Master thesis

The Early Warning System: an evaluation study

Romy Breukers

Master: Public Administration
Faculty: Management and Governance
University of Twente
21 June 2013

Foreword

This research is conducted as a master thesis for the master Public Administration at the *CDA Tweede Kamer fractie.*

In that case, especially I would like to thank Pieter Omtzigt, for offering me the opportunity to do my research at the CDA Tweede Kamer fractie and for his assistance, help and patience during my research. It was an unforgettable experience to be at the CDA Tweede Kamer fractie, to experience this work culture and to visit Brussels. I would like to thank Edward de Lanoy and Feliz Garcia for offering the opportunity to do my research at Fractiebureau CDA. And I would like to thank Ans Seriese, EU-advisor at the Tweede Kamer der Staten-Generaal, for her time, assistance and conversations during my research.

I would like to thank my first supervisor prof. dr. Bas Denters and my second supervisor prof. dr. Ramses Wessel, related to the Faculty Management & Governance of the University of Twente, for their supervision during the whole process. The start was difficult and the process took a long time, including ups and downs. But both, Bas Denters and Ramses Wessel, believed in a good result. They gave me the confidence and the energy to go on and to finish my thesis.

Finally, I would like to thank Peter, my parents, Dewah, Lennart and my friends for their patience when I was complaining, their encouraging words and their endless support. Thank you...

Management summary

The Early Warning System is introduced by the Lisbon Treaty in 2009 and focuses on the control of subsidiarity. The aim of the Early Warning System is to generate more influence for national parliaments of EU member states in EU decision-making processes. When parliaments think a legislative proposal of the European Commission breaches the principle of subsidiarity, they can accomplish a subsidiarity check and can submit a reasoned opinion within eight weeks after publication. In these eight weeks, it is important to convince other parliaments to submit a reasoned opinion as well. Every member state has 2 votes. If a proposal receives more than 18 votes, a yellow card will be drawn to the Commission and it has to review its legislative proposal. If a proposal receives more than 27 votes, an orange card will be drawn to the Commission and it has to send its proposal and the submitted reasoned opinions to the European Parliament and the European Council. When these institutions agree with the parliaments, the proposal of the Commission will be rejected.

This study is commissioned by Pieter Omtzigt, member of the Dutch Parliament and pension rapporteur in the EU on behalf of the Dutch Parliament. 16 February 2012 the Commission published the 'White Paper on pensions', which contains several policy initiatives for 'adequate and sustainable pension systems' in Europe. The Dutch parliament is concerned about the subsidiarity principle of some initiatives in this white paper. On behalf of the Dutch parliament, first Omtzigt will try to convince the Commission to change the draft proposal. If the Commission does not change these initiatives for the final proposal, the Dutch parliament will start a yellow card or orange card procedure after the Commission published the proposal.

This study tries to identify factors which influence the support of national parliaments for issuing a yellow or orange card. Based on scientific literature, with the focus on decision-making costs and benefits, seven factors are identified which could influence the frequency of submitting reasoned opinions. Factors related to decision-making costs are the parliamentary system, the size of the parliament, the effective number of parties and polarization. Factors related to benefits are population size, net position and trust. To test the relation between these seven factors and the frequency of submitting reasoned opinions, eight hypotheses are formulated, based on scientific literature and documentation study. The hypotheses reflect the expected relation between the

2

identified factors and the frequency of submitting reasoned opinions. These hypotheses are tested by accomplishing a nonparametric correlation test and crosstabs, between the number of submitted reasoned opinions in 2010 and 2011, and the seven factors.

The study shows that polarization, population size and net position have a moderated influence. Parliaments with a high rate of polarization, a high population size and a weak net position will submit reasoned opinions more frequently than parliaments with a low rate of polarization, a low population size and a high net position. The parliamentary system and the number of seats in the parliament have a weak influence on the frequency of submitting reasoned opinions. Parliaments with a bicameral parliamentary system and with a high number of seats submit reasoned opinions more frequently than parliaments with an unicameral system and with a small number of seats. The factors effective parties and trust have no influence on the frequency of submitting reasoned opinions.

For practitioners like Pieter Omtzigt, this study is relevant. This study identified seven factors which influence the support of national parliaments for issuing a yellow or orange card. With this new perspective and knowledge, practitioners can use this in case of selecting relevant parliaments for making a coalition with, which increases the chance of drawing a yellow or orange card to the Commission. For scientists this study is relevant as well. This study gives new perspectives about the Early Warning System, including the yellow and orange card procedure, coalition-making processes and decision-making processes. Therefore, this study can be a start of more scientific research.

Table of Contents

1. Introduction

The Lisbon Treaty was signed in 2007 and entered into force in 2009, after ratification by the 27 EU Member States. This Lisbon Treaty includes the *'Early Warning System'*, which focuses on the control of subsidiarity. According to the principle of subsidiarity the EU does not take action, unless when it will be more effective than at local, regional or national level. When parliaments think a proposal breaches the principal of subsidiarity, they have the opportunity to object to legislative proposals of the European Commission within eight weeks after publication. When parliaments object to a legislative proposal, they can draw a yellow or orange card to the Commission. The aim of the *Early Warning System* is to generate more influence for national parliaments of EU member states in EU decision-making processes (TEU, 2009).

The aim of this study is to acquire knowledge about the role of national parliaments in EU decision-making by focusing on the *Early Warning System,* including the yellow and orange card procedure, in order to be able to provide new perspectives on these procedures, coalition-making processes and decision-making processes.

In this chapter the issue and the aim of this study will be further introduced. Then the research questions will be described. This chapter will end with the practical and scientific relevance of this study.

1.1 Issue

A former general opinion is that parliaments are the 'losers' or 'victims' of the EU integration. Because of the integration process their influence in decision-making processes in the EU diminishes (Raunio and Hix, 2000). According to the *deparliamentarization theory*, the decrease of power of parliaments is a result of the advancing integration in the EU (O'Brennan and Raunio, 2007). However, in contrast to this theory, the *intergovernmentalism theory* implies that parliaments do have benefits of European integration. The Member States are the link between the nation and the EU and make, coordinate and control EU policy. The *multi-level governance theory* agrees. The EU is a system with several levels without strict separation between these levels, whereby parliaments play a role within EU decision-making processes (Moravcsik, 1993).

The image of parliaments is changing. Parliaments are seen as a collective actor within the EU. In recent EU treaties, parliaments have received new powers to enhance their role within the EU (Cooper, 2011). The Lisbon Treaty introduced an important new instrument. The *Early Warning System* authorizes parliaments to discuss new legislative proposals of the Commission for compliance with the principle of subsidiarity (Cooper, 2011; TEU). According to protocol 2 art. 6 of the Lisbon Treaty (TEU), parliaments have eight weeks to perform a subsidiarity-test and submit a reasoned opinion:

> *"any national parliament or any chamber of a national parliament may, within eight weeks from the date of transmission of a draft legislative act, in the official languages of the Union, send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. It will be for each national parliament or each chamber of a national parliament to consult, where appropriate, regional parliaments with legislative powers,"* (art. 6, TEU).

Every parliament has 2 votes, with a difference between unicameral parliaments and bicameral parliaments:

> *"Each national Parliament shall have two votes, shared out on the basis of the national Parliamentary system. In the case of a bicameral Parliamentary system, each of the two chambers shall have one vote,"* (art. 7, TEU).

If a parliament sends a reasoned opinion, this counts as 2 votes, depending on the national parliamentary system. With at least one third of the total votes, the Commission receives a yellow card and should reconsider its proposal. With at least half of the total votes, the Commission receives an orange card and the proposal will be blocked, but can be reintroduced by the Commission. In case of this orange card procedure, it will be very difficult for the Commission to maintain the proposal:

> *"Where reasoned opinions on a draft legislative act's non-compliance with the principle of subsidiarity represent at least one third of all the votes allocated to the national Parliaments in accordance with the second subparagraph of paragraph 1, the draft must be reviewed;"(art. 7, 2009)*
> *"where reasoned opinions on the noncompliance of a proposal for a legislative act with the principle of subsidiarity represent at least a simple majority of the votes allocated to the national Parliaments in accordance with the second subparagraph of paragraph 1, the proposal must be reviewed. After such review, the Commission may decide to maintain, amend or withdraw the proposal," (art. 7, TEU).*

Parliaments have the possibility to influence legislative proposals of the Commission and influence decision-making processes of the EU (Senden & Vandamme, 2009). However, the yellow and orange card procedure are rarely used successfully. Only once, in case of Monti-II in May 2012, 19 parliaments submitted a reasoned opinion, enough for drawing a yellow card (Ministerie van Buitenlandse Zaken, 2012).

1.2 Aim of study

By signing the Lisbon Treaty in 2007, the *Early Warning System* was introduced and in 2009 this instrument entered into force (TEU, 2009). From 2010 till today, several parliaments submitted a reasoned opinion in case of several draft legislative acts.

A possible yellow card procedure could be initiated concerning the case of the 'White Paper on pensions'. 16 February 2012 the Commission published this white paper, which contains several policy initiatives for 'adequate and sustainable pension systems' in Europe (European Commission, 2012). The Dutch parliament is concerned about the subsidiarity and proportionality principles of some initiatives in this white paper (Commissie Sociale Zaken en Werkgelegenheid, 2012; Tweede Kamer der Staten-Generaal, 2012). Because of this, the Dutch Parliament appointed Pieter Omtzigt (member of the Dutch Parliament, party CDA) as pension rapporteur (Tweede Kamer der Staten-Generaal, 2012). First, on behalf of the Dutch parliament, he will try to convince the Commission to change the concerning initiatives. If the Commission does not change these initiatives for the final proposal and this final proposal will be published, the Dutch parliament will perform a subsidiarity-test and, if necessary, start a yellow or orange card procedure (Omtzigt, 2012).

This case and evaluation study about the Early Warning System has been chosen because of its practical and scientific relevance. Practical relevance, because this study will generate new

information about the *Early Warning System* and will generate new knowledge about issuing a yellow or orange card procedure. This will help the Dutch parliament deciding whether to start a yellow or orange card procedure in case of the white paper on pensions. At this moment, there is still no evaluation report available about the *Early Warning System* (Seriese, 2013). So there is no information about the effectiveness of this instrument.

This study analyses and evaluates the yellow and orange card procedures for 2010 and 2011. It makes clear how frequently a parliament supplied a reasoned opinion and voted for a yellow card. Thereby, with this study will be tried to identify factors which influence the decision to start a yellow or orange card procedure. If the Dutch parliament decides to start a yellow card procedure in case of the proposal of pensions, this new information will help to make coalitions with other parliaments for drawing a yellow card to the Commission.

Besides the practical relevance, this study has scientific relevance, because there are limited studies and there is no evaluation report about the Early Warning System available (Seriese, 2012). The Early Warning System is a new instrument. As a result, there is limited knowledge about it and there are limited scientific studies available. This evaluation study is relevant for the scientific field, because it will give new knowledge and perspectives about the Early Warning System, the yellow and orange card procedure, coalition-making processes and decision-making processes. Therefore, this study can be a start of more scientific research.

1.3 Research questions

This study can be divided into three stages. The first stage is a description of the Early Warning System, including the yellow and orange card procedure. It describes the formal framework and how this instrument should work in practice. The second stage is about identifying factors. Based on scientific literature, possible factors for the support of submitting a reasoned opinion will be identified. The third stage is about which factors influence the support for submitting a reasoned opinion.

For this study, one research question and four sub questions are developed:

Which factors influence the support of national parliaments of EU Member States, for issuing yellow and orange cards under the Early Warning System?

I. *What is the Early Warning System, including the yellow card and orange card procedure and what is the formal framework of this instrument?*

II. *How frequently did parliaments of EU Member States start a yellow card or orange card procedure, how much support received these procedures from the parliaments and how many procedures resulted in a yellow card or orange card to the European Commission?*

III. *Which factors influence the consideration process of starting a yellow or orange card procedure?*

When the current white paper of pension will be transformed into a legislative proposal and will be published by the Commission, the Dutch parliament considers to initiate a yellow card procedure. Because of this, the Dutch parliament would get more information about the yellow and orange card procedure. Therefore, the last sub question is about lesson learning:

IV. *When the European Commission publishes a legislative proposal, in which way can a parliament create a broad enough coalition with other parliaments to generate enough votes for drawing a yellow card?*

1.4 Layout report

In this section the layout of this report will be explained. In chapter 2 the *Early Warning System* will be explained from a theoretical perspective (how should it works?) to a practical perspective (how does it works?). Based on this scientific literature and documentation study, in chapter 3, eight hypotheses will be formulated. In chapter 4 will be discussed with which research methods the formulated hypotheses will be tested. In chapter 5, the results of the research will be analysed and there will be examined whether there is evidence for the formulated hypotheses. In the final chapter, chapter 6, the research question will be answered, the strengths and limitations of this study will be discussed and possibilities for future research will be given.

2. The Early Warning System

In this chapter sub question I, *'what is the Early Warning System, including the yellow card and orange card procedure and what is the formal framework of this instrument',* will be answered. A short explanation of the role of parliaments in EU decision-making processes will be described, based on policy documents. This broad subject will be specified into the *Early Warning System,* including the yellow and orange card procedure. In the description of the yellow and orange card procedure, the focus will be on the content of this instrument, the formal framework, the terms subsidiarity and proportionality and finally the limitations.

2.1 Role of national parliaments in the EU

For many years, there have been several discussions about the involvement of parliaments in EU decision-making processes. Usually, the opinion is that parliaments are the 'losers' or 'victims' of the EU integration (Kiiver, 2005). Because of the integration process the influence of parliaments in EU decision-making reduces (Raunio & Hix, 2000). Parliaments lose regulatory powers to the Council of Minister particularly, which is the decisive legislative body of the EU, in co-decision with the European Parliament (Kiiver, 2005). According to Raunio and Hix (2000) *"there is almost universal agreement among political scientists, including both integration and legislative scholars, that power has shifted further to the executive at the expense of parliaments and that traditional mechanisms of parliamentary accountability have been weakened".* However, parliaments do retain certain functions within the EU. The most fundamental functions of parliaments are about ratification of EU Treaties, implementation of EU legislation into national law and the continued enforcement of accountability of the governments when they act at EU level (Kiiver, 2005).

Because of the discussion about the involvement of parliaments in EU decision-making, several theories are formulated. A theory about the reducing power of parliaments is the *deparliamentarization theory.* According to this theory, the decrease of power of parliaments is a result of the advancing integration of parliaments in the EU and of five factors:

- The first factor is the constitutional factor. This is about the transfer of power from national level to EU level. A part of the power of parliaments is transferred to the EU. For example: initiatives of monetary policy; agriculture policy and external trade.
- The second factor is that parliaments have limited influence in case of treaties. However ratification of treaties is a fundamental function of parliaments, it has a 'take it or leave it' character. Parliaments cannot make changes in treaties. They can only agree or disagree

with the treaty as a whole. Therefore it is possible that a treaty will not be ratified, because a parliament does not agree with only a section of the treaty (O'Brennan & Raunio, 2007).

- The third factor is the increase of the Qualified Majority Voting: This voting system is the most common form of voting in the EU Council of Ministers. Votes of the Member States are weighted. There is a qualified majority when 255 votes of 345 votes are positive. Because of this procedure, parliaments have limited control, because *"qualified majority as opposed to unanimity voting reduces parliaments' ability to indirectly influence Council decision"* (European Centre for Parliamentary Research and Documentation, 2011).

