised committee within one week. Such meeting shall be also attended by the representatives of the specialised committee and the Legal Department. The conclusions of the Committee on European Affairs or the Committee on Foreign Affairs concerning possible nonconformity of the proposal to adopt a legal act of the EU with the principle of subsidiarity must be submitted for the debate in the *Seimas* plenary sitting within one week after its registration at the Secretariat of *Seimas* sittings, but, if possible, not later than 3 weeks prior to the expiry of the six-week time limit calculated from the date of the receipt of the legal act of the European Union in Lithuania.

<sup>49</sup> After the ratification of the Lisbon Treaty, a working group was established in the Parliament in order to define new rules and procedures regarding the control of the subsidiarity. The new text has still not been voted. The *Seimas* works according to the procedure defined in 2004. However, the modifications required by the Lisbon Treaty are few. Interview with Živilė Pavilonytė, 04.15.2011.

Lithuanian parliamentarians, but a professionalisation of their work has to be noticed.<sup>50</sup> More precisely, some parliamentarians, who took part in the Committee on European affairs and developed a certain “Euro-capacity”, had before or have pursued after a noteworthy career at the national and/or at the European level. The Committee on European affairs has attracted political personalities such as Danutė K. Prunskienė, former Prime minister (1990-91), Vytautas Landsbergis, Chairman of the Soviet Council and of the *Seimas* (1996-2000), MEP since 2004, and Algirdas Saudargas, former Minister of Foreign Affairs (1990-92, 1996-2000) and MEP since 2009.<sup>51</sup> The Committee on European Affairs was also a stage or a “springboard” in the career of some politicians, such as Andrius Kubilius, Prime minister since 2008<sup>52</sup>, Audronius Ažubalis, Minister for Foreign Affairs since 2010<sup>53</sup> or Gediminas Kirkilas, Prime Minister from 2006 to 2008.<sup>54</sup> In a general way, the Committee has contributed to the training of parliamentarians specialised in EU affairs such as Justinas Karosas<sup>55</sup>, Vytenis Povilas Andriukaitis<sup>56</sup>, Birute Vėsaitė<sup>57</sup> or Egidijus Vareikis<sup>58</sup>. One specific case can be mentioned: Petras Auštrevičius began his political career in the executive as Prime minister’s adviser for Foreign Affairs, before being nominated Chief negotiator and Deputy Head of the Lithuanian delegation for the EU Accession negotiations. Elected to the *Seimas* in October 2004, he is the vice-chairman of the Committee on European Affairs since 2005 and member of the Committee on Foreign Affairs since 2004. However, it is not surprising that the Committee on European Affairs has attracted important former or future Lithuanian politicians, who have exceptional careers at national and/or European level.

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<sup>50</sup> Interview with Živilė Pavilonytė, 04.15.2011.

<sup>51</sup> Danutė K. Prunskienė (Lithuanian Women’s party), Vytautas Landsbergis (Homeland Union/Lithuanian conservatives) et Algirdas Saudargas (Lithuanian Christian Democrats) were members of the Committee on European Affairs from 2000 to 2004.

<sup>52</sup> Andrius Kubilius (Homeland Union/Lithuanian Conservatives) is member of the *Seimas* since 1992. He was Chairman of the Committee on European Affairs from 1997 to 1999. He was nominated Prime Minister in 1999. He was member of the Committee from 2000 to 2008 and its Chairman from 2006 to 2008.

<sup>53</sup> Audronius Ažubalis (Homeland Union/Lithuanian Conservatives) was Vice-chairman of the Committee on European Affairs from 1999 to 2000 and member of the Committee from 2004 to 2008. He was also Chairman of the Committee on Foreign Affairs from 1996 to 2000 and Vice-Chairman of this Committee from 2004-2008.

<sup>54</sup> Gediminas Kirkilas (Social-Democrat) was member of the *Seimas* since 1992. He was member of the Committee on Foreign Affairs (1993-1996, 2000-2004) and its Chairman from 2000 to 2004. He was also member of the Committee on European Affairs (1996-2004, 2008-2012) and he was its Vice-chairman from 2000 to 2004.

