

Comparing the Europeanization of Dutch Policy Agendas: Laws, Queen speeches, and Coalition Agreements

Gerard Breeman, Montesquieu Institute/Wageningen University

Arco Timmermans, Montesquieu Institute/Leiden University

Paper prepared for the CES conference

15-17 April 2010

Montréal, Canada

Unfinished business, please do not quote

Thanks to Rosalie Belder, Josta de Hoog and Erlijn Wenink for their research assistance during this project

Studying ‘the Delors’ Myths’ in The Netherlands

As in all good myths, the origin of the Delors’ myth about his prediction that in the future 80% of all national legislation will originate from the EU level, is unclear. Did he state this in a speech in Brussels, or in London or in another place? No matter when and where he said this, with this statement he posited in any case a nice empirical research question for us political scientists to dig into. How strong is indeed the influence of the EU on national legislation? In a joint European project of six European countries we are tackling this puzzle.

Our general research question is about how Europeanization has influenced the legislative power balance between Parliament and the Cabinet. Does the parliament lose out to the government because of the growing influence of the EU. Or did the process of law making involving European impulses become more politicized, or perhaps less, over time? The French team for instance speaks of EU policy dictatorship, leading to new laws and policy change (Brouard et al. 2010). But at the same time they also observe the arrival of strong national veto player, inhibiting EU-induced change in the national legislative. In this particular paper we are dealing the influence of the EU on the Netherlands.

But there are more questions. The influence of the EU on national laws is one thing; the impact of the EU on the entire political arena is another. The influence of the EU may be increasing in legislation, but this does not imply that the attention of political parties and the government to matters of the EU increases as well. Does the increasing influence of the EU on national legislation leads to an increase in political attention in other venues, such as in the coalition agreements and the executive speeches? In this paper, we compare the actual influence of the EU on formal legislation to the attention to EU issues in the Coalition Agreements and the Annual Queen’s speeches.

The political history of how Europe has ‘hit home’ in the Netherlands, is a typical case of what Majone (2005) has called ‘integration by stealth’. The low level of manifest political and public consciousness ended abruptly with the referendum of June 2005 on the European Constitutional Treaty. This political shock event stirred a lot more attention for Europeanization processes than it has ever done before. This turmoil in media and politics however was only temporarily. It led to some debate on the role of parliament, but to paraphrase Majone’s characterization of integration by stealth, EU matters were kept carefully below the public radar detection level. For example, as we will show in this paper, attention to Europeanization in political arenas that are exposed to the public, such as in the annual Queen’s speeches, show a further *decline* in the attention for Europe, despite of all the calls for lesson-drawing.

To date, no systematic time series data on the Europeanization of regulation in the Netherlands exist. Available data are limited to one moment of measurement. One contribution by De Jong and Herweijer (2004) takes a rather crude measure based on what is mostly a quick scan and concludes that Europeanization varies considerably across policy fields. Bovens and Yesilkagit (2005) deal with the effects of European directives on formal legislation and delegated regulation based on the corpus of formal regulation in force on 31 July 2003. The main finding: on average, just about 16 percent of national regulation can be traced back to European directives. The authors also mention that only 13 percent of this Europeanized national regulation takes the form of formal legislation - the rest is delegated regulation. This seems to be a low proportion by comparative standards. Our own laws dataset, however, which we will present hereafter, confirms this low attention to the EU level, although the amount of references to the EU or Europe (in a more general sense) has increased above the 20% in 2007.

Another contribution presents a pilot study of a more comprehensive approach to both the independent variables and the dependent variables, but deals (as a pilot study) with only two policy fields: education and environment (Asser Institute 2007). Main finding: large variation between the two fields, with resp. 6 and 66 percent Europeanized regulation. Our Dataset, again, confirms that large proportions of environmental laws can be traced back to EU regulations. In 2007 nearly 60% of the national environmental laws made a reference to the EU-level. The amount of references to the EU has been increasing in the last 5 years. The aforementioned studies vary in scope of analysis, not only in time but importantly also in types of regulation included.

In this paper we take the formal legislation as a starting point. We want to analyze the influence of the EU level on national legislation, but we also want to compare this with other venues of the political arena: the annual Queen's speech and the coalition agreements. We use a dataset on national laws, Queens's Speeches, and coalition agreements developed within the Dutch Policy Agendas Project. This dataset covers the period 1984-2007 and consists of over 3,800 content coded laws, all annual Queens' speeches (1945-2009) and the coalition agreements in the period 1973-2006.

Institutions

Before presenting our results we first give a brief overview of the three different institutional venues that we compare.