- The fourth factor is the *'Murky world of committees and expertise'* (Raunio & Hix, 2000): decision-making is more technical and specialized. Because of this, there are many workgroups and specialized committees. The EU has more opportunities to use these specialized groups than parliaments have (Raunio & Hix, 2000).

- The fifth and final factor is that *"the powers and legitimacy of the European Parliament fall far short of full compensation of the loss of power of parliaments"* (O'Brennan & Raunio, 2007). For example, the European Parliament does not have the right of initiative (initiatiefrecht) or full authority about budget.

In contrast to the *deparliamentarization theory*, the *intergovernmentalism theory* suggests that parliaments have benefits of the European integration. According to Moravcsik (1993) *'the European Community does not diffuse the domestic influence of the executive: it centralizes it'.* Parliaments are the link between Member States and the EU. Parliaments make, coordinate and control EU policy. But there is a strict separation between national and EU policy-making. However, decision-making in EU by parliaments is influenced by national interests (Moravcsik, 1993).

The *Multi-level governance theory* is in line with the *Intergovernmentalism theory*. According to this theory, the EU is a system with several levels without strict separation between these levels, whereby parliaments play a role within EU decision-making processes (Moravcsik, 1993). So parliaments play a role in the decision-making processes in case of legislative proposals of the Commission, but also in the decision-making processes in case of transforming legislative proposals into a policy.

Analysing the last thirty years, the relationship between the EU and parliaments is shifted from *deparliamentarization* into a more *inter-governmental* situation and can currently better be

explained on the basis of *intergovernmentalism theory*. Before the 1990's there was a lack of input legitimacy within the European Union. This became clear after the Danish citizens voted in a referendum against the Treaty of Maastricht in 1992 and the French citizens almost rejected this treaty. Parliaments came to be seen as important actors for reducing the democratic deficit within the EU (Norton, 1998). Because of this, parliaments got more formal instruments with which they can exert influence at EU-level (van den Berg, 2011). An example of a formal instrument is the Early Warning System, where parliaments have the opportunity to issue a yellow or orange card when they have the opinion that a legislative proposal of the Commission breaches with the subsidiarity principle (European Commission, 2009).

Today, there are still discussions about the influence of parliaments in EU decision-making processes. In 'the speech on Europe', the Prime Minister of the United Kingdom, David Cameron, suggests that in 2017, by a referendum, the British citizens would get the opportunity to vote about the British membership in the EU. The British citizens have the opportunity to stop this membership. Thereby, Cameron suggests that the conditions of the British membership should be revised (BBC, 2013). William Hague, the UK Foreign Secretary, claims that the EU needs a "red card" system for parliaments to block proposals if parliaments think EU officials are going too far (BBC, 2013). There is more discussion and criticism about the role of parliaments in the EU.

2.2 The Early Warning System: the occasion
In the 1990's parliaments shifted from the side line to the playing field of the EU. Because of the European integration, the EU got more influence at the domestic level and therefore more involvement of parliaments was necessary (Kaczynski, 2011).

However the role of parliaments and parliamentary control in EU decision-making was discussed before, at the Maastricht Intergovernmental Conference the role of parliaments became a prominent subject of discussion in the treaty-drafting context on the EU level. Subsidiarity and proportionality got a place in the EU. The Maastricht Intergovernmental Conference in 1992 considered to encourage greater involvement of parliaments at EU level. A better exchange of information between parliaments and the European Parliament and Commission should be encouraged and a better contact between those institutions was important (Kiiver, 2005). However, these declarations were no legally binding documents. This happened in 1997, by the Treaty of Amsterdam. The Treaty of Amsterdam made information exchange between parliaments

and EU institutions possible. A first step for more collaboration between the EU and parliaments. However this first step seems not very big, it is the first formal recognition of the rights of parliaments in EU decision-making processes (Kaczynski, 2011).

In 2002 and 2003, parliaments were allowed to participate in the European Convention for the creation of a Constitution for Europe. At this Convention, the suggestion was to give parliaments the possibility to have more involvement into European decision-making processes. More specific, parliaments should have the possibility to block European proposals if this was in contrary to the principle of subsidiarity. Therefore the European Constitution developed a first version of the yellow card procedure, but many parliaments disagreed with this procedure (Kaczynski, 2011). In 2005 referenda in The Netherlands and France failed. This rejection of the Convention delayed the direct parliamentary involvement in the EU. As a results, the involvement of parliaments in EU decision-making got more and more attention and became a hot issue in the negotiations to the Lisbon Treaty. Some parliaments would like to realize a greater involvement of parliaments. Especially The Netherlands, one of the initiators, opted for more involvement for parliaments in EU decision-making processes. This resulted not only into a yellow card procedure, but it also contained an orange card procedure. Both procedures were accepted by the Lisbon Treaty in 2007 (de Bruijn, 2011).

In 2006 the Commission improved the political dialogue with parliaments by the so called 'Barrosso initiative'. The Commission directly sends all new proposals to the parliaments, so the parliaments can give a reaction as to improve the policy formulation. Some parliaments were actively reacting, and discussed the principle of subsidiarity in their reaction (Kiiver, 2006). Between 2005 and 2009 COSAC, the inter parliamentary conference for European Affairs committees, coordinated eight pilots in order to gain experience with subsidiarity control. None of these pilots reached the threshold of one-third of the parliaments. With these pilots, COSAC identified some issues with the Early Warning System. These issues were resolved in the Lisbon Treaty. One of the issues was that parliaments had trouble performing a subsidiarity check. Because parliaments had only six weeks, instead of eight weeks in the Lisbon Treaty, to submit a reasoned opinion and there were no translations available for all the official languages of the EU of the legislative proposals (Kiiver, 2006; Kaczynski, 2011).

This practical development of the role of parliaments in EU decision-making processes can be seen

as an example of the *intergovernmentalism theory*. In accordance with this theory, there is a separation between national and EU policy-making, but parliaments 'make, coordinate and control the EU policy' (Moravcsik, 1993). Because of the demand for more involvement of parliaments in EU decision-making, the parliaments received instruments like the Early Warning System to influence EU decision-making processes (de Bruijn, 2011).

2.3 Early Warning System: How is it supposed to work?

To influence European decision-making processes, parliaments have several instruments to use, which are generated by European Treaties (European Commission, 2007). In line with the Constitutional Treaty, the Lisbon Treaty tries to increase the position of the European Parliament (EP) and parliaments (of 27 EU Member States) in European decision-making processes. The Lisbon Treaty introduced new instruments for more involvement of parliaments (Senden & Vandamme, 2009).

The Lisbon Treaty introduced the Early Warning System, whereby parliaments can test the legislative proposals of the Commission on subsidiarity, a so called 'subsidiarity check', after publishing the proposal by the Commission (Kiiver, 2011). After finishing this subsidiarity check, parliaments can submit a 'reasoned opinion'. A reasoned opinion can be seen as a vote against the legislative proposal. Each parliament can submit two votes. In case of a bicameral parliamentary system each chamber can submit one vote. In case of an unicameral parliamentary system, the concerning chamber can submit two votes (art. 7 TEU). This means that parliaments and senates are treated equally. In a bicameral parliamentary system it would be more difficult in mobilizing two votes, compared to an unicameral parliamentary system where only one chamber has to be convinced to submit a reasoned opinion (Kiiver, 2011).

The European Union has 27 Member States. This means that there are 54 votes for the parliaments. If more than 18 votes (at least 1/3 of the parliaments) are against the proposal, parliaments draw a yellow card to the Commission (art. 7 TEU; Kiiver, 2011). When parliaments draw a yellow card, the Commission has to review its legislative proposal (but does not have to withdraw it). Then, the Commission has to explain their decision to the parliaments, in the form of a Communication (art. 7 TEU). If more than 27 votes (at least ½ of the parliaments) are against the legislative proposal, the parliaments draw an orange card to the Commission. In case of an orange card, it will be difficult for the Commission to maintain the proposal. The Commission has to send

its opinion and the reasoned opinions of the parliaments to the European Parliament and the European Council. These institutions have to take a decision about the subsidiarity infringement of the legislative proposal (art. 7 TEU). If the European Parliament or the European Council agrees with the parliaments, the legislative proposal will be rejected (Kiiver, 2011). However, if the Commission reviews its proposal not well, it is likely that the European Parliament or the European Council reject the proposal. It is likely that members of these institutions, especially in case of the Council, follow the opinion of their national parliament (Kiiver, 2011; Kaczynski, 2011).

When the Commission drafts a legislative proposal, the proposal will be translated in all official languages of the EU. When the last translation is finished, the Commission sends the translated proposal to the parliaments. Parliaments have eight weeks to perform a subsidiarity check and to submit a reasoned opinion (art. 6 TEU). Formally parliaments have a period of eight weeks, but in practice the parliaments can take note of the legislative proposal earlier, because the English and French version are available earlier than the translated versions. It can make a difference of a few weeks (Kiiver, 2011).

When the parliaments receive the legislative proposal, it has to decide if it performs a subsidiarity check. Balancing this decision is different for every parliament. Parliaments have different conceptions about subsidiarity (Kaczynski, 2011). If a parliament decides to perform a subsidiarity check, it will make its decision known at the website of the Inter Parliamentary EU information eXchange (IPEX). IPEX is a platform for the European Parliament and parliaments to exchange information. It works more as an archive for these institutions (IPEX, 2013).

When a parliament accomplished a subsidiarity check, it has to formulate a reasoned opinion. There are no specific guidelines for a reasoned opinion. The only requirement for a parliament is to focus on the principle of subsidiarity in its reasoned opinion, otherwise the reasoned opinion does not count as a vote against the legislative proposal of the Commission. A good formulation of the reasoned opinion is important. In most cases it is negatively formulated, because a parliament thinks there is an infringement of the principle of subsidiarity (Kiiver, 2011).

When a parliament decides to submit a reasoned opinion, it will try to convince other parliaments to submit a reasoned opinion as well. The parliament has to coordinate this with other parliaments, because it takes more than 18 votes for a yellow card and more than 27 votes for an orange card (art. 7 TEU). Therefore, during the period of eight weeks, besides performing a subsidiarity check and submitting a reasoned opinion, a parliament has to be effective in

mobilizing a broad coalition with other parliaments. Parliaments will have to coordinate its actions with other parliaments by contacting representatives in Brussels or representatives in the concerning parliaments (Omtzigt, 2012).

2.4 The principle of subsidiarity and proportionality

A subsidiarity check has to be performed before a parliament can initiate a yellow or orange card procedure. But what is the principle of subsidiarity? In article 5 of the Treaty on European Union, the principle of subsidiarity is defined:

> *"Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol"* (art. 5 TEU).

So, according to the principle of subsidiarity the EU does not take action, unless the action at EU level will be more effective than at local, regional or national level. This means that the Commission has to justify the relevance of every proposal against the principle of subsidiarity. However, according to the Lisbon Treaty (2009), the EU has six exclusive competences with regards to the management of Customs Union; the economic and monetary policy of the EU; the maintenance of competition laws; the common positions of EU member-states in international trade negotiations; the common fisheries policy; some international agreements (European Union, 2010). Even though there is a definition given by the EU, on the principle of subsidiarity (with exclusive competences for the EU), it remains difficult to decide if something belongs at the EU level, or local, regional or national level. There is no specific definition with clear 'boundaries' about the principle of subsidiarity. Often, it is a matter of opinion when a parliament decides if there is an infringement of subsidiarity or not (Kaczynski, 2011).

The proportionality principle is related with the subsidiarity principle. The proportionality principle is entered into force with the Treaty of Amsterdam in 1992. The proportionality principle regulates the exercise of powers by the European Union. According to this principle the EU should not go further than necessary in case of performing new policy and legislation. When there are different

manners to introduce new legislation, the EU should choose that manner whereby the Member-States have freedom as much as possible (Europa, 2013).

2.5 Difficulties and limitations of the yellow and orange card procedure

According to Senden & Vandamme (2009) and Jans & Piedrafita (2009) there are some difficulties and limitations of the Early Warning System. The first and most important difficulty of this instrument is the time limit of eight weeks. Parliaments have eight weeks to perform a subsidiarity check, submit a reasoned opinion and create a coalition with other parliaments to generate enough votes for a yellow card or orange card (Senden & van Damme, 2009). These eight weeks includes breaks, national holidays etc., except the month August. During these eight weeks the development of the conceptual proposal stops. Therefore it is important that parliaments submit a reasoned opinion as soon as possible. However, according to Senden & van Damme (2009), a time limit of eight weeks is too short. This statement of Senden & van Damme (2009) is confirmed by an example. After publishing the proposal by the Commission, the parliament of Estonia wanted to perform a subsidiarity check. For accomplishing this subsidiarity check and submitting a reasoned opinion, the Estonian parliament had a normal time limit of eight weeks. Because of the Christmas break of 3 weeks, the Estonian parliament was left only five weeks. According to the Estonian parliament, five weeks is way too short to deliver a reasoned opinion (Seriese, 2013). Furthermore, when the Commission publishes a proposal before the Summer break of six weeks, there are a few weeks left for parliaments to perform a subsidiarity check, submit a reasoned opinion and contact other parliaments. Accomplishing all the tasks in a few weeks is difficult. The statement of Senden & van Damme (2009) and the protest of the Estonian parliament show that the period of eight weeks is a limitation in case of the Early Warning System.

However, this statement is partially contradicted. Parliaments have the opportunity to take note of the proposal earlier, because the English and French versions are earlier available. This can make a difference of weeks (Kiiver, 2011). This fact invalidates partially the statement of Senden & van Damme (2009) and the protest of the Estonian parliament. However, formally parliaments have eight weeks to finally submit a reasoned opinion. So in that case, the statement of Senden & van Damme (2009) and the protest of the Estonian parliament are still relevant.

The second limitation is that performing a subsidiarity check is only possible. Performing a proportionality check is not possible, while a proportionality check gives more space for a solid

consideration than only a subsidiarity check (Senden & van Damme, 2009). A third difficulty is that in case of an orange card, the Commission could try to circumvent the negative advices by changing the proposal. Then it is still possible that the proposal (partially) will be seen as positive and will result into new legislation. The final limitation is that it is not possible for the Court to reject the proposal for other reasons than subsidiarity (Senden & Vandamme, 2009 and Jans & Piedrafita, 2009).

2.6 Conclusion

In this chapter, sub-question I, *'what is the Early Warning System, including the yellow card and orange card procedure and what is the formal framework of this instrument'*, is discussed. Concluding, the Early Warning System is introduced by the Lisbon Treaty in 2009 and focuses on the control of subsidiarity. The aim of the Early Warning System is to generate more influence for national parliaments of EU Member States in EU decision-making processes. When parliaments have the opinion that a legislative proposal of the Commission infringes the principle of subsidiarity, they can submit a reasoned opinion within eight weeks after publication (art. 6 TEU). In these eight weeks, it is important to convince other parliaments to submit a reasoned opinion as well (Kiiver, 2011). Every Member State has 2 votes. To draw a yellow card more than 18 votes will be necessary. To draw an orange card more than 27 votes will be necessary (art. 7 TEU). If the Commission receives a yellow card, it has to review its legislative proposal (does not have to withdraw it). If the Commission receives an orange card, the Commission has to send its proposal and the submitted reasoned opinions to the European Parliament and the European Council. These institutions have to make a decision about the possible infringement of the subsidiarity principle. When the institutions agree with the parliaments, the proposal of the Commission will be rejected (Kiiver, 2011).