<sup>55</sup> Justinas Karosas (Social-Democrat) was member of the Committee on European Affairs from 1996 to 2008. He was its Vice-chairman from 2000 to 2006. He was member of the Committee on Foreign Affairs from 1992 to 1996. He was its Chairman from 2004 to 2008. He is Vice-Chairman since 2008.

<sup>56</sup> Vytenis Povilas Andriukaitis (Social-Democrat) was Chairman of the Committee on European Affairs from 2000 to 2004. He is Vice-Chairman since 2008. He is member of the committee on Foreign Affairs from 2008.

<sup>57</sup> Birute Vėsaitė (Social-Democrat) is member of the Committee on European Affairs since 2000. She was the Chairman of the Lithuanian delegation of observers in the European Parliament (2003-2004).

<sup>58</sup> Egidijus Vareikis (Union of the modern Christian Democrats and Homeland Union/Lithuanian Conservatives) is member of the Committee on European Affairs from 2000. He was its Vice-chairman from 2000 to 2004. He is member of the Committee on Foreign Affairs (2004-2006 and 2008-2012).

Indeed the Committee was originally created as a mini-plenary, as the gathering of the most important political leaders of the *Seimas*. Some administrative employees, who worked in the Committee on European Affairs, have pursued afterwards an European career. Loreta Raulinaitytė, who led the secretariat of the Committee on European Affairs from 2003 to 2006, became the permanent representative of the *Seimas* to the European Union, before being nominating permanent member of the secretariat of the COSAC in 2008. Živilė Pavilonytė, who worked also for the Committee on European Affairs, became the permanent representative of the *Seimas* to the European Union in 2008.

The challenge still remains to assess whether the position of the *Seimas* was reinforced in the practice after the EU Accession, whether the parliamentarians are using their new powers and whether their voice has an impact on the executive. According to Petras Auštrevičius, actual vice-chairman of the Committee on European Affairs, the *Seimas* is very active, makes inquiries, changes or corrects the Government's positions giving the mandate to the relevant minister. In practice, the Government takes into account the position of the *Seimas* and the Committee on European Affairs resorts regularly to the parliamentary reservation if necessary.<sup>59</sup> Contrary to the pre-accession period, the Committee benefits now from established rules and practices and from a qualified staff, which is able to evaluate its work and even to foresee until which degree it will be possible to have an impact at the EU level.<sup>60</sup> However the procedures of parliamentary scrutiny are very demanding: the parliamentarians have to invest time, to follow the huge mass of information and documents produced by the EU and the Government. But the commitment and the professionalism of the parliamentarians within the Committee on European Affairs and the *Seimas* depend on the persons and the parties.<sup>61</sup> Two types of parliamentarians must be distinguished in the Committee: there is a small group, a hard core of trained and committed parliamentarians. But the rest of the Committee cannot be so involved in EU matters for several reasons. First, the Committee includes automatically the minister for Foreign Affairs, chairpersons or deputies of other committees, leaders of political groups and politicians who play an important role at

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<sup>59</sup> According to Petras Auštrevičius, the Committee on European Affairs may use the parliamentary reservation between three and ten times per year, depending from the circumstances and the topic. Interview with Petras Auštrevičius, 06.09.2011.

<sup>60</sup> Interview with Petras Auštrevičius, 06.09.2011.

<sup>61</sup> Petras Auštrevičius assesses the functioning of the Committee on European Affairs in the following way: “We have to be engaged, you have to be a very responsible part of this process. Otherwise, it will be very amateur participation in it. But we have an interest, we have a capacity, quality might always be better, but you know you cannot correct the mind set of MPs. They are as they are. They represent different parties, different understandings and experience.” Interview with Petras Auštrevičius, 06.09.2011.

national level and consequently have not the time to be deeply involved in EU matters scrutiny. Secondly, some parliamentarians are elected in single-member districts<sup>62</sup> and consequently have to fulfil sub-national functions besides their national functions. Thirdly the Lithuanian political landscape is still very unstable. The parliamentarians coming from new born parties need time to learn the procedures and the content of the European issues.<sup>63</sup> The parliamentarians coming from traditional parties and having an experience in EU Affairs may better use their powers.

