

Multi-lateral surveillance tools, international organisations and social policy reform

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Introduction

Although regulations and directives remain the main output of European integration, there has been in the last decade a sharp increase in the use of the Open Method of Coordination (OMC) at the level of the European Union (EU). OMCs consist of non-binding target-setting between national governments of the member states of the EU with the aim of starting learning processes between member states about how to respond with national policies to universal political and social challenges (Chalmers and Lodge, 2003: 17). In order to safeguard the effectiveness and input legitimacy of OMCs the learning process should be ‘open’, i.e. involving stakeholders and national parliaments. OMCs are adopted on a wide range of policy fields, but are especially prominent on social and employment policies in the EU member states. Also other international organisations adopted multilateral surveillance tools to monitor the performance of policies of their member states and exchange best and worst policy practices. One of the most prominent examples is the PISA study of the OECD on the school performance of 15-year old

pupils. For reasons of space this paper will focus on the EU and one of its most prominent examples of multilateral surveillance, i.e. the OMC.

A vast amount of research has paid attention to the impact of OMCs on national welfare state policies. Scholars by and large agree that the OMC can have an effect on the national policy making process by identifying underperformance of national policies and offering solutions that have worked in other EU member states for similar problems. However, so far scholars did only pay marginal attention to the effect of OMCs on the executive-legislature interactions in member states and the strategic aspects of these interactions. Previous research *did* show that two strategies related with the OMC are used in practice in the national parliamentary arena: i) the executive uses information from the OMC policy comparisons to *fame* the performance of its own policies and, ii) parliamentarians of opposition parties use information from the OMC policy comparisons to *shame* the performance of policies of the executive (De Ruiter 2010). These strategies are used by the executive and legislature to, respectively, de-politicize or politicize the social policy agenda of the incumbent government.

This study sheds light on the strategic and political dimensions of reforming social policy. It describes how information from policy comparisons taking place in the OMCs pensions, social inclusion, employment and education shapes the strategic interactions between the Dutch executive and legislature in the problem definition phase of the national policy making cycle. Moreover, the variation between these OMCs in their effect on the strategic interactions between the Dutch executive and legislature will be explained through a quantitative analysis of the statements on OMCs made by

members of the government and parliamentarians of opposition parties in the period 1996-2009.

The next section discusses the main characteristics of OMCs, their effect on national policy making processes, and the links between OMCs and the functioning of representative democracy at the national level. Second, the literature on the involvement of national parliaments in OMCs is reviewed and hypotheses are formulated on the variation between OMCs with regard to the faming and shaming strategies used by, respectively, the executive and legislature. Third, information is provided on the data collection, case selection, the choice for the Netherlands as a country-study, and how the data are analysed. Fourth, empirical evidence is presented on four OMCs (social inclusion, pensions, employment, education) and the related faming and shaming in the Dutch parliamentary arena. The concluding section discusses the most important empirical findings and elaborates on country differences in the use of strategies related with the four OMCs used by the executive and legislature.

The OMC: origin, effect and national parliaments

The heads of state and government of the EU member states codified the OMC in 2000 by including four elements in the Lisbon presidency conclusions, together forming the institutional infrastructure of an OMC (Council of the European Union 2000). The complete infrastructure consists of i) guidelines, ii) indicators and benchmarks, iii) reporting via National Action Plans (NAPs), and iv) peer learning groups. In subsequent years these four elements came to function as a template for implementing OMCs on

various policy fields related with the Lisbon strategy; i.e. social inclusion, pensions, health care, education, research and development and internet policy. Due to the use of this template, national governments play the central role in all OMCs; they approve by qualified majority in the Council the guidelines, indicators and benchmarks on which the different national policies are scored, and formulate NAPs in which it is specified how they plan to improve their policies. The respective European Commission DGs and experts of national ministries identify the factors that cause a national policy to perform best and review the NAPs and policies of the member states in peer learning groups. After the multilateral surveillance of national policies, the Commission and the Council draw up a joint report in which a summary is given of the progress made in each member state towards the objectives and what its best practices are.

Despite the non-binding character of OMCs, research showed that the OMC can have an indirect effect on national policy making processes in the member states through a (re-)framing of issues. Several elements of the OMC – i.e. guidelines, country-specific recommendations, indicators and benchmarks – can frame a condition into a problem, and persuade domestic policy-makers to construct their proposals within the framework set by the OMC (López-Santana, 2006). This framework is not an uncontroversial definition of sound policies but substantively affects the redistributive outcomes of policies, often even before policies are discussed with stakeholders and parliaments at the national level (Tsakatika, 2007: 550; Kröger, 2007: 658; Duina and Raunio, 2007: 502; Buchs, 2008a; Buchs, 2008b; Heidenreich and Bischoff, 2008).

Several scholars indicated that there is a strong need to involve parliamentarians at the national level in OMCs. First, the architects of the OMC made ‘openness’ one of

the defining characteristics of the method in order to ensure the input legitimacy of the OMC and, accordingly, included in the institutional design the promise to involve stakeholders and national parliaments (Buch, 2008b). Emphasis was put again on this promise in 2005 and 2006 with the relaunch of the Lisbon strategy, which aimed at increasing the national ownership of OMCs (Zeitlin, 2008). To increase this ownership parliamentarians at the national level need to make use of OMCs. Second, the OMC can only be an effective method when governments are held to account for the underperformance of national policies that are under multilateral surveillance by the OMC. Without the use by parliamentarians of country-specific information from OMCs to assess national policies, there are no actors that can formally hold the executive accountable for the performance of national policies in cross-national policy comparisons. As a result, the pressure on government to adjust its policies in case of underperformance would be reduced, marginalizing OMCs to a talking shop. Third, OMCs can provide parliamentarians with information about the relative performance of national policies of the incumbent government¹. Through the use of this country-specific information from OMCs by parliamentarians they can exercise a more informed control over the policy choices of the government against reduced costs of information collection.