3. Issuing a yellow card: hypotheses

In this chapter, the focus is on initiating a yellow or orange card procedure. Therefore , factors which influence this process are very important. First, it will be important to identify the possible factors before answering sub-question III '*which factors influence the consideration process of starting a yellow or orange card procedure'.* As a result, several hypotheses will be developed based on scientific literature.

Before issuing a yellow or orange card, there is a procedure with different steps. Within eight weeks, a parliament has to accomplish a subsidiarity check, has to submit a reasoned opinion and has to try to convince other parliaments to submit a reasoned opinion as well. For issuing a yellow or orange card, parliaments have to convince other parliaments for creating a coalition to get more than 18 votes (art. 7 TEU). This coalition-making process should lead to a result or collective good that parliaments cannot attain individually. So building a coalition will lead to collective benefits (Olson, 1965; Lupia & Sin, 2003). But, besides benefits, the procedure can lead to costs, decision-making costs. Every parliament has to weigh the costs and benefits.

According to Buchanan & Tullock (1962) there are two types of costs: external costs and decision-making costs (Parisi, 2012). Decision-making costs are the opportunities, resources, time and effort before making a decision or to reach an agreement (Ostrom & Ostrom, 1971). The height of the decision-making costs depends on the number of participants in the decision-making process (Dougherty & Edward, 2011). The higher the number of participants, the higher the decision-making costs.

In this case there are several decision-making costs. For submitting a reason opinion, parliaments have to discuss internally and make the decision to submit a reasoned opinion or not. A parliament which submits a reasoned opinion has to discuss external with other parliaments and has to persuade other parliaments to join as well. During these steps parliaments make costs for decision making.

On the other hand, issuing a yellow card provides benefits as well. Decision-making in the EU by parliaments, is influenced by national interests (Moravcsik, 1993). Therefore, the benefits are split up into two sections: a) the (international) influence and involvement of the parliament and b) the

domestic, national benefits. These benefits will be derived from making an attempt to change the outcome of an EU-decision, or be active in the interest of the national citizens.

3.1. Decision-making costs

After the Commission published the legislative proposal, within eight weeks parliaments have to perform a subsidiarity check and have to submit a reasoned opinion (art. 6 TEU). Parliaments have to discuss with and convince other parliaments to submit a reasoned opinion as well. Only when there are more than 18 votes, it is possible to draw a yellow card. Parliaments with an unicameral system have 2 votes automatically. Parliaments with a bicameral system have 2 votes too, but split up in 1 vote per parliament (art. 7 TEU).

3.1.1. Bicameral and unicameral parliamentary system

An unicameral parliamentary system means that there is one national parliament in a state. With a bicameral parliamentary system the parliament exists of two chambers, a national council and a senate (Lijphart, 1999). In case of a bicameral parliamentary system, both parliaments have to discuss issuing a yellow card. Both parliaments have to adapt their opinions and both have to submit a reasoned opinion, when it will result into 2 votes. These internal consultations result into decision-making costs like time and effort. It is to be expected that it will be a threshold for these parliaments to submit a reasoned opinion and initiate a yellow or orange card procedure.

Besides these internal decision-making costs, there are international decision-making costs as well. In case of these international costs, there are two different considerations. The first consideration is about self-initiated action. If a parliament decides to submit a reasoned opinion, it is necessary to convince other parliaments to submit a reasoned opinion as well, for drawing a yellow card. When a parliament with an unicameral system submits a reasoned opinion, it automatically results into 2 votes. But in case of a parliament with a bicameral system, both chambers have 1 vote. Only when both chambers submit a reasoned opinion, it results into 2 votes. Because of this, it will be easier and therefore more attractive to form a coalition with parliaments with an unicameral system. Consequently, it is likely that parliaments with an unicameral system are involved in issuing a yellow card more frequently.

The second consideration is the request of a parliament to another parliament to submit a reasoned opinion as well. This is about the parliament which will be invited, and not about the

parliament which initiates the procedure. However in this case a parliament has not to persuade others, it has to think about the proposal from another parliament to join as well. In case of parliaments with a bicameral system, both parliaments have to be requested to join to get 2 votes. In case of parliaments with an unicameral system, only once the parliament has to be persuade to get 2 votes. Because of this, it will be more likely that parliaments with an unicameral system will be invited more frequently than parliaments with a bicameral system.

Based on the discussion above, a hypothesis is formulated:

Hypothesis 1: the percentage of parliaments submitting a reasoned opinion is higher amongst parliaments with a unicameral parliamentary system than amongst parliaments with a bicameral parliamentary system.

3.1.2 Size of the parliament

There are lots of scientific studies and theories about the size of groups and the degree of action of these groups. Mancur Olson (1965) is one of the most famous scientists about collective action (Lupia & Sin, 2003). According to Olson (1965) the size of a group influences the degree of action. In his book *'The logic of collective action'* Olson (1965) claims that in contrast with larger groups, smaller groups will be more effective and would act more willing. In case of large groups the benefits for every individual member are smaller, members would be less motivated and the organizational costs are higher. Olson (1965) claims that the benefits in smaller groups will be higher than the costs. When the group is larger, the costs of coordinating behaviour and the costs of the formal organization will be higher too: this will lead to a higher barrier in larger groups to act collective (Lupia & Sin, 2003). This is in line with the statement of Buchagan & Tullock (1962).

In this perspective, parliaments with a high number of parliamentarians will have higher decision-making costs than parliaments with a small number of parliamentarians. For large parliaments it will be more difficult to create one statement and act collectively. Based on the foregoing statements, it will be likely that large parliaments would submit less reasoned opinions than small parliaments, because the decision-making costs of large parliaments will be higher. Because of these costs, it is likely that the barrier to submit a reasoned opinion will be higher for large parliaments than for small parliaments.

There is another plausible argument: a small parliament may have less capacity to engage in matters than larger parliaments. In a small parliament there are relatively few members who can deal with the parliaments' workload. In parliaments with more members this workload can be divided amongst more members. As a results, parliaments with a high number of parliamentarians can more easily submit a reasoned opinion than a parliament with fewer parliamentarians.

To test the differences in costs of submitting a reasoned opinion by small parliaments or large parliaments, two hypotheses are formulated:

Hypothesis 2a: Parliaments with a small number of members have low decision-making costs and submit reasoned opinions more frequently than parliaments with a large number of members.

Hypothesis 2b: Parliaments with a large number of members have more capacity, and will therefore submit more often a reasoned opinion than parliaments with a small number of members.

3.1.3 Effective parties

There is a difference in the number of parties in parliaments among Member States. The United Kingdom has a two party system and The Netherlands have a multiple party system. In this case it is important to define the *effective number of parties* in a parliament. The effective number of parties is the number of important or viable political parties in a parliament that includes parties of unequal size (Golosov, 2010). A parliament will be concentrated when there is a small number of effective parties. When there is a large number of effective parties, the parliament will be fragmented. According to the theory of Olson (1965) discussed above, it is likely that fragmented parliaments will have more decision-making costs than concentrated parliaments, because in a fragmented parliament there are more groups of parties. The costs of coordinating behaviour and formal organization are higher in parliaments with more individuals/groups than in parliaments with less individuals/groups. So, it is likely that concentrated parliaments submit a reasoned opinion easier and more frequently than fragmented parliaments.

To test this statement, the following hypothesis is formulated:

Hypothesis 3: national parliaments with a small number of effective parties submit reasoned opinions more frequently than national parliaments with a large number of effective parties.

3.1.4 Polarization

Another interesting factor is polarization. There are two different kinds of polarization: social polarization and political polarization. In case of social polarization there are different groups of citizens with contradicting opinions. In case of political polarization there are different groups of political parties with contradicting opinions and ideologies (Esteban & Ray, 1994). Every party has opinions about different subjects. Based on its opinion, a party has a 'left, right or central position'. The polarization value reflects the contradictions and the range of positions of political parties in a parliament (Esteban & Ray, 1994; in Indridason, 2011). When the polarization value of a parliament is high, the political parties of this parliament have broad contradictions. When the polarization value of a parliament is low, the political parties of this parliament have small contradictions. It seems logical to assume that parliaments with a large number of parties tend to be more polarized. But the study of Dalton (2008) shows that the rate of polarization depends not on the number of parties (Dalton, 2008).

Based on the discussion above, it is likely that parliaments with a high rate of polarization will submit reasoned opinions less frequently than parliaments with a low rate of polarization. To test this, the next hypothesis is formulated:

Hypothesis 4: Parliaments with a high rate of polarization submit reasoned opinions less frequently than parliaments with a low rate of polarization.

3.2 Benefits

3.2.1 Population size

Parliaments have several opportunities to influence the decision-making processes in the EU. First by the European Parliament. A distinction can be made between Member States with a high population size and Member States with a low population size. The number of seats in the European Parliament depends on the number of citizens. Member States with a large number of citizens have more seats in the European Parliament. When a Member State has more seats in the European Parliament, this member state has more votes in the European Parliament and eventually more influence in the European decision-making processes. For example, Germany has more than 80 million citizens and therefore 99 seats in the European Parliament, while Luxembourg has 500.000 citizens and 6 seats in the European Parliament (European Union, 2012). So, Germany has more influence in EU decision-making processes than Luxembourg.

Besides the European Parliament, parliaments can influence the decision-making process in the EU by the Early Warning System. In case of the Early Warning System, every Member State has 2 votes to influence the EU decision-making process. So, formally there is no difference between the Member States and the population size does not matter.

The Early Warning System could be interesting for small Member States. For small Member States it is difficult to influence the decision-making process in the European Parliament because of their small number of seats. In case of the Early Warning System there is no difference in the degree of influence, because every Member State has 2 votes. So a small Member State has as much influence as a large Member State. Therefore it is likely that small Member States would submit a reasoned opinion more frequently.

The Early Warning System is an instrument for parliaments to influence the decision-making process in the EU. When drawing a yellow or orange card fails, it is still possible that this 'unsuccessful yellow or orange card procedure' influences the EU decision-making process. For example: Member States with a large population size, like Germany, France, United Kingdom think proposal A infringes the subsidiarity principle, so the parliaments of these Member States submit a reasoned opinion. Drawing a yellow card fails, so the legislative proposal of the Commission goes to the European Parliament for decision. Because Member States with a large population size have problems with proposal A, it will be likely that these will vote against proposal A in the European Parliament. It will be likely that proposal A will be voted down, because the large Member States have a high number of votes in the European Parliament.

Formally all member states are equal, but in practice there is a difference. The population size still influences the decision-making process. Large Member States have more opportunities to influence the EU decision-making process.

That there is a difference between large Member States and small Member States is confirmed by the theory of Olson & Zeckhauser (1966). Olson & Zeckhauser (1966) conclude that large Member States contribute more than proportional to the costs of collective goods. Consequently, small Member States contribute less to the costs of collective goods. When the contributions of small Member States are minimal, their parliaments could get the idea that the collective good will be reached without their contribution as well. So, why would it be necessary to make costs, while the collective good will be reached nevertheless? Small Member States can use the large Member

25

States to reach the collective good. Olson (1965) calls them *'free riders'*. The small Member State which does not contribute, will benefit of the contributions and costs of the large Member State.

From a purely formal perspective, there are no reasons why small Member States would be more or less likely to submit reasoned opinions more frequently than large Member States. Because with the Early Warning System both have equal influence in the decision-making process in the EU. But in fact, the impact of large Member States is likely larger than the influence of small Member States. Based on the theories of Olson (1965) and Olson and Zeckhauser (1966), it will be likely that large Member States will submit reasoned opinions more frequently than small Member States. To test these opportunities, the next hypothesis is formulated:

Hypothesis 5: Parliaments of large member states would submit a reasoned opinion more frequently than parliaments of small member states.

3.2.2 Net position

A parliament consists of a group of members, which represent all citizens (individuals) of a state (Verheugt, 2009). When parliaments think a legislative proposal infringes the subsidiarity principle, they have the possibility to submit a reasoned opinion. Formally, the goal is to make a coalition with other parliaments to get more than 18 votes for drawing a yellow card. However, another reason to submit a reasoned opinion is to make a statement about the EU to their own citizens. Several scholars argued that the EU has undermined the authority of parliaments and that the control of parliaments in EU legislative processes are overstated (Duina & Oliver, 2005). The example of the UK, mentioned before, shows that some parliaments agree with this statement. When a parliament submits reasoned opinions frequently, it shows its own citizens that it is active against the EU, for the national benefit. However this will not result into a yellow card, this activity can result into national benefits, for example more votes during the national elections.

To make national benefits more concrete, the focus will be on the net position (winner/loser) of Member States and on the trust of citizens. The net position is the difference between the contribution of a Member State to the EU, and the contributions, for example subsidiaries, of the EU to a Member State. When a Member State contributes more to the EU than it receives from the EU, the Member State has a weak net position and is a so called loser. When a Member State receives more from the EU than it contributes to the EU, the Member State has a strong net

position and is a so called winner (European Commission, 2011). The expectation is that Member States with a weak net position (loser), will be more active in submitting reasoned opinions:

Hypothesis 6: Member States with a weak net position will be more active in submitting reasoned opinions, than Member States with a strong net position.

3.2.3 Trust

The second national benefit is the trust of citizens in the European Union. Trust is an important factor for governments at all levels. The trust of citizens contributes to the effective functioning and performance of governments (Easton, 1965). Trust facilitates the acceptance of democratic values and ideas by citizens (Norris, 1999). According to Norris (1999), citizens with a high rate of trust accept decisions of the EU easier than citizens with a low rate of trust. Thereby, when there is a high rate of trust, the EU will be more popular. Parliaments with a low rate of trust are less capable to accept legislative proposals of the Commission, than parliaments with a high rate of trust. Thereby, the EU is less popular by parliaments with a low rate of trust. Applying these theories to the Early Warning System, the expectance will be that parliaments with a low rate of trust will submit reasoned opinions more frequently.

Hypothesis 7: parliaments with a low rate of trust in the European Union, submit reasoned opinions more frequently than parliaments with a high rate of trust in the European Union.

3.3 Conclusion

In case of submitting a reasoned opinion parliaments have to weigh decision-making costs and benefits. Decision-making costs are opportunities, resources, time and effort before making a decision (Ostrom & Ostrom, 1971). The benefits can be split up into two parts: a) the (international) influence and involvement of the parliament and b) the domestic, national benefits. Based on scientific literature, seven factors are identified which could influence the frequency of submitting reasoned opinions. The identified factors which are related to decision-making costs are parliamentary system, size of the parliament, effective number of parties and polarization. The identified factors which are related to benefits are population size, net position and trust. To test the relation between the seven identified factors and the frequency of submitting reasoned opinions, eight hypotheses are formulated. The hypotheses reflect the expected relation between the identified factors and the frequency of submitting reasoned opinions.

4. Methods

For the preparation of this study a literature research and a documentation research are performed to attain general information about decision-making processes within the EU and the Early Warning System. Scientific literature and formal documents of the EU and the Dutch government have been consulted. Because the availability of scientific literature and formal documents about the Early Warning System is limited, it is difficult to acquire information and to obtain a clear and complete perspective about it. Based on the information generated from this research, the previous chapters are accomplished.

