

Release note

Debates on Democracy and the Rule of Law in National Parliaments in the EU: technical and methodological challenges

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Abstract

Over the last decade, the EU has been faced with serious threats to its fundamental values, with rule of law regressions taking place in several of its member states. As rule of law and democracy are tightly intertwined, the role of national parliaments in safeguarding these values has come to the forefront of scholarly and policy attention. The research note provides insights into the study of national parliaments in Europe, discussing their importance in exercising democratic control, as well as the technical and methodological challenges associated with the study of parliamentary activity. It provides original findings, highlights challenges and opportunities for future research, and offers policy recommendations for EU and national decision-makers. This research note is the result of elaborate effort to gauge the ways in which democracy and the rule of law are discussed across national parliaments in Europe. It relies on one-year-long research, collection of data and creation of an original dataset by the author in the context of the EU Horizon RED-SPINEL project.

Keywords: national parliaments, democracy, rule of law, EU, comparative politics.

Scope and Structure of the Research Note

The research note maps the study of national parliaments in Europe outlining their role and place in the context of the ongoing crisis of liberal democracy and the rule of law. Through a comprehensive approach, the research note seeks to illuminate the complexities of parliamentary governance in Europe and the critical importance of studying dissenting voices within these institutions. It is grounded on original research conducted within the EU Horizon RED-SPINEL project, involving the creation of a unique database on national parliaments in Europe. This ambitious endeavor encountered significant technical and methodological challenges, however, which, despite their complexity, have yielded valuable findings and considerations for both researchers and policymakers.

The primary research questions addressed in the research note are: Why is the study of national parliaments a timely, topical, and important subject, and what is their role in upholding democracy and the rule of law in the EU? What are the key challenges associated with the study of national parliaments, in general, and dissensus over democracy and the rule of law in particular? By answering these questions, the research note aims to contribute to a deeper understanding of the place and role of national parliaments amid the ongoing rule of law crisis in the EU.

It is structured into several key sections, each indented to address different facets of the research process. The first part is an introduction to the study of national parliaments in Europe and their role in upholding liberal democracy and the rule of law drawing on recent treaty reforms, and the scholarly research in the field. This introductory context is crucial for

framing the subsequent analysis and discussion, ensuring that the reader appreciates the significance of the research in addressing urgent contemporary issues. The second part provides a comprehensive overview of the research process. It details the steps taken in the creation of the database, including the selection of cases and the criteria used for inclusion. This section also describes the content, structure, and layout of the data collection, offering insights into the ways in which the database is organized and the types of relevant information included. Finally, by establishing a clear understanding of the research methodology, this section sets the stage for the subsequent analysis.

The second part delves into the technical and methodological challenges faced during the study of national parliaments across the selected cases: Austria, Belgium, Germany, Greece, Italy, Netherlands, Poland and Romania. These challenges include issues related to data accessibility, the reliability of sources, and the complexities of comparative analysis across diverse political and administrative systems. By critically examining these barriers, the paper highlights the intricacies involved in conducting research in the field and underscores the importance of rigorous methodological frameworks for the study of parliamentary activity.

The third part of the note focuses on the Dutch case, which has proven to be the most feasible compared to the rest of the cases in the context of this project. This section explores the specific dynamics of the Dutch parliamentary system, including its political culture, the role of various stakeholders, and the nature of parliamentary debates. Although relatively manageable, this case is not without its own set of technical issues. These are discussed along with the application of emerging technologies for the analysis of parliamentary debates.

The final part of the research note provides a discussion of the findings in the broader context of open data, and the technical and methodological issues associated with the study of parliaments, administrative adaptation to new technologies, democratic accountability, and citizen engagement. It considers how the insights gained from studying parliamentary activity can inform policy recommendations and contribute to ongoing debates about access to government data and public information as well as the overall health of democratic institutions in Europe. This section additionally emphasizes the relevance of the research to contemporary challenges facing liberal democracy and the rule of law, offering actionable recommendations for policymakers and scholars.

The role of national parliaments in the European Union

Democracy and the rule of law are two complementary European values essential for the proper functioning of the EU and its member states. Despite their importance, the EU has recently been faced with a series of crises resulting in democratic backsliding and rule of law regression in several countries. Notably, in Hungary and Poland, these have been most prominent, while the rule of law violations in Poland prompted the European Commission to trigger Article 7 in 2017, following government actions that significantly undermined the justice system and threatened judicial independence (Bogdandy, et al., 2023, Granat, 2023). These developments have put national parliaments to the forefront of scholarly attention considering their role as safeguards of democracy and the rule of law, ensuring the overall democratic life of the EU (Sprung, 2016: 53). National parliaments' key role is to act as mediators between national governments and their citizens, but also between the European Union and the national level of decision and policymaking. At the heart of parliamentary

functioning lies the activity of political parties representing different political ideologies, needs and interests:

“National parliaments are assemblies composed of deputies belonging to political parties competing with each other; they form party groups in the parliament. The party political division within a parliament is the major factor for the dynamics of the intra parliamentary political process; the relations between the party groups oscillate between cooperation and competition. The intensity of competition depends primarily on the political-ideological distance of the party groups” (Hrbek, 2012: 131).