The few existing studies on the involvement of national parliaments in OMCs conclude that, first, parliamentarians are not interested in following OMC processes

¹ The number of parliamentarians that can potentially make use of the OMC in this way is limited. In practice, political parties assign one or a few parliamentarians to a policy dossier to focus on in their scrutiny of the activities of members of government. These parliamentarians are members of specialized committees in which most parliamentary work is done and are important players in their party for determining what the strategy of the entire party will be in its interaction with the government, and ultimately, how to vote on proposals for legislation.

because judge their impact on the national policy making process as marginal (Duina and Raunio, 2007: 298-299). Second, it is claimed that parliamentarians are not able to scrutinize OMCs. Unlike normal EU legislation, the OMC does not have a clear beginning or end, or rules guiding the behaviour of actors. This makes the OMC hard to follow (Raunio, 2006). Third, studies showed that national executives prevent parliamentarians from making use of country-specific information from OMCs. In all OMCs representatives of national governments are involved in drawing up NAPs and joint reports, and participate in peer learning groups at the EU level. As a result, information on the performance of policies in the OMC policy comparisons becomes concentrated in the executive branch, outside of the control of parliamentarians (Raunio, 2006; Benz, 2007). Anecdotal evidence suggests that national governments did not provide information on the functioning and substance of OMCs to parliamentarians, and used this knowledge gap to prevent information on the bad performance of national policies voiced at the EU level to become known among parliamentarians (Jacobsson, 2005: 123; Visser 2005: 199-200; Tsakatika, 2007).

In sum, the anecdotal evidence presented in most studies hints at a marginal influence of OMCs on the strategic interaction between executives and legislatures. However, there are no *systematic* empirical studies of the executive-legislature interactions at the member state level and most studies only look at the OMC employment (a.k.a. the European Employment Strategy). This justifies an in-depth study of the executive-legislature interactions across OMCs.

Executive-legislature interactions and the visibility of methods of open coordination

The need identified in the previous section for a systematic empirical study of executive-legislative interactions related with OMCs is addressed in this paper through attention for two strategies that were identified in a previous study, i.e. i) the faming by members of the Dutch government of the performance of their own policies with the use of information from OMCs, and ii) the shaming by Dutch parliamentarians from opposition parties of the performance of policies of the incumbent government with the use of information from OMCs (De Ruiter 2010).

These strategies can be viewed as ways for the incumbent governments and parliamentarians of opposition parties to, respectively de-politicize or politicize the social policy agenda at the national level in the problem definition phase of the national policy cycle. The actors use different strategies to achieve office-seeking and/or policy-seeking goals². Governments use information from OMCs in their interaction with parliamentarians at the national level to fame their own policy performance, create obstacles for policy reform and neutralize parliamentary opposition to its policies (De Ruiter 2010). By stating that there is no need for reform because of the outstanding performance of national social policies in international comparisons, the government aims to create a credible image of being an effective government that deserves another term in office (i.e. office-seeking), and is able to implement policies that are judged effective by the Commission and fellow EU member states (policy-seeking).

² Vote-seeking strategies are less relevant to consider in this context because the OMC functions outside of the view of the media or the public (Meyer 2005). This makes the OMC and the related interactions between political parties in parliament and ministers of the incumbent government very much policy-focused.

Parliamentarians of opposition parties can use information from OMCs when the Commission and the Council indicate in their joint reports that improvements can be made at the national level. By criticizing the performance of social policies of the incumbent government, the opposition in parliament shows that they distance themselves from the incumbent government, have viable alternative policies and, hence, are able to take over from the incumbent government after elections (office-seeking). Moreover, by emphasizing the bad performance of policies of the incumbent government with the use of information from OMCs, the opposition politicizes the social policy agenda of the incumbent government and creates fertile ground for policy change in the future (policy-seeking).

It is claimed in this study that these strategies are related with a set of variables that determines the visibility of OMCs. These variables are expected to account for the variation between OMCs in the use of country-specific information by the government and parliamentarians to, respectively, fame or shame the performance of national policies. The variables on the visibility of OMCs will now be introduced.

First, OMCs differ in their degree of infrastructural development, i.e. the presence/absence of guidelines, indicators, benchmarks, reporting requirements, and peer learning activities. Several authors claim that NAPs, joint reports, benchmarks and ranking of the policy performance of member states, allow actors at the national level to acquire information on the performance of policies (Duina and Oliver, 2005: 498; Benz, 2007: 518). Hence, it can be expected that when the infrastructure of an OMC is developed, it is able to generate information on the performance of national policies. This allows the government to report on the functioning of OMCs to parliamentarians, and is

likely to increase opportunities for the government and parliamentarians to, respectively, fame or shame the performance of national policies.

Second, several OMCs are adopted on policy fields on which there was already policy activity at the EU level before the OMC process started. Examples are the Erasmus programme on the education field and provisions with regard to working conditions on the employment field. When an OMC is adopted on a policy field on which there was already EU level activity previous to the adoption, parliamentarians are likely to gain knowledge on the existence and functioning of related OMCs through scrutinizing the previous activities on the EU level on this policy field. Next to the higher receptiveness of parliamentarians for OMCs applied to policy fields on which there was already EU level activity, also members of government are likely to focus on OMCs adopted on policy fields on which they are used to cooperate with other member states in an EU context.

