

## Discussing European policy in the national political arena: The use of the scrutiny reserve in the Dutch Parliament

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Recently the Second Chamber of the Dutch Parliament introduced a scrutiny reserve (*behandelvoorbehoud*) for European dossiers. This new mode of discussing European issues has been used 12 times in the past four years (2008-2012). In this research note we briefly present our first findings on how parliament uses its new power. Our analysis is based on the scrutiny reserves imposed by Parliament until 1 August 2012.

Although Parliament formally introduced the scrutiny reserve with the ratification of the Lisbon Treaty in June 2008, the first two cases occurred in 2010 (17%). In 2011, Parliament issued seven reserves (58%), and in 2012 three (and a total of 12 so far).

Based on our data set, Parliament introduces a reserve *on average 41 days* (about 6 weeks) after the official release of a Commission proposal. We found a minimum of one day for the draft-regulation on the multi-annual financial framework of the EU 2014-2020 (2011). The maximum was 76 days (about 11 weeks) in the case of a proposal for a Regulation on the Common Fisheries Policy (2011). The average response time of Parliament fits with the 56 days (8 weeks) period available for the yellow-card procedure. The meeting in which the relevant standing committee of Parliament formulates its position on the European proposal is *on average 80 days* (about 11 weeks) after the release of the Commission proposal, with a minimum of 41 days (about 6 weeks) and a maximum of 132 days (about 19 weeks). Clearly, the period of 19 weeks between the release of the Commission proposal and a decision of the standing committee is quite long.

1. Types of concerns discussed:	Frequency	Percentage
• Substantive (related to one or more articles in the European proposal)	64	45%
• Procedural	52	37%
• Financial consequences	8	6%
• Legal consequences	8	6%
• Administrative burden	6	4%
• Other	2	3%
Total	142	100%

For all 12 dossiers we identified the main political concerns or negotiation points based on the reports of the committee meeting. In the meeting committee members discuss the proposal with the relevant minister and decide on the committee's preferred course of action. The points the minister agrees to make progress on during the subsequent European negotiations are summarized at the end of the committee discussion. Often this agreement is also formally communicated by Parliament to the minister by letter. We found that on average the number of points discussed per reserve is 12, with a minimum of 6 (European Financial Regulation) and a maximum of 20 (Communication on the Future of the Common Agricultural Policy).

Most concerns discussed by Parliament relate to the contents of the proposal and the way in which the Commission proposal needs to be handled (see Table 1). The financial and legal consequences of a proposal, as well as the consequences for firms and citizens (administrative burden), receive little attention. The top three of political parties actively pointed at issues related to the European proposal are VVD (23%), SP (18%) and PvdA (16%) (see Table 2). Although SP and PvdA were opposition parties in this period, the VVD was not. Nevertheless, the VVD proposed most points in Parliament. Interestingly, PVV as an anti-European party only ranks fifth when it comes to proposing changes (11%). We also registered whether parties supported points presented by the other parties (see the last column of Table 2): PvdA and VVD support most of the points

introduced by other parties during the committee discussion (around 40%). CDA comes third supporting 35% of these points.

<b>2. Political party introducing a concern:</b>	Frequency	Percentage	Rank	Supporting
• <b>VVD</b>	<b>32</b>	<b>23%</b>	<b>1</b>	<b>41%</b>
• <b>CDA</b>	16	11%	5	<b>35%</b>
• <b>PvdA</b>	<b>23</b>	<b>16%</b>	<b>3</b>	<b>42%</b>
• PVV	16	11%	5	23%
• GL	8	6%	7	29%
• D66	19	13%	4	28%
• <b>SP</b>	<b>25</b>	<b>18%</b>	<b>2</b>	30%
• SGP	3	2%	8	7%
• CU	0	0%	9	4%
• PvdD	0	0%	9	2%
Total	142	100%		

The committee and the responsible minister will not support all points raised during discussion. We found that parties only agreed on only 56% of the concerns during discussion. The agreed number of points the minister will take into account during the European negotiations is even less: only 54% of the concerns get to that stage.

<b>3. Political parties supporting a point (for 3 or more concerns):</b>	All concerns		Only successful concerns	
• VVD only	<b>8</b>	<b>6%</b>	2	3%
• CDA only	<b>9</b>	<b>6%</b>	<b>5</b>	<b>7%</b>
• PvdA only	<b>11</b>	<b>8%</b>	<b>4</b>	<b>5%</b>
• PVV only	8	6%	1	1%
• GL only	5	4%	1	1%
• D66 only	6	4%	3	4%
• SP only	6	4%	1	1%
• PvdA-D66	5	4%	<b>5</b>	<b>7%</b>
• VVD-PvdA-GL	4	3%	1	1%
• VVD-CDA-PvdA-GL	4	3%	2	3%
• VVD-D66-SP	4	3%	<b>4</b>	<b>5%</b>
• VVD-PvdA	3	2%	1	1%
• VVD-CDA-PvdA-GL-SP	3	2%	3	4%
• Coalitions including VVD, CDA and PVV	<b>7</b>	<b>5%</b>	<b>6</b>	<b>8%</b>
• Other (including 1 or 2 concerns)	59	42%	38	49%
Total	142	100%	77	100%

In Table 3 we present information on political parties, or coalitions of parties, supporting concerns as part of the reserved. We first observe that quite a number of concerns are only (explicitly) supported by one of the political parties. Moving to the successful concerns (that is, negotiation points included in the agreement with the minister) these numbers drop, indicating that most parties are not very successful in keeping their concerns on the political agenda. An exception is CDA: 5 out of 9 issues proposed by this party are included in Parliament's decision (a 56% success rate). Perhaps this governing party is best able to establish a link with a minister from the same party. We will further explore this in our research.

Another observation is that many coalitions cut across the traditional cleavage between government and opposition. An example is the coalition VVD, CDA, PvdA, GL and SP (responsible for 4% of successful points). Sometimes also a coalition of opposition parties can be rather successful, like the combination of PvdA and D66 (7% of successful issues). Finally we observe that coalitions in which all governing parties (including the PVV) participate, do not release many political concerns (only 5% of the total). Nevertheless, these coalitions are relatively successful: 6 out of 7 concerns proposed by these coalitions are also included in the final decision of Parliament (86% success rate).

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