The ways national parliaments operate have significant implications for democracy and the rule of law. Members of Parliaments play a key role in the representation of citizens’ interests and needs, the alignment between their parties’ proclaimed goals and the actual policies pursued as well as the prevention of decisions with potential adverse effects through intense political deliberations in the plenary or in special committees. In the context of the EU, this role becomes crucial, because ultimately, national parliaments can influence citizens’ representation not only at home but also at the level of the European Union. The project draws attention to the ways that democracy and the rule of law are discussed in national parliaments in Europe. The importance of their function as safeguards of fundamental European values, thus, warrants a closer examination of the context of their activities, the place and salience of issues related to democracy and the rule of law, the role of political parties and national governments in addressing such threats and violations on the EU and national levels.

The Treaty of Lisbon repositioned national parliaments at the centre of this function by providing additional tools for the exercise of parliamentary scrutiny and democratic accountability. The Lisbon Treaty deserves recognition for enhancing the European Parliament’s authority and for acknowledging that national parliaments of EU Member States play a role in the European integration process that goes beyond simply granting approval (Janic, 2017:6). A closer look shows that the Lisbon Treaty enhanced and strengthened the role of national parliaments in several areas. Article 8 C outlines the active contributions of national parliaments to the effective functioning of the European Union, including the following key points:

1. Information access: national parliaments receive information from EU institutions and are sent draft legislative acts as per established protocols.
2. Subsidiarity principle: they ensure that the principle of subsidiarity is upheld, following specific procedures to assess compliance.
3. Policy evaluation: national parliaments participate in evaluating EU policies related to freedom, security, and justice, and monitor Europol and Eurojust activities.
4. Treaty revisions: they engage in the procedures for revising EU treaties.
5. Accession notifications: national parliaments are informed about applications for new member states.
6. Inter-Parliamentary cooperation: They take part in cooperation initiatives with other national parliaments and the European Parliament.¹

¹ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12007L%2FTXT>

Moreover, Article 9 in the Consolidated version of the Treaty on the European Union², states that: “in all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship” (Treaty of Lisbon, 2016: 202,20).

Most importantly, in Article 10, the treaty clearly underlines the interconnection between the national and European levels for citizens’ democratic representation:

1. The functioning of the Union shall be founded on representative democracy.
2. Citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.
3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.
4. Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union (Treaty of Lisbon, 2016: 202,20).

At the same time, the introduction of the 'early-warning' mechanism (EWM) allows national parliaments to provide reasoned opinions on whether draft legislative proposals comply with the principle of subsidiarity. If one-third of national parliaments raise concerns, the proposal must be redrafted. Additionally, parliaments can challenge potential subsidiarity infringements before the European Court of Justice. This mechanism restores some legislative function to national parliaments, enabling them to prevent EU laws rather than create them, positioning them as 'gatekeepers' of European integration—contrasting their more proactive role in shaping national policies (Sprung, 2015: 56).

These principles have been largely embraced by the IPEX, The Conference of Speakers of the EU Parliaments (EUSC): COSAC³ who have established their own principles regarding parliaments and their role in liberal democracy:

1. Parliaments are central to liberal democracy, elected by citizens through fair elections to represent them in decision-making. Members are sworn to uphold the constitution and can form political parties.
2. Parliaments have defined powers and responsibilities, including representing citizens, making laws, overseeing the executive, managing the budget, and facilitating public debate while ensuring accountability and respect for minority rights.
3. Parliaments, as the legislative branch, are part of the system of checks and balances among the legislative, executive, and judicial branches. This separation must be upheld and practiced, ensuring that politics conforms to the law.
4. Parliaments embody representative democracy and strive for inclusive democratic compromises. They also encompass elements of direct and participatory democracy, acting as chambers for citizen engagement (IPEX, Charter: 6).⁴

² In the Consolidated version of the Treaty on European Union: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12016M/TXT>

³ IPEX: The Conference of Speakers of the EU Parliaments (EUSC): Charter on the Role of Parliaments in a Functioning Liberal Democracy: https://secure.ipex.eu/IPEXL-WEB/conferences/eu_speakers

⁴ “At the Global Conference to commemorate the International Day of Parliamentarism: Strengthening Parliaments to enhance Democracy, organised by the Spanish Presidency of the Council of the European Union on 30 June to 1 July 2023 in León, the Declaration of León on Parliamentarism was adopted. In this Declaration,

Nevertheless, a deeper look also shows important limitations regarding their role as institutions of democratic representation in the context of Lisbon Treaty reforms. In the academic literature, parliaments are often associated with controls regarding the subsidiarity principle, Europeanization, and not least, as a democratization catalyst of the EU's foreign policy (Janic, 2017:1). Others more critically argue that instead of just strengthening the conventional authority of national parliaments, the reforms actually signify a shift towards a new model of parliamentary democracy in Europe, altogether, outlining three distinct functions for national parliaments within the EU: acting to stop rather than influence legislation (gatekeeping role), collaborating with other parliaments and supranational bodies (networking role), and implementing a consistent method of monitoring government actions across all party factions (unitary scrutiniser role). These roles all necessitate a departure from the typical responsibilities that legislatures typically have in European parliamentary democracies (Sprung, 2016). This new landscape has led some to pinpoint that the powers of national parliaments are still limited by a reasonable reluctance to disrupt the balance of EU institutions and by the importance of their roles within their own countries" (Janic, 2017:6). Besides, an important shift has been brought about by the economic and financial crisis, which profoundly affected the EU's structure and decision-making, strengthening the executive branch, particularly the European Council, and promoting alternative decision-making methods, including the resurgence of intergovernmentalism. Although a significant transfer of powers was not noted, increased supranational oversight of national budgets limited national governments and weakened parliamentary scrutiny, leading to renewed concerns about the EU's democratic deficit and rising Euroscepticism in various member states (Crum, 2018, Brack, 2021).

