

Centre for European Studies (CES)

University of Twente
The Netherlands

CES Working Paper

No. 5/04

RONALD L. HOLZHACKER

Parliamentary Scrutiny in The Netherlands over EU Issues

<www.bbt.utwente.nl/ces>

© 2004. All rights reserved.
No part of this paper may be reproduced in any form
without permission of the author.

Parliamentary Scrutiny in The Netherlands over EU Issues

RONALD L. HOLZHACKER

Assistant Professor in the Department of Political Science, Centre for European Studies, University of Twente, and Fellow at University College Utrecht. He also serves as Director of the European Research Colloquium of the Netherlands Institute of Government (*R.L.Holz hacker@utwente.nl*)

1. Introduction

This article concerns national parliamentary scrutiny over European Union matters in the Netherlands and is based on interviews with members of parliament serving on the European Affairs Committee of the *Tweede Kamer*. The article discusses parliamentary - government relations over EU matters, and then examines the goals and methods of governing and opposition party groups when overseeing the government. The governing parties in the Netherlands scrutinize the government's position in order to be sure the compromise in the cabinet sufficiently protects the party's interests. Although the Dutch governing parties normally support the government, a 'floating coalition' occasionally emerges with ruling parties working with parts of the opposition to amend a proposal toward their own preferences. The opposition parties, outside of the extraordinary opportunities to work with the governing parties described above, find they are able to express their views in the European Affairs Committee but find it difficult to see concrete evidence of their influence.

The EU is transforming the function and power of the Dutch parliament as an institution, and in the way its principal actors, the governing and opposition parliamentary party groups, interact with each other and the government. Commentators for years have bemoaned the democratic deficit that exists in the European Union (EU). Pointing a finger at the supranational institutions of the EU, critics complain about the excessive number of decisions made by civil servants in Brussels' bureaucratic labyrinth, the lack of accountability of the European Commission to elected officials and the ineffectiveness of the European Parliament in overseeing and legitimizing decisions. Most observers thus agree that the EU and the member states face a democratic deficit, which is eroding the tradition of parliamentary democracy in Europe and undermining the sense of representativeness and legitimacy in the political system. Yet many of the most important and far-reaching decisions are increasingly made within the intergovernmental institutions of the EU: the European Council and the Council of Ministers. It is in these institutions that the prime ministers (or heads of state) and other cabinet ministers gather to stake out their positions and negotiate with their counterparts from other member states. The process of decision-making in the member states preceding these meetings may be subject to scrutiny by the national parliaments. Here is where the Dutch parliament has begun to act to redress the democratic deficit within the national decision-making process over EU issues. How does this work in the Netherlands and how has this changed both parliamentary – executive relations in the country and the interaction of parties in parliament?

2. Europeanization

A new wave of empirical research is interested in how the EU has impacted the member states and the underlying causal mechanisms for the process of Europeanization (See Cowles, Risse, and Carporaso 2001; Featherstone and Radaelli 2003; Goetz and Hix 2001, Holz hacker and Haverland, forthcoming).¹ A relatively clear understanding of the direct and most visible effects of the EU has

¹ There are many different usages of the term Europeanisation (for overviews, see Eising 2002, Olsen 2002, Radaelli 2002). Europeanisation is here broadly defined as the effect of European integration on the member states. European integration is characterised by two interrelated processes "the delegation of policy competencies

emerged from this research. The EU impacts the member states directly by imposing a European policy on the member states to which the member states have to adapt. Another direct effect concerns the establishment of an administrative infrastructure in the member states, in the national capitals as well as in offices in Brussels, to deal with European affairs. But relatively underexplored however are effects that are by definition indirect, for instance on democratic input processes such as cleavages, parties, and patterns of democratic legitimization (Hix and Goetz 2000: 15).

National parliaments, and the interaction between governing and opposition political parties within these institutions, are central to the system of democratic representation and legitimacy in the member states. In the existing research on parliamentary - government relations over EU matters, empirical analysis of the main strategic actors within parliament - the political parties - is often lacking. Political parties are the premier mass-elite linkage institutions in parliamentary democracies, connecting the object of voter choice in periodic elections to the decision-making processes of government and ultimately to public policies.

The establishment of a new set of institutions at the European level with legislative, executive and judicial powers, provides actors with a new layer of access to political decision making. The EU creates new exit, veto, and informational opportunities for domestic actors and therefore changes the national opportunity structure for exerting political influence (Börzel and Risse 2003; Hix and Goetz 2002; Knill and Lehmkuhl 2002). In this paper, we are interested in how the Dutch parliament has adapted to the evolving system of multi-level governance in the EU and the member states (see Hooghe and Marks).

The emergence of multi-level forms of governance in the EU has influenced the national parliaments of the member states in two fundamental ways. First, increasing proportions of sovereign decision-making in important policy areas are being transferred to the EU level, decreasing the independent decision-making capability of the nation-state. Second, to the extent that the authority that has been transferred to the EU resides in the European Council or the Council of Ministers, there has been a transfer of decision-making authority from the parliamentary level to the member states' executives. The power to reach decisions in policy areas that have traditionally been vested in national parliaments now rests in part either in the supranational decision-making institutions of the EU or in national governments when they vote in the intergovernmental decision-making institutions of the EU.

3. Parliamentary Scrutiny

Representation and legitimacy of government decision-making emerges in the first instance from parliament – the body directly elected by the people in periodic, competitive, elections. It is not sufficient that a parliament installs a government at the beginning of the term or holds the ultimate power to dissolve government. Representation and legitimacy demands an on-going, continual role for parliament. Traditional concepts of executive – legislative relations emphasize two formal powers of parliament: 1) installing a government after an election and powers of dissolution, and 2) law making powers. But parliamentary oversight and scrutiny over government decision-making is becoming an increasingly important power of parliaments and an object of growing research (Bergman 1997; Esaiasson and Heider 2000; Fitzmaurice 1996; Holzacker 2002; Judge 1995; Katz and Wessels 1999; Norton 1996; Raunio 1999; Maurer and Wessels 2001).