Third, because the EU treaties play a central role in the European integration process and the scrutiny exercised by national parliaments, it can be expected that OMCs with a treaty base are receiving more attention by the government and parliamentarians than OMCs without a treaty base. This is expected to increase the faming and shaming of national policies through information from the OMC.

Fourth, the length of the period an OMC is in existence is an indication for the stability of the process. The more stable the process, the more the government needs to inform parliamentarians on what is happening at the EU level, and the higher the chance governments internalize these OMCs and use information from the policy comparisons to fame the performance of their own policies. Moreover, the longer an OMC exists the

more likely parliamentarians know about this policy tool and the more use they will make of the country-specific information generated by these OMCs to shame the performance of policies of the incumbent government.

Fifth, scholars claim that information on the performance of policies in the OMC policy comparisons becomes concentrated in the executive branch due to the involvement of government representatives in drawing up NAPs and joint reports, and their participation in peer learning groups at the EU level (Raunio, 2006; Benz, 2007). In order to secure involvement of national parliaments it is crucial to inform parliamentarians of the developments taking place at the EU level in the context of OMCs. In other words, parliamentarians of opposition parties can only use information from OMCs to shame the performance of the social policies of the incumbent government, when this government provides information to parliamentarians on the substance and functioning of OMCs.

The five variables introduced in this section influence the visibility of OMCs for actors at the national level and are expected to explain the variation between OMCs in the use of the two strategies identified earlier, i.e. faming and shaming. A summary of the various claims introduced in this section can be found in table 1.

Table 1: Hypotheses on interactions between the executive and legislature related with OMCs

1. Faming by the government	2. Shaming by parliamentarians
1a. The more developed the infrastructure of an OMC is, the more a government uses information from the OMC to fame the performance of its own policies.	2a. The more developed the infrastructure of an OMC is, the more parliamentarians use information from the OMC to shame the performance of policies of the incumbent government.
1b. A government uses more information from an OMC with a treaty base to fame the performance of its own policies than from an OMC without a treaty base.	2b. Parliamentarians use more information from an OMC with a treaty base to shame the performance of policies of the incumbent government than from an OMC without a treaty base.
1c. The longer an OMC is in existence at the EU level, the more members of government make use of information from this OMC to fame their own policies than from an OMC that is fewer years in existence.	2c. The longer an OMC is in existence at the EU level, the more parliamentarians make use of information from this OMC to shame the policies of the incumbent government than from an OMC that is fewer years in existence.
1d. A government uses more information from an OMC adopted on a policy field on which there was already policy activity at the EU level to fame the performance of its own policies, than from an OMC adopted on a policy field on which there was no previous policy activity at the EU level.	2d. Parliamentarians use more information from an OMC adopted on a policy field on which there was already policy activity at the EU level to shame the performance of policies of the incumbent government, than from an OMC adopted on a policy field on which there was no previous policy activity at the EU level.
	2e. The more information the government provides on the substance and functioning of an OMC, the more parliamentarians are making use of information from this OMC to criticize the policies of the incumbent government, than from an OMC on which the government provides less information.

Data, cases, methods

This study focuses on OMCs that are explicitly labeled by the European Commission and the Council as such, are touching directly and indirectly upon national welfare state arrangements, and are in existence for more than five years; i.e. the OMC employment, OMC social inclusion, OMC pensions, and OMC education. Multilateral surveillance tools that were in practice never developed as OMCs or only very recently introduced were excluded from the analysis.

The choice for a single country study is based on the necessity identified after reviewing the literature to account for the variation between OMCs in the use of faming and shaming by, respectively, governments and parliamentarians. Hence, it is necessary to hold country differences constant. Although this can be achieved by selecting one country for study, the selection of a country becomes crucial. The Netherlands is chosen as country study because takes a middle position on several aspects that are likely to matter for the strategic interactions between the government and parliamentarians, resulting in a general picture of how OMCs shape the interactions between the executive and legislature at the level of EU member states. The middle position of the Netherlands vis-à-vis other EU member states is due to the size of the country, the attitude of politicians towards international organisations, and the strength of the parliamentary scrutiny exercised by the Dutch national parliament over EU affairs. The Netherlands is a medium-sized EU member states with an open attitude to international organisations, but also with a recent rise in euroskepticism. Also the Dutch parliament takes in a middle position in the EU. The role of national parliaments in the multi-level EU structure has led scholars to classify national parliaments on the scrutiny rights parliamentarians can exercise over the EU policy making process. Within these classifications the Dutch parliament takes in a middle position, with parliamentarians exercising their scrutiny rights over a small portion of the total body of EU legislation and at the same time wishing to avoid confrontations with the government (Maurer and Wessels, 2001; Hoetjes, 2001; Kiiver, 2006; Tans, 2007).

The involvement of the Dutch Upper and Lower House is measured through coding parliamentary documents such as letters of ministers to parliament, minutes of

plenary debates and public committee meetings, questions of parliamentarians and answers of the ministers, and policy documents discussed in parliament. Documents for coding were selected through using search strings including references to the European Union, the policy field on which an OMC is adopted, the OMC as such, and elements of the OMC and its output (i.e. indicators, benchmarks, National Action Plans, National Reform Programmes, joint reports and peer learning activities). The documents were obtained from a database which provides access to all documents related with the plenary and committee debates of the Dutch parliament (parlando.sdu.nl/cgi/login/anonymous).