Furthermore, while the EWM provides national parliaments with the potential to exercise controls to the legislative function, Wilde argues that the mechanism does not enhance democracy in the EU for several reasons. Firstly, it fails to strengthen the existing channels of delegation and accountability within the EU. Instead of improving the links between national parliaments and citizens or between parliaments and governments, it bypasses these connections by involving governments and the European Parliament directly. Secondly, it does not effectively support either of the two essential functions that parliaments should serve: controlling the government or engaging with citizens. The focus on constitutional oversight, which the mechanism emphasizes, is not a primary responsibility of parliaments. Lastly, the mechanism has shown limited effectiveness since its inception, with only a few EU member states participating in its activities, suggesting that by enhancing the communicative role of national parliaments in the EU may be a more effective way to address the democratic deficit compared to relying on the Early Warning Mechanism (de Wilde, 2012).

Along with the communicative role of parliaments, several scholars note that although much of the literature focuses on parliaments as institutions and their relationship to governments, "less attention is given to the relationship between members of the legislature

the Speakers supported the initiative aimed at drafting a Charter enshrining the fundamental principles and the key elements of modern parliamentarism, consubstantial to liberal democracies, and pledged to continue working on this initiative with a view to the final adoption of this Charter at the EUSC on 21-23 April 2024. The Charter was then addressed at the Plenary Meeting of the LXX COSAC on 26-28 November 2023 in Madrid, as well as at the preceding Meeting of Chairpersons of the COSAC on 17-18 November 2023 in Madrid, further developed [and jointly adopted at the EUSC on 21-23 April 2024 in Palma de Mallorca, ahead of the European Elections on 6-9 June 2024]" (IPEX, Charter, :5).

and citizens. (Norton, 2012: 9). Likewise, others argue that far more emphasis is placed on the role of parliaments vis-à-vis the national government or its connection to the EU, and far less to their relationship with citizens, as a crucial aspect of parliamentary activity and democratic legitimacy (Raunio, 2011, Auel and Raunio, 2012). As they note, “we know hardly anything about whether and how individual MPs, political parties, or legislatures as institutions ‘link’ with their electorates in EU affairs” (Auel, Raunio, 2012: 8). Traditional studies on legislation have often overlooked the relationship between parliaments and citizens, despite this being an area that has experienced significant advancements in recent decades. In response to growing political disengagement and the use of modern communication tools like social media, parliaments have made strides in establishing connections with the public. However, our understanding of these developments remains incomplete (Leston-Bandeira, 2012). The notion that transparency and access to information are essential for enabling democratic oversight of government actions is widely accepted, making it almost a given to mention. However, considering the emphasis in the previously discussed literature, it is important to reiterate that democracy relies on a robust public discourse regarding policy options and political choices. This discourse is crucial for empowering citizens to make well-informed electoral decisions and to effectively exercise their democratic authority (Auel, Raunio, 2012:9).

In democratic systems, parliaments are recognized not only as one of the key avenues for debating and scrutinizing government actions on behalf of citizens, but also as platforms where citizens can express their concerns. The effectiveness with which parliaments perform these functions—and how citizens perceive this effectiveness—forms a crucial foundation for the political system's legitimacy in the eyes of voters. Among the primary methods by which parliaments fulfill their roles in information and communication are public debates in plenary sessions and, to a lesser extent, in committees, along with parliamentary questions and confidence votes. These debates are essential to electoral competition, as they enable the public to articulate societal interests and engage in policy discussions, thereby educating citizens on complex political matters. Without these debates, it becomes challenging for voters to discern competing leaders and policy agendas, making it difficult for them to evaluate government performance and hold it accountable (Auel, Raunio, 2012: 9).

Methodology

The project included the cases Austria, Belgium, Germany, Greece, Netherlands, Poland, Romania, and Italy, and discusses the diverse technical and methodological challenges involved as well as further insights that can be drawn from the study of national parliaments in the EU. The case selection is based on a) documented rule of law violations, i.e., Poland, Romania. Poland has been under the Article 7 of the EU Treaty for posing serious threats to the rule of law in Europe. Threats to the justice system have also placed Romania under EU monitoring, b) on the nexus between Southern vs Northern European countries including the cases of Germany, Netherlands, Belgium, Austria, on the one hand, and Greece and Italy, on the other. The key question leading the research process in this context is the following: How are “democracy” & the “rule of law” debated in national Parliaments in Europe? The first stage of the research included a broad search using the keywords: “democracy”, “rule of law”, and “democracy and rule of law”, in both the plenary sessions and the EU Affairs committees across cases.