In this chapter the methods for testing the hypotheses will be explained. The first section explains what the dependent variable of this study will be and how this variable will be studied and analysed. The subsequent sections explain and analyse the relationship between the dependent variable and seven factors (independent variables).

4.1 Reasoned opinions

This section focuses on the dependent variable of this study: the number of submitted reasoned opinions by parliaments of EU Member States for the years 2010 and 2011. Unfortunately, there is not yet a complete list of the submitted reasoned opinions in 2012 available. For collecting the number of reasoned opinions per parliament, the IPEX website will be used. IPEX, abbreviation for the *InterParliamentary EU information Exchange*, is an online platform for the mutual exchange of information between parliaments and the European Parliament concerning issues related to the EU, and is especially created in light of the provisions of the Lisbon Treaty. The main part of IPEX is the documents database which contains parliamentary documents and information concerning the EU, draft legislative proposals, consultations and information documents coming from the Commission. At the same time, IPEX offers the means for following the subsidiarity check deadlines. Beside this part, IPEX contains a calendar of interparliamentary meetings and events in the EU and provides links to relevant websites (IPEX, 2013).

The used documents of the IPEX platform lists all reasoned opinions and contributions received from parliaments in 2010 and 2011 in respect of draft legislative acts coming under the scope of protocol 2 of the Lisbon Treaty (IPEX, 2010; IPEX, 2011). By analysing these lists, new overviews of the submitted reasoned opinions of 2010 and 2011 will be accomplished. Per legislative act will be shown which parliament submitted a reasoned opinion. Automatically it will be clear how

frequently a parliament submitted a reasoned opinion in 2010 and 2011 and how many reasoned opinions were submitted in 2010 and 2011.

For this study the statistical software programme 'SPSS' will be used to enter the data and to make statistical analyses to test the hypotheses. For years, SPSS is one of the most used statistical software programmes to make statistical analyses (Huizingh, 2006). Before starting these analyses it is necessary to make a data file. First the names of the 27 Member States will be entered and then the concerning parliaments are entered. Because the parliaments are the units in this study, every individual parliament has a line (horizontal) in this data file. Finally, for every parliament the number of submitted reasoned opinions will be entered in the data file and it is clear how frequently a parliament submitted a reasoned opinion in 2010 and 2011.

4.2 Bicameral and unicameral parliamentary system

With hypothesis 1 the relationship between the frequency of submitting a reasoned opinion and the parliamentary system will be tested. The parliamentary system is the independent variable. To test this hypothesis it is necessary to identify the parliamentary systems of all 27 Member States. Because of the literature and documentation study, the 27 Member States are already identified. Then, the World Factbook of the Central Intelligence Agency (CIA) will consulted. The CIA is an independent Government agency of the United States, which is responsible for providing national security intelligence to senior US policymakers. The World Factbook is an annual summary which provides the essential elements of basic intelligence on all areas of the world and related to many countries in the world, including the 27 EU member states (CIA, 2013). For every Member state the parliamentary system will be entered in the data file. The type of the parliamentary system will be indicated by name (unicameral or bicameral) as well as by number. Number 1 represents an unicameral parliamentary system and number 2 represents a bicameral parliamentary system.

4.3 Size of parliament and capacity

For analysing the relationship between the frequency of submitted reasoned opinions and the size of a parliament, it is necessary to identify the size of the parliaments for the years 2010 and 2011. For identifying this data, the online database *Parliament and Government Composition Database (ParlGov)* (2013) will be used. This database is a project supported by different institutions, but now a days mainly supported by the University of Bremen in Germany (ParlGov, 2013). By consulting the pages of every Member State in this database, parliamentary information, including

the size of the parliaments in 2010 and 2011 can be found. This database gives only information about parliaments like the national councils and, unfortunately, gives no information about the senates. To identify the size of the 'senates', another source has to be found. For identifying the sizes of the senates the online *World Factbook* of the CIA (2013) and the websites of the senates of the Member States will be consulted. This data of 2010 and 2011 will be entered in the data file of SPSS.

4.4 Effective parties

To analyse the relationship between the frequency of submitted reasoned opinions and the number of effective parties in a parliament, the database of ParlGov (2013) will be consulted. For each national council the effective number of party votes of all elections are given. The effective number of party votes is not available for senates. The effective number of party votes of 2010 and 2011 will be entered in the SPSS data file. For some parliaments the effective number of party votes in 2010 and 2011 will be the same, because in both years there is the same cabinet. For other parliaments the effective number of party votes of 2010 differs from 2011, because in between there was an election, which resulted into another cabinet and another setting of parties in the parliament. If this is the case, the mean of the effective number of party votes of 2010 and 2011 will be calculated, and a new variable in the SPSS database is created.

The effective number of party votes for the senates are not available, also not by another sources. The assumption is that the fragmentation of parties (effective number of party votes) in the national council and the senate will be similar. Therefore, in case of parliaments with a bicameral system the effective number of party votes for the national councils will be used for the senates as well. Otherwise, with blank columns it is not possible to do statistical analyses. The data of 2010 and 2011 will be entered in the SPSS data file.

4.5 Polarization

To study the relationship between the frequency of submitting reasoned opinions and polarization in a parliament, it will be necessary to identify the polarization rate of each parliament. The database of *ParlGov* (2013) uses the polarization index, introduced by Dalton (2008). When the polarization value of a parliament is high, the political parties of this parliament have broad contradictions. When the polarization value of a parliament is low, the political parties of this parliament have small contradictions (Dalton, 2008). In this case, the *ParlGov* database (2013) gives only information about the national councils and not about the senates. The assumption is

that the polarization of the national council and the senate will be similar. Therefore, the polarization rate of the national councils will be used for the senates. The polarization rates of 2010 and 2011 will be entered in the SPSS data file.

4.6 Population size

To study the relationship between the frequency of submitted reasoned opinions and population size, it will be necessary to identify the population size for every Member State. Thereby, the population size gives an indication of the rate of influence of a Member State in the European Parliament. To get the data about the population size of the Member States, the online *World Factbook* (CIA, 2013) and the website of the European Union (EU, 2013) will be consulted. These data will be entered in the SPSS data file.

4.7 Net position

To study the relationship between the frequency of submitted reasoned opinions and the net position, the contributions of the Member States to the EU and vice versa should be identified and analysed. Therefore, the *EU budget 2010 financial report* (2011) and the *EU budget 2011 financial report* (2012) will be consulted. Both financial reports give an overview of the 'operating budgeting balances' of the EU for each Member State. The constructing estimates of 'operating budgeting balances' is an accounting exercise of financial costs and benefits that each Member State derives from the EU. This balance is derived by calculating the difference between a) the operating expenditure (excluding administration) allocated to each Member State, and b) the adjusted national contribution (excluding TOR) of each Member State. But it is necessary to make a note here. According to both financial reports (2011, 2012) *"these payments are adjusted to sum up to total allocated operating expenditure (as for calculating the UK correction), so that operating budgetary balances add up to zero".* The EU budget 2010 financial report (2011) added a numerical example presenting the calculation of the operating budgetary balance of Belgium. This example is shown below:

For Belgium, the method detailed above can be illustrated as follows using the data for the year 2010:
Operating expenditure (i.e. excluding administration) amounts to EUR 1 850.6 million
(= 6 145.1 – 4 294.5) for Belgium and to EUR 104 151.5 million (= 111 337.5 – 7 185.9) for the EU as a whole.

'National contribution' (i.e. excluding TOR) amounts to EUR 3 293.6 million
(= 4 783.2 – 1 489.6) for Belgium and EUR 103 415.6 million (= 119 074.9 – 15 659.3) for the EU as a whole.

Belgium's share in EU 'national contribution' is thus 3.18 % (= 3 293.6 / 103 415.6).

Belgium's **adjusted** 'national contribution' is thus: 3.18 % x EUR 104 151.5 million
= EUR 3 317.0 million.

The 'Operating budgetary balance' is established as follows:
EUR 1 850.6 million – EUR 3 317.0 million = – EUR 1 466.4 million (rounded)

Figure 4.1: EU budget 2010 financial report (EC, 2011)

The example above shows that the balance of Belgium is EUR -1 466,4 million. This is a negative balance, which means Belgium contributes more to the EU compared with the benefits it receives from the EU. That means that Belgium is a 'net loser'. Thereby, the 'operating budgetary balance' gives the percentage of Gross National Income (GNI) for each member state. Both the balance and the percentage of each Member State of 2010 and 2011 will be entered in the SPSS data file.

4.8 Trust

To study the relationship between the frequency of submitting reasoned opinions and the trust of citizens in the EU, the report *Standard Eurobarometer* will be consulted. A few times a year, the public opinion about the EU will be studied, commissioned by the Commission. One of the factors which will be studied by this survey is the factor trust. To identify the rate of trust by citizens for 2010 and 2011, the *Standard Eurobarometer 74* of 2010 and the *Standard Eurobarometer 76* of 2011 will be consulted. A part of the citizens of each Member State was asked to make clear if the citizen tends to trust or tends to not trust the EU. Then, for every Member State the percentage of tend to trust, tend to not trust or don't know were calculated. These percentage of 2010 and 2011 will be entered in the SPSS data file.

4.9 Relationship dependent variable and independent variables

To test the relationship between the frequency of submitting reasoned opinions and the factors mentioned above, two statistical analyses will be performed. First, a nonparametric correlation test will be performed and then with using cross tabs, the relation will be tested again.

Before the nonparametric correlation test and the cross tabs can be performed, it is important that the variables are ready to use. In case of the dependent variable number of reasoned opinions, the number of reasoned opinions for 2010 and 2011 will be ad together. This new variable will be used for analysing.

To measure the relationship between the dependent variable frequency of submitting reasoned opinions and the independent variables for 2010 and 2011, for several independent variables it will be necessary to calculate the means. It will be not necessary to compute the independent variables unicameralism/bicameralism and the number of seats of the parliament because these variables apply to both 2010 and 2011. However, for the independent variables effective parties, polarization, net position and trust the mean of the data of 2010 and 2011 will be calculated. This will be done with the statistical programme SPSS, by using the option *Compute* for creating a new variable (Huizinga, 2006).

As well as for the independent variables above, for the independent variable population size a new variable will be calculated. Not the mean of the variable will be calculated, but this variable will be transformed with Logarithm. Because there is a skewed distribution of population size between the Member States, it is necessary to use the Logarithm option. This option corrects the skewed distribution of this variable and a new, more equal, variable will be created (Pallant, 2007).

4.9.1 Nonparametric correlation test

After transform the variables into new useful variables, the first statistical analysis can be done. To measure the correlation between the dependent variable and the independent variables, a nonparametric correlation test will be performed. The new variable 'total number of submitted reasoned opinions' is the dependent variable. The variables 'unicameralism/bicameralism', 'number of seats in parliaments' and the new variables with the mean of 'effective parties', 'polarization', 'trust', 'net position' and 'Log size' are the independent variables. With the statistical software programme SPSS the nonparametric correlation test will be performed. With this test, the *Kendall's tau-b* criterion will be requested. The *Kendall's tau* is a statistic to measure the association or relationship between two measured quantities. This criterion can be only used for

33

tables with extremes of -1, what means a 100% negative association, and +1, what means a 100% positive association. A value of 0 indicates the absence of association between variables (Huizinga, 2006). The results of the nonparametric correlation test are presented in appendix 3. This table with results will be analysed in the next chapter.

For this analysis it will be necessary to know the values given by this test mean. In case of a correlation test with a random sample, the significance value of the correlation is important. Because this study does not use an ad random sample but uses the whole population, the significance of the correlation is not important for this study. Important is the value of the correlation coefficient. Cohen (1988) uses criteria of < 0.10 for no effect, 0.10 for small effect, 0.30 for medium effect and 0.50 for large effect (Pallant, 2007).

4.9.2 Crosstabs

Besides the statistic *Kendall's tau-b* of the nonparametric correlation test, normal cross-tabs are used as well to measure the correlation. Before a crosstab can be performed, it is necessary to categorize the dependent variable and the independent variables.

The dependent variable total number of reasoned opinions in 2010 and 2011 will be categorized into 3 categories. In category 0 a parliament never submitted a reasoned opinion and is therefore not active. In category 1 a parliament submitted reasoned opinions rarely and is rarely active, and submitted reasoned opinions with a frequency of 1 till 4. In category 2 a parliament submitted a reasoned opinion frequently (4 times or more) and is therefore frequently active.

Some of the independent variables will be categorized into 3 categories too. The independent variable of unicameralism and bicameralism is already categorized into two categories: category 1 are parliaments with an unicameral parliamentary system and category 2 are parliaments with a bicameral parliamentary system. It is not possible to categorize this variable into 3 categories. The independent variable of effective parties will be categorized into 3 categories: in category 1 are parliaments with a value of 0 or more; in category 2 are parliaments with a value of 4 or more; in category 3 are parliaments with a value of 5 or more.
The independent variable of polarization is categorized into 3 categories: category 1 are parliaments with a value of less than 0.38; category 2 are parliaments with a value of more than 0.38; category 3 are parliaments with a value of 0.42 or more.

The independent variable of trust is categorized into 3 categories: in category 1 are parliaments when less than 40% of their citizens tend to trust the EU; in category 2 are parliaments when more than 40% of their citizens tend to trust the EU; in category 3 are parliaments when more than 50% of the citizens tend to trust the EU.

The independent variable net position of member states is categorized into 3 categories: in category 1 are parliaments with a net value of less than 0, so a negative position; in category 2 are parliaments with a net value of more than 0, so with a small positive net position; in category 3 are parliaments with a net value of more than 1.5.

Finally, the independent variable Log size (population size but logarithm) is categorized into 3 categories: in category 1 are parliaments with less than 5 million citizens; in category 2 are parliaments with more than 5 million citizens; in category 3 are parliaments with more than 15 million citizens.

With these new variables, a cross table will be performed. In case of the independent variables the option 'percentage' will be used. With this function it is possible to analyse if the percentage of active parliaments will be higher when this parliament has an unicameral parliamentary system. The results of this analysis will be discussed in the next chapter.

4.10 Conclusion

For the preparation of this study, first a literature study and a documentation study are accomplished, to get information about decision-making and coalition-making processes within the EU and about the Early Warning System. Scientific literature and formal documents of the EU, the Dutch government and international databases have been consulted.

Second, for testing the relation between the dependent variable and the independent variables, the statistical software program 'SPSS' will be used and two different calculations will be performed. A nonparametric correlation test will be performed, whereby the *Kendall's tau-b* criterion will be requested. Besides the nonparametric correlation test, crosstabs will be used. Before starting a crosstab, it is necessary to categorize the dependent variable and the seven independent variables into 3 categories. However, for the independent variable 'parliamentary system' it is only possible to categorize this variable into 2 categories: unicameral system and bicameral system. The results of the crosstabs should confirm the results of the nonparametric correlation test.