The parliamentary documents are coded along the lines of three categories, i.e. i) the information provision of the government on the functioning and substance of OMCs to parliamentarians (see hypothesis 2e in table 1), ii) the faming by the government of its own policies with the use of information from OMCs and iii) the shaming of policies of the incumbent government by parliamentarians of opposition parties with the use of information from OMCs. Each category is measured by the number of statements made per six months (January-June; July-December) by members of government or parliamentarians of opposition parties in relationship with OMCs in the period 1996/1999-2009. See for an overview of the aggregate coding results table 2.

Table 2: Statements made in the Dutch Upper and Lower House in 1996-2009 (OMC employment) and 1999-2009 (OMCs social inclusion, pensions, education).

	<i>Information on OMC provided by government</i>	<i>Faming by government</i>	<i>Shaming by parliamentarians</i>
OMC employment	241	42	57
OMC social inclusion	124	17	11
OMC pensions	83	25	10
OMC education	109	29	43
Total	557	113	121

The analysis of the data proceeds in two steps. First, OMCs that are adopted on policy fields that are touching *directly* upon welfare state arrangements are analysed. These are the OMCs social inclusion, pensions and employment. Second, because the OMC education is indirectly touching upon many labour market and social inclusion issues, this OMC is included in a second step of the analysis. The OMC education touches upon the inclusion of the population in life long learning programmes aimed at improving the fit between demand and supply on the labour market and focuses on early school leavers in the context of social exclusion of children with a particular social and ethnic background. By comparing the OMCs on the social inclusion, employment and pensions fields with the OMC education it becomes clear what is particular to the policy fields that are directly related with welfare state arrangements at the national level.

The other independent variables of this study are measured in the following way. Through the study of Commission and Council documents and the National Action Plans drawn up by the Dutch government, insights are obtained on the infrastructural development of OMCs, the treaty base of OMCs, and the length of the period OMCs are in existence. The development of the infrastructure of OMCs is measured through assigning a point for each half year in which guidelines, indicators/benchmarks, reporting requirements, and peer learning activities are adopted in an OMC. A dummy variable is created to measure the presence (1)/absence (0) of a treaty base for an OMC. The length of the period OMCs are in existence is measured through assigning a point for each year since the launch of an OMC. The EU level activity previous to the adoption of OMCs is assessed through a review of the secondary literature on the policy fields on which an

OMC is adopted. A dummy variable is created to measure the presence (1)/absence (0) of previous EU level activity on a policy field. In table 3 an overview is given of the scores on four of the five variables related with the visibility of OMCs in 2003 and 2007.

Table 3. Four OMCs and their visibility in 2003 and 2007

	<i>OMC employment</i>		<i>OMC social inclusion</i>		<i>OMC education</i>		<i>OMC pensions</i>	
	2003	2007	2003	2007	2003	2007	2003	2007
Infrastructural development	Guidelines; indicators/benchmarks; reporting; peer learning activities	Guidelines; indicators/benchmarks; reporting; peer learning activities	Objectives; indicators/benchmarks; reporting; peer learning activities	Objectives; indicators/benchmarks; reporting; peer learning activities	Objectives; indicators/benchmarks	Objectives; indicators/benchmarks; reporting; peer learning activities	Objectives; indicators/benchmarks; reporting; peer learning activities	Objectives; indicators/benchmarks; reporting; peer learning activities
Treaty base	Yes	Yes	No	No	No	No	No	No
Period in existence	1996-2003	1996-2007	2000-2003	2000-2007	2000-2003	2000-2007	2000-2003	2000-2007
EU level activity	Yes	Yes	No	No	Yes	Yes	No	No

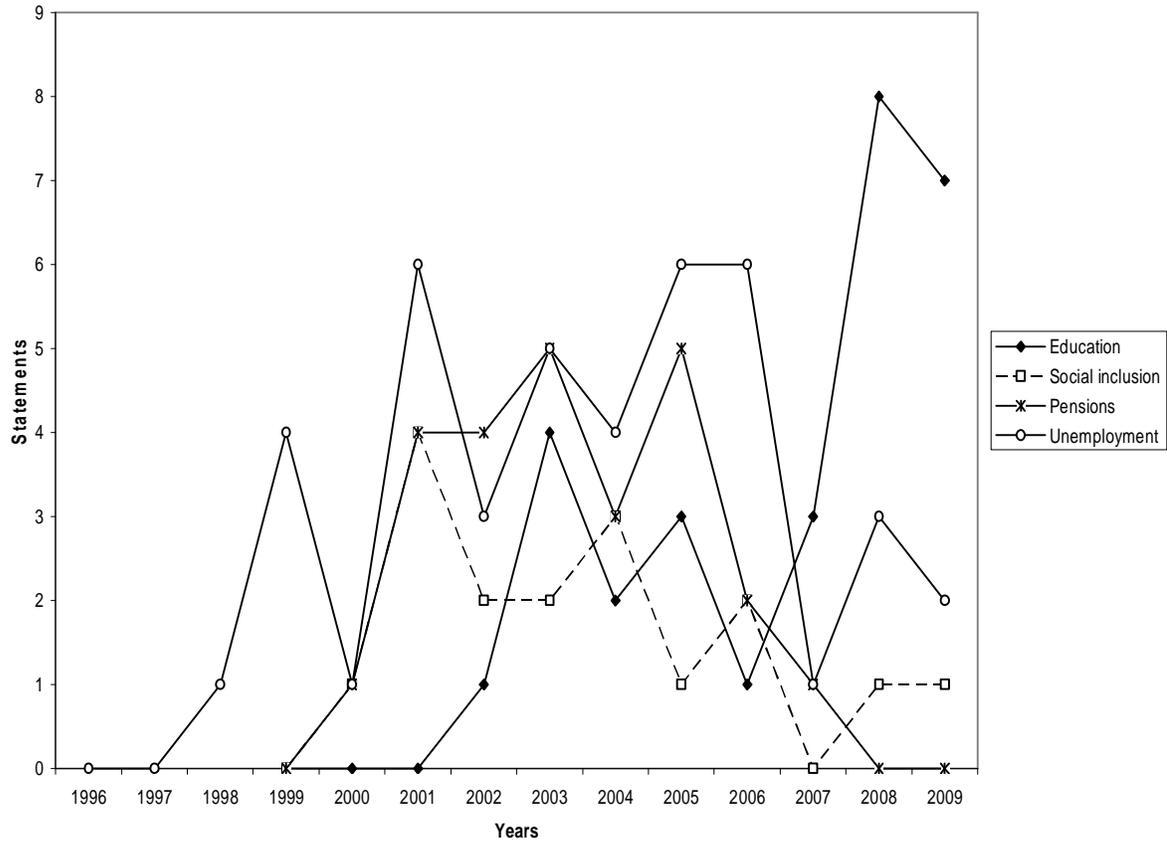
Two control variables were included in the analysis: the political orientation of the minister responsible for the policy field on which an OMC is adopted (0 = left (PvdA); 1 = centre (CDA, D'66); 2 = right (VVD) and whether there was a change in government in a six months period (0 = no change; 1 = change). In order to control for the series' past, the dependent variable is included in each analysis with a time-lag of half a year.