The need for a perpetual national consensus in the Foreign and European policy is a specificity of the EU affairs scrutiny system in the Baltic parliaments, especially in the *Seimas*. This specificity can be considered as an inconvenient. There is no vote in the Committees on European and Foreign affairs, when the position of the Lithuanian Government is examined. A consensus has to be found. If a consensus is not achieved for the topics with the mention “very relevant” or “relevant”, the Committees may obligate the Government to express the parliamentary reservation in the institutions of the European Union. In practice, it means that the Lithuanian ministers cannot enter into discussions with their European counterparts and that the voice of Lithuania cannot be heard in the EU Council, what could be in the future a serious issue for the capacity of Lithuania to upload its preference at the EU level. In the pre-Accession period, the national consensus in favour of the EU integration was very strong in Lithuania and there is still a good consensus today. The governmental position is in most cases approved by the Committees on European and Foreign Affairs.<sup>64</sup> But there is no guarantee for the continuity of the national consensus in the future.

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<sup>62</sup> The *Seimas* has 141 members that are elected for a 4 years term. 71 members are elected in single-member districts and 70 members are elected in the nation-wide vote using proportional representation by party lists.

<sup>63</sup> Interview with Živilė Pavilonytė, 04.15.2011.

<sup>64</sup> According to E. Vareikis, around 90% of the governmental proposals are approved by the Parliament. Regarding the European and Foreign affairs, the parties don't play their traditional “party games”, even if there are more and more disagreements. Interview with E. Vareikis, 06.13.2011.

## Conclusion

During the pre-accession period the legal framework of the Baltic parliaments was reinforced regarding the scrutiny of the EU affairs. In Lithuania the Committee on European Affairs monitored the EU accession negotiations as much as its statute and the time pressure made it possible. Political and administrative staffs competent in EU affairs were trained during the pre-accession. Inter-parliamentary contacts with the European counterparts were developed, what has facilitated the learning of “good practices” and rules established in the EU Member States parliaments. Once the negotiations were finished, the Baltic parliamentarians created a new legal framework, following the Nordic model of EU Affairs scrutiny system. Today the Lithuanian parliamentary scrutiny system of the EU affairs is one of the most demanding systems in the EU Member States. After the EU Accession, the Committee on European Affairs of the *Seimas* diffused its experience in EU Accession preparation and EU affairs management in other EU Candidate States or potential Candidate States.<sup>65</sup>

However it is still difficult to give a general and definitive answer to the question, whether the EU dimension has reinforced or not the executive at the expense of the legislative in the young EU Member States. Legally speaking the Baltic parliaments are more powerful actors. In practice, some limits to the real effectiveness of the parliaments and their Committees on European Affairs still exist. First, a good consensus in EU matters persists in Lithuania and the efficiency of the actual scrutiny system is based on this consensus. But it's not sure that the parliamentarians will always be able to find a consensus in the future. Secondly, it's questionable whether all parliamentarians are really involved in EU matters and aware of the saliency of the EU multilevel governance. Thirdly the parliamentary scrutiny of EU affairs is a process depending on political national (and European) circumstances. With each legislative elections, parliamentarians coming from new born parties may be elected to the *Seimas* and then have to be trained on EU matters, what can be a recurrent challenge considering the unstable political landscape in the post-communist countries, and particularly in the Baltic states. It seems that a better integration of the national parliaments in the EU

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<sup>65</sup> The EU Parliament invited Loreta Raulinaitytė to give lectures in the States of Western Balkans in order to explain how the *Seimas* had prepared for the EU Accession and established the EU Affairs scrutiny system (Interview with Loreta Raulinaitytė, 04.16.2011). Since two years, the *Seimas* has a twinning project with the Parliament of Azerbaijan, in order to explain its parliamentary rules and procedures, the EU legislation and integration. In the last years, the *Seimas* had co-operation projects with Ukraine, Georgia, Moldova and Western Balkans (Interview with Petras Auštrevičius, 06.09.2011).

multilevel governance should also be based on a higher Europeanisation of the political party systems.

The specificity of the Lithuanian parliamentary scrutiny system on EU matters is to be based on the permanent search for a national consensus, what raises the question of its effectiveness in the future. It would be interesting in future comparative research to study the parliamentary practices in different EU Member States, in order to evaluate whether the existing mechanisms concerning the EU affairs lead to a consensus or a blockage in the national parliaments, and which consequences the parliamentary practices have on the capacity of the national governments to upload their preferences at the EU level.

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