Date	Title of debate	Democracy (0,1)	Rule of Law (0,1)	National/EU level (0,1)	Other M-S (0,1)	Link
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The second stage of the research involved an expanded search in the plenary sessions, the EU Affairs committees, and where applicable, in the Constitutional Affairs committees, and included the following keywords: “Romania”, “Poland”, “Hungary”, “European semester”, “Rule of Law Annual Report”, “Article 7”, “Rule of Law Framework”, “rule of law conditionality”. The timeframe specified was the last electoral cycle spanning approximately between 2019-2024. The same key words and research process were applied across cases regarding data collection. This involved the use of the distinct website for each national parliament, based on the available search machines, archives, and sections specifically intended to serve as research sources and materials meant for research purposes, such as parliamentary research services. The tables below display the organization of the research, which include the type of sessions, plenary or committee, the date, the title of debates, the search terms applied, the speakers, the specific excerpt, and the associated link to these debates.

1) Committee EU Affairs
Date
Title of the debate
Search terms: Romania, Poland, Hungary, European Semester, Rule of Law Annual Report, Article 7, Rule of Law Framework, Rule of Law Conditionality
Speaker
Excerpt
Link

2) Plenary
Date
Title of the debate
Search terms: Romania, Poland, Hungary, European Semester, Rule of Law Annual Report, Article 7, Rule of Law Framework, Rule of Law Conditionality
Speaker
Excerpt
Link

3) Constitutional Affairs Committee
Date
Title of the debate
Search terms: Romania, Poland, Hungary, European Semester, Rule of Law Annual Report, Article 7, Rule of Law Framework, Rule of Law Conditionality
Speaker
Excerpt
Link

The debates on the rule of law and democracy take place not only within the Committees on European Affairs, but also in the plenary sessions, or other special

committees. These relate to different policy areas: the economy, trade, energy, security, i.e., terrorism, defense, peace, etc. Democracy and the rule of law, hence, transcend domains of political activity and public policy. Examples include: Greece: a) Standing Committee on Public Administration, Public Order and Justice, b), the Special Permanent Committee on Institutions and Transparency, c) the Standing Committee on National Defense and Foreign Affairs, d) the permanent Committee for Educational Affairs, e) the Standing Committee on National Defense and Foreign Affairs. Romania: a) the General Committee on Democracy, Human Rights and Humanitarian Questions, b) the Services of the Chamber of Deputies. Poland: a) Foreign Affairs Committee, b) the Standing subcommittee for the Conference on the Future of Europe, c) the Commission for Liaison with Poles Abroad, d) the Standing subcommittee for counteracting monopolistic practices and protection of consumer rights, e) the Foreign Affairs Committee.

National parliaments in some member-states debate the state of democracy and the rule of law not only as these pertain domestically but also regarding the state of rule of law in other both EU and non-EU countries. These include a) the Netherlands: discussing developments in Paris, Ukraine, Israel/Gaza, Poland, Romania, Hungary, Great Britain, b) Austria: discussing the situation in Ukraine, c) Italy: discussing the state of rule of law in Syria, Libya, Bosnia Herzegovina, Syria/Turkey, Venezuela, Hong Kong, Ukraine, d) Poland: discussing rule of law issues in Great Britain, Belarus, and e) Greece: discussing the situation in Jordan and Cyprus.

Technical challenges: availability & Access to Minutes

The closer study of debates in national parliaments in Europe was met with significant technical challenges for the vast majority of cases: a) Access to the minutes for certain national Parliaments remains a challenge. While debates are scheduled and routinely take place within special committees on European Affairs, the minutes are not always made officially available or published on the website after the conclusion of political discussions. Greece and Italy are two such examples. Especially for Greece, debates may exist in video form, but they are seldom transcribed or made available as text. For Italy, access to minutes of debates on democracy and the rule of law are almost exclusively available in plenary sessions only. Relevant debates take place within the Committee on European Affairs, however, the minutes are not made officially and publicly available, as noted on the website. Debates that only exist in video form pose additional challenges associated with transcription and translation accuracy, necessitating the involvement of additional human and technical resources.

In addition, often the terms “democracy” and the “rule of law” are used in a very broad – statement opening way without any substantial discussion pertaining to the actual debate on liberal democracy. Some technical issues regarding data collection arise from highly scattered, unstructured data, making hard to identify which topics the terms “democracy” and “rule of law” fall under, such being the case of Germany. In the same line, the bilingual text format of transcripts in Belgium, in both Dutch and French within the same body of text, impedes the implementation of quantitative methods, which would have been otherwise useful in quantifying the occurrence and frequency of designated terms in the debates in question. The qualitative analysis of the speeches was also difficult, since there are no distinct sections for the different topics discussed as these relate to democracy and the rule of law. For these reasons, both the case of Germany and Belgium were excluded from the analysis, given

time considerations associated with the proposed/designated completion of the project activities. Also, given the time expended on problem-solving and exploring alternative techniques to extract data on the one hand, and the big volume of data in cases such as Austria, Poland, Romania, on the other, these cases by far exceeded the timeframe set for the completion of the objectives of the project.

Finally, another serious limitation included the nature of search machines, which often provide no option to refine results. In other cases, while the option to refine results theoretically exists, the search does not yield the commanded outputs. Hence, search results are not always correct based on the select keywords, rendering extracted data largely unreliable for proper use and analysis. This was particularly the case for Austria. In addition, search in the different languages these websites are available in often yields different results, even if it is only the translation of the original document or a different language input on the website.