5. Results: the Early Warning System in practice

In this chapter, the results of the statistical analyses will be discussed, sub-question II *'how frequently did parliaments of EU member states start a yellow card or orange card procedure, how much support received these procedures from the parliaments and how many procedures resulted in a yellow card or orange card to the European Commission'*, and sub-question III *'which factors influence the consideration process of starting a yellow or orange card procedure'* will be answered by analyzing the statistic calculations. Finally, with the statistical analyses sub-question IV *'when the European Commission publishes a legislative proposal, in which way can a parliament create a broad enough coalition with other parliaments to generate enough votes for drawing a yellow card'* can be answered too. From paragraph 5.3 the statistical analyses will be discussed. The statistical results, the outputs of the calculations with the statistical program SPSS, are presented in appendix 3 and appendix 4.

5.1 Reasoned opinions: frequency of use

In this section the focus is on the frequency of the use of the Early Warning System. Data from 2010 and 2011 will be analyzed, and the frequency of submitted reasoned opinions and their votes will be described. Then there is an overview of the reasoned opinions and votes of every national parliament for every proposal.

Within the framework of the political dialogue, since 2006 the Commission has send all new proposals to the parliaments and responds on their opinions. Since 1 December 2009, this framework has been used for the subsidiarity control mechanism as well. In 2010 the Commission transmitted 82 draft legislative proposals to the parliaments. The Commission received 211 submissions and 47 reasoned opinions (count only negative opinions) were related to protocol 2 of the Lisbon Treaty (subsidiarity). These 47 reasoned opinions were related to 17 draft legislative proposals. In case of 9 draft legislative proposals, more than one reasoned opinion was submitted. But in all cases, drawing a yellow card was far from being reached (EC, 2013).

In 2011 the Commission transmitted 155 draft legislative proposals. The Commission received 574 submissions and 76 reasoned opinions from parliaments, a significant increase compared to the received reasoned opinions in 2010. These 76 reasoned opinions were related to 37 legislative proposals (EC, 2013).

The number of submitted reasoned opinions in 2012 are known partially. At the moment of analyzing the data, in case of some draft legislative proposals the deadline for submitting a reasoned opinion has not been expired. Therefore, the final number of submitted reasoned opinions in 2012 is unknown (EC, 2013). The data of 2012 will not be analyzed in this study.

	2010	2011
Draft legislative acts	82 (100%)	155 (100%)
Legislative acts with Reasoned Opinion	*17 (21%)*	*37 (24%)*
Number of submissions	211 (100%)	574 (100%)
Number of contributions	*164 (78%)*	*498 (87%)*
Number of reasoned opinions	*47 (22%)*	*76 (13%)*

Table 5.1: Overview of legislative acts and reasoned opinions (Ipex, 2013).

The overview above shows that in 2010 for 21% of the draft legislative acts a reasoned opinion was submitted and in 2011 for 24% of the draft legislative acts a reasoned opinion was submitted. It is striking that the number of draft legislative acts is much higher in 2011 than in 2010. However, the percentage in 2011 is not much higher than the percentage in 2010. A second striking point is that the percentage of reasoned opinions in 2011 is much lower (13%) than in 2010 (22%). This is not to be expected, because in 2011 there were more legislative acts with a reasoned opinion than in 2010.

Concluding, table 5.1 shows a variety in the number of submitted reasoned opinions in 2010 and 2011. There is no trend based observed with regard to the frequency of submitting reasoned opinions. The new instrument is used by parliaments but not in an upward trend.

Appendix 1 presents for every parliament an overview of the submitted reasoned opinions, related to the draft legislative proposals in 2010. Appendix 2 presents for every parliament an overview of the submitted reasoned opinions, related to the draft legislative proposals in 2011.

5.1.1 A successful yellow card: Monti II

In 2010 and 2011 the submitted reasoned opinions and the related votes never resulted in drawing a yellow or orange card. However the data of 2012 will not be analyzed in this study, in 2012 a yellow card was drawn for the first time. This result of the Early Warning System is too important to deny it in this study.

In the spring of 2012 the Dutch parliament submitted a reasoned opinion in case of the legislative proposal called 'the proposal for the Council Regulation', also known as 'Monti II'. This proposal is about the right to strike. On 21 March 2012, the Commission proposed a legislative act whereby a judge should decide if a strike is right and proportional. The law attempts to clarify a balance between the freedom of companies to offer products and services abroad and the collective freedom. The Dutch parliament disagreed with this proposal, because it worried if the Commission overstepped its powers (subsidiarity). As a results, in May 2012 the Dutch parliament submitted a reasoned opinion. Besides the Dutch parliament, 11 other Member States submitted a reasoned opinion as well, because they claimed that the proposal infringes the subsidiarity principle. The votes were from parliaments of Denmark, Finland, Latvia, Luxembourg, Malta, Portugal, Sweden (all 2 votes), Belgium (Chambre de Représentants), France (Sénat), The Netherlands (Tweede Kamer), Poland (Sejm) and the United Kingdom (House of Commons). These 19 votes resulted in drawing a yellow card to the Commission. This was the first yellow card procedure which was successful (Ministerie van Buitenlandse Zaken, 2012).

Because of this yellow card, the Commission was required to reconsider and re-draft the proposal. However, in October 2012 the Commission decided to withdraw the proposal. This because the Commission deem a little chance that the proposal will be assumed by the Council of Ministers, because here unanimity is a prerequisite. However a yellow card was drawn, the Commission denies that the withdraw of the proposal is a result of it (Ministerie van Buitenlandse Zaken, 2012 2).

5.2 Reasoned opinions and national parliaments

The frequency of submitting a reasoned opinion by parliaments varies. In 2010 and 2011 some parliaments submitted reasoned opinions frequently and other parliaments never submitted a reasoned opinion. Table 5.2 gives an overview of the number of submitted reasoned opinions and the number of votes per Member State. The grey-colored Member States have a bicameral parliamentary system and the white-colored Member States have an unicameral system.

Country	2010 R.O.	2010 Votes	2011 R.O.	2011 Votes	Total R.O.	Total Votes
Austria	3	3	2	2	5	5
Belgium	0	0	1	1	1	1
Bulgaria	0	0	2	4	2	4
Cyprus	0	0	1	2	1	2
Czech Republic	2	2	0	0	2	2
Germany	2	2	5	5	7	7
Denmark	3	6	0	0	3	6
Estonia	0	0	0	0	0	0
Spain	0	0	4	4	4	4
Finland	0	0	1	2	1	2
France	3	3	6	6	9	9
Greece	0	0	0	0	0	0
Hungary	0	0	0	0	0	0
Ireland	0	0	1	1	1	1
Italy	1	1	6	6	7	7
Latvia	0	0	0	0	0	0
Lithuania	2	4	0	0	2	4
Luxembourg	5	10	3	6	8	16
Malta	0	0	2	4	2	4
The Netherlands	6	6	8	8	14	14
Poland	11	11	3	3	14	14
Portugal	0	0	1	2	1	2
Romania	0	0	3	3	3	3
Sweden	4	8	18	36	22	44
Slovakia	0	0	3	6	3	6
Slovenia	0	0	0	0	0	0
United Kingdom	5	5	6	6	11	11
Total	**47**	**61**	**76**	**107**	**123**	**168**

Table 5.2: number of submitted reasoned opinions and number votes per member state (EC, 2011; EC, 2012).

Table 5.2 shows the variability between Member States. Sweden, Poland, The Netherlands, Luxembourg and the United Kingdom have submitted reasoned opinions the most. But Estonia, Greece, Hungary, Latvia and Slovenia never submitted a reasoned opinion. In between there is a large middle group. This tripartition is confirmed by the results of the cross tab, related to table 5.3. This table shows that 22.5% of the parliaments never submitted a reasoned opinion in 2010 or 2011. 47,5% of the parliaments submitted reasoned opinions rarely and are rarely active. This

middle-group is the largest group. Finally, 30% of the parliaments is very active, and submitted reasoned opinions frequently.

Member States which submit reasoned opinions frequently, will use many votes as well. But it is necessary to make a note here, because of the difference in the parliamentary system of member states. As said above, for Member States with an unicameral system, per reasoned opinion counts 2 votes automatically. So, for Member States with an unicameral system the numbers of votes are double compared with the number of submitted reasoned opinions. For Member States with a bicameral system count 2 votes as well, but split up per parliament. Because of this, the number of reasoned opinions are not automatically doubled. Table 5.2 shows that Member States with a bicameral system sometimes use 1 vote instead of 2 votes. This because there is for example a disagreement or no collaboration between the 2 chambers of the Member State, or just one chamber focuses on submitting reasoned opinions.

In the next sections, paragraph 5.3 to 5.9, the relationship between the dependent variable and the independent variables will be analyzed. Therefore a nonparametric correlation test and crosstabs are accomplished. The results of the nonparametric correlation test are given in appendix 3. The results of the crosstabs are given in appendix 4.

5.3 Reasoned opinions and parliamentary system

In this section the results of the statistical analysis for testing hypothesis 1 will be discussed:

Hypothesis 1: the percentage of parliaments submitting a reasoned opinion is higher amongst parliaments with an unicameral parliamentary system than amongst parliaments with a bicameral parliamentary system.

To test this hypothesis, a nonparametric correlation test between the total number of submitted reasoned opinions in 2010 and 2011 and the parliamentary system is accomplished. The hypothesis indicates that there is a negative correlation. However, according to the nonparametric correlation test, there is a positive correlation coefficient of 0.111 between the number of submitted reasoned opinions in 2010 and 2011, and the parliamentary system. The results show that there is a weak influence of the parliamentary system on the frequency of submitting a reasoned opinion, and that parliaments with a bicameral system submit reasoned opinions more

frequently than parliaments with an unicameral system. This is confirmed by the results of the crosstab:

	Unicameralism	Bicameralism	Total
No reasoned opinions/ not active	29% (4)	19% (5)	23% (9)
Rarely reasoned opinions / rarely active	57% (8)	42% (11)	47% (19)
Frequently reasoned opinions / frequently active	14% (2)	39% (10)	30% (12)
Total	100% (14)	100% (26)	100% (40)

Table 5.3: crosstab activism submitting reasoned opinions vs. parliamentary system

Table 5.3 shows that the most parliaments with an unicameral (57%) or bicameral system (42%) are rarely active. Remarkable is that there are more parliaments with an unicameral system which are not active (29%) than frequently active (14%). In contrast, there are more parliaments with a bicameral system which are frequently active (39%) than not active (19%). This table confirms the results of the nonparametric correlation test that parliaments with a bicameral system are more active, thus submit reasoned opinions more frequently, than parliaments with an unicameral system.

As discussed in chapter 3, the assumption was that parliaments with an unicameral system submit reasoned opinions more frequently than parliaments with a bicameral system, because it is likely that parliaments with a bicameral system have more decision-making costs. The results show that decision-making costs are no barrier for bicameral parliaments to submit a reasoned opinion, because bicameral parliaments submit reasoned opinions more frequently than unicameral parliaments. With this result hypothesis 1 will be rejected, because the effect is conversely. But, this statement is not fully maintainable, because of the weak relation.

5.4 Reasoned opinions and the size of the parliament

In this section the results of the statistical analyses of testing hypothesis 2a and 2b are discussed:

Hypothesis 2a: Parliaments with a small number of members submit reasoned opinions more frequently than national parliaments with a large number of members.

Hypothesis 2b: Parliaments with a large number of members have more capacity and will therefore more often submit a reasoned opinion than parliaments with a small number of members.

To test both hypotheses, a nonparametric correlation test between the total number of submitted reasoned opinions in 2010 and 2011 and the number of seats in the parliaments is accomplished. Hypothesis 2a indicates that there is a negative correlation. Hypothesis 2b indicates that there is a positive correlation. According to the nonparametric correlation test, there is a positive correlation coefficient of 0.129. Parliaments with a high number of seats are more active and submit reasoned opinions more frequently compared to parliaments with a small number of seats. The positive correlation is low, so the influence of the number of seats of the parliament on submitting a reasoned opinion is weak.

	<150 seats	150-300 seats	>300 seats	Total
No reasoned opinions/ not active	31% (5)	18% (2)	15% (2)	23% (9)
Rarely reasoned opinions / rarely active	38% (6)	73% (8)	39% (5)	48% (19)
Frequently reasoned opinions / frequently active	31% (5)	9% (1)	46% (6)	30% (12)
Total	100% (16)	100% (11)	100% (13)	100% (40)

Table 5.4: crosstab activism submitting reasoned opinion vs. number of seats in the national parliament

Table 5.4 shows that in case of parliaments with less than 150 seats, there is no difference in activism. 31% of these parliaments is not active and 31% is active frequently. In case of the parliaments with 150 to 300 seats, 18% is not active and 9% is active frequently. The biggest part of these parliaments is rarely active. In case of parliaments with more than 300 seats, there is more difference. 15% of these parliaments is not active and 46% is active frequently. This shows that parliaments with a high number of seats are more active than parliaments with a small number of seats. But because there is just a little difference between the percentages, there is no strong evidence for this statement.

Based on the theories of Olson (1965) and Buchagan & Tullock (1962), the assumption was that parliaments with a high number of seats would have more decision-making costs than parliaments

with a small number of seats. Because as the group will be larger, the costs of coordinating behaviour and formal organization will be higher, and this will lead a larger barrier to act collective. But, in a small parliament only a few members can deal with the parliaments' workload. Based on the results, hypothesis 2a will be rejected and hypothesis 2b will be confirmed by the test. Parliaments with a high number of seats are more active and have more capacity to submit a reasoned opinion than parliaments with a small number of seats. But because of the very weak relation and the small percentages, the evidence for this statement is weak.

5.5 Reasoned opinions and the number of effective parties

In this section the results of the statistical analysis for hypothesis 3 will be discussed:

Hypothesis 3: national parliaments with a small number of effective parties submit reasoned opinions more frequently than national parliaments with a large number of effective parties.

To test this hypothesis, a nonparametric correlation test between the total number of submitted reasoned opinions in 2010 and 2011 and the value of effective party votes is accomplished. The hypothesis indicates that there is a negative correlation. According to the nonparametric correlation test, there is a negative correlation coefficient of -0.090. So, when the number of effective parties in a parliament is small, the parliament submits more reasoned opinions than when the number of effective parties in the parliament is high. But, because the correlation is very weak, there is no influence of the number of effective parties on submitting a reasoned opinion.

	0-4	4-5	>5	Total
No reasoned opinions/ not active	23% (3)	29% (4)	15% (2)	23% (9)
Rarely reasoned opinions / rarely active	39% (5)	43% (6)	62% (8)	47% (19)
Frequently reasoned opinions / frequently active	38% (5)	28% (4)	23% (3)	30% (12)
Total	100% (13)	100% (14)	100% (13)	100% (40)

Table 5.5: crosstab activism submitting reasoned opinions vs. effective parties

The result of the nonparametric correlation test is confirmed by the results of the crosstab. Table 5.5 shows that in case of parliaments with 0 till 4 effective parties 38% is frequently active and 23% is not active. There is a small difference in the frequency of submitting reasoned opinions. In case of parliaments with 4 till 5 effective parties, 28% is frequently active and 29% is not active. There is almost no difference in percentages. In case of parliaments with more than 5 effective parties, 23% is frequently active and 15% is not active. This is a small difference as well.

The assumption was that fragmented parliaments have more decision-making costs than concentrated parliaments. The results show the correlation between the frequency of submitting reasoned opinions and the number of effective parties is very weak. Therefore, it is not possible to assume that when the value of effective parties will be high, a parliament submits less reasoned opinions. Because of the weak relation and no significant trend in the results, the conclusion is that there is no evidence for the statement that the number of effective parties influence the frequency of submitting reasoned opinions.