Law Making in The Netherlands

The Dutch parliamentary system has a bicameral legislature in which many parties are represented – ten after the general elections of November 2006. This multipartism is reinforced by the electoral system of proportional representation, but political cleavages inducing such multipartism existed already before the Constitutional arrangement for proportionality was set in 1917 (Daalder 1974). Governments are always coalitions, and since 1945 all formed coalition governments had majority status. The bicameral legislature is asymmetric; the Chamber of Representatives, the *Tweede Kamer*, has more powers than the *Eerste Kamer*, the Senate. None the less, formal channels of legislative veto power and power sharing rules within coalition governments make the Dutch political system a typical consensus democracy (Lijphart 1999).

We should note in advance, that our focus on formal legislation has a limitation: we do not include delegated and less formal regulations, which, we admit, are also highly important in many policy domains. We do not deal with these different types of national regulations, nor do we include EU policy measures that have a direct effect, but that do not need formal legislation in the Netherlands, such as EU-regulations. We only consider legislations that must be passed by both chambers.

Coalition Agreements

Since all governments in the Netherlands are based on coalitions, there has always been the need to make some kind of coalition agreement. Coalition agreements written during interparty negotiations are an executive agenda in that they are used to allocate coalition attention for policy issues for the upcoming term in office. Since these documents are made public, credible commitment plays a part when making these policy agendas. While not legally binding and not enforceable externally, coalition agreements contain political commitments, with resignation by coalition parties as the ultimate sanction in case commitments are challenged.

In most countries with this practice of early interparty negotiations, only a few formal constraints exist about time, place, setting, and actors involved. Some countries have formal time constraints or an official vote of confidence at the inauguration of the cabinet. (Strøm et al 2003). In most cases, as it is in the Netherlands, institutional rules are typically informal, part of the political rules and mores in the coalition-building game as is has developed over time.

In coalition systems, the government formation arena is the locus where the initial executive agenda is set. Petersen et al. (1983) called it ‘an institutionalized extra-institutional arena’, providing advantages of invisibility and discretion for parties to engage in negotiations over issues that divide them. We believe that the coalition agreements are a good indicator to measure the *political intention* in the Netherlands to deal with Europeanization and to discuss and talk about the EU. Hence, the political will to pay attention to Europe.

Annual Queen's speeches

While coalition agreements are informal, meant for internal party and coalition purposes, and made to prioritize issues for a full term in office, executives present their policy agendas in other formats as well. One such prominent agenda is the annual policy speech presented by the head of state or prime minister. This presidential or prime minister's speech or, in monarchies, the King's or Queen's speech, addresses issues of political concern and presents policy intentions for the coming legislative year.

While annual speeches presented to the legislative chambers involve some ceremony, recent studies show that they are for the largest part substantive (Chaques et al. 2007; Green-Pedersen et al. 2007; Breeman et al. 2009; Hobolt and Klemmensen 2008; Jennings and John 2008). We believe that the annual Queen's speeches are a good indicator to measure the *government's intentions* to deal with Europeanization and pay attention to the Europe.

The EU impulse on Dutch Legislation

Our dataset on national laws covers the period 1984-2007, a total corpus of over 3,800 laws. It contains all laws that government sent to parliament (*Tweede Kamer*), for their approval. Usually all formal laws are being accepted by parliament, although the voting can be delayed for a long time. Members of Parliament are also able to submit laws, but this is only about 1 or 2% per year (not included in the dataset).

Based on the coding book of the American agenda-setting project (Baumgartner and Jones 1993), we developed a Dutch issue code book and coded all laws. We coded on the basis of the title. Beside the issue code, we also inserted variable about Europe. If a law made reference to the EU, it was coded 1, to Europe (but not specific to the European Union) it was coded 2 and if the law was about an international treaty than we coded 3. This was done manually. However, as a robust test we also conducted an extra keyword search by the following key words: EU, EC, EEC, directive, Europ****.

Figure 1 shows the total amount of formal law production in the Netherlands in the period between 1984-2007. The spike in 1984 / 1985 is caused by an old naturalization law, which demanded that all individual persons that wanted to become a Dutch citizen should be legalized by a formal procedure. This was changed in 1986. The low amount of laws in 2006

is probably caused by the fact that there was an interim (minority) cabinet at that time, that could not propose a lot of new laws.

<Figure 1 here>

Figures 2 and 3 show the proportional attention to specific issues. Figure 2 illustrates that the amount of laws per topics remains relatively stable over time. There are not many changes in the distribution between the topics. Figure 3 shows that some issues are much less salient in formal legislative production than others. Domains such as international trade, energy, spatial planning, science and technology, and defense show a low amount of production of laws compared to justice and crime, public administration, education, and commerce.

<Figure 2 and 3 here>

Figure 4 shows the relative amount of references that are being made in the laws to the EU. This figure shows a clearly increasing amount of attention for the EU. Especially from 2000 onwards one can see an increase in the amount of references made to EU directives. The spike in 1992 has a European origin. In that time the Maastricht Treaty and a couple of other laws with EU references were signed. The decline in 2006 has a domestic reason, because in that period The Netherlands had a caretaker government.