Results

Faming

The Dutch government uses information from the OMC policy comparisons to fame its own policies when the Commission and the Council are positive in their joint reports on the performance of Dutch welfare state policies. Positive points that are mentioned in the joint reports and are communicated by Dutch governments to parliamentarians, are the low unemployment rate and the high participation of the population on the labour market measured in *persons*. In the context of the OMC social inclusion the Dutch government refers to the positive comments of the Commission and the Council on the Dutch activation policies to get people out of social exclusion and into a job, and efforts made to close the digital divide. In the context of the OMC pensions positive remarks are made about the attention of Dutch policymakers for the ageing of the population, the prevention of early retirement of the older workforce, and the financially sound basis for the Dutch pension system.

Figure 1. Faming by members of government in the Netherlands 1996-2009



A striking observation from figure 1 is the sharp decrease in faming with the use of information from the OMCs pensions, social inclusion and employment after 2005. This decrease took place after these OMCs were restructured, resulting in less reporting requirements for member states. When the streamlining of the OMCs was on the agenda of the Council in 2004, some member states expressed the fear that the lighter reporting requirements would result in less information rich reports on the performance of national welfare state policies. This fear materialized and had as a consequence less opportunity for the Dutch government to fame its own performance with the use of information from the OMC employment, OMC social inclusion, and OMC pensions. The OMC education did not get such a restructuring of its infrastructure, resulting in more detailed country

reports on the performance of Dutch education policies. In the last two years the Dutch government paid attention to the excellent performance of Dutch education policies on the OMC benchmark for life long learning.

Table 4. Explaining faming strategies by the incumbent government³

	Model 1	Model 2	Model 3	Model 4
Development infrastructure OMC	.109 (.174)		.172 (.172)	
Treaty base for OMC	2.385*** (.742)	1.606*** (.388)	-.252 (.465)	
Years OMC in existence	-.231*** (.086)	-.194** (.075)	.043 (.069)	
EU level activity	-.835 (.640)		.681* (.380)	.540* (.310)
Political orientation responsible Minister	1.115* (.629)	1.368*** (.511)	-.662** (.288)	-.509* (.270)
Change of government	.014 (.419)		.292 (.398)	
Lagged variable faming	-.069 (.125)		.217** (.108)	.301*** (.100)
Constant	1.105** (.456)	.898*** (.261)	.412 (.468)	1.053*** (.321)
N	68	71	89	89
F-test	2.729**	6.232***	3.773***	7.022***
Adjusted R-squared	.151	.181	.179	.169

At first glance, the faming of the performance of social policies by members of the government with the use of information from the OMC can be explained by three variables (see table 4, model 2). First, members of government fame their own policies more with the use of information of an OMC with a treaty base. However, when we include the OMC education in the analysis (model 4) it shows that the presence of a treaty base is not a necessary condition for high faming. The OMC education does not

³ *p<0.10, **p<0.05; ***p<0.01. OLS-regression models. Standard errors are shown in parentheses. Dependent variable in model 1 and 2 is the ‘number of statements by the government to fame its own policies’. In model 1 the following OMCs are included: employment, social inclusion, pensions. In model 2 the following OMCs are included: employment, social inclusion, pensions, education.