5.6 Reasoned opinions and polarization
In this section, the results of the statistical analysis for hypothesis 4 will be discussed:

Hypothesis 4: Parliaments with a high rate of polarization submit reasoned opinions less frequently than parliaments with a low rate of polarisation.

The hypothesis indicates that there is a negative correlation between the frequency of submitting reasoned opinions and polarization. According to the nonparametric correlation test, there is a positive correlation coefficient of 0.265, so there is a moderated influence of polarization on the frequency of submitting reasoned opinions. The test shows that when the value of polarization is high, so the position of parties in a parliament varies a lot, the parliament submits more reasoned opinions than when the position of parties in the parliaments are more close together.

	<0.38	0.38 - 0.42	>0.42	Total
No reasoned opinions/ not active	42% (5)	27% (4)	0% (0)	23% (9)
Rarely reasoned opinions / rarely active	58% (7)	40% (6)	46% (6)	47% (19)
Frequently reasoned opinions / frequently active	0% (0)	33% (5)	54% (7)	30% (12)
Total	100% (12)	100% (15)	100% (13)	100% (40)

Table 5.6:activism submitting reasoned opinions vs. polarization

This is confirmed by the results of the crosstab. In case of parliaments with a polarization value of less than 0.38, 42% never submitted a reasoned opinion and not one (0%) parliament submitted a reasoned opinion frequently. This is a striking difference. The percentages of parliaments with a polarization value of 0.38 till 0.42 are close together. The percentages of parliaments with a polarization value of more than 0.42 are striking. Of these parliaments, every parliament submitted a reasoned opinion, because 0% never submitted a reasoned opinion. 54% of these parliaments is frequently active.

The assumption was that parliaments with a high value of polarization submit reasoned opinions less frequently than parliaments with a low value of polarization. Because, when there is more polarization in a parliament, the decision-making costs will be higher. But the results of this study show a difference. There is a relationship between the frequency of submitting reasoned opinions and the degree of polarization in a parliament. Polarization has a moderated influence on the frequency of submitting reasoned opinions. Parliaments with a high polarization value submit reasoned opinions more frequently than parliaments with a low polarization value. Therefore, hypothesis 4 will be rejected.

However, it is necessary to make a note here. It is possible that the extreme difference between the positions of parties feed the activism of the parliament. For example, in The Netherlands there are two extreme parties: the party *SP* has a position of 1,2 and the *PVV* has a position of 8,8. The positions of these parties are very different, but both parties have an 'anti-EU' mentality. So, however the positions of two parties are very wide from each other, and the polarization value of the Dutch parliament is high, it is possible that because of their 'anti-EU' mentality the Dutch parliament is very active. This confirms the results of this study, that parliaments with a high

polarization value submit reasoned opinions more frequently, but from a different perspective. This deserves attention and therefore it will be recommended to do more research to this subject.

5.7 Reasoned opinion and population size

In this section, the results of the statistical analysis for hypothesis 5 will be discussed:

Hypothesis 5: Parliaments of large member states would submit a reasoned opinion more frequently than parliaments of small member states.

The hypothesis indicates that there is a positive correlation between the dependent variable and the independent variable. According to the nonparametric correlation test, there is a positive correlation coefficient of 0.282, and that there is moderate influence of the value of population size on the frequency of submitted reasoned opinion. The test shows that when the population size of a Member State is high, parliaments of these Member States submit reasoned opinions more frequently than when the population size is low.

	< 5 million citizens	5 - 15 million citizens	> 15 million citizens	Total
No reasoned opinions/ not active	50% (5)	22% (3)	6% (1)	23% (9)
Rarely reasoned opinions / rarely active	40% (4)	64% (9)	38% (6)	47% (19)
Frequently reasoned opinions / frequently active	10% (1)	14% (2)	56% (9)	30% (12)
Total	100% (10)	100% (14)	100% (16)	100% (40)

Table 5.7: activism submitting reasoned opinions vs. population size

This statement is confirmed by the results of the crosstab. In case of Member States with less than 5 million citizens, 50% of the parliaments never submitted a reasoned opinion and 10% submitted reasoned opinions frequently. This is a striking difference. In case of Member States with more than 15 million citizens, 6% never submitted a reasoned opinion and 56% submitted reasoned opinions frequently.

The assumption was that parliaments of large Member States submit reasoned opinions more

frequently. First, this is likely because large Member States have many seats in the European Parliament and thus more influence than Small Member states. Second, according to Olson (1965), small Member States benefits from the activism of large Member States, so called 'free riders'. The results of this study show that there is a moderated correlation between the frequency of submitting reasoned opinions and the population size. The hypothesis is confirmed, because the results show that parliaments of large Member States submit reasoned opinions more frequently than parliaments of small Member States.

5.8 Reasoned opinions and net position

In this section, the results of the statistical analysis for hypothesis 6 will be discussed:

Hypothesis 6: Member states with a weak net position will be more active in submitting reasoned opinions, than member states with a strong net position.

The hypothesis indicates that there is a negative correlation. According to the nonparametric correlation test, there is a negative correlation coefficient of -0.286, so there is moderate influence of the net position on the frequency of submitting reasoned opinions. When the net position of a Member State is low (loser), the parliament of this Member State submits reasoned opinions more frequently than when the net position of the Member State is high (winner).

	<0	0 – 1.5	>1.5	Total
No reasoned opinions/ not active	6% (1)	33% (4)	40% (4)	23% (9)
Rarely reasoned opinions / rarely active	44% (8)	59% (7)	40% (4)	47% (19)
Frequently reasoned opinions / frequently active	50% (9)	8% (1)	20% (2)	30% (12)
Total	100% (18)	100% (12)	100% (10)	100% (40)

Table 5.8: activism submitting reasoned opinions vs. net position

This statement is partially confirmed by the results of the crosstab. In case of the parliaments with a negative net position (<0), the 'losers', 50% submitted reasoned opinions frequently and 6% did not. This is a striking difference. In case of the parliaments with a net position of more than 1.5

(winner), 40% never submitted a reasoned opinion, compared with 20% which submitted reasoned opinions frequently.

The assumption was that parliaments which contribute more to the EU than receive from the EU (loser), will be more active in submitting reasoned opinions than parliaments which receive more from the EU than contribute to the EU (winner). The results confirm this statement. There is a moderated negative correlation between the frequency of submitted reasoned opinions and the net position. The results of table 5.8 show that when the net position of a parliament is low, the parliament submits reasoned opinions more frequently, than when the net position of the parliament is high. So hypothesis 6 will be confirmed. A possible reason of why parliaments with a weak net position submit reasoned opinions more frequently is the national benefit and to make a statement to its citizens. When a parliament submits a reasoned opinion frequently, it shows its citizens that it is active against the EU, for the national benefit. When this will not result into drawing a yellow card, this activity can result into national benefits, for example more votes during the elections. According to this study, net losers will be more active in submitting reasoned opinions, but it is not clear to what extent the national benefit influences this. Therefore it is recommended to do more research.

5.9 Reasoned opinions and trust

In this section, the results of the statistical analysis for hypothesis 7 will be discussed:

Hypothesis 7: parliaments with a low rate of trust in the European Union, submit reasoned opinions more frequently than parliaments with a high rate of trust in the European Union.

The hypothesis indicates that there is a negative correlation. According to the nonparametric correlation test, there is a negative correlation coefficient of -0.018. Because of the very small coefficient, there is no influence of trust on submitting a reasoned opinion. The test shows that trust of citizens does not influence the frequency of submitting reasoned opinions by parliaments.

	<40% of citizens	40-50% of citizens	>50% of citizens	Total
No reasoned opinions/ not active	20% (3)	25% (3)	23% (3)	23% (9)
Rarely reasoned opinions / rarely active	40% (6)	50% (6)	54% (7)	47% (19)
Frequently reasoned opinions / frequently active	40% (6)	25% (3)	23% (3)	30% (12)
Total	100% (15)	100% (12)	100% (13)	100% (40)

Table 5.9: activism in submitting reasoned opinions vs. trust

The results of the crosstab show, that in case of parliaments with less than 40% of the citizens who tend to trust the EU, 20% never submitted a reasoned opinion and 40% submitted reasoned opinions frequently. In case of parliaments with more than 50% of citizens who tend to trust the EU, 23% never submitted a reasoned opinion and 23% submitted reasoned opinions frequently. There are no striking differences.

The assumption was that parliaments with a high rate of trust submit reasoned opinions less frequently than parliaments with a low rate of trust, because the EU will be more popular by parliaments with a high rate of trust and these parliaments will accept decisions of the EU easier. However, according to the results of this study, there is no strong relation between the frequency of submitting reasoned opinions and trust. Hypothesis 7 will be rejected, because there is no evidence for this hypothesis and for a relation between the frequency of submitting reasoned opinions and tend to trust.

5.10 Conclusion

In this chapter, sub-question II *'How frequently did parliaments of EU Member States start a yellow card or orange card procedure, how much support received these procedures from the parliaments and how many procedures resulted in a yellow card or orange card to the European Commission?'* is answered by section 5.1 and 5.2. In 2010 the parliaments submitted 47 reasoned opinions in case of 17 draft legislative proposals and in 2011 the parliaments submitted 76 reasoned opinions in case of 37 draft legislative proposals. Appendix 1 and 2 show for each legislative proposal how many and which parliaments submitted a reasoned opinion. In 2010 and 2011 never a yellow card was drawn, because of a lack of votes. Only once, in 2012, in the case of Monti II (right to stroke)

the needed minimum of 19 votes was achieved and for the first time a yellow card was drawn to the Commission.

From section 5.3 sub-question III *'Which factors influence the consideration process of starting a yellow or orange card procedure?'* and sub-question IV *'When the European Commission publishes a legislative proposal, in which way can a parliament create a broad enough coalition with other parliaments to generate enough votes for drawing a yellow card'* were answered. The factors 'polarization' and 'population size' have a moderated positive influence on the frequency of submitting reasoned opinion. The factor 'net position' has a moderated negative influence on the frequency of submitting reasoned opinions. The factors 'parliamentary system' and 'number of seats in a parliament' have a weak positive influence on the frequency of submitting reasoned opinions. Finally, the factors 'effective parties' and 'trust' have no influence on the frequency of submitting reasoned opinions.

The results show that parliaments with a large population size, a high value of polarization, a bicameral parliamentary system, a high number of seats and a weak net position support issuing a yellow card and submit more frequently reasoned opinions compared to parliaments with a small population size, a low value of polarization, an unicameral parliamentary system, a small number of seats and a weak net position. A parliament which starts a yellow card procedure should make a coalition with parliaments which comply with the first factors, for having more chance to draw a yellow or orange card. But it is necessary to make two notes here. First, however parliaments with a bicameral system submit reasoned opinions more frequently, in case of parliaments with an unicameral system automatically two votes will be in. This is an important consideration for parliaments which start a yellow card procedure. Second, the measured influence of these factors on submitting reasoned opinions is weak till moderate. These factors have influence, but the influence is not very strong. Probably other, not yet identified factors influence the frequency of submitting reasoned opinions. With future research it is possible that these new factors could be identified.

6. Conclusion

With this study, the research question *'which factors influence the support of national parliaments of EU Member States, for issuing yellow and orange cards under the Early Warning System?'* will be answered.

6.1 The conclusion of this study

The Early Warning System is introduced by the Lisbon Treaty in 2009 and focuses on the control of subsidiarity. The aim of the Early Warning System is to generate more influence for national parliaments in EU decision-making processes. Within eight weeks after publication, a parliament can accomplish a subsidiarity check and can submit a reasoned opinion, when it thinks the legislative proposal of the Commission infringes the principle of subsidiarity (art. 6 TEU). Thereby, it is important to persuade other parliaments to submit a reasoned opinion as well, because for drawing a yellow card more than 18 votes will be necessary and for drawing an orange card more than 27 votes will be necessary (art. 7 TEU). If the Commission receives a yellow card, it has to review its legislative proposal and if the Commission receives an orange card, the Commission has to send its proposal and the submitted reasoned opinions to the European Parliament and the European Council. These institutions will make a final decision (EC, 2013).

In 2010 parliaments submitted 47 reasoned opinions in case of 17 legislative proposals and in 2011 parliaments submitted 76 reasoned opinions in case of 37 legislative proposals. However, not once a coalition was made with the minimum of more than 18 votes, needed for pulling a yellow card to the Commission (EC, 2013). Only once, in 2012, in case of the Monti II proposal about the right to strike, a coalition was made with parliaments which had 19 votes together. This was the first time parliaments draw a yellow card to the Commission (Ministerie van Buitenlandse Zaken, 2012). The Early Warning System, including the yellow and orange card procedure, is a relative new instrument, but it is striking that only once a yellow card is obtained.

After studying how the Early Warning System should work and how frequently reasoned opinions were submitted in practice, this study focused on possible factors which could influence the frequency of submitting reasoned. Based on scientific literature study and documentation study, seven factors were identified which could influence the frequency of submitting reasoned opinions: parliamentary system; number of seats in a parliament; effective parties; polarization; population size; net position and trust. According to this study, the factors which influence the

support of parliaments for issuing a yellow or orange card are identified. The factors polarization, population size and net position influence the frequency of submitting reasoned opinions, and thus the support of parliaments for issuing a yellow or orange card, in a moderated degree. The parliamentary system and the number of seats in a parliament have a weak influence. Finally, the factors the number of effective parties and the tend to trust of citizens in the EU do not influence the frequency of submitting reasoned opinions and the support of parliaments for issuing a yellow or orange card.

Besides the new knowledge about which factors influence the support of parliaments for issuing a yellow or orange card and in which degree, this study also indicates in which way the factors influence the support of parliaments. Polarization, population size and net position have a moderate influence. Parliaments with a high rate of polarization, a high population size and a weak net position will submit reasoned opinions more frequently than parliaments with a low rate of polarization, a low population size and a high net position. The parliamentary system and the number of seats in the parliament have a weak influence on the frequency of submitting reasoned opinions. Parliaments with a bicameral parliamentary system and with a high number of seats submit reasoned opinions more frequently than parliaments with an unicameral system and with a small number of seats.

6.2 What does this study mean for practitioners?
This study gives practitioners new information and perspectives about the Early Warning System, including the yellow and orange card procedure. This study gives an overview of the rules of the Early Warning System and how it is supposed to work. This can be an added value for practitioners, because there is limited information, knowledge and documents available. This study gives, next to new information, new perspectives about how the Early Warning System works in practice. It gives an overview of the submitted reasoned opinions for 2010 and 2011. So, for practitioners it will be clear how frequently reasoned opinions were submitted, on which proposals and how frequently a yellow or orange card was accomplished. Thereby, this study identified factors/characteristics which influence the support of parliaments for issuing a yellow or orange card and the frequency of submitting reasoned opinions. First, for a parliament which starts a yellow card procedure, it is important to know the degree of polarization, the population size and the net position of the other parliaments, because these factors have a moderate influence on the frequency of submitting a reasoned opinion. It will be recommended to focus on and try to persuade parliaments with a high

polarization value, a high population size and a weak net position. Because, based on this study, parliaments with these characteristics submit reasoned opinions frequently.