<Figure 4 here>

Figure 5 shows the proportion of Europeanized laws per policy topic covering the entire period of 1984 until 2007. Important to note is the seemingly low level of agricultural laws making a reference to the EU level. Since agriculture is a highly Europeanized policy domain this is at least surprising and needs further research.

<figure 5 here>

Conclusion of this analysis is that since 1984, Europeanizing of Dutch national legislation came in waves, following a somewhat cyclical pattern, but the overall

trend over 25 years is upward. A spike in 1992 has an European origin; one in 2006 is mostly domestic, because in that period The Netherlands had a caretaker government.

Dynamics of Europeanizing Policy Agendas in The Netherlands

Attention to Europe in coalition agreements

The influence of Europe seems to increase in the Dutch formal legislation. Does this also mean that the attention for Europe in the entire political arena increases? Besides, an analysis of law production may not only include a focus on the formal production cycle, beginning when a bill is submitted for parliamentary scrutiny, but also consider earlier political agenda venues, much of which is indeed meant to comprise the legislative agenda of the government (Rasch and Tsebelis 2009; others). In this paper we therefore include government agreements and Queen's speeches.

The inclusion of these data allow for a more specific analysis of friction in the policy production process. It allows what Töller (2007) calls more 'depth' in the analysis of European impulses on national policies, which in our view need not be qualitative per se but also can be quantitative. In our dataset on coalition agreements (1963-2007) we have coded the explicit references to the 'EU' or 'Europe'. The coalition agreements are coded per paragraph following the same coding schemes as with the laws. The database contains over 4400 coded paragraphs.

Figure 6 shows the distribution of all policy topics discussed in the coalition agreements. Compared to the laws production there seems to be much more fluctuation in the distribution.

<figure 6 here>

Figure 7 shows the relative amount of statements that the coalition parties made to the EU level. For reasons of comparability with the laws graphs we did not take the entire period in consideration but started in 1981. The laws graph started in 1984, which means we cover fairly the same period. The graph shows a steady increase from the early 1980s onwards.

The proportion of policy statements that make a reference to the EU is increasing, just as it is with the laws. However, the speed of this increase is lower than with the laws (slope of the trendline in laws is 0.0079 (figure 4), compared with the slope in the coalition agreement 0.0054, figure 6). Also the amount of attention is in general lower in the coalition agreements than it is in the laws.

This means that the gap between the attention of political parties for European issues and the actual influence of the EU on legislation is widening. With every new coalition agreement there is a rising attention to the European cause, but the actual influence of the EU on national legislation is growing much faster.

Attention to Europe in the annual Queen's speeches

Coalition agreements are on average put together once every three years. They serve as a political agenda of the coalition parties and we use them to measure the political attention for the European Union. The government however produces at the beginning of every parliamentary year an overview of their policy plans in the format of the Queen's speech. Hence, the Queen speech may server as an indicator of the government's attention to the EU.

Our dataset contains all Queen's speeches in the period 1945-2009 and consists of a little more than 9000 topic coded quasi-sentences. Here again we used the same coding scheme as we deed with the laws and the coalition agreements. Every sentence was also coded if there was a reference to the EU.

Figure 8 shows the distribution of all policy topics discussed in the Queen's speeches. The graph shows that from the 1980's onwards there is a rather equal distribution between the various issues. This is caused by the informal institutional agreement that all ministries should get their own slot in the speech. However, there are still changes between the issues (see for full analysis, Breeman et al. 2009).

<figure 8 here>

Figure 9 shows the proportional attention that is made in the Queen's speeches to the EU. In this graph we limited our scope and show only the period 1984 to 2009, so we can compare it with the other two graphs. It shows how the interest for Europe was high in the 1990's but has been declining after 2000. We believe that the government does not want to make too many references to the EU because it is not wise to do so. 'Europe' is not really appreciated by Dutch citizens since the arrival of the Euro and since the referendum on the Constitutional treaty.

<figure 9 here>

Finally, figure 10 summarizes our findings. It shows a gap between the actual influence of the EU on national legislation and the political attention given to EU policies in the Queen's speeches and coalition agreements. This gap is widening every year, which results in new (political) questions of legitimacy.

<figure 10 here>

Conclusions

The influence of the EU on national legislation is not as high as predicted by Delors. We found however a large difference between the attention in legislation and in the coalition agreements and queen speeches. Europeanization seems to become more and more a domain of technical legislation than a real political issue that is important enough to discuss during coalition agreement negotiations. Even more remarkable is the declining amount of references made to the EU in the annual executive agenda, as presented in the Queen speeches. Apparently, the government is very hesitant to talk about EU issues in such a public arena as the annual opening of parliament. We believe that this only contributes to the legitimacy problem of EU and that this problem is increasing every year. The gap between the influence of the EU on national legislations and the political attention to EU related issues in Coalition Agreements and Queen's Speeches is widening every year.