One of the reasons for national parliamentary scrutiny being so important for increasing the legitimacy and participation in the process of European decision-making is that it is the primary institutional source for receiving input from opposition parties. In the Council of Ministers, only governments – elected from governing parties – are represented and participate in setting European policy. Yet traditional democratic structures normally allow some opportunity for opposition parties to discuss and debate laws and policies set by the government. It is important that the voice of opposition parties is heard at the national level, because their voice is non-existent or weak within the EU institutions themselves.

to the supranational level to achieve particular policy outcomes; and the establishment of a new set of political institutions; with executive, legislative and judicial powers”(Hix and Goetz, 2000: 3).

Involvement by parliament in the decision-making processes of national governments contributes to the democratization of the entire multi-level governance system of the EU. It means that a part of the decision-making process moves from the civil servants in the ministries and closed cabinet meetings to a wider circle of representatives of both governing and opposition party groups. Opening the decision-making process may at a minimum bring involvement of members of parliament (MPs) with a specialized interest in a particular topic, a smattering of interest groups and the stakeholder interested in an issue. But at other times it may bring entire party groups, a wide range of competing interest groups and media attention to carry the debate to the wider public for discussion and consideration. These processes reduce the democratic deficit in the EU and the member states, improve representation and increase a sense of democratic legitimacy among the European electorates in the evolving system of governance.

Parliamentary scrutiny is the exercise of power by the legislative branch to control, influence, or monitor government decision-making. These three terms refer to varying degrees of influence that parliament may have over the government. Dahl defines the term 'influence' as 'a relation among actors such that the wants, desires, preferences or intentions of one or more actors affect the actions, or predisposition to act, of one or more other actors' (Dahl, 1989: 32). Dahl further states that this influence may be either 'manifest', in which parliament explicitly acts to achieve a given outcome, or 'implicit', in which parliament is successful in achieving a given outcome without taking any overt action because a government may act in anticipation of reactions from parliament.

Parliaments and party groups have a variety of ways in which they attempt to control and monitor governmental decision-making on EU issues. Parliamentary scrutiny of government decision-making over EU issues may occur publicly within the formal institutions of parliament, or in a process more likely to be away from the public eye, within the party groups. Parliaments' formal institutional tools to attempt to control, influence, or monitor the government may be grouped into three main types: (1) committee deliberations, (2) parliamentary questioning, (3) plenum debate. These types of discussions and deliberations usually occur in full view of the public. Party groups often have their own informal rules, procedures and conventions for privately controlling and monitoring the government, away from the public eye. These tools may be grouped into four main types: (1) consultation by individual policy experts in a party group with government ministers or officials, (2) party group committees or working group deliberations (organized by policy area, usually parallel to the formal committee structure), (3) full party group deliberations and (4) going public, raising issues for public discussion. Each of these opportunities for raising and discussing issues, either privately within the parliamentary party group or publicly, must be considered to evaluate the full efforts of a parliament and its party groups to control, influence, or monitor government decision-making over EU matters. Existing research has begun to document the differing responses of national parliaments to the evolving system of European governance (Norton, 1996; Rometsch and Wessels, 1996).

Governing party groups are concerned with the stability and maintenance of their government during a parliamentary period and the party's re-election at the end of the period. Opposition party groups also have an incentive to attempt to control and monitor their government's decision-making over important issues. These party groups may be successful at pushing government policy closer to their own preferences, they may destabilize the government and bring about early elections, or they may make points with the electorate that could be beneficial to the party during the next election. Indeed, a government's perceived degree of accountability rests to a great extent on the ability of competing parties publicly to criticize governmental decisions during a parliamentary term and during the election campaign.

Although party groups are organizations with an internal dynamic between ambitious individual MPs, they are treated as unitary actors for the purposes of this research. The party groups are able to maintain cohesion owing to powerful constraints and incentives on the individual MPs that are necessary for the electoral success of the party and the MPs (see Laver and Schofield, 1990; Cox and McCubbins, 1993; Müller and Strøm, 1999).

4. Parliamentary–government relations

It is important to place parliamentary scrutiny over EU issues into the broader context of relations between parliament and government. The interactions between MPs and government ministers are commonly analysed under the rubric of ‘executive-legislative’ relations or ‘parliamentary-government relations’, a term more appropriate for parliamentary democracies. Traditionally, whereas government and parliament are viewed as two different constitutional bodies (a perspective referred to as ‘dualism’), governing party groups and the government have been seen as essentially one entity (a perspective referred to as ‘monism’). But increasingly scholars have begun to develop a richer view of the variations in interactions between parliament and government (for example, Polsby, 1975; Steffani, 1981; Davidson and Oleszek, 1985). Indeed, a whole range of interactions between individual MPs and governing and opposition party groups and between parliament and government ministers is possible.

Anthony King has created a typology of executive-legislative relations (King, 1976), which others have also applied to specific countries (Germany - Saalfeld, 1990; Netherlands - Andeweg, 1992; Austria - Müller, 1993). Here, a modification of King’s typology proposed by Döring (1995) is presented, setting out three basic types of parliament-government relations: a non-party mode, an inter-party mode and a cross-party mode.

Non-party mode: members of ‘the’ government interact with members of ‘the’ parliament. This mode conforms to the two-body image, and relations between the two are viewed in terms of the fulfilment of their constitutional roles.