Second, it is important to know the parliamentary system and the number of seats of the parliaments. These two factors are less important, because these two factors have a weak influence on the frequency of submitting reasoned opinions. It will be recommended to focus on parliaments with a bicameral system and a large number of seats. But it is important to know that parliaments with an unicameral system have automatically two votes and that in case of parliaments with a bicameral system, both chambers have 1 vote. So, this is an important consideration the parliament has to deal with.

This new information, knowledge and perspectives will help practitioners. It will be easier to identify and select the most relevant parliaments to make coalitions with, for drawing a yellow or orange card to the Commission.

6.3 What does this study mean for scientists?

The Early Warning System, including the yellow card and orange card procedures is a new instrument. There is limited knowledge, scientific studies are limited available and there is still no evaluation study (Seriese, 2012). This case study and evaluation study is relevant for scientists, because it gives an overview of the number of submitted reasoned opinions in 2010 and 2011, which parliaments submitted these reasoned opinions and on which legislative proposals. Thereby, this study gives information about which characteristics of parliaments influence the frequency of submitting reasoned opinions and which do not. This is a new and relevant perspective on the Early Warning System, and therefore interesting and relevant for scientists. Especially for scientists who focus on the decision-making processes and coalition-making processes by parliaments in the EU and on the influence of parliaments on the EU. Finally, this new perspective can be a bridge to new scientific studies about the Early Warning System, decision-making and coalition-making processes or the influence of parliaments in the EU.

6.4 Limitations and more...

For making this study valuable it is necessary to discuss the strengths and limitations of this study. First, the focus will be on the literature and document study. Second, the focus will be on the research part of this study.

6.4.1 Literature and documentation study

There is limited information available about the Early Warning System. Scientific studies and official documents are limited available and there is no evaluation study. Therefore, it was hard to find information. The limited available information about the Early Warning System is also a limitation for this study. To improve the strength of this study, more general scientific literature about decision-making processes, coalition-making processes and influence in organizations is used. Based on this general information, next steps in the research process are taken.

During the documentation study, it became clear that some sources gave different information. For example, the official list with submitted reasoned opinions in 2010 and 2011 from the European Union, differs from the official list with the same information from the Dutch government. It is not clear which source will be 100% true. So, the validity of official documents from different governmental institutions is not guaranteed. It is necessary to note that it is possible that some information and numbers used in this study are incorrect. Unfortunately, there are no other documents available which are 100% correct and valid.

In February 2013, the official list of submitted reasoned opinions of 2012 was not yet available. Therefore, this study focuses only at 2010 and 2011. For future research will be recommended to use the data of 2012, next to the data of 2010 and 2011.

6.4.2 Testing hypotheses

In 2010 and 2011, the composition of some parliaments changed because of elections. This change could affect some factors, for example the value of effective parties and the polarization value. Because of the structure of this study and the use of the statistical software program SPSS, it was not possible to use data related to more coalitions in one year. Therefore, when there was an election in 2010 or 2011, the data from the coalition with the longest period in that specific year was used.

It was difficult to find information about the polarization value and the number of effective parties in the parliaments. However, the online database *ParlGov* (2013) was used to get this information. Unfortunately, this information was only related to national councils and not related to senates. So, the analyses about polarization and effective parties apply only to the national councils. But because of the validity of this online database *ParlGov* (2013), the absence of other sources, and the assumption that the polarization value and the number of effective parties in a national council and a senate do not differ from each other, this source is used.

The identified factors are based on general scientific literature and documents. So, there is a high possibility that there are more, other factors which influence the frequency of submitting reasoned opinions. It was unfortunately not possible to identify other factors. For future research it would be recommended to identify these possible factors by using, for example, other research methods.

6.5 Recommendations for future research

For future research about the Early Warning System, including the yellow and orange card procedure, it is necessary to generate and use valid documents with valid data, because this is still missing. Therefore, it is recommended to collect data about the submitted reasoned opinions, by contacting the EU and all EU parliaments. This data could be compared with each other and hopefully a complete dataset can be obtained. To get more valid data and a more valid study, it is also recommended to focus on the 2010, 2011 and 2012. In this study, the data of 2012 is missing.

Next, it is recommended to accomplish a complete evaluation study about the Early Warning System, because this is still missing. This study evaluates the Early Warning System partially, and is therefore a good starting point. To make the study more complete, it is recommended to use, next to literature/documentation study and quantitative methods, qualitative research methods. For example interviews. When representatives of parliaments will be interviewed about the use of the Early Warning System; the coalition making process with other parliaments; and the decision-making process in case of submitting reasoned opinions, more information will be generated and it will be clear why parliaments make some choices related to the Early Warning System.

Finally, this study is a good first step or starting point for more research to the Early Warning System, including the yellow and orange card procedure. By doing further research, it is likely that other and more factors which influence the support of parliaments for issuing a yellow or orange card will be identified. Or it would give new perspectives about the Early Warning System, related to other parts of this instrument. Concluding, because there is still limited information and knowledge, more research on the Early Warning System is definitely recommended.

References

BBC (2013). *David Cameron speech: UK and the EU.* Retrieved at 4 March 2013 from
      http://s3.documentcloud.org/documents/560654/cameron-europe-transcript.pdf

BBC (2013). *UK's Hague wants 'red card' to challenge EU laws.* Retrieved at 31 May 2013 from
      http://www.bbc.co.uk/news/world-europe-22730226

Bruijn, Th.J.A.M. de (2011). De veranderende rol van nationale parlementen in de Europese
      Unie, *RegelMaat, Vol. 26*(6), 327-338.

Central Intelligence Agency (CIA) (2013). *The World Factbook.* Retrieved on 6 January 2013, from
      https://www.cia.gov/library/publications/the-world-factbook/wfbExt/region_eur.html

Commissie Sociale Zaken en Werkgelegenheid (2012). *Witboek Pensioenen: standpuntnotitie*
      Tweede Kamer der Staten-Generaal. Den Haag: Reprografische afdeling Tweede Kamer.

Cooper, A. (2011). *A 'virtual third chamber' for the European Union? National Parliaments*
      fter the Treaty of Lisbon. Oslo: Centre for European Studies. http://www.sv.uio.no/are
      na/english/research/publications/arena-publications/workingpapers/working-papers
      2011/wp-07-11.pdf

Dalton, R.J. (2008). The quantity and the quality of party systems: party system polarization,
      its measurement and its consequences. *Comparative political studies, Vol. 41*(7), 899-920.
      Doi: 10.1177/0010414008315860

Dougherty, K.L. & Edward, J (2011). *The calculus of consent and constitutional design.* New York:
      Springer DOI 10.1007/978-0-387-98171-0_2

Duina, F. & Oliver, M.J. (2005). National parliaments in the European Union: are there any benefits
      to integration? *European Law Journal, Vol.12*(2), 173-195. DOI: 10.1111/j.1468-
      0386.2005.00256.x

Easton, D. (1965). *A systems analysis of political life.* New York: John Wiley.

Esteban, J. & Ray, D. (1994). On the measurement of polarization. *Econometrica, Vol.62*(4), 819-
      851. In Indridason, I.H. (2011). Coalition formation and polarisation. *European Journal of*
      political research, Vol. 50, 689-718. doi: 10.1111/j.1475-6765.2011.01990.x

European Commission (2009). Verdrag van Lissabon. *Publicatieblad van de Europese Unie,*
      C306(2). Retrieved at 31 May 2012, from http://eur-lex.europa.eu/JOHtml.do?
      uri=OJ:C:2007:306:SOM:NL:HTML

European Commission (2010). *Public opinion in the European Union: Standard Eurobarometer 74*
      Autumn 2010. Retrieved on 5 February 2013 from
      http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_publ_en.pdf

European Commission (2011). *EU budget 2010 financial report.* Luxembourg: Publications Office of

the European Union.

European Commission (2011). *Report from the Commission on subsidiarity and proportionality (18th report on Better Law-making covering the year 2010).* Retrieved at 18 November 2012 from http://ec.europa.eu/governance/better_regulation/documents/com_ 2011_0344_en.pdf.

European Commission (2011). *Public opinion in the European Union: Standard Eurobarometer 76 Autumn 2011.* Retrieved on 5 February 2013 from http://ec.europa.eu/public_opinion/archives/eb/eb76/eb76_agreport_en.pdf

European Commission (2012). *Report from the Commission on subsidiarity and proportionality (19th report on Better Law-making covering the year 2011).* Retrieved at 22 November 2012 from http://www.statewatch.org/news/2012/jul/eu-com-rep-subsidiarity-com-373.pdf.

European Commission (2012). *EU budget 2011 financial report.* Luxembourg: Publications Office of the European Union.

European Commission (2012). *White Paper: an agenda for adequate, safe and sustainable pensions.* Retrieved at 28 April 2012 from http://ec.europa.eu/social/main.jsp? langId=nl&catId=89&newsId=1194&furtherNews=yes

European Union (2007). *Official journal of the European Union.* Vol. 50, retrieved at 3 April 2013 from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:FULL:EN:PDF

European Union (2008). *Consolidated version of the Treaty on European Union.* Retreived at 5 November 2012 from http://eur-lex.europa.eu/LexUriServ/LexUriServ.douri=OJ:C:2008: 115:0013:0045:EN:PDF

European Union (2010). *Consolidated Treaties Charter of Fundamental Rights: Consolidation of the Treaty on European Union and the Treaty on the functioning of the European Union.* Retrieved on 3 April 2013 from http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity /WFS/ EU-Bookshop-Site/nl_NL/-/EUR/ViewPublication-Start?PublicationKey=QC3209190

European Union (2012). *De gezichten van het Europees parlement.* Luxembourg: Bureau voor publicaties van de Europese Unie. Retrieved at 1 March 2013 from http://www. europeesparlement.nl/ressource/static/files/pdf/nl_de-gezichten-van-het-europees-parlement2012-2014.pdf

Golosov, G.V. (2010). The effective number of parties: a new approach. *Party politics, Vol.16*(2), 171-192. http://ppq.sagepub.com/content/16/2/171.full.pdf+html. DOI: 10.1177/1354068809339538

IPEX (2013). *IPEX after the Treaty of Lisbon: general information about the new version of IPEX after the Treaty of Lisbon.* Retrieved at 1 March 2013 from http://www.ipex.eu/IPEXL-WEB/about/aboutIpexl.do

Jans, Th. & Piedrafita, S. (2009). The Role of National Parliaments in European Decision-Making. *EIPAscope,* (1), pp. 19-26. http://www.eipa.eu/files/repository/eipascope/20090709

110128_Eipascoop2009_01.pdf

Kaczynski, P.M. (2011). *Paper tigers or sleeping beauties? National Parliaments in the post-Lisbon European Political System.* CEPS Special Report.

Kiiver, P. (2011). The Early-Warning System for the Principle of Subsidiarity: The National Parliament as a Conseil d'Etat for Europe. *European Law Review, Vol. 31*(1). 98-108.

Lijphart, A. (1999). *Patterns of democracy: government forms and performance in thirty-six countries.* London: Yale University Press

Lupia, A. & Sin, G. (2003). Which public goods are endangered?: How evolving communication technologies affect The logic of collective action. *Public Choice, Vol.117*(3-4), 315-331. http://link.springer.com/article/10.1023/B%3APUCH.0000003735.07840.c7

Ministerie van Buitenlandse Zaken (2012). *Eerste gele kaart een feit.* Retreived at 30 May 2012 from http://www.minbuza.nl/ecer/nieuws/2012/05/eerste-%E2%80%98gele-kaart%E2%80%99-een-feit.html

Ministerie van Buitenlandse Zaken 2 (2012). *Monti-II voorstel van de baan.* Retreived at 30 November 2012 from http://www.minbuza.nl/ecer/nieuws/2012/10/monti-ii-voorstel-van-de-baan.html

Moravcsik, A. (1993). Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach, *Journal of Common Market Studies, Vol.31*, 473-524.

Norris, P. (1999). *Critical citizens: Global support for democratic governance.* Oxford, UK: Oxford University Press.

North, D.C. (1990). A transaction cost theory of politics. *Journal of theoretical politics, Vol. 2*(4), 355-367. Doi: 10.1177/0951692890002004001

Norton, P. (1998). *National Parliaments and the European Union.* London: Frank Cass.

O'Brennan, J. & Raunio, T. (2007). *National Parliaments within the enlarged European Union: from 'victims' of integration to competitive actors?* New York: Abingdon Routledge.

Olson, M. (1965). *The logic of collective action: public goods and the theory of groups.* London: Harvard University Press.

Olson, M. & Zeckhauser, R. (1966). *An economic theory of alliances.* Santa Monica: Rand Corporation.

Omtzigt, P. (2012). Small interview with Pieter Omtzigt (pension rapporteur for the Dutch Parliament) about his mission and work as pension report.

Ostrom, V. & Ostrom, E. (1971). Public choice: a different approach to the study of public administration. *Public Administration Review, Vol. 31*(2), 203-216. http://www.jstor.org/stable/pdfplus/974676.pdf?acceptTC=true

Pallant, J. (2007). *SPSS survival manual.* Berkshire: Open University Press.

Parisi, F. (2012). Markets, votes and the calculus of consent. *Public Choice, Vol.152*(3-4), 451-453. DOI 10.1007/s11127-012-9998-9

Parliament and Government Composition Database (2013). *Overview.* Retrieved at 6 January 2013 from http://dev.parlgov.org/about/

Peterson, J. & Shackleton, M. (2006). *The Institutions of the European Union.* Oxford: Oxford University Press.

Raunio, T. & Hix, S. (2000). Backbenchers Learn to Fight Back: European Integration and Parliamentary Government. *West European Politics, Vol. 23*(4), 142-169.

Senden, L.A.J. & Vandamme, T.A.J.A. (2009). Het verdrag van Lissabon en het Europese mandaat van nationale parlementen. In Ooik, R.H. Van & Wessel, R.A. (2009). *De Europese Unie na het Verdrag van Lissabon* (pp. 59-74). Deventer: Kluwer.

Seriese, A. (2012). Small interview with Ans Seriese (advisor Tweede Kamer about European Union) about the use of the yellow-card procedure and the orange-card procedure. 4 November 2012.

TEU (2009). *Official Journal of the European Union.* Received at 10 April 2013 from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF

Tweede Kamer der Staten-Generaal (2012). *Pensioenen.* Received at 17 May 2012 from http://www.tweedekamer.nl/kamerleden/commissies/SZW/pensioenen.jsp

Tweede Kamer der Staten-Generaal (2012). *Witboek pensioenen – Standpuntnotitie Nederlands Parlement (Tweede Kamer der Staten-Generaal).* Received at 2 May 2012 from http://www.tweedekamer.nl/images/Standpuntnotitie_pensioenen_118-228196.pdf

Verheugt, J.W.P. (2009). *Inleiding in het Nederlands recht.* Den Haag: Boom Juridische Uitgevers.

Williamson, O.E. (1975). *Market and hierarchies, analysis and antitrust implications: a study in the economics of international organization.* New York: Free Press.

