This chapter describes the final element of the convergence of European public law around the legitimating structures and normative principles of the postwar constitutional settlement: national parliamentary scrutiny of European policy making. The chapter begins by describing the pivotal change in European public law—the vast expansion of supranational regulatory power with the Single European Act (SEA) of 1986—as well as the failure of the European Court of Justice (ECJ) to police that expansion through the subsidiarity principle in the 1990s. This policing function thus fell to the Member States themselves, and it is in that regard that national parliamentary scrutiny took on greater importance. European scrutiny mechanisms had existed in certain countries (notably Denmark and the United Kingdom) as early as the 1970s. Nevertheless, it was not until after the vast expansion of supranational regulatory power in 1986, continuing through the effort to reform the democratic foundations of integration into the 2000s, that national parliamentary scrutiny became a significant element of integration law and politics.

In the 2000s, moreover, attention to the national parliamentary role translated into significant changes in supranational law. The so-called ‘subsidiarity early-warning mechanism’ of the now-defunct Constitutional Treaty, carried over to the Treaty of Lisbon, built directly on the national developments of the prior two decades. The chapter concludes that national parliamentary scrutiny reflects both the importance of mediated legitimacy in European governance as well as its ‘polycentric’ constitutional character.