The Dutch case

Research into the Dutch National Parliament appeared to be the most manageable case. That is primarily due to the organization of the website, the structure of the minutes, and the more accurate categorization of the debates under specific sections based on the different topics discussed or on the different contexts these discussions take place. This organization allows for a more targeted search, identification of related issues as well as the actual actors involved in these discussions and their political positions. The tables below depict the outline of the research into the Committee of EU Affairs, and the plenary sessions, over the last electoral cycle (17/06/2021-12/12/2023). A considerable amount of time was expended on the cleaning of the data, which led a few of these debates to be left out of the analysis as time ran short for the extra steps needed (reviews, editing) to ensure the reliability of the data, as seen in the Excel sheet containing the dataset.

Taking into consideration that debates consist of free speech which, if not always, at least often lacks structure, as members of the parliament can intervene and bring up any subject they wish to put forward for discussion, ask for clarifications, or further debate during these sessions, the task of identifying the exact excerpts in which these matters are discussed largely exceed the capacity of a single human agent. The level of complexity this type of data collection poses has been noted by other researchers in the field, who argue that crowdsourcing and the integration of artificial intelligence can offer plausible solutions for a more effective analysis of parliamentary corpora for data collection and quality control.

Crowdsourcing is the process by which large bodies of work or tasks are split and disseminated across several specialized technical human agents, which makes it the most effective, and less time-consuming approach to analyzing parliamentary discourse (Fitsilis, Mikros, 2024). Artificial intelligence (AI) presents a significant opportunity to enhance parliamentary processes. It can be utilized for tasks such as transcription, translation, document summarization, legal drafting support, and citizen communication. Some progressive parliaments are already implementing AI, with notable benefits for various parliamentary functions.

While research on AI's role in legislative drafting continues, it shows promise in analyzing large volumes of legal documents, identifying patterns, and suggesting improvements. Furthermore, AI can simplify lengthy reports and bills, improving

accessibility for lawmakers and the public (Fitsilis, et al., 2022: 9). As this project was conducted by a single human agent, the author, utilized and tested a large number of emerging digital tools and software for data collection based on artificial intelligence: Claude Ai, Google Gemini, ChatGPT, UPDF, Chat Ai. UPDF proved most helpful for the identification of the exact excerpts from the debates with a focus on democracy and the rule of law, and for the sum of designated key words. However, this process was complemented by further reviews and quality controls to ensure the reliability of the data.

The case of Netherlands presents some valuable insights into the role of national parliaments, especially the Dutch national parliament, the nature, scope, and purpose of political debate when it comes to how EU policies are perceived, debated and implemented. This separate paper focuses on debates around the rule of law as these have occurred in the context of the EU Affairs Committee and the role of political parties in exercising democratic control over their national governments and the European Union. The paper, which was first presented at the SGEU ECPR annual conference in Lisbon, 19-21 June 2024, bridges the gap in the literature on the rule of law drawing on post-functionalist theory to examine the salience of related terms as these pertain to debates taking place in the Dutch Parliament. By looking at the salience of the rule of law and the extent to which NPs in Netherlands attach importance or draw attention to it as political issue, the paper argues that the salience of the “rule of law” as a key concept in recent debates in Europe, has led to increased dissensus between political actors, primarily viewed in the context of government vs. opposition parties. Moreover, the analysis shows that the national parliament in the Netherlands appears to exercise robust democratic control towards the Government ensuring that decisions taken on the EU level are in line with Dutch national interests. The paper maps the positions of the key political parties involved in these debates and applies quantitative text analysis to gauge the occurrence and frequency of the terms related to the rule of law crisis in parliamentary debates to explain their status. For the full paper, see: “Debating the Rule of Law in the Tweede Kamer: between European values and Dutch national interests?” The tables below show the organization research, which includes the type of sessions, plenary or committee, the date, the title of debates, the search terms applied, the speakers, the specific expert, and the associated link to these debates.

Organization of the research

	EU Affairs Committee	Plenary
Timeframe	21/04/2021-25/09/2023	06/02/2020-24/03/2021
No of debates	9	12

1) Committee EU Affairs
Date
Title of the debate
Search terms: Romania (6), Poland (89), Hungary (92), European Semester (7), Rule of Law Annual Report (1), Article 7 (10), Rule of Law Framework (40), Rule of Law Conditionality (5), Rule of Law (141)
Speaker
Excerpt

Link
2) Plenary
Date
Title of the debate
Search terms: Romania (1), Poland (68), Hungary (43), European Semester (3), Rule of Law Annual Report (0), Article 7, (7) Rule of Law Framework (1), Rule of Law Conditionality (5) Rule of Law (234)
Speaker
Excerpt
Link

Discussion of the findings

The findings underscore the growing significance of digital transformation and open data initiatives in enhancing parliamentary activity and democratic governance across the European Union. This aligns with the evolving discourse on digitization, transparency, and citizen engagement as outlined in contemporary research and the EU's legislative framework, including the Open Data Directive of 2019. The Open Data Directive, which entered into force on 16 July 2019, replaced the previous 2003 Public Sector Information (PSI) Directive. It aims to increase transparency and promote fair competition within the EU internal market by facilitating the reuse of public sector information. EU member states were required to transpose the Open Data Directive into national law by 16 July 2021. The national transposition measures communicated by the member states can be found on the EU website.⁵

The process of digitalization is changing the structure of societies and how they operate. As new technologies continue to impact global functions, using certain tools to manage democratic processes will determine how politics is conducted. It goes beyond just being able to vote online with a smartphone and internet connection; instead, it involves a significant reassessment of how democracy is structured within its highest level - elected parliaments (Nestoras, 2022: v). As a result, “parliamentary data must be trustworthy, accurate, timely, and validated. When processed, they become helpful information for efficient policy debates and substantive political discourse – the true stuff of democracies” (Nestoras, 2022: v).