have a treaty base but the government makes abundant use of this OMC to fame its own policy performance. Second, when we only look at the OMCs adopted on the employment, social inclusion and pensions fields (model 2), it can be concluded that the longer an OMC is in existence, the less members of the government use information from this OMC to fame the performance of their own social policies. Every 5 years an OMC is longer in existence, leads on average to a decrease of 1 statement by members of the government to fame the policy performance of their own policies. This confirms the trend we observed in figure 1 for these OMCs. It seems that the restructuring of the social inclusion, pensions and employment OMCs in later years (from 2005 onwards) led to less information rich joint reports from which the government could use information to fame its own policies. When the OMC education is included in the model – an OMC that was not part of the restructuring process – the coefficient of this variable turns positive and insignificant (see model 4). A third finding is not related with the hypotheses formulated earlier, but is indicative for the strong political character of faming strategies. From the analysis of the OMCs adopted on the social inclusion, pensions and employment fields – of which left wing parties are traditionally the issue owners – it shows that the political orientation of the incumbent minister is strongly related with the amount of faming by this same minister (see model 2). The more right-wing the minister is, the more this minister uses information from OMCs directly related with national welfare state arrangements to fame the policies of the incumbent government. A right-wing minister is making on average almost three more faming statements every half year on the performance of welfare state policies of the incumbent government than a left-wing minister. It is possible that right-wing ministers try to show to the opposition parties in

government that their policies do not lead – as the left wing opposition parties in parliament would expect – to less effective welfare state policies. This finding only applies to the social inclusion, pensions and employment OMCs.

Another remarkable finding of the analysis with the OMC education included, is the role of EU level activities before the OMC was adopted on a policy field (see model 4). Only on the employment and education fields there were already policy initiatives before the OMC was adopted. When the OMC education is included in the analysis the coefficient for this variable turns positive and significant. This means that information from OMCs that are adopted on policy fields on which there was already EU level activity are more used by governments to fame their own policies than OMCs adopted on policy fields on which there is no previous EU level activity. On policy fields on which there were policy initiatives at the EU level before the OMC adoption, the governments make on average 1 more faming statement every year than on policy fields without previous EU level activity.

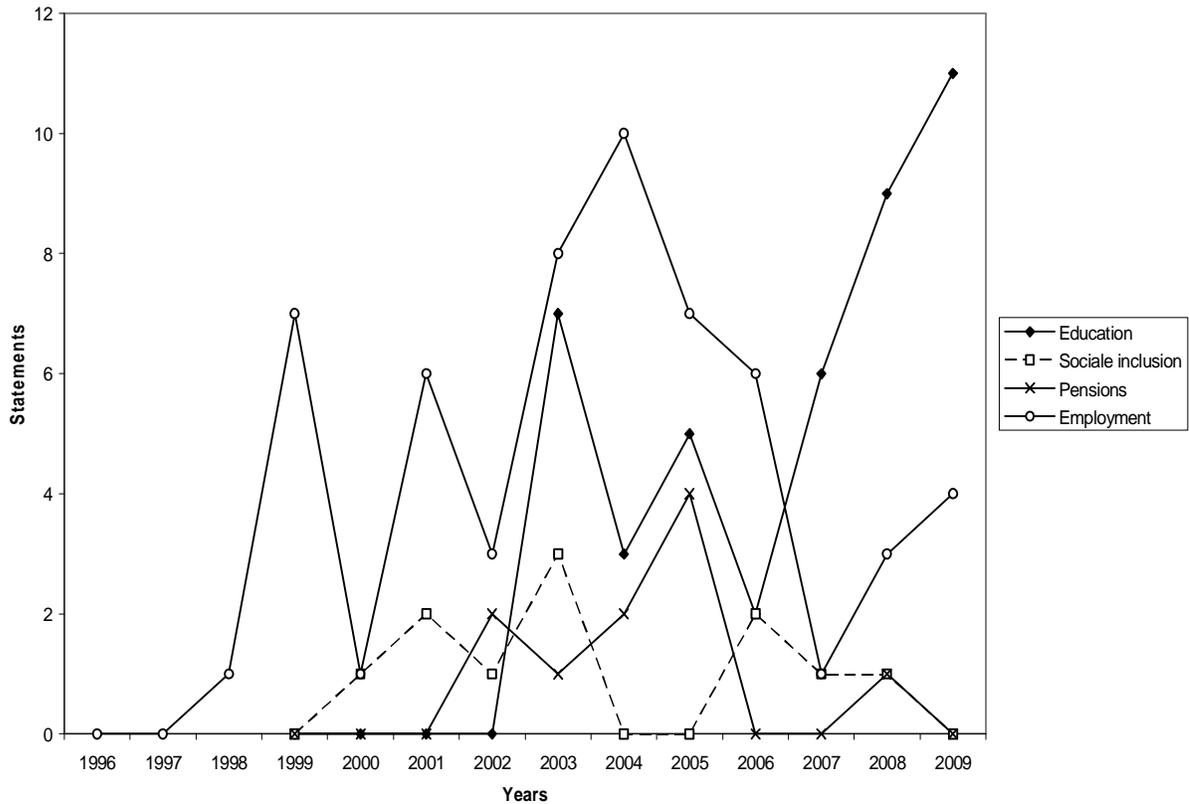
Table 5. Assessment hypotheses on faming by the government

1. Faming by the government	Analysis social inclusion, pensions, employment	Analysis social inclusion, pensions, employment, education
1a. The more developed the infrastructure of an OMC is, the more a government uses information from the OMC to fame the performance of its own policies.	-	-
1b. A government uses more information from an OMC with a treaty base to fame the performance of its own policies than from an OMC without a treaty base.	+	-
1c. The longer an OMC is in existence at the EU level, the more members of government make use of information from this OMC to fame their own policies than from an OMC that is fewer years in existence.	-	-
1d. A government uses more information from an OMC adopted on a policy field on which there was already policy activity at the EU level to fame the performance of its own policies, than from an OMC adopted on a policy field on which there was no previous policy activity at the EU level.	-	+

Shaming by parliamentarians of opposition parties

From figure 2 it becomes clear that there is a large variation between OMCs with regard to the use of information by parliamentarians to criticize the performance of welfare state policies of the incumbent government. The use of information to shame government policies is marginal for the OMC social inclusion and OMC pensions. Dutch policies are scoring rather well on these two policy domains compared to other member states. The decrease in shaming after 2005 can again be explained by the changes in the infrastructure of the OMC. This restructuring resulted in less information on the performance of the policies of the incumbent government in the joint reports of the Commission and the Council and had a downward effect on the shaming by parliamentarians of opposition parties.