Appendices

Appendix 1
Overview submitted reasoned opinions per parliament in 2010

proposal European Commission	Member state & Parliament							
	AT NC	AT ST	BE NC	BE ST	BG NC	CY NC	CZ NC	CZ ST
Seasonal Workers Directive, COM (2010) 379	1	1	0	0	0	0	1	1
Deposit Guarantee Schemes Directive, COM (2010) 368	0	0	0	0	0	0	0	0
Food Distribution to the Most Deprived Persons in the Union, COM (2010) 486	0	0	0	0	0	0	0	0
Support for Rural Development by the EAFRD Regulation, COM (2010) 537	0	0	0	0	0	0	0	0
Direct Support Scheme for Farmers, COM (2010) 539	0	0	0	0	0	0	0	0
Investor Compensation Scheme, COM (2010) 371	0	0	0	0	0	0	0	0
European Heritage Label, COM (2010) 76	0	0	0	0	0	0	0	0
Frontex Regulation, COM (2010) 61	0	0	0	0	0	0	0	0
Translation and Interpretation in Criminal Proceedings, COM (2010) 82	0	1	0	0	0	0	0	0
Imports of Fishery Products from Greenland to the EU, COM (2010) 176	0	0	0	0	0	0	0	0
Radio Spectrum Policy Programme, COM (2010) 471	0	0	0	0	0	0	0	0
Single European Railway Area, COM (2010) 475	0	0	0	0	0	0	0	0
Single CMO Regulation, COM (2010) 799	0	0	0	0	0	0	0	0
Contractual relations in the milk and milk products sector, COM (2010) 728	0	0	0	0	0	0	0	0
Financing of the common agricultural policy, COM (2010) 745	0	0	0	0	0	0	0	0
Jurisdiction, recognition , enforcement of judgements in civil/commercial matters, COM (2010) 748	0	0	0	0	0	0	0	0
Marketing Standards, COM (2010) 738	0	0	0	0	0	0	0	0
Total	**1**	**2**	**0**	**0**	**0**	**0**	**1**	**1**

DE NC	DE ST	DK NC	EE NC	ES NC	ES ST	FI NC	FR NC	FR ST	EL NC	HU NC	IE NC	IE ST	IT NC	IT ST	LV NC	LT NC	LU NC	MT NC
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
1	**1**	**3**	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**2**	**5**	**0**

NL NC	NL ST	PL NC	PL ST	PT NC	RO NC	RO ST	SE NC	SK NC	SI NC	SI ST	UK NC	UK ST	Total
1	1	0	1	0	0	0	0	0	0	0	1	1	**9**
0	0	0	0	0	0	0	1	0	0	0	1	0	**5**
1	1	0	0	0	0	0	1	0	0	0	0	1	**6**
0	0	1	1	0	0	0	0	0	0	0	0	0	**4**
0	0	1	1	0	0	0	0	0	0	0	0	0	**4**
0	0	0	0	0	0	0	1	0	0	0	1	0	**2**
0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	1	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	1	1	0	0	0	1	0	0	0	0	0	**5**
0	0	1	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	1	0	0	0	0	0	0	0	0	0	**1**
1	1	0	0	0	0	0	0	0	0	0	0	0	**2**
0	0	0	1	0	0	0	0	0	0	0	0	0	**2**
3	**3**	**4**	**7**	**0**	**0**	**0**	**4**	**0**	**0**	**0**	**3**	**2**	**47**

Appendix 2
Overview submitted reasoned opinions per parliament in 2011

proposal European Commission
Common Consolidated Corporate Tax Base (CCCTB), COM (2011) 121
Temporary reintroduction of border control at international borders in exceptional circumstances, COM (2011) 560
Common European Sale Law, COM (2011) 635
Jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnership, COM (2011) 127
Prudential requirements for credit institutions, COM (2011) 452
Common Financial Transaction Tax, COM (2011) 594
European Globalisation Adjustment Fund (2014 - 2020), COM (2011) 608
Specific requirements regarding statutory audit of public-interest entities, COM (2011) 779
Restructuring the Community framework for the taxation of energy products and electricity, COM (2011) 169
Enhanced cooperation in the area of creation of unitary pantent protection with regard to the applicable translation arrangements, COM (2011) 216
Enhanced cooperation in the area of the creation of unitary patent protection, COM (2011) 215
Energy efficiency directive, COM (2011) 370
Access to the activity and the supplementary supervision of credit institutions, insurance firms in a financial conglomerate, COM (2011) 453
Regulation of the EU and of the Council on Union guidelines for the development of the Trans-European Transport Network COM (2011) 650
Support for rural development by the European Agricultural Fund for Rural Development (EAFRD), COM (2011) 627
Regulation on the distribution of food products to the most deprived persons in the Union, COM (2011) 634
Directive of EP and of Council on criminal sanctions for insider dealing and market manipulation COM (2011) 654
Jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes, COM (2011) 126
Food intended for infants and young children and on food for special medical purposes, COM (2011) 353
Definition, discription, presentation, labelling and the protection of geographic indications of aromatised wine products, COM (2011) 530
Regulation of EP and of Council amending Regulation (EC) No 1060/2009 on credit rating agencies COM (2011) 747
Proposal for a directive of EP and of Council amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts COM (2011) 778
European Union Programme for Social Change and Innovation, COM (2011) 609
Provisions on the ERDF, the ESF, the CF, the EAF for Rural Development and the EMFF covered by the Common Strategic Framework (EC) No 1083/2006, COM (2011) 615
Alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004, 2009/22/EC, COM (2011) 793
Online dispute resolution for consumer disputes (Regulation on consumer ODR), COM (2011) 794
Common provision monitoring, assessing draft budgetary plans, ensuring the correction of excessive deficit of the Member States in the euro area, COM (2011) 821
groundhandling services at Union airports and repealing Council directive 96/67/EC, COM (2011) 824
establishment of rules about introduction of noise-related operating restrictions at airports within Balanced Approach, COM (2011) 828
establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (2014-2020), COM (2011) 834
Decision of the EP and of the Council on serious cross-border threats to health, COM (2011) 866
Establishing the European Bornder Surveillance System (EUROSUR), COM (2011) 873
re-use of public sector information, COM (2011) 877
recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System, COM (2011) 883
Procurement by entities opering in the water, energy, transport and postal services sectors, COM (2011) 895
Public procurement, COM (2011) 896
The award of concession contracts, COM (2011) 897
Total

Country & Parliament

AT NC	AT ST	BE NC	BE ST	BG NC	CY NC	CZ NC	CZ ST	DE NC	DE ST	DK NC	EE NC	ES NC	ES ST	FI NC	FR NC	FR ST	EL NC	HU NC	IE NC	IE ST	IT NC
0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	1	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
0	**2**	**0**	**1**	**2**	**1**	**0**	**0**	**1**	**4**	**0**	**0**	**4**	**0**	**1**	**1**	**5**	**0**	**0**	**1**	**0**	**3**

IT ST	LV NC	LT NC	LU NC	MT NC	NL NC	NL ST	PL NC	PL ST	PT NC	RO NC	RO ST	SE NC	SK NC	SI NC	SI SE	UK NC	UK ST	Total
0	0	0	0	1	1	0	1	0	0	1	0	1	1	0	0	1	0	**9**
0	0	0	0	0	1	1	0	0	1	0	1	1	1	0	0	0	0	**7**
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	**4**
1	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	**3**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	**3**
0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	**3**
0	0	0	0	0	1	1	0	0	0	0	0	1	0	0	0	0	0	**3**
0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	**2**
0	0	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	**2**
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**2**
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**2**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**2**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	**2**
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	**2**
0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**2**
0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	**3**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	**2**
0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	**2**
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**3**
3	**0**	**0**	**3**	**2**	**4**	**4**	**1**	**2**	**1**	**1**	**2**	**18**	**3**	**0**	**0**	**5**	**1**	**76**

Appendix 3

Nonparametric correlation test

Correlations

			Number of Reasoned Opinions in 2010 and 2011	unicameralism and bicameralism	number of seats in chambers	EFPAR	POLAR	LOGSIZE	Trust	WINNER
Kendall's tau_b	Number of Reasoned Opinions in 2010 and 2011	Correlation Coefficient	1,000	,111	,129	-,090	,265[*]	,282[*]	-,018	-,286[*]
		Sig. (2-tailed)	.	,428	,270	,447	,026	,016	,877	,015
		N	40	40	40	40	40	40	40	40
	unicameralism and bicameralism	Correlation Coefficient	,111	1,000	,094	-,011	,185	,492[**]	-,381[**]	-,349[**]
		Sig. (2-tailed)	,428	.	,478	,932	,172	,000	,005	,009
		N	40	40	40	40	40	40	40	40
	number of seats in chambers	Correlation Coefficient	,129	,094	1,000	-,261[*]	-,012	,496[**]	-,172	-,083
		Sig. (2-tailed)	,270	,478	.	,019	,916	,000	,123	,455
		N	40	40	40	40	40	40	40	40
	EFPAR	Correlation Coefficient	-,090	-,011	-,261[*]	1,000	,104	-,143	,201	-,146
		Sig. (2-tailed)	,447	,932	,019	.	,360	,203	,075	,194
		N	40	40	40	40	40	40	40	40
	POLAR	Correlation Coefficient	,265[*]	,185	-,012	,104	1,000	,128	,001	-,211
		Sig. (2-tailed)	,026	,172	,916	,360	.	,261	,991	,064
		N	40	40	40	40	40	40	40	40
	LOGSIZE	Correlation Coefficient	,282[*]	,492[**]	,496[**]	-,143	,128	1,000	-,291[**]	-,307[**]
		Sig. (2-tailed)	,016	,000	,000	,203	,261	.	,010	,006
		N	40	40	40	40	40	40	40	40
	Trust	Correlation Coefficient	-,018	-,381[**]	-,172	,201	,001	-,291[**]	1,000	,244[*]
		Sig. (2-tailed)	,877	,005	,123	,075	,991	,010	.	,030
		N	40	40	40	40	40	40	40	40
	WINNER	Correlation Coefficient	-,286[*]	-,349[**]	-,083	-,146	-,211	-,307[**]	,244[*]	1,000
		Sig. (2-tailed)	,015	,009	,455	,194	,064	,006	,030	.
		N	40	40	40	40	40	40	40	40

*. Correlation is significant at the 0.05 level (2-tailed).

**. Correlation is significant at the 0.01 level (2-tailed).

Appendix 4

Cross Tabs

Reasoned opinions and unicameralism and bicameralism

Resoned Opinions 3cat * unicameralism and bicameralism Crosstabulation

			unicameralism and bicameralism		Total
			unicameralism	bicameralism	
Resoned Opinions 3cat	no reasoned opinions/not active	Count	4	5	9
		% within unicameralism and bicameralism	28,6%	19,2%	22,5%
	rarely reasoned opinons/rarely active	Count	8	11	19
		% within unicameralism and bicameralism	57,1%	42,3%	47,5%
	frequently reasoned opinions/very active	Count	2	10	12
		% within unicameralism and bicameralism	14,3%	38,5%	30,0%
Total		Count	14	26	40
		% within unicameralism and bicameralism	100,0%	100,0%	100,0%

Reasoned opinions and population size

Resoned Opinions 3cat * population size in 3 categories Crosstabulation

			population size in 3 categories			Total
			< 5.000.000 citizens	> 5.000.000 citizens	> 15.000.000 citizens	
Resoned Opinions 3cat	no reasoned opinions/not active	Count	5	3	1	9
		% within population size in 3 categories	50,0%	21,4%	6,3%	22,5%
	rarely reasoned opinons/rarely active	Count	4	9	6	19
		% within population size in 3 categories	40,0%	64,3%	37,5%	47,5%
	frequently reasoned opinions/very active	Count	1	2	9	12
		% within population size in 3 categories	10,0%	14,3%	56,3%	30,0%
Total		Count	10	14	16	40
		% within population size in 3 categories	100,0%	100,0%	100,0%	100,0%

Reasoned opinions and size of parliament

Resoned Opinions 3cat * number of seats categorized in 3 Crosstabulation

			number of seats categorized in 3			Total
			<150	150-300	>300	
Resoned Opinions 3cat	no reasoned opinions/not active	Count	5	2	2	9
		% within number of seats categorized in 3	31,3%	18,2%	15,4%	22,5%
	rarely reasoned opinons/rarely active	Count	6	8	5	19
		% within number of seats categorized in 3	37,5%	72,7%	38,5%	47,5%
	frequently reasoned opinions/very active	Count	5	1	6	12
		% within number of seats categorized in 3	31,3%	9,1%	46,2%	30,0%
Total		Count	16	11	13	40
		% within number of seats categorized in 3	100,0%	100,0%	100,0%	100,0%

Reasoned opinions and effective parties

Resoned Opinions 3cat * Effective parties in 3 categories Crosstabulation

			Effective parties in 3 categories			Total
			>0	>4	>5	
Resoned Opinions 3cat	no reasoned opinions/not active	Count	3	4	2	9
		% within Effective parties in 3 categories	23,1%	28,6%	15,4%	22,5%
	rarely reasoned opinons/rarely active	Count	5	6	8	19
		% within Effective parties in 3 categories	38,5%	42,9%	61,5%	47,5%
	frequently reasoned opinions/very active	Count	5	4	3	12
		% within Effective parties in 3 categories	38,5%	28,6%	23,1%	30,0%
Total		Count	13	14	13	40
		% within Effective parties in 3 categories	100,0%	100,0%	100,0%	100,0%

Reasoned opinions and polarization

Resoned Opinions 3cat * polarisation in 3 catagories Crosstabulation

			polarisation in 3 catagories			Total
			<0.38	>0.38	>0.42	
Resoned Opinions 3cat	no reasoned opinions/not active	Count	5	4	0	9
		% within polarisation in 3 catagories	41,7%	26,7%	0,0%	22,5%
	rarely reasoned opinons/rarely active	Count	7	6	6	19
		% within polarisation in 3 catagories	58,3%	40,0%	46,2%	47,5%
	frequently reasoned opinions/very active	Count	0	5	7	12
		% within polarisation in 3 catagories	0,0%	33,3%	53,8%	30,0%
Total		Count	12	15	13	40
		% within polarisation in 3 catagories	100,0%	100,0%	100,0%	100,0%

Reasoned opinions and trust

Resoned Opinions 3cat * trust in 3 categories Crosstabulation

			trust in 3 catagories			Total
			< 40	> 40	> 50	
Resoned Opinions 3cat	no reasoned opinions/not active	Count	3	3	3	9
		% within trust in 3 catagories	20,0%	25,0%	23,1%	22,5%
	rarely reasoned opinons/rarely active	Count	6	6	7	19
		% within trust in 3 catagories	40,0%	50,0%	53,8%	47,5%
	frequently reasoned opinions/very active	Count	6	3	3	12
		% within trust in 3 catagories	40,0%	25,0%	23,1%	30,0%
Total		Count	15	12	13	40
		% within trust in 3 catagories	100,0%	100,0%	100,0%	100,0%

Reasoned opinions and net winner

Resoned Opinions 3cat * netto winner in 3 categories Crosstabulation

			netto winner in 3 categories			Total
			< 0	> 0	>1.5	
Resoned Opinions 3cat	no reasoned opinions/not active	Count	1	4	4	9
		% within netto winner in 3 categories	5,6%	33,3%	40,0%	22,5%
	rarely reasoned opinons/rarely active	Count	8	7	4	19
		% within netto winner in 3 categories	44,4%	58,3%	40,0%	47,5%
	frequently reasoned opinions/very active	Count	9	1	2	12
		% within netto winner in 3 categories	50,0%	8,3%	20,0%	30,0%
Total		Count	18	12	10	40
		% within netto winner in 3 categories	100,0%	100,0%	100,0%	100,0%