Inter-party mode: ministers and MPs from one party interact with ministers and MPs from another party group. Here, parliament is seen as the arena in which the ideological competition between political parties occurs. Within this mode, three sub-modes can be distinguished:

(a) Intra-coalition mode: in cases of multi-party government, ministers and MPs from one governing party interact with ministers and MPs from another governing party group.

(b) Opposition mode: ministers and MPs belonging to the governing party groups interact with MPs of opposition parliamentary parties.

(c) ‘Floating coalition’ mode: MPs belonging to a governing party interact with MPs from one or more opposition party groups in order to influence or amend a government proposal.

Cross-party mode: ministers and MPs interact on the basis of cross-party interests. Here, parliament is seen as a marketplace in which sectoral interests, which supersede party boundaries, are traded.

When engaged in parliamentary scrutiny, the goals of party groups vary by the mode of parliamentary-government relations. There are times when parliamentary-government relations involving parliamentary scrutiny over EU matters may function in a non-party mode. Parliaments act as a whole at times to press their right for timely information concerning decision-making over EU matters.² In these cases, parliament acts as an institution in a non-party mode to define and defend what it perceives are its rightful constitutional powers within the democratic system of government in the country.

There may also be examples of parliamentary scrutiny over EU matters taking on the character of the cross-party mode. Here, MPs from various party groups unite to press a government minister to consider sectoral or geographical interests of the MPs. However, although such cross-party activity may be successful at influencing government, it usually occurs through channels other than the exercise of the formal powers of parliament. The formal exercise of parliamentary power across party lines poses a severe threat to the cohesiveness of party groups and to the stability of governments in parliamentary systems.

Most of the interactions between parliament and government occur in the inter-party mode. Inter-party issues are those in which the goals of governing and opposition party groups vis-à-vis the government diverge along party lines. Here, distinctions may be drawn between the various party groups’ goals in engaging in parliamentary scrutiny on a given issue, whether to protect and defend

the government (intra-coalition mode), oppose the government (opposition mode), or persuade and bargain with other party groups to modify a government proposal ('floating coalition' mode).

5. Scrutiny in the Dutch *Tweede Kamer*

The EAC of the *Tweede Kamer* in the Netherlands meets as a whole two or three times a month in an open meeting with the prime minister, the minister for foreign affairs, or the state secretary for foreign affairs. In the committee, the agenda of upcoming meetings of the European Council, the General Affairs Council and the Justice and Home Affairs Council are discussed. The other configurations of the Council of Ministers, such as economic affairs, transport, finance, or social affairs, are discussed with the relevant minister in a joint committee format. Meetings are held both before the Council meetings to discuss the agenda and also afterwards to judge the outcome of the negotiations. Formally, these meetings are listed on the parliamentary agenda as a joint meeting of the EAC and a given specialized policy committee (for example, economic, environment, agriculture). Typically, however, the meeting is attended by a single MP – the party spokesperson on the issue area – from each of the major parties. In practical terms the meeting may be considered a form of joint subcommittee between the EAC and the policy committee.

6. Institutional Considerations

Thus, whereas the institutional set-up of the oversight role of parliament appears advantageous because of overlapping membership onto the EAC, in practice this benefit is lost. Overlapping membership on the ERC is a way of bringing diverse expertise to the committee, which broadens and strengthens its knowledge and allows the committee to understand the implications of policy in one area and prepared by one ministry, with other policy areas. Overlapping membership also allows knowledge learned about the EU and its operation from service on the European affairs committee to be used when the member of parliament is acting on another committee. A system of overlapping membership both focuses a diverse expertise on the committee, and it distributes expertise on the EU to the other committees of parliament, thus involving larger parts of the parliament in the process of scrutiny when necessary. This institutional feature clearly strengthens the power of parliament vis a vis the government. It is especially important to opposition parties because such parties typically have fewer members than the governing parties and the opposition parties cannot rely on government expertise to inform them of the policy and political implications of EU proposals.

Thus the membership of the EAC in the Netherlands has a form which at first glance appears to be overlapping membership, but the advantages of structuring the institution in this way are eviscerated by normally meeting to perform scrutiny in what is technically a joint meeting of the EAC and a specialized policy committee, but its reality usually consists of only one person appearing from each party who serves on the committee and the specific policy committee which routinely oversees a particular ministry. The whole committee normally only meets to scrutinize the Foreign Minister, Finance Minister, and the Prime Minister.

The extent that other committees in parliament also discuss EU matters and upcoming business on the Council of Ministers agenda is another indicator of the parliamentary power of opposition parties. It allows a specialized committee to consider matters arising for the government at the EU level, in terms of the committee's own institutional expertise of the policy area. Thus, the involvement of other committees proceeds even further than a system of overlapping membership, but allows the full institutional competency of the specialized committee to analyze EU matters, increasing parliamentary power as a result. Because the voice of opposition parties is often heard more in committee than in the plenum, institutional arrangements which bring EU decision-making in the member state to the specialized committees strengthens the power of opposition parties.

At times the specialized committees in the Netherlands will pick up issues that become particularly salient to a committee or a political party by interest group activity or through media

attention. This has been most apparent in the environmental committees, but also increasingly in justice and home affairs committees because of the increasing saliency of decision making in this area. Furthermore, the Commerce committee will address EU issues at times, although the great bulk of the measures to create the Single Market have now been completed. Finally, there are times when the foreign relations committee assert themselves, refusing to allow the EAC complete domination to scrutinize decision making toward the EU. These committees especially discuss development in the EU's second pillar (Common Foreign and Security Policy) and also during periods when treaty changes are being actively discussed.

