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## *Parliamentary Questions, Oversight, and National Opposition Status in the European Parliament*

This study examines when and why members of the European Parliament (EP) use parliamentary questions as a form of fire alarm oversight. We argue that the multilevel nature of the EU political system allows members of the EP from national opposition parties to use parliamentary questions to alert the European Commission to governments' failures to implement EU policy. Representation in the EP provides the only avenue for such oversight for national opposition parties. Using a new sample of EP parliamentary questions, we demonstrate that MEPs from national opposition parties are more likely to alert the Commission to violations of EU law in their own member states. These parliamentary questions may lead the Commission to take legal action against member-state governments.

Most parliaments allow members to ask questions of the executive branch to keep tabs on its activities. Despite this ubiquitous feature of parliamentary politics, there has been little research on when and why MPs employ questions to monitor the implementation of legislation by the executive branch and even less work exploring the interaction between different levels of government and the opportunity for parliamentary oversight. This article argues that a party's *national* government-opposition status affects the number and nature of questions its members in the *supranational* European Parliament (MEPs) ask of the European Commission, the European Union's (EU) executive branch and guardian of the EU's treaties. Because the EU has very little administrative capacity of its own, the member-state governments act as the EU's agents for the purposes of implementing EU policy. The Commission monitors member-state implementation but frequently depends on outside parties to alert them to problems. In this institutional context, MEP questions are

not only a tool for gaining information, but they also serve as a “fire alarm” oversight mechanism to alert the Commission to potential improper implementation of EU law in member states.

MEPs do not all make equal use of oversight opportunities at the European level. Parties participating in national government are represented in the EU’s Council of Ministers, while national opposition parties are not. Therefore, national opposition parties have fewer channels for information and oversight regarding EU politics. To compensate for this disadvantage, their delegations in the European Parliament make greater use of the individual oversight mechanisms available to them. National opposition parties hold a majority of seats in the European Parliament. Drawing a direct link between national politics and legislative oversight behavior at the European level, we argue that MEPs from these national opposition parties use parliamentary questions at the European level as a check on their national government’s implementation of EU law.

Using a new dataset consisting of a random sample of parliamentary questions asked by MEPs during the sixth legislative term of the EP (2004–09), we find that MEPs from the national opposition ask more questions concerning legislative oversight, measured in our data as a reference to existing EU law. In addition, they focus their oversight efforts on their home member state. MEPs use parliamentary questions as a means to check whether their national government is correctly complying with EU law and to alert the European Commission when they believe it is not. We provide evidence that such questions lead the Commission to formally investigate whether a state has failed to properly implement European law and to take legal action against that state if necessary.

### **Parliamentary Questions as Legislative Oversight**

Parliamentary questions serve a variety of purposes. They permit MPs to go on the public record with regard to a particular issue or problem; they allow MPs to gather information from the executive; and they provide MPs with a means to force the executive to make a public statement (Rasch 1994; Wiberg 1995). In addition to providing MPs with an opportunity for public grandstanding, some have argued that questions serve an oversight function (e.g., Martin 2011a; Saalfeld 2000), although others argue that questions tend to be used for other purposes (Wiberg 1995). There have been few systematic studies examining when and how MPs make use of parliamentary questions (but see recent work by Martin 2011b; Martin and Rozenberg 2012). Recent empirical literature has focused on the effects that different varieties of question time

have on public engagement in politics and public opinion (Salmond 2007), but not the nature and content of individual questions asked by MPs. This study uses questions asked in the EP as the unit of analysis and explores the content of individual questions to determine whether MPs use them as an oversight tool.

The EU treaties provide MEPs with the right to ask questions of the Commission, and the Commission is required to respond. There are three forms of questions in the EP: written questions, oral questions, and questions during question time. In one of the few studies of parliamentary questions in the EU, Raunio (1996) finds that written questions are the most popular form of questioning. This is likely due to the tight restrictions placed on oral questions, which must be submitted by a parliamentary party group, a committee or a minimum number of MEPs. Whether an oral question is placed on the EP's agenda is at the discretion of the EP's Conference of Presidents. There are fewer procedural restraints placed on written questions. MEPs can ask questions on any topic at any time, and questions are generally answered by the Commissioner responsible for the policy area.