Parliaments, fundamental to democracy, traditionally rely on established customs, which can hinder adaptability and change. However, there's a growing acknowledgment among political leaders and parliamentarians of the need for new forms of political communication—often driven by grassroots movements and facilitated by information and communication technology (ICT). This shift suggests that political parties may not be the most effective channels for communication anymore. Parliaments face challenges in integrating these technologies, often doing so slowly and inconsistently, leading to the development of the concept of an electronic parliament or e-parliament (Fitsilis, et al.,2017: 155).

⁵ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast). Open data and democratic legitimacy
European Data Governance Act: <https://digital-strategy.ec.europa.eu/en/policies/data-governance-act>

The advancement of parliamentary traceability and transparency necessitates a significant shift from traditional data interfaces to systems that are based on evidence and visualization. Within the European Union (EU), it is essential for the information exchanged among Member States to be transparent, ensuring that this data is accessible to the public. In this framework, national parliaments have the opportunity to actively engage in formulating and overseeing the actions taken by Member States in these domains by employing evidence-based methods for parliamentary oversight (Kallipolitis, Katrakazas, 2022: 27).

Access to parliamentary data is essential for effective oversight processes and is bolstered by the Open Government Data initiative⁶. Data visualization serves as a vital technological tool that enhances the accessibility and comprehensibility of data, thereby fostering greater engagement and trust among citizens and stakeholders. Especially, “these capabilities answer to legislative openness standards and witness to the necessity for parliamentary knowledge to be made available, specifically in the context of legislation and complex documents, via technologies that provide for parliamentary visual analytics” (Kallipolitis, Katrakazas, 2022: 27).

The shift towards digitalization in parliamentary institutions primarily stems from the availability and generation of open data. While it is possible to streamline the production of open data into a standardized process, this requires significant effort and places additional demands on parliamentary administrations. This pressure arises from various challenges, including limited resources within parliaments, resistance to change internally, and inadequate or absent organizational frameworks. Furthermore, the persistent inconsistency in open data hinders a thorough understanding of parliamentary discussions. Additionally, current digital tools and research methodologies often fail to account for the unique features and qualities of parliamentary data, which means that many analytical opportunities remain untapped. Ultimately, for digital transformation to be effective, it must be integrated with a rethinking of administrative and political processes; otherwise, there is a risk that it will result in merely digitizing existing bureaucratic practices (Fitsilis, Mikros, 2022: vii).⁷

One of the challenges associated with managing data is the inevitable diversity in formats and locations of datasets that need to be processed. This issue is not unfamiliar in the context of developing information systems and platforms. In particular, while there is potential for greater automation in data processing, it is still common to require manual review, cleaning, and interpretation of data. This situation leads to capacity challenges for parliamentary administrators and their resources, which are further exacerbated by inadequate or nonexistent organizational structures (Berntzen et al., 2019, Leventis, 2022: 20). Another factor that inhibits the ability to streamline data processing is the lack of availability of open data owing to property rights, proprietary formats, and limited access; these further limit the use of linguistic annotation tools, leading to restricted interpretability of targeted data (Beck et al., 2020).

Plus, governments often lack both the resources and expertise to tackle the numerous innovative challenges that have emerged in the last decade. Effectively addressing these

⁶ Open Data Initiative: <https://opendatainitiative.github.io>

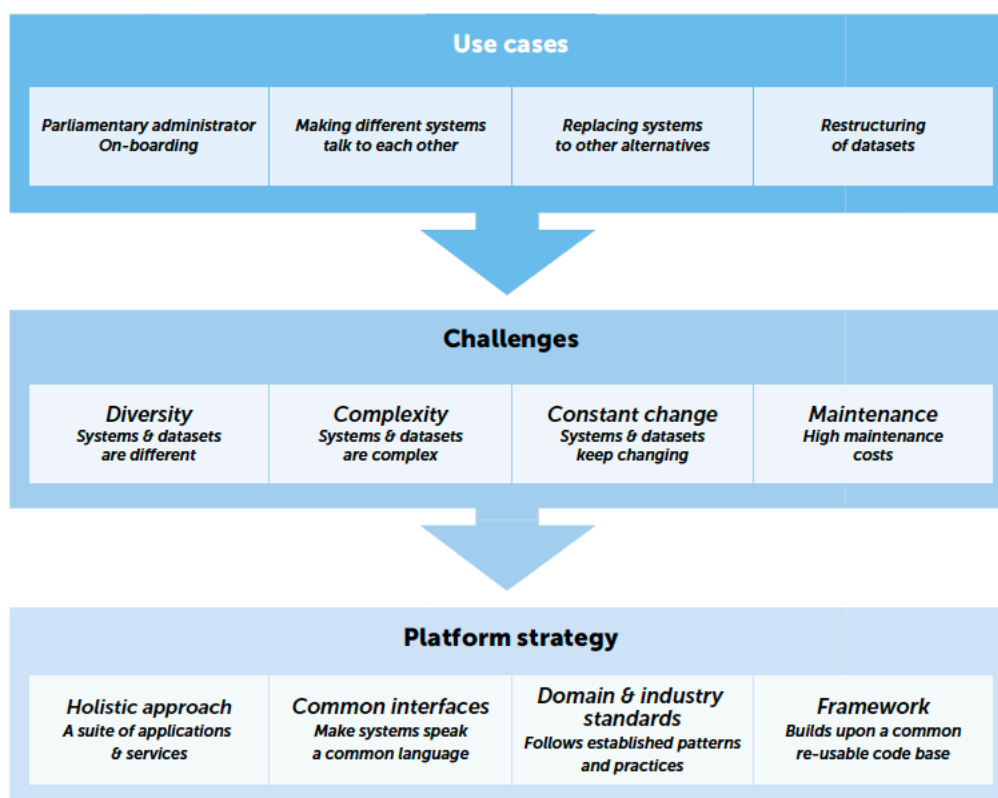
⁷ One such example is historical parliamentary texts. As Fitsilis and Mikros explain: “the importance of historical parliamentary texts cannot be neglected or underestimated, and an important area of parliamentary research is dedicated to the parliamentary history, with most scholars engaging in the study of the historical evolution of national legislatures (see, indicatively, Petrakakos, 1935–1944; Kluxen, 1983; Jones, 2012). Such studies are frequently conducted from a qualitative perspective, as structured, online access to parliamentary material continues to be a struggle for several researchers in national representative institutions” (2022: vii).