The relationship between the governing parties and government in setting the parliamentary agenda is an indicator of parliamentary power which greatly impacts opposition parties as well. Strong parliaments give voice to both governing and opposition parties. Here the question is, how much power do the governing parties have to set the agenda in parliament, and how much power does the government have? Here one sees a progression from governing parties where the power of the parliamentary power group is fused with government power (giving governing parties great power to set the parliamentary agenda because their power is fused with that of the power of the government), to systems where one sees a separation of powers and thus a competition to set the agenda, to systems where the agenda is clearly set by government and enforced through a whip system in parliament.

In Netherlands, with a coalition government typically consisting of two relatively equal parties and one smaller one, the government also needs to consult frequently with parliament to make sure that it maintains these broad coalitions. There have been times when portions of the parties within the governing coalition will threaten to temporarily defect and side with an opposition party to bring a policy proposal closer to their own party's view, and away from the politically mixed bag coalition (at the time of this research, prior to the recent two elections) combining labour (PvdA) and conservative liberal (VVD) parties, with a smaller social liberal party (D66). This need, and the traditions of consensus decision making within Dutch political culture, results in some fusion of power with the government to set the agenda in parliament.

The power of opposition parties to have a voice in determining the parliamentary agenda is very important in holding the government accountable and challenging the government with policy alternatives, in ways the governing parties may be unable or unwilling to do. As such, they play an essential role in a democratic system, and make sure that alternative views in society are heard during government decision-making. Although differences in the formal rights of opposition parties are apparent between various parliaments, for example how much time they are given to determine the agenda in the plenum or their ability to place oral or written questions to challenge the government, their greatest power emerges when the governing parties need the support of opposition parties in support of their own aims. So for example, opposition parties in countries with a minority government have a great deal of power because the governing parties need their support to pass legislation or to effectively scrutinize the government and give government a mandate for negotiation. In countries with coalition governments, occasionally a governing party will temporarily side with an opposition party to bring government policy closer to its own preferences, thus giving opposition parties' power in the system.

The power of the Dutch opposition parties to set the agenda emerges not only from formal rights of the opposition parties which all these parliaments enshrine in their procedural rules, but also from their occasional ability to get one of the governing parties to temporarily defect and amend the government proposal closer to their own preferences. A governing party will not do this if the coalition agreement between the parties has spoken on this matter, but many EU issues are not envisioned at the start of a government's term and are thus not part of the written coalition agreement. Thus, at times a proposal of the government, which has emerged from a compromise from this politically mixed bag coalition, will be modified by either the Green-Left Alliance opposition party encouraging the governing PvdA party to temporarily defect from the coalition, and bring policy more to the left. Similarly, at times the Christian democratic party (CDA) has been successful at getting the VVD to defect on issues and bring policy more to the right. This occurred a number of times during the government under consideration here, with the Green-Left Alliance party bringing environmental policy

closer to its preferences, and the CDA bringing policy toward agriculture closer to its preferences. Normally, the temporarily defecting governing parties try to accomplish this without voting against a formal proposal of the government, so these actions are discussed during preliminary discussions between government and parliament or perhaps in a resolution on an issue to the government, which is less binding than passing a law.

The final criteria for judging the parliamentary power of opposition parties to scrutinize the government is the distribution of power within the parliamentary party groups in the parliament. A system which both organizes the parliamentary party members to discuss and act collectively in their committee work, and when necessary to share information and build consensus in meetings of the entire parliamentary party group, combines the advantages of specialization and expertise with the power of the entire parliamentary party. This system increases the power of parliament vis a vis the government, by allowing members of parliament to approach or surpass (by having knowledge of activities across different policy areas by different ministries) the expertise of the ministries, and then rallying the rest of the parliamentary party group around this position to add the power of numbers.

In the Netherlands, this formal system of concentrating control and oversight, and then channeling and dissemination through the parliamentary party is only partially developed. In the Netherlands, normally the party spokesperson on a given issue area is given authority to decide on behalf of the party which position the party should take on a given EU matter. Thus a single person may often decide, instead of a special working group of the parliamentary party of those serving on the EAC.

6. Goals and Methods of Parties when Scrutinizing the Government over EU Matters

The research presented here focuses on the strategies – the goals and methods - that party groups use in their attempt to oversee the government. The idea is to analyse the interactions between governing coalition parties and opposition parties, the *fracties* of the Dutch *Tweede Kamer*, and the differing coalition dynamics that occasionally emerge when scrutinizing the government's EU activities. The prime source of information for this examination comes from in-depth personal interviews with members of the parliament (MPs) serving on their parliament's EAC in February 2000. Additional interviews were carried out with MPs serving on one of two specialized policy committees, the economic and the environmental committees, which may also deal with EU issues at times. If an MP was unavailable, an interview with a senior policy adviser to the MP or party group was conducted.¹

6.1 Governing Parties

The goals of the governing parties in the Netherlands are to protect their party's interest in the government compromise, more than to protect the government as a whole. For example, the governing parties in the *Tweede Kamer* do not normally attempt to find a common position on issues on the agenda of the Council of Ministers. On issues where there is some political controversy, a party spokesperson for a given issue area may have to reach agreement within their own *fractie*, but this is not normally done with the other parties in the coalition. For example, a VVD MP serving on the economics committee said:

"I sometimes discuss issues beforehand in my *fractie* when there is a political problem and I am not sure that my colleagues have the same opinion. We have a political debate until we are able to tell the minister that we have agreed on a liberal opinion. It's possible that a minister expresses the opinion of the government in Brussels and some [governing] political parties do not agree with that. Dualism makes it possible that the VVD [in parliament] may say that we do not agree with the minister of economic affairs, who is a member of the VVD. Most of the time we do agree, but sometimes we do not."