Furthermore, one of the other interesting findings in the Dutch project is the substitution effect between the EU and the national level. That is, rising attention for issues at the EU level goes together with a declining attention at the national level. This is something we found for environmental policy developments in the past decades (Breeman and Timmermans 2008). While environmental EU regulations increased the attention in Dutch parliament declined as well as the attention for the environment in annual government speeches (Breeman and Timmermans 2008). We also found this substitution effect in other policy domains, such as commerce, transport, and agriculture. Issues that got relatively much attention on EU level did not receive much attention at the national level.

References

PM

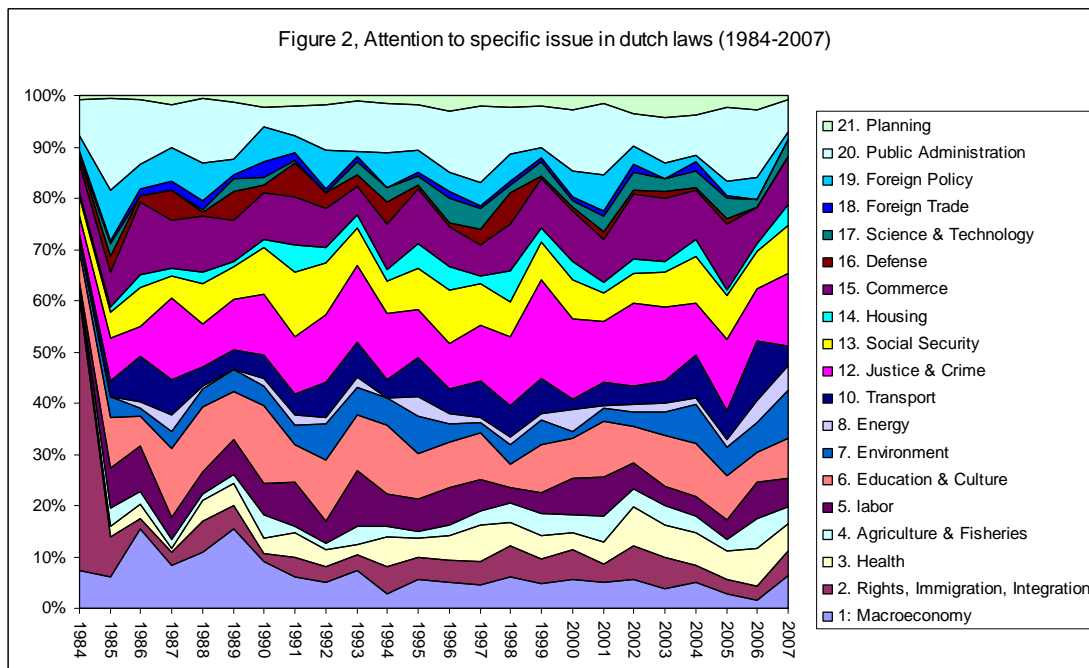
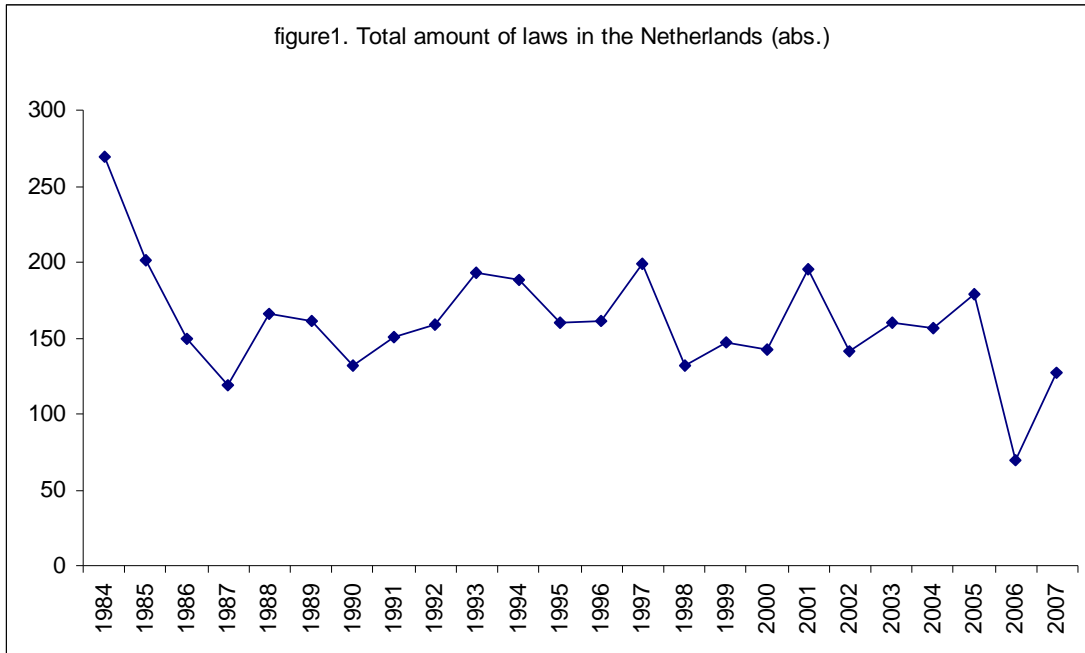