challenges requires analyzing citizens' statuses, opinions, preferences, reviews, ratings, and needs expressed on social media, while also prioritizing privacy—a key concern for data protection authorities. This situation highlights the necessity for global expertise to bridge the information gap between governments and citizens (Fitsilis et al., 2017: 155).

Policymakers, such as Members of Parliament (MPs), who engage with innovative projects primarily as users, encounter significant challenges in comprehending pilot applications and demonstration use cases. As they attempt to evaluate and integrate these innovative outcomes, they often compare them with traditional policymaking methods. However, they struggle to grasp the complex and interconnected nature of society (Fitsilis et al., 2017: 155).

Leventis provides an overview with concrete examples and cases to present the state of play of software development in the parliamentary environment, including current challenges and the possible reconfigurations needed for the optimization of existing tools. It is worth noting that some of the challenges include: the diversity of the systems and datasets, their complexity, the highly mutable nature of systems and datasets, and finally, the high cost associated with their maintenance (2022: 21). For a more analytical overview, see Figure 1, as shown in the original.

FIGURE 1: Overview of the use cases, challenges, and platform strategy



Source: Leventis, S. (2022): Software Tools and Services for the Data-Driven Parliament, in Smart Parliaments, Data-Driven Democracy, Fotios Fitsilis, George Mikros, (eds.), ELF, European Liberal Forum, Techno-Politics Series:4.

Access to information and transparency are core tenets of contemporary democratic systems. These principles, enshrined in various international declarations and treaties, direct the actions of governments and parliaments within a fully democratic governance framework to ensure the delivery of public goods and services. Additionally, they have been acknowledged as vital components of the United Nations 2030 Agenda, which aims to fulfill the Sustainable Development Goals. This is particularly relevant to Goal 16, which seeks to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and establish effective, accountable, and inclusive institutions at all levels (Kallipolitis, Katrakazas, 2022: 27).

Parliament, as a representative body of the citizens, has the duty to ensure that policymaking aligns with and meets public expectations. Additionally, it is responsible for overseeing the effective implementation and communication of established policies to the relevant communities. This oversight role encompasses three key components: providing information aimed at educating citizens, ensuring transparency through technology, promoting legislative accountability to empower individuals, parliamentary data visualization encompasses a wide array of elements that can be assessed and articulated (Kallipolitis, Katrakazas, 2022: 28).

Many scholars underline parliaments’ function as being vital for civic engagement with some of their key functions vis-avis citizens being: information, education, communication, consultation, and participation (Commonwealth Parliamentary Association, 2021). These functions enhance the core responsibilities of parliaments and bridge the gap between elected officials and the constituents they represent. Such engagement initiatives ensure that citizens feel heard, addressing growing public skepticism and negativity. A transparent and accessible parliamentary system is fundamental to a robust democracy (Ziouvelou et al., 2022: 42).

Despite the well-documented technical and methodological challenges associated with studying national parliaments in the European Union, the project would have been greatly enhanced by the adoption of a comprehensive research protocol. Such a protocol would have ensured the practicality of the research, clearly defined the recommended methods for studying national parliaments, and provided a framework for evaluating the research process. In the absence of this protocol, the researcher has drawn upon and contributed to the ongoing scholarly discourse on data-driven parliaments and the application of emerging technologies to address these challenges, as detailed in the relevant section of the research note.

Conclusion: Implications for Democracy and the Rule of Law in National Parliaments in the

The findings highlight significant implications for democracy and the rule of law in national parliaments (NPs) across the European Union. Limited accessibility to debates, minutes, and parliamentary data poses not only methodological challenges for researchers but also undermines transparency and public engagement. These barriers prevent both researchers and citizens from effectively engaging with the substance of parliamentary debates, ultimately limiting the ability to hold political parties and parliaments accountable.

Such lack of transparency contradicts the foundational purpose of national parliaments: to uphold democracy and the rule of law in an open, accessible, and accountable manner. Open data is critical for enabling evidence-based citizen participation, fostering trust, and ensuring democratic legitimacy. The capacity of citizens to access and scrutinize

parliamentary discussions is fundamental to the democratic process, and these challenges underscore the urgency of addressing data-related limitations within parliamentary systems.