Motivated by findings of delegation studies suggesting that legislatures have incentives to monitor and check the implementation of legislation via executive agents (e.g., McCubbins, Noll, and Weingast 1987, 1989; McCubbins and Schwartz 1984; Moe and Caldwell 1994; Moe and Wilson 1994), recent parliamentary questions literature revisits earlier findings regarding oversight and suggests that questions may have an accountability and control function (for an overview of the literature, see Martin 2011a). While elected members of the legislature benefit from delegating tasks to a better informed executive, the agents, in the form of the executive and bureaucracy, may not share the MPs' policy preferences. When these policy preferences diverge, bureaucrats may use their informational advantage to shirk or to implement policies at odds with the preferences of MPs, leading to agency loss (Kiewiet and McCubbins 1991; Niskanen 1971). Politicians, therefore, develop mechanisms to monitor and check the executive to prevent shirking. Yet, we know relatively little about why individual legislators choose to engage in oversight activities versus other legislative activities and even less about how representation at different levels of government might impact the behavior of members of parliament in oversight activities.

### **Legislative Oversight in Multilevel Systems**

The literature on legislative oversight has not considered the role of opposition parties at various levels of government. However, in countries

that combine federalism with parliamentary systems, parties in opposition at one level may be able to use their representation in other levels of government to influence policy despite their opposition status.<sup>1</sup> A growing number of researchers have pointed out that where federalism and parliamentary legislative arrangements coexist, political parties in opposition have opportunities to influence policy that are not available to them in unitary states. The multiple levels of government give parties in opposition at the federal level the ability to oversee and even veto policy in the implementation phase (e.g., Hadley, Morass, and Nick 1989; Kaiser 2008; Scharpf 1988). This research focuses on the ability of opposition parties at the federal level to influence policy through implementation at the provincial or state level. However, we posit that it is also possible for parties in opposition at the subnational level to use their institutional position at the federal level to interfere with subnational implementation.

Opportunities for this type of oversight exist in any federal polity, including Belgium, Canada, India, and the European Union. Crises within Belgian governments over the administration of local government in ethnically mixed areas provide a prominent demonstration of the type of oversight we explore. Belgian MPs can make use of parliamentary questions at the national level to conduct oversight over policy implementation at the municipal and regional levels. Such an instance occurred on January 18, 2012 when Ben Weyts, a Belgian MP from Beersel belonging to the New Flemish Alliance (NVA) party, asked a question about the application of language laws by municipal governments in the bilingual Brussels-Halle-Vilvoorde region (BHV). Beersel is a municipality on the border between Flemish Brabant and BHV. The largest municipal government in the BHV region is Brussels, the mayor of which is Freddy Thielemans, a member of the francophone Socialist Party (PS). Thus, the NVA could not influence the controversial implementation of language laws in the most important municipality in this region. Conflicts over the linguistic status of the BHV region have been arguably one of the most salient issues in Belgian domestic politics. Election results have been ruled invalid, and government formation has been seriously disrupted because of the linguistic status of this region. The parliamentary question submitted by Weyts was directed to the Deputy Prime Minister and Minister of Social Affairs and Health with Responsibility for Federal Cultural Institutions. Ben Weyts made a series of requests for information from the government about the exact procedures followed by the local authorities and their impact in practice on the lives of citizens living in those municipalities (Question No. 231, January 18, 2012). For our purposes, the important point is that Weyts, a member

of the national parliament whose party was in the local opposition, used a question in the national parliament as a kind of “fire alarm” to alert the government to potential problems in the implementation of language laws by a local authority. Belgium has a federal structure, and the NVA does not govern in BHV. But the NVA does have representatives at the national level, Ben Weyts among them, who can encourage the national government to interfere with municipal implementation.

### **The European Union**

Written questions by Members of the European Parliament (MEPs) provide a more frequently observed instance of this type of multilevel oversight. We argue that MEPs representing parties in opposition at the national level use their written questions directed at the Commission as an oversight tool that would not otherwise be available to them in a unitary parliamentary system. In effect, parties in opposition at the national level can use questions in the European Parliament to ring a “fire alarm” alerting the Commission to implementation failures by their political opponents in their respective national governments.

There has been significant research on fire alarm oversight in the EU (Blom-Hansen 2005; Jensen 2007; Keleman 2002; Tallberg 2003). The EU is a hybrid of a separation-of-powers and parliamentary political system (Hix and Høyland 2011). Legislation is passed at the European level through a legislative procedure involving the directly elected European Parliament and the Council of Ministers, composed of ministers of the national governments.<sup>2</sup> Once laws have been enacted, they must be administered by the national institutions of the EU member states. In many cases (EU directives) this involves first transposing the new EU law into the national legal code. In relying on constituent governments to implement laws passed at the higher level, the EU resembles Germany’s model of federalism rather than the U.S. version (Scharpf 1988). In the U.S. system, the federal government has offices throughout the country that implement federal law. In the German and EU federal systems, the legislative and administrative functions are performed at different levels—states implement federal law. The result is that the implementation of policy in the EU and its member states involves a complex interaction of national and European institutions.