Figure 3: aggregate law production (abs numbers) 1984-2007

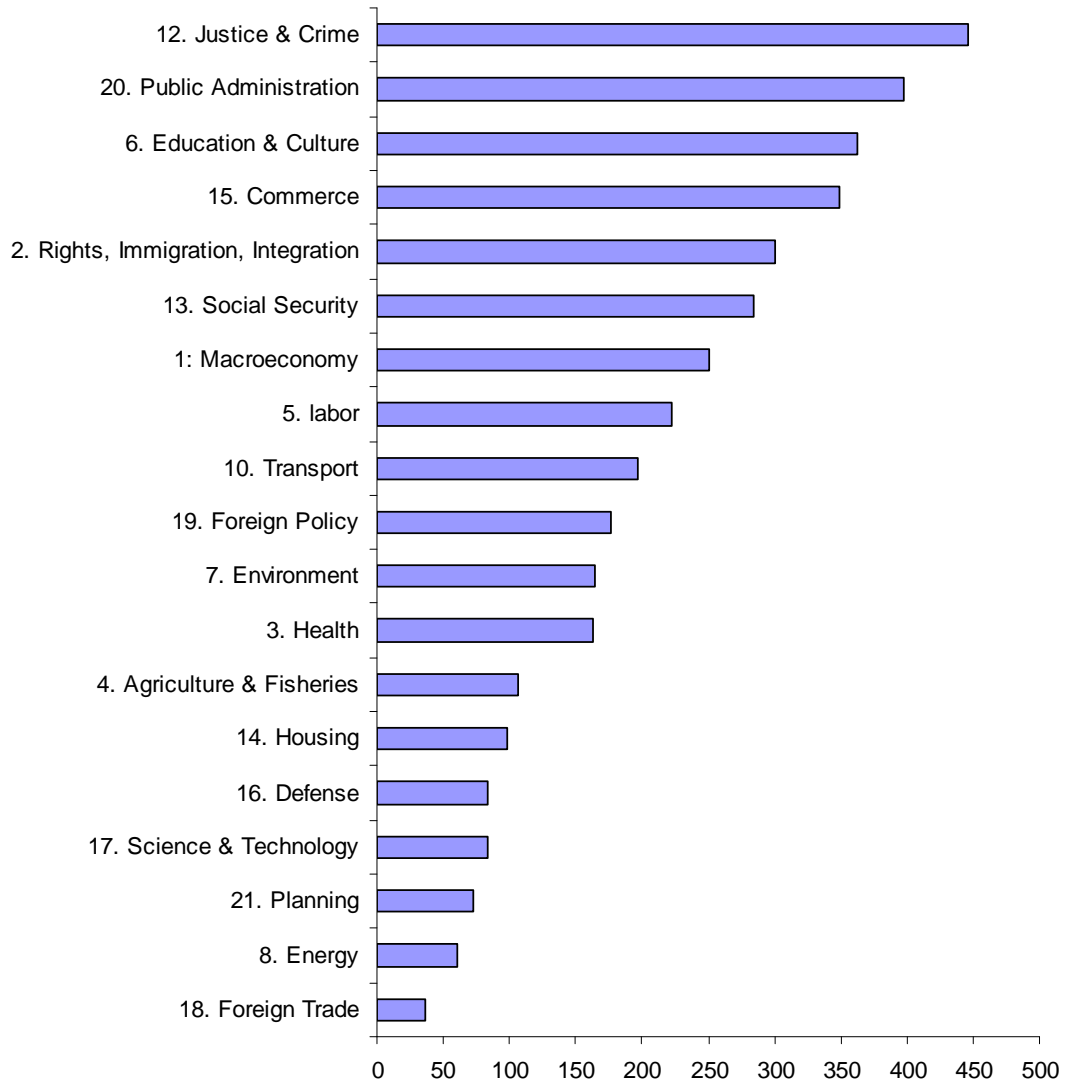


Figure 4: Relative amount