After Lisbon - revival of the national parliaments by reasoned opinions?

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Abstract
What role do national parliaments play in the internationalization of law, especially within the context of multi-level governance structures, such as the EU? This study examines an innovative feature of the Treaty of Lisbon that introduced the *reasoned opinion* as an instrument that paves the way for a more accented role of national parliaments. We argue that that Member States’ parliaments can contribute to a more efficient and democratic policy-making within the EU through the reasoned opinion and could thus, contribute to EU democracy.

The study is both theoretical and empirical. We look at the 90 times the instrument has so far been employed by different national parliaments during a two years period. We first describe in detail the legal structure of the reasoned opinion, i.e., the MS parliaments’ instrument to oversee the EU legislations compliance with the principle of subsidiarity (Article 12 TEU). Then, inspired by the theory of new institutional economics, several hypotheses concerning the individual Member of Parliament’s cost and benefits of investing in the reasoned opinion, and therewith linked actual effectiveness of the reasoned opinion are formulated and tested. A Poisson regression is then conducted to test the hypothesis. The primarily results of the empirical analysis suggest that the extent of transaction costs needed to be overcome by national MPs as well as their private incentives matter for the use of the reasoned opinion.

Keywords: Treaty of Lisbon, reasoned opinion, transaction costs, internal institutions

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