Figure 2. Shaming by parliamentarians in the Netherlands 1996-2009



Before 2005 the OMC employment is the most used OMC by parliamentarians to criticize the policies of the incumbent government. These high shaming scores can be explained by the publication of extensive joint reports until 2005. This provided parliamentarians with abundant information to criticize the policies of the Dutch government. A detailed study of the peaks in shaming statements in figure 2 (1999, 2001, en 2003-2004) shows that information for the OMC employment is used by (center) left-wing opposition parties (PvdA, SP, Groen Links) in debates taking place in parliamentary committees with the minister for employment and social affairs. The topics discussed were the participation on the labour market measured in hours, back to work schemes, and earning power between man and women. The rising shaming scores in figure 2 for the OMC education are striking. These recent peaks in shaming can be explained by

attention for the poor performance of Dutch policies on the OMC benchmark with regard to early school leavers.

Table 6. Explaining shaming strategies by parliamentarians in opposition⁴

	Model 1	Model 2	Model 3	Model 4
Information provision on OMC by government	.117** (.047)	.117*** (.043)	.204*** (.044)	.197*** (.034)
Development infrastructure OMC	.017 (.187)		.125 (.176)	
Treaty base for OMC	2.544*** (.871)	2.589*** (.573)	-.554 (.485)	
Years OMC in existence	-.190** (.094)	-.187** (.085)	.114 (.071)	
EU level activity	.049 (.668)		1.257*** (.397)	1.083*** (.310)
Political orientation responsible Minister	1.905*** (.667)	1.910*** (.549)	.106 (.319)	
Change of government	-.013 (.441)		.074 (.404)	
Lagged variable shaming	-.235** (.115)	-.233** (.111)	.012 (.099)	
Constant	-.376 (.550)	-.340 (.451)	- 1.599*** (.538)	-.448 (.271)
N	68	68	89	93
F-test	7.748***	13.011***	8.666***	29.557***
Adjusted R-squared	.443	.469	.408	.380

The shaming of policies of the incumbent government with the use of information from the OMCs social inclusion, pensions and employment by parliamentarians of opposition parties is related with several of the variables that determine the visibility of OMCs (see

⁴ *p<0.10, **p<0.05; ***p<0.01. OLS-regression models. Standard errors are shown in parentheses. Dependent variable in model 1 and 2 is the 'number of statements by parliamentarians of opposition parties to shame the policies of the incumbent government'. In model 1 the following OMCs are included: employment, social inclusion, pensions. In model 2 the following OMCs are included: employment, social inclusion, pensions, education.

table 6). First, the more information is provided by the government on the substance and functioning of OMCs, the more parliamentarians use information from OMCs to criticize the policies of the incumbent government. An increase of 9 statements per half year by the government with regard to the substance of OMCs leads to an increase of 1 shaming statement by parliamentarians of opposition parties (see model 2). After including the OMC education in the analysis this variable is still significant and positively correlated with the amount of shaming by parliamentarians of opposition parties.

Second, from model 2 it seems that parliamentarians make more use of information from OMCs with a treaty base (i.e. the EES) than from OMCs without a treaty base (i.e. social inclusion, pensions). However, when we include the OMC education in the analysis the correlation turns negative and insignificant. From this it can be concluded that the presence of a treaty base is not a necessary condition for shaming by parliamentarians.

Third, the longer the OMCs social inclusion, pensions and employment are in existence, the less use is made of information from these OMCs by parliamentarians to shame the performance of the welfare state policies of the incumbent government (see model 2). For every 5 years an OMC with regard to social inclusion, pensions and employment policy is longer in existence, parliamentarians make on average 1 shaming statement less on the performance of social policies of the incumbent government. Again, this outcome is related with the changes in the reporting requirements in these OMCs, which led to less information that could be used by parliamentarians to criticize policies of the incumbent government.

A fourth outcome that is interesting to report on does not touch upon one of the hypotheses on shaming. From model 2 it can be concluded that the more right wing a minister is, the more use parliamentarians of the opposition make of information from the OMCs social inclusion, pensions and employment to criticize the government on the performance of their social policies; right-wing ministers are shamed twice as much than left-wing ministers by parliamentarians of opposition parties. This finding is related with the fact that one of the left-wing parties has been structurally in opposition (the *Socialistische Partij*) and has been criticizing the social policy agenda of center-right governments throughout the years. Model 4 (i.e. with the OMC education included in the analysis) indicates that this is specific for the social inclusion, pensions and employment policies.

When the OMC education is included in the analysis, the variable with regard to the previous EU level activity turns significant. This means that information from OMCs that are adopted on policy fields on which there was already EU level activity previous to the adoption of the OMC, are more used by parliamentarians of opposition parties to shame the policies of the incumbent government than OMCs adopted on policy fields on which there was no previous EU level activity. On policy fields on which there were policy initiatives before the OMC adoption, parliamentarians made on average 1 more shaming statement every half year than on policy fields without previous EU level activity.