of references made to the EU in Dutch laws

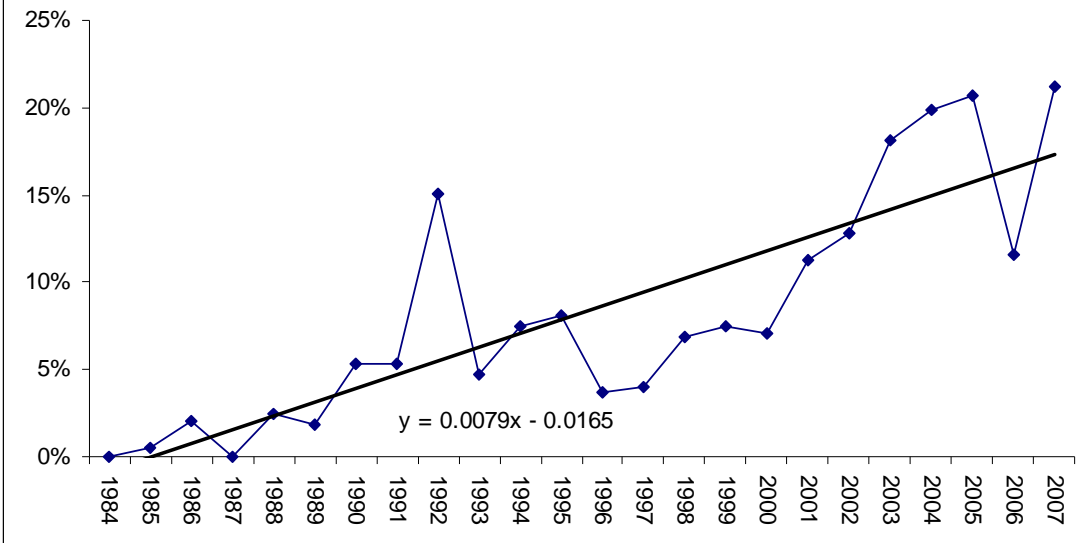
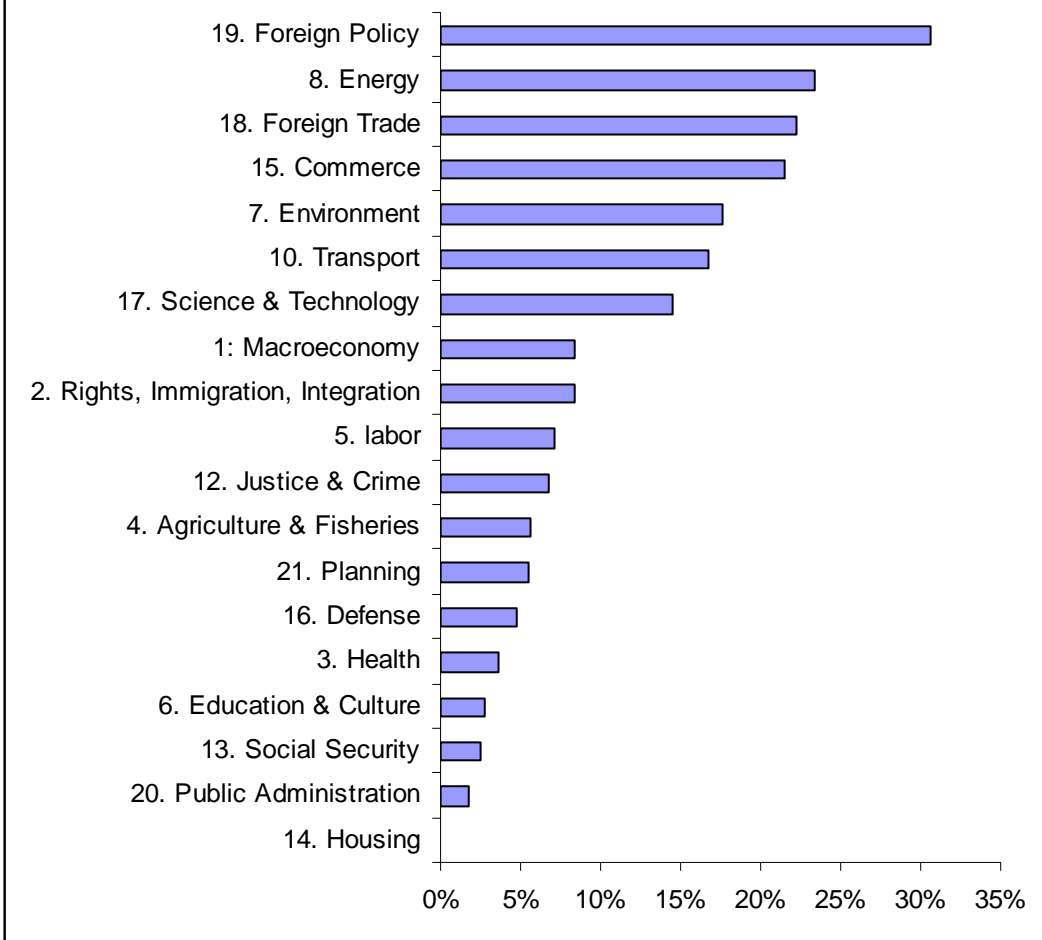