Even though the governing parties feel free to scrutinize ministers from their own party in public, they take special care to ensure that government ministers from other governing parties toe the line. For example, a PvdA MP serving on the EAC said:

“It is not our first objective to bring down our own party-member ministers, but that does not mean we wouldn’t ever refute him. But the tendency is to be more critical towards the ministers of the other coalition partners than towards our own ministers. This is done to preserve the party interest. . . . the heaviest tensions and contradictions exist between the biggest coalition partners, especially between the PvdA and the VVD. This struggle is partly fought in parliament and partly fought in the government.”

If a governing party in the coalition is unhappy with a government compromise, the party may try to find partners in the opposition who support their position in order to change government policy. For example, when asked whether D66 occasionally works with the Green Left or other opposition parties to move a government proposal closer to their own point of view, a D66 MP responded:

“Sometimes you choose your allies, of course foremost within the government fractions, depending on the subject - on the left side or you look for the support of the CDA. You always try to influence government policy, which is the role of the parliamentary fraction.”

When the plenum openly discusses these matters, there are limits to how far this behaviour is acceptable. The D66 MP said the party feels free to speak in the plenum in a variety of situations:

“[To express] a critical judgement of the government’s position, including the prime minister’s in a [European] Council meeting, to make a judgement on what Europe has achieved, when there is bad publicity about the Commission or Council, when there is a feeling that the Council has missed chances, or has not properly addressed pressing issues – I feel free to address the government; of course I am bound by some coalition discipline, I cannot go too far.”

On what kinds of issues does the parliament have the most say? A member of one of the governing parties, a VVD MP serving on the EAC, said:

“It depends on the political sensitivity of the subject. Thus, on some issues we hardly care. But if you talk about an IGC [Intergovernmental Conference], about changing institutions in Brussels, or very sensitive political issues like BSE . . . then parliament takes a position which makes the government really aware that they cannot go out to Brussels and negotiate something without listening to parliament.”

6.2 Opposition parties

The Dutch opposition parties express frustration about their lack of information on European matters. A CDA policy adviser on European issues said:

“They have much more access to information, far earlier in the process; a lot of times we are completely surprised by what they know. We try to have our ways of knowing things.”

Opposition parties attempt to use alternative sources of information regarding EU issues because they cannot depend on the government so much. This information may come from interest groups in Brussels or from members of their party in the European Parliament. A policy adviser to the Green Left party responded that he talks to people from the environmental movement and to the speaker for the Greens in the European Parliament.

The opposition parties also complain that debate and scrutiny are very splintered and diffuse. With so many points of view, the minister may be required to listen; yet they doubt that this has much impact. The policy adviser to the Green Left pointed out that,

“at committee meetings, you can speak for maybe 10 minutes and make two or three points. But then the PvdA has three other points, the CDA has three other points, and the VVD . . . anyway. You end up with 10 priorities from the different factions. When the minister has to answer, he just runs through them in the last 10 minutes of the meeting. There is no time to ask a second question, or to interrupt, or to really have a debate. There are just certain answers, and then the meeting is over.”

In order to overcome this problem, the policy adviser’s strategy is to build up a coalition:

“[I] try to contact my colleagues in the PvdA, for example, then maybe we take the same priorities in meetings. Because at these meetings, on those issues, we do not compete for voters, because they do not see it anyway. We try to work together if possible.”

When ministers returns from a Council meeting in Brussels, they report back to one of the configurations of the EAC and a policy committee on the course of the negotiations and the final outcome. The CDA policy adviser said:

“It will come as no surprise that the opposition does this more often than the fracties of the government. We try to be critical and follow developments closely. A lot of the subjects are not just dealt with during one Council meeting. There is a margin of influence which the parliament can have; if the government parties will agree with us, then it will be a reason for the government to change their policy a bit. But we can also go to the extreme, of filing for plenary debate.”

When asked about an example of opposition parties being able to influence policy developments in this way, the CDA policy adviser pointed out that his party closely works with others on European social policy and on justice and home affairs: ‘we have the opportunity to get our views across in certain policy fields.’ There are also examples of this ‘floating coalition’ behaviour occurring more publicly in the plenum. But how often does it get to the point of successfully passing a resolution in the plenum? The CDA policy adviser said that this occurs only once or twice a year. In his view, it is similarly exceptional that a ‘floating coalition’ is able to pass a resolution in the plenum.

7. Discussion

The Dutch *Tweede Kamer* has established an EAC that draws on the expertise and knowledge of its specialized policy committees. However, the institutional structure of the Dutch EAC fails to ensure a unified parliamentary voice on European issues because it rarely meets as a single committee. The Dutch committee fractures the power of a unified group by meeting often not as a committee of the whole, but formally in a joint meeting with the relevant policy committee. In practice, this meeting consists not of everyone serving on the two committees but of a representative from each party, who serves on both committees. This means that there are very specialized members of the Dutch parliament, usually one member from each of the larger party groups, who deal with European issues in a specific policy area (for example, economics or agriculture). These people, however, have less opportunity to gain an overview of all the EU issues confronting the government. This diminishes the power of the parliament to present a unified voice on European issues to the government.

The relationship between the governing and opposition party groups in the Netherlands is important here. The governing coalition in existence during this research (and which continued until the 2002 parliamentary elections) consisted of the Labour Party (PvdA), the Liberal Party (VVD) and the Democrats ’66 (D66). The parties in opposition were the Christian Democratic Appeal (CDA), a party with a long tradition of being in the government coalition, as well as the Green Left (GL), the Socialist Party (SP) and a grouping of small Christian parties. What is rather unusual for a parliamentary democracy is that different coalitions emerged occasionally (although rarely) to offer resolutions as an attempt to influence government policy.

In terms of the three basic types of parliament-government relations, according to King's typology, the Dutch parliament most often behaves as an inter-party arena. Parliamentary party group discipline is strong, so normally the interaction within the parliament can be analysed in terms of the interaction occurring between the party groups, not among individual MPs. However, the behaviour of the Dutch party groups is unusual in that some activity is seen outside the traditional sub-modes of inter-party bargaining, the intra-coalition and opposition modes.