Table 7. Assessment hypotheses on shaming by parliamentarians in opposition

2. Shaming by parliamentarians	Analysis social inclusion, pensions, employment	Analysis social inclusion, pensions, employment, education
2a. The more developed the infrastructure of an OMC is, the more parliamentarians use information from the OMC to shame the performance of policies of the incumbent government.	-	-
2b. Parliamentarians use more information from an OMC with a treaty base to shame the performance of policies of the incumbent government than from an OMC without a treaty base.	+	-
2c. The longer an OMC is in existence at the EU level, the more parliamentarians make use of information from this OMC to shame the policies of the incumbent government than from an OMC that is fewer years in existence.	-	-
2d. Parliamentarians use more information from an OMC adopted on a policy field on which there was already policy activity at the EU level to shame the performance of policies of the incumbent government, than from an OMC adopted on a policy field on which there was no previous policy activity at the EU level.	-	+
2e. The more information the government provides on the substance and functioning of an OMC, the more parliamentarians are making use of information from this OMC to criticize the policies of the incumbent government, than from an OMC on which the government provides less information.	+	+

Conclusion

The results of the quantitative and qualitative analysis of the data indicates that the way OMCs are structured is crucial for the strategies the incumbent government and parliamentarians of opposition parties can use. The lighter reporting requirements for the OMCs on social inclusion, pensions and employment fields lowered the reporting burden for member state governments, but also led to less information from OMCs that could be used for faming and shaming of national policies by the executive or legislature. This finding raises several interesting questions. Did representatives of national governments propose lighter reporting requirements in the OMCs social inclusion, pensions and

employment in order to prevent the use of information from OMCs by parliamentarians in opposition parties? Or was the wish to reduce the burden of reporting more important to come to this decision? It seems that functional reasons and not strategic considerations of governments are underlying the decision to restructure OMCs. An indirect indication for this is that the Dutch government reported consistently throughout the years on the functioning and substance of OMCs without withholding information, even when EU reports were published in which criticism was voiced on Dutch policies. Hence, the Dutch government has a cooperative attitude towards parliament.

A second interesting finding is that the more information is provided by the government on the substance and functioning of OMCs, the more parliamentarians use information from OMCs to criticize the policies of the incumbent government (see hypothesis 2e). Hence, the government needs to share information on the functioning and substance of OMCs in order to secure the involvement in OMCs of parliamentarians of opposition parties. This leads to a trade-off: when members of national governments provide information to parliamentarians on EU level decisions with regard to OMCs, they respect criteria for democratic governance – i.e. transparency of decision making and accountability for decisions – but are also opening themselves up to criticism by parliamentarians of opposition parties. However, in practice the Dutch government continues to provide information on the OMCs to parliamentarians, despite the risk of providing parliamentarians of opposition parties with the information necessary to shame the policy performance of the incumbent government.

The focus in this paper was on the problem definition phase of the national policy making cycle, with the government trying to push forward its social policy agenda, and

the opposition in parliament raising other issues in order to change this agenda. The government uses information from the OMC to confirm the right course of its social policy agenda by referring to its national policies as best practices identified by the Commission and independent experts. This form of depoliticization is balanced by attempts of parliamentarians in opposition parties to re-politicize the social policy agenda of the government by using information from OMCs to criticize the policy choices made. Perhaps strikingly, the government does not react to this politicization by using 'Brussels' as a scapegoat. The Dutch government consistently treats the advice coming from the Commission as independent and authoritative, even when it is negative about the government policies. This can be clearly seen in the case of the OMC education and early school leavers. The poor performance of Dutch policies on the OMC benchmark on early school leavers is treated by all Dutch governments as an uncontested point of departure for policy changes at the national level. By taking on board the criticism of the Commission, this information from the OMC cannot be fully used by parliamentarians of opposition parties to criticize the policies of the incumbent government, and can be seen as another instance of a depoliticization strategy by the government.

The analysis of the Dutch parliamentary arena provides a general picture of the use of faming and shaming strategies at the member state level, but cannot be easily generalized to *all* EU member states. It can be expected that the variation in the use of information from OMCs by parliamentarians is dependent on the type of democratic system in a country (De Ruiter 2010). In a majoritarian model such as that of the United Kingdom (UK), the one-party government of the day has an assured majority among members of parliament and can rely on getting all of its legislation through. Because of

this executive dominance, the role of the opposition parties in parliament in the Westminster majoritarian system is to criticize the government rather than work together to arrive at better legislation (Gallagher et. al. 2000). At first glance one would expect on this basis an extensive use by opposition parties of information from the OMC to criticize the performance of policies of the incumbent government. However, because of the crucial role of the executive to ensure the use of OMCs by parliamentarians through providing them with information on the functioning and substance of OMCs, and the rather unresponsive attitude of the executive to the legislature in a majoritarian system, it is highly unlikely that parliamentarians in a majoritarian system will be sufficiently informed on the OMC to be able to use the information it generates to shame the policies of the incumbent government (De Ruiter 2010). In a consensus model of democracy (e.g. the Netherlands) governments consist of multiple parties, have a genuine give-and-take relationship with parliament and try to find broad consensus for their plans (Gallagher et. al. 2000; Hague and Harrop 2001; Tans 2007). This less confrontational attitude between the government and parliamentarians reduces the chance that the government is using the OMC strategically to prevent information on the underperformance of policies to gain presence among parliamentarians, and increases the possibility that information on substance and functioning of the OMC is provided by the government to parliamentarians of opposition parties (De Ruiter 2010). In sum, next to variation between OMCs in the use of information by governments and parliamentarians to, respectively, fame and shame national policies, there is also variation between member states that needs to be accounted for.

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