Figure 5: aggregate attention to EU per policy issue (1984-2007)



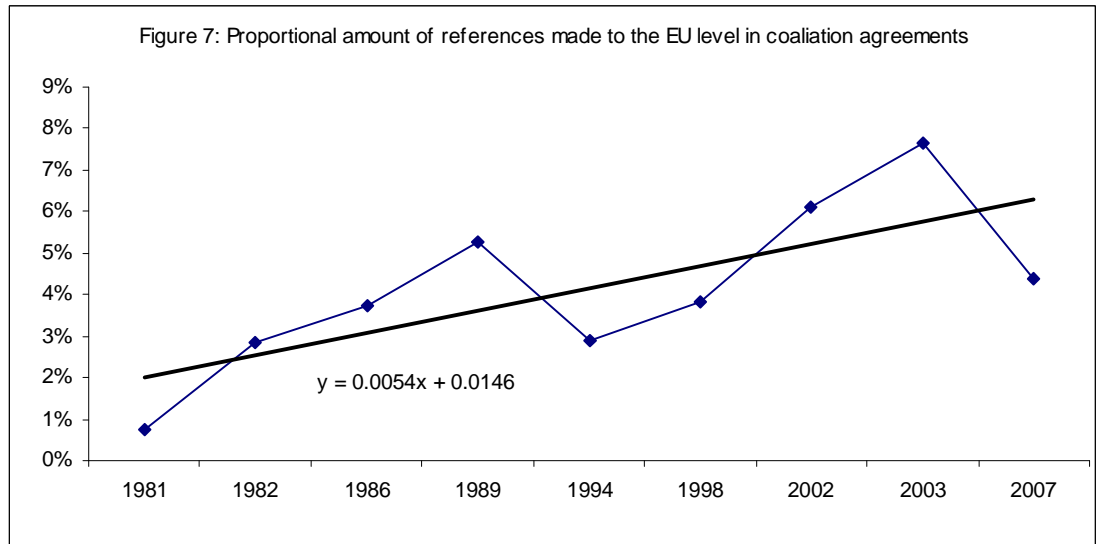
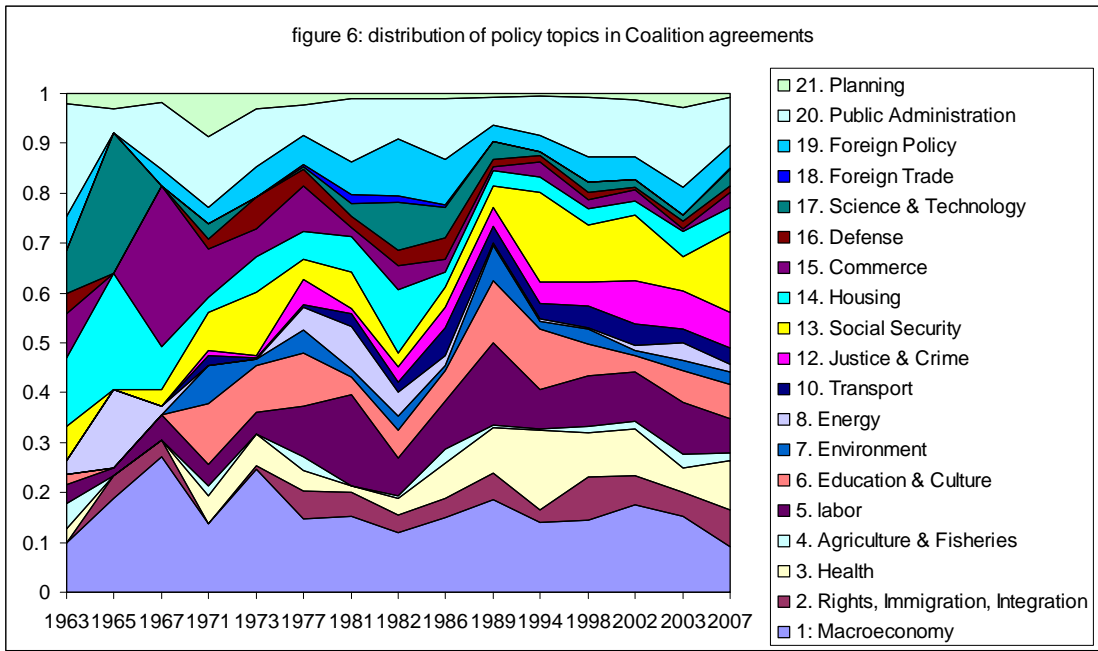