A limited amount of activity in the Dutch parliament under study here consists of interactions between different combinations of governing and opposition party groups, which are able temporarily to coalesce to pass an amendment to a bill offered by the government or to pass a resolution on a particular issue. This is possible without apparently threatening the stability of the coalition in government. Normally, this does not happen when the coalition parties have already reached agreement and compromise on an issue and this appears in the coalition agreement (*regeerakkoord*) entered into by the parties after the election. But on issues not dealt with in this agreement, including many European issues, some of the governing parties feel free at times to form temporary alliances with opposition parties in order to modify the government's proposal. This has happened during the government in question here over environmental issues, when opposition parties on the left successfully moved government policy closer to their own position. In August 2001, opposition parties on the right successfully influenced the government to move a piece of agricultural legislation closer to their own position. This must be considered a separate mode of inter-party behaviour in King's typology, labelled here a 'floating coalition' mode.

Members reported that the biggest clashes between the party groups in parliament occurred not between the governing party groups and those in opposition, but between the VVD and PvdA. This means that the government might be considering proposing a policy based upon support from the ministers representing the different governing party groups, but the policy is at times subsequently influenced by a different coalition of party groups. The left in the Dutch parliament had exactly half the votes (MPs from the SP, GL, PvdA and D66), so that a coalition of party groups on the left could at times influence government policy or pass a resolution not supported by the government. This of course created tensions within the governing coalition, because in such cases the PvdA in parliament is supporting an issue that had been agreed to with the VVD by the ministers in government.

Once again, this kind of unfaithfulness would not be tolerated in situations where the coalition agreement between the PvdA, VVD and D66 explicitly mentioned the issue. A breach in the voting behaviour of the party groups on these issues would certainly be grounds for the government to lose the confidence and support of the parliament for its continued existence. But measures seen as not explicitly discussed in the coalition agreement are open to new coalitions temporarily forming to support an amendment or parliamentary resolution. EU issues are often not regulated in the coalition agreement, because it is difficult to foresee these issues before the agreement is signed at the start of the legislative period.

The Dutch governing parties place emphasis on protecting their own party's interests within the coalition. With three parties in the government under study here, and with no party being clearly dominant in parliament, each party in the coalition scrutinizes a proposal to see if their own party's interest or viewpoint is being sufficiently protected in the compromise that was reached in the cabinet. Because of the occasional unfaithfulness of the party groups in the governing coalition, a 'floating coalition' can emerge in which opposition party groups may be temporarily successful in attracting support for their point of view from one of the governing party groups. They may then be able to pass an amendment or resolution to push government policy towards the party's preferences. They pursue this goal by publicly or privately persuading other party groups to modify the government's proposal.

In some other parliaments, the German one for example, the system of European scrutiny is characterized by greater centralization and channelling of the power emanating from its party groups, which begins in the parties' working groups. There they reach an internal party position, which is then asserted in a single EAC, with clear roles among loyal coalition partners and opposition (see Holzhaecker 2002) The Dutch system is characterized by a diffusion of scrutiny by sub-parts of the EAC, with decisions taken by appointed party spokespersons by issue area, typically without prior consultation with others in the party. There is occasional disloyalty among governing coalition parties

in order to amend a government proposal according to parties' own preferences. Thus, the nature of parliamentary scrutiny over EU issues in a given member state is determined not only by the formal institutional structures and powers, but also by the interaction among parties in the governing coalition and the interaction between governing and opposition parties.

8. Conclusion

Many of the national parliaments in the member states have responded to an erosion of their power within the emerging system of multi-level governance in the EU by adapting their institutional structures and powers vis-à-vis their governments. Greater involvement of national parliaments in overseeing the decision-making of their governments assists in reducing the democratic deficit in the EU.

In the Netherlands there is little constitutional and statutory framework specifically designed to give parliament power to scrutinize the government's decision making over EU issues. A notable and very important exception to this is in the area of the Third pillar, where the Dutch parliament's right to give or withhold a mandate over justice and home affairs issues is found in the statute approving the treaty for European Union. In terms of the way the parliamentary institutions are organized, although the Dutch formally have overlapping membership between their EAC and their specialized committees, in reality only one member from each party normally appears at the joint committee meetings, thus obliterating most of the advantages gained from overlapping membership. There is some fusion of the power to set the parliamentary agenda with the government, which strengthens parliamentary power, but mainly to the advantage of the governing parties. Finally, there are times when opposition parties are able to assert themselves and attract the support of one of the governing parties to influence the government, increasing parliamentary power.

The need for parliamentary oversight has created new opportunities for competition and cooperation among governing and opposition parties. Using King's typology of executive-legislative relations, this paper has examined these behaviors in the Netherlands. Although the parliamentary party groups may at times interact in a non-party mode to strengthen their institutional power vis-à-vis the government, most evidence conforms to the inter-party mode. This means that party interactions during parliamentary scrutiny over EU matters are increasingly similar to those over domestic political issues. Thus, private discussions within a party group may precede a process of intra-coalition bargaining. This is followed by interactions with opposition parties in the formal institutional structures of parliament.

The process of parliamentary scrutiny over EU matters in the member states is no longer exclusively about finding a national consensus, but increasingly mirrors the rough and tumble of real politics. Thus, the strategies – the goals and means – pursued by party groups when scrutinizing the national executive influence EU decision-making in the member states are a fruitful object of further research.

How is scrutiny over EU issues different than the traditional role of the Dutch parliament in the purely domestic arena? There are three principal differences.