To bridge these gaps, future research into national parliaments must prioritize the development and implementation of comprehensive research protocols. These protocols should serve as practical manuals for researchers, identifying case selection criteria, detailing methodologies, and anticipating challenges related to data access. By offering precise steps and alternative strategies for addressing potential obstacles, these protocols can enhance both the efficiency and feasibility of scholarly investigations into parliamentary processes.

In conclusion, addressing the barriers to parliamentary transparency and accessibility is not merely a technical or methodological concern—it is a critical step in strengthening democracy and the rule of law. Through robust data management, technological innovation, and systematic research approaches, national parliaments can better fulfill their democratic mandate, fostering a more informed and engaged citizenry while upholding the principles of transparency, accountability, and inclusivity.

Policy Recommendations

1. Streamline and Digitize Parliamentary Activities

It is imperative to harmonize the digitization of parliamentary functions across member states to create a more cohesive and efficient legislative environment. This initiative should focus on updating and standardizing parliamentary data, ensuring that all member states adhere to common guidelines. Enhancements to websites and internet infrastructure are critical, as they will facilitate better access to parliamentary information for both citizens and stakeholders. By investing in robust digital platforms, we can foster a more transparent and accountable parliamentary process.

2. Mandate Open Data for National Governments

To uphold the principles of democracy and the rule of law, it is essential for national governments to be legally required to provide open data. This mandate will empower citizens by granting them public access to vital information, which is fundamental for promoting transparency, accountability, and public scrutiny. Open data should encompass various aspects of governance, including legislative activities, spending, and decision-making processes, enabling informed civic engagement and fostering trust between citizens and their governments.

3. Digitalization of Democratic Processes

The digitalization of democratic procedures is crucial for enhancing public engagement with parliamentary activities. Parliamentary materials—such as speeches, legislative texts, and minutes of meetings—should be digitized and made freely accessible to the public. This accessibility will not only support academic research but also enable policymakers, scholars, and citizens to scrutinize and understand legislative processes better. By making these materials available online, we can encourage informed debate and empower citizens to take an active role in democracy.

4. Enhance Knowledge on Parliamentary Debates

Improving the public's understanding of national parliamentary debates is vital. This includes providing clear, concise, and accessible summaries of discussions and decisions made by political parties and individual Members of Parliament (MPs). Educational initiatives and outreach programs should be developed to better inform citizens about the legislative process, the positions of various political entities, and the implications of parliamentary decisions. By enhancing public knowledge, we can foster greater civic engagement and encourage more informed participation in democratic processes.

5. Increase EU Funding for Digital Initiatives

To strengthen the role of parliamentary research services, it is critical to allocate increased funding for research activities across the EU. This funding should focus on facilitating collaboration between academics, practitioners, and administrators to identify gaps in data access and address existing challenges related to data transparency. Support for research initiatives will lead to innovative solutions that enhance the openness of plenary sessions and committee work. Additionally, funding should be directed toward the development of tools that promote data accessibility and improve public engagement with legislative processes.

6. Foster Synergies Between Research Services and Technology

A systematic approach to cultivating partnerships between parliamentary research services and technology developers is essential for enhancing the digital landscape of parliamentary activities. By collaborating with technology firms and software developers, parliaments can create and implement innovative digital tools that facilitate transparency and accessibility. These tools should be designed to meet the needs of both parliamentary staff and the public, ensuring that all stakeholders can easily access and interact with legislative information.

7. Establish a Parliamentary Task Force

The European Commission should establish a dedicated task force aimed at providing technical support for optimizing parliamentary administrations. This task force would not only increase available resources but also focus on developing essential know-how among parliamentary employees. By implementing lifelong education programs, the task force can ensure that staff are equipped to navigate the changing digital landscape effectively. Training should cover new technologies, data management practices, and best practices for digital engagement, fostering a culture of adaptability and innovation within parliamentary institutions.

8. Promote Interoperability Among National Parliaments

Encouraging collaboration between national parliaments within the EU is vital for enhancing interoperability. By fostering communication and shared practices, parliaments can adopt standardized protocols and systems that streamline legislative processes. This collaborative effort will enable member states to share best practices and resources, ultimately leading to a more interconnected and efficient legislative framework across the EU. Interoperability will

facilitate greater cooperation on cross-border issues and enhance the overall effectiveness of the EU's legislative body.

9. Empower Citizens in Decision-Making

Strengthening the role of citizens and national parliaments in decision-making processes is crucial for addressing the EU's democratic deficit. Empowerment initiatives should focus on increasing citizen participation in legislative processes, such as public consultations, citizen assemblies, and participatory budgeting. By actively involving citizens in decision-making, we can create a more inclusive democracy that reflects the diverse perspectives and needs of the populace. This engagement not only enhances the legitimacy of legislative actions but also fosters a sense of ownership and responsibility among citizens.

10. Interdisciplinary Approach to Studying National Parliaments

The study of national parliaments requires an interdisciplinary approach that brings together experts from various fields, including political science, sociology, law, and computer science. This diverse expertise will enrich the understanding of parliamentary functions and enhance data accessibility. By fostering collaboration among scholars and practitioners, we can develop comprehensive analyses of parliamentary processes and identify innovative solutions to challenges related to transparency

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