Figure 8: Relative Distribution of Coded Policy Topics by Major Code, 1945-2009

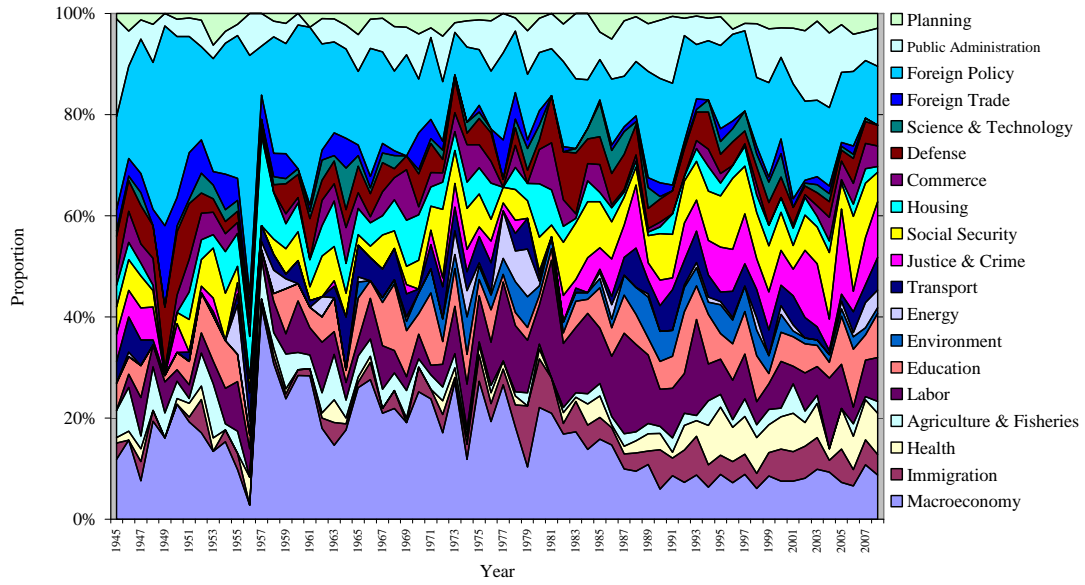


figure 9 proportional attention to EU in queen speeches 1984-2009

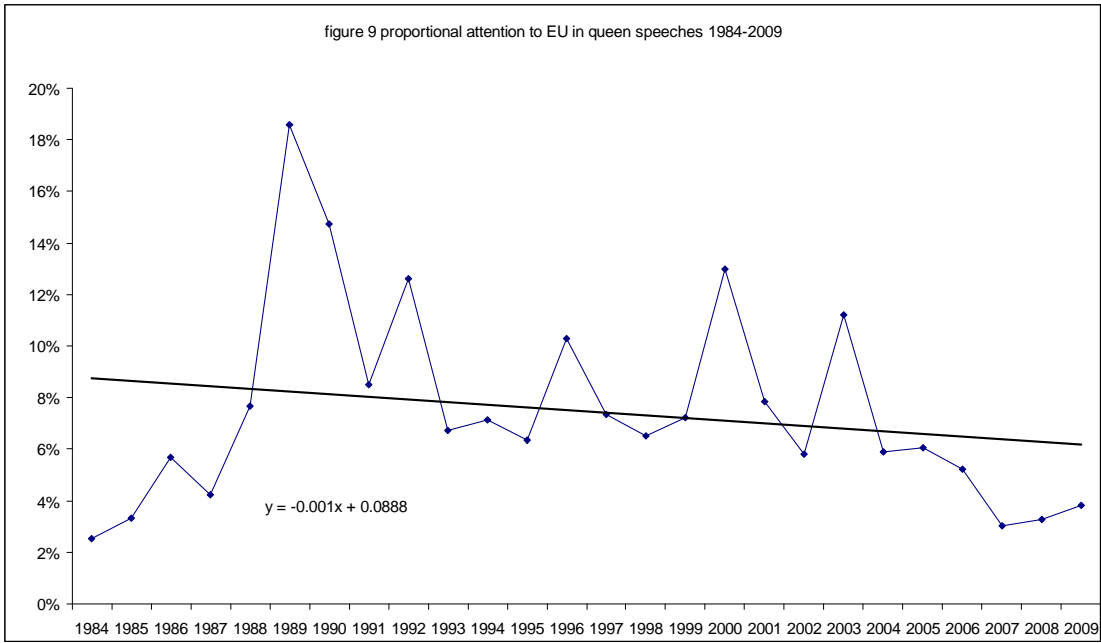


Figure 10. Proportional amount of references made to the EU level in CA, Law s and QS (trendlines)