Because the implementation of EU law depends on the member states’ administrative institutions and behavior, the EU relies on the Commission to ensure consistent implementation across the member states. In the event that the Commission suspects that a member state’s implementation of EU law is unsatisfactory, it begins a series of com-

munications with the member state, some of which can be rather informal. If, after this initial investigation, the member-state government's response to the Commission's inquiries is unsatisfactory, the Commission responds by initiating "infringement cases." Infringement cases then progress through a series of stages culminating, in the event the member state does not remedy the problem, with a hearing before the European Court of Justice (ECJ) and a fine. The Commission can initiate infringement cases on the grounds of a member state's failure to properly transpose the EU law into the national code or on the basis of improper application of an EU law. There has been considerable research on infringement cases and member states' responses to them (Börzel 2001; Falkner 2005; Jensen 2007; König and Luetgert 2009; Mbaye 2001; Toshkov 2008). However, this research has not focused on the sources of information that the Commission uses to determine the need for an infringement case. We argue that the EU's federal nature and the nature of EP elections create strong incentives for a specific subset of European legislators to engage in fire alarm oversight, namely MEPs belonging to national opposition parties.

### Theory

Why do MEPs bother to engage in legislative oversight of individual member states? The starting point for our argument is that the EP is fundamentally an oppositional parliament. For a variety of reasons, the majority of MEPs belong to parties in the opposition in their national parliament. This has important implications for the legislative behavior of MEPs. We argue that national opposition parties use parliamentary questions in the EP as a means of oversight to alert the Commission to potential violations of EU law in their home member states. Whereas parliamentary majorities are typically required in national parliaments to sustain governments, this requirement is absent in the political system of the European Union. It is therefore the national—as opposed to a European—government or opposition status of parties that impacts legislative behavior.

EP elections tend to produce a parliament composed mostly of parties that are in the opposition at the national level (e.g., Hix and Høyland 2011; Manow and Döring 2008; Schmitt 2005). The research on European elections points to a variety of reasons for this phenomenon. First, it is frequently noted that elections to the EP are second-order national contests, in which voters tend to punish incumbent parties (Hix and Marsh 2007; Reif 1984; Reif and Schmitt 1980). Second, some member states use more disproportionate electoral

systems for their national elections than for EP elections. European legislation passed in 2002 requires all member states to hold EP elections by a proportional representation electoral system. Thus, some member states may have different rules for electing their national parliament than their delegation in the European Parliament. When the United Kingdom moved from plurality to a regional list system in 1999, for example, disproportionality decreased, and the effective number of parliamentary parties more than doubled (Farrell and Scully 2005, 977). Third, some Eurosceptic parties that enter the EP, such as Denmark's *Jumibevaegelsen*, do not contest national elections. In short, second-order elections effects coupled with more proportional electoral rules mean that the European Parliament tends to become a "national opposition" parliament, in the sense that the elections favor parties not included in national government coalitions.

Empirically, the oppositional nature of the EP is evident. Considering the national opposition or government status of each party represented in the European Parliament, we find that on average 58.5% of MEPs were in national opposition over the course of the sixth legislative term, providing evidence that the EP first and foremost represents national oppositions.<sup>3</sup> These national opposition MEPs should be more active than national government MEPs in exercising "fire alarm" legislative oversight at the supranational level, in particular through the use of parliamentary questions.<sup>4</sup> Not only do national opposition parties have fewer opportunities for oversight at other levels of government, but parliamentary questions and their answers go on the public record. Thus, they present national opposition MEPs with an opportunity to publicly shame their government. While MEPs from national government parties may engage in oversight activities as well, they are more likely to use private means of alerting the Commission and their government to potential implementation problems. They would not want to put anything that could potentially embarrass their government on the public record.<sup>5</sup>

Opposition MEPs use parliamentary questions as an oversight mechanism for two reasons. First, because the Commission is required to answer questions, opposition MEPs can use this mechanism to gather information (Proksch and Slapin 2011). In answering questions about legislation, the Commission reveals to the opposition MEP the extent to which national practices conform with EU standards. Given that national opposition parties are excluded from many of the means of monitoring the activities of government ministries, this can prove a useful source of information. Second, MEP questions can publicly draw attention to national implementation problems, potentially resulting in the