1) Whereas the Dutch parliament has the greatest discretionary power when it is enacting national laws, the room to deviate from the government's proposal is severely constrained when transposing EU directives. Here the transformation into law must take place within the rather narrow constraints of the directive passed by the Council of Ministers.

2) Thus instead of law-making powers, the Parliament in the decision-making process concerning EU issues, has the most power when scrutinizing a minister's position prior to a vote in the Council of Ministers. That is prior to the issuance of a directive that must later be transformed into national law. But here, the parliament does not have ultimate law-making powers, instead, the parliament only has the right to advise the government on its views. (However, an important exception to this is in the area of Judicial and Home Affairs under the 3rd pillar).

3) Finally, the interaction between the various governing parties in the coalition, and with opposition parties, may at times be different than the national situation. This is the case for two

reasons: firstly, whereas the *Regeerakkoord* has grown in importance and tries to set out the agreed position between the governing parties in the coalition, EU issues are not generally predicted in advance and settled in the *akkoord*; secondly, because the powers are to advise the government, instead of the powers to pass binding law, governing parties feel at times they have more leeway to try to alter the compromise taken between the parties in the cabinet.

Endnotes

1 Interviews were conducted by the author and the quotes from oral interviews have been edited to standard English usage. Persons interviewed are identified by their party and position, but not by name, in order to preserve confidentiality and encourage franker responses.

2 For example, after the German reunification the German parliament amended the Basic Law (Articles 23 and 45) in order to give parliament and the Länder enumerated powers in the country's decision-making process on EU matters.

Bibliography

- Anderson, Christopher J. and Christine A. Guillory. 1997. "Political Institutions and Satisfaction with Democracy: A Cross-National Analysis of Consensus and Majoritarian Systems," *American Political Science Review*, 91:1.
- Andeweg, Rudy B. 1992. "Executive- Legislative Relations in the Netherlands: Consecutive and Coexisting Patterns," *Legislative Studies Quarterly* 17:2, 161-182.
- Andeweg, Rudy B. and Galen A. Irwin. 1993. *Dutch Government and Politics*. (London: Macmillan).
- Bergman, Torbjörn. 1997. National parliaments and EU Affairs Committees: notes on empirical variation and competing explanations. *Journal of European Public Policy* 4:3, 373-387.
- Church, Clive H. and David Phinnemore. 1994. *European Union and European Community*. New York: Harvester Wheatsheaf.
- Cox, Gary W., and Matthew D. McCubbins. 1993. *Legislative Leviathan*. Cambridge: Cambridge University Press.
- Cowles, Maria Green, James Caporaso, and Thomas Risse, ed. 2001. *Transforming Europe: Europeanization and Domestic Change*. Ithaca, N.Y. : Cornell University Press.
- Commission of the European Communities. "European Governance: A White Paper," July 25, 2001.
- Dahl, Robert A. 1999. *On Democracy*. New Haven: Yale University Press.
- Dahl, Robert A. 1991. *Modern Political Analysis*. Englewood Cliffs, N.J.
- Dahl, Robert A. 1989. *Democracy and its Critics*. New Haven: Yale University Press.
- Davidson, Roger H. and Walter J. Oleszek. 1985. *Congress and Its Members*. Washington, D.C.: Congressional Quarterly Press.
- Doering, Herbert. 1995. *Parliaments and Majority Rule in Western Europe*. Frankfurt am Main: St. Martin's Press.
- Downs, Anthony. 1957. *An Economic Theory of Democracy*. New York: Harper.
- Easton, David. 1965. *A Systems Analysis of Political Life*. New York.
- Esaiasson, Peter and Knut Heidar (2000) *Beyond Westminster and Congress: The Nordic Experience*. Columbus: Ohio State University Press.
- Eijk, C. van der and Mark N. Franklin. 1996. *Choosing Europe?: The European Electorate and National Politics in the Face of Union*. Ann Arbor: University of Michigan Press.
- Evans, Peter B., Harald K. Jacobson and Robert D. Putnam (eds.). 1993. *Double-edged diplomacy: International Bargaining and Domestic Politics*. Berkeley: University of California Press.
- Fitzmaurice, John. 1976. "National parliaments and European policy-making: The case of Denmark," *Parliamentary Affairs* 76, 281-292.

- Fitzmaurice, John. 1996. "National Parliamentary Control of EU Policy in the Three New Member States," *West European Politics* 19:1, 88-96.
- Heidar, Knut and Ruud Koole. 2000. *Parliamentary Party Groups in European Democracies: Political Parties behind closed doors*. London: Routledge.
- Heller, William B. 2001. "Making Policy Stick: Why the Government Gets What it Wants in Multiparty Parliaments," *American Political Science Association*, 45:4.
- Holzacker, Ronald L. 2002. "National Parliamentary Scrutiny over EU issues: Comparing the Goals and Methods of Governing and Opposition Parties," *European Union Politics* 3:4.
- Holzacker, Ronald L. (2002) 'National Parliaments in the European Union. A Model to Comparatively Assess the Power to Scrutinize: Rules, Institutions, and Party Behavior', paper presented at the European Consortium for Political Research's annual meeting, Turin.
- Judge, David. 1995. "The Failure of National Parliaments," *West European Politics* 18:3, 79-100.
- Katz, Richard S. and Peter Mair. 1994. *How parties organize: Change and adaptation in party organizations in western democracies*. London: Sage.
- Katz, Richard and Bernhard Wessels. 1999. *The European Parliament, the National Parliaments, and European Integration*. Oxford: Oxford University Press.
- King, Anthony. 1976. "Modes of Executive-Legislative Relations: Great Britain, France and West Germany," in *Legislative Studies Quarterly* 1:1, 11-36.
- Klingemann, Hans D. and Richard I. Hofferbert, and Ian Budge. 1994. *Parties, Policies, and Democracy*. Boulder: Westview Press.
- Krehbiel, Keith. 1991. *Information and Legislative Organization*. Ann Arbor: University of Michigan Press.
- Laursen, Finn and Spyros A. Pappas. 1995. *The Changing Role of Parliaments in the European Union*. Maastricht, European Institute of Public Administration.
- Laver, Michael J., and Norman Schofield. 1990. *Multiparty Government: The Politics of Coalition in Europe*. New York: Oxford University Press.
- Lijphart, Arend. 1984. *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*. New Haven, Yale University Press.
- Lodge, Juliet. 1996. *The European Parliament*. In: Svein S. Andersen and Kjell A. Eliassen (eds.) *The European Union: How Democratic is it?* London: Sage.
- Loewenberg, Gerhard and Samuel C. Patterson, Malcolm E. Jewell. 1983. *Handbook of Legislative Research*. Cambridge, MA: Harvard University Press.
- Maor, Moshe. 1998. "The Relationship between Government and Opposition in the Bundestag and House of Commons in the Run-up to the Maastricht Treaty," *West European Politics* 21:3, 187-207.
- Maurer, Andreas and Wolfgang Wessels, eds. 2001. *National Parliaments on their Ways to Europe: Losers or Latecomers? Nomos: Baden-Baden*.
- Maurer, Andreas. 2002. *National Parliamente in der Europaeischen Union - Herausforderungen fuer den Konvent*, in *Integration*, 1, pp. 20-34
- Mueller, Wolfgang C. 1993. "Changing Executive-Legislative Relations in Austria (1945-1992)," *Legislative Studies Quarterly* 18:4, 467-494.
- Mueller, Wolfgang C., and Kaare Strom, eds. 1999. *Policy, Office, or Votes? How Political Parties in Western Europe Make Hard Decisions*. Cambridge University Press.
- Norton, P. (ed.) 1996. *National Parliaments and the European Union*. London: Frank Cass.
- Nugent, Neill. 1994. *The Government and Politics of the European Union*. Duke University Press.
- Pahre, Robert. 1997. "Endogenous Domestic Institutions in Two-Level Games and Parliamentary Oversight of the European Union," *Journal of Conflict Resolution* 41:1, 147-174.
- Polsby, Nelson W. 1975. "Legislatures," in Fred I. Greenstein and Nelson W. Polsby (eds.), *Handbook of Political Science, Vol. 5: Governmental Institutions and Processes* Reading: Addison Wesley, 257-319.
- Putnam, Robert D. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press.

- Putnam, Robert D. 1966. "Diplomacy and domestic politics: the logic of two-level games," *Institutional Organization*, 43, 2, pp. 88-110.
- Raunio, Tapio. 1999. *Always One Step Behind? National Legislatures and the European Union. Government and Opposition* 34:1,1-23.
- Riker, William. 1982. *Liberalism against Populism*. San Francisco: W.H. Freeman.
- Robertson, David. 1976. *A Theory of Party Competition*. London and New York: Wiley.
- Rometsch, Dietrich and Wolfgang Wessels (eds.) 1996. *The European Union and member states: Toward institutional fusion?* Manchester: Manchester University Press.
- Saalfeld, Thomas. 1990. "The West German Bundestag after 40 years: The Role of Parliament in a 'Party Democracy,'" *West European Politics* 13:3, 68-89.
- Sartori, Giovanni. 1987. *The Theory of Democracy Revisited*. Chatham, NJ: Chatham House.
- Schmitt, Hermann and Jacques Thomassen (eds.) 1999. *Political Representation and Legitimacy in the European Union*, Oxford, Oxford University Press.
- Schnattschneider, E.E. 1942. *Party Government*. New York: Rinehart.
- Scharpf, Fritz. 1997. *Games Real Actors Play*. Boulder, Westview Press.
- Steffani, Winfried. 1981. "The Bundestag at the Intersection of Four Systems," in Norman J. Orstein, ed., *The Role of the Legislature in Western Democracies*, Washington, D.C. American Enterprise Institute, 50-66.
- Smith, Eivind. 1996. *National Parliaments as Cornerstones of European Integration*. London: Kluwer Law International.
- Steunenberg, Bernard and Frans van Vught (ed.). 1997. *Political Institutions and Public Policy: Perspectives on European Decision Making*. Dordrecht: Kluwer Academic Publishers.
- Taggart, Paul. 1988. "A touchstone of dissent: Euroscepticism in contemporary Western European Party systems," *European Journal of Political Research* 33:3, 363-388.
- Thomassen, Jacques. 1994. *Empirical Research into Political Representation: Failing Democracy or Failing Models?* In: M. Kent Jennings and Thomas E. Mann (eds.) *Elections at Home and Abroad*. Ann Arbor: University of Michigan Press.
- Thomassen, Jacques. 1998a. "Political Control and legitimacy of policy making: the role of national parliaments." OSF program document, National Sovereignty and international dependency, University of Twente, Netherlands.
- Thomassen, Jacques. 1998. "Political Representation in the European Union" presented at the Annual Meeting of the American Political Science Association, Boston.
- Tsebelis, George. 1990. *Nested Games*. Berkeley: University of California Press.
- Wallace, Helen and William Wallace. 1996. *Policy-Making in the European Union*. Oxford: Oxford University Press.
- Westle, Bettina and Nicola Staeck. 1988. *Nationale Parteien als Vermittlungsinstanzen europäischer Politik? Das Beispiel der Debatte um die Einführung des Europ.* In Thomas König, Elmar Rieffer and Hermann Schmitt eds.: *Europa der Bürger ? Voraussetzungen, Alternativen, Konsequenzen*. Campus, Frankfurt, 266-294.