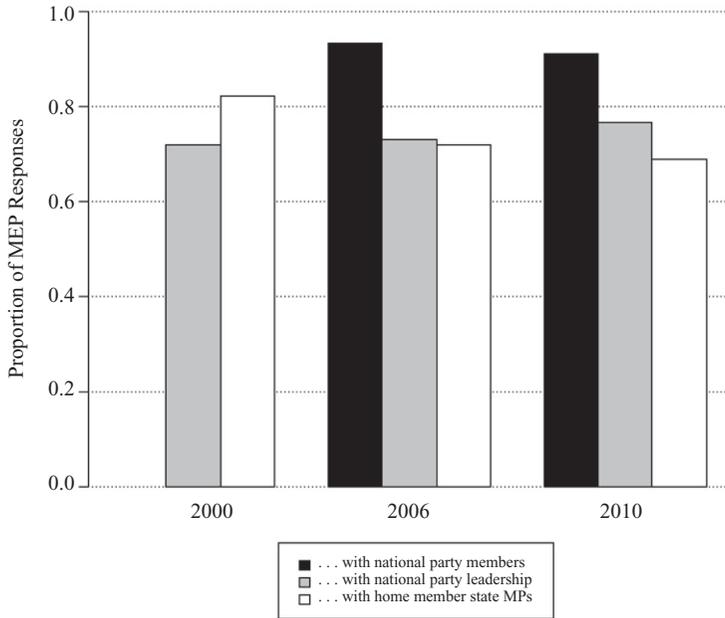
Commission initiating an infringement case. The MEPs asking the questions are taking on the role of interest groups in the traditional fire alarm model of oversight as it is conceived in the literature on oversight in the U.S. case (McCubbins and Schwartz 1984). Viewing legislators this way is a novel modification of the traditional fire alarm concept.

A close link between MEPs and their home member state is a necessary condition for our theory. If MEPs do not have regular contacts with fellow party members at home, it would be difficult for them to ring a fire alarm; information about potential implementation problems would not travel easily from the national arena to the EP. Data from MEP elite surveys conducted in 2000, 2006, and 2010 suggest that MEPs are in close contact with members of their national party, their national party leadership, and other MPs from their home member state (Farrell, Hix, and Scully 2011). Figure 1 shows the proportion of MEPs indicating that they have at least weekly or monthly contact with any of the three groups. Remarkably, more than 90% of MEPs report that they have close ties to the national party members, and around 75% have ties with the national party leadership and home member-state MPs. Taken together, this means that MEPs communicate regularly with relevant national party actors, a necessary condition for engaging in oversight of national implementation.<sup>6</sup>

Finally, parliamentary questions in the European Parliament seem to have the desired effect of alerting the Commission. Between 1996 and 2010, the Commission has initiated several hundred infringement procedures against member states annually on its own initiative. Of these, on average 1 in 20 originates from parliamentary questions (European Commission 2010). This number constitutes a conservative estimate of the impact of parliamentary questions on infringement procedures because the Commission is not legally required to report questions as a reason to initiate a procedure.<sup>7</sup> In addition, an infringement case is the ultimate culmination of a series of interactions between the Commission and the member state, some of which can be informal and not fully reported. Thus, the frequency of infringement cases resulting from MEP questions further underestimates the true oversight impact of the questions.

We distinguish theoretically between two types of opposition parties: established, pro-European parties, and niche, anti-European parties. Both motives discussed above for asking questions apply mainly to members of mainstream opposition parties that are, in principle, in favor of European integration. Anti-EU parties or Euroskeptic parties, on the other hand, are less likely to engage in such behavior because they would prefer that European legislation is not enforced at all in their

FIGURE 1  
 Contacts of MEPs with Actors in the National Arena  
 (at least weekly or monthly)



*Note:* Data are answers to the MEP survey question “How frequently are you in contact with the following groups, people, or institutions?” Response options included “at least once a week”, “at least once a month”, “at least every three months”, “at least once a year”, “less often”, “no contact”. The plot shows the proportion of MEP responses in each survey indicating the first or second option. The question about contacts with national party members was not asked in the 2000 survey.

*Source:* Farrell, Hix, and Scully 2011.

domestic arena. Members of these parties may ask questions for other reasons—they may wish to waste Commissioners’ time with frivolous questions and try to publicly embarrass European officials (Proksch and Slapin 2011).

We expect MEPs belonging to parties in their national government to ask fewer questions overall. These MEPs can more readily attain information about the activities of their home governments from intra-party sources. Furthermore, they would have little incentive to act as a fire alarm encouraging the Commission to initiate infringement cases against their own party’s government, and they certainly would not do so in a public manner. Because the Commission may use questions to take legal action, incentives for national opposition party members to ask

oversight questions are higher than for members whose parties belong to national governments, particularly on matters concerning their own member state. This leads to the following hypotheses that apply to mainstream opposition parties:

*H1*: MEPs from national opposition parties are more likely to use parliamentary questions as a means of fire alarm legislative oversight than MEPs belonging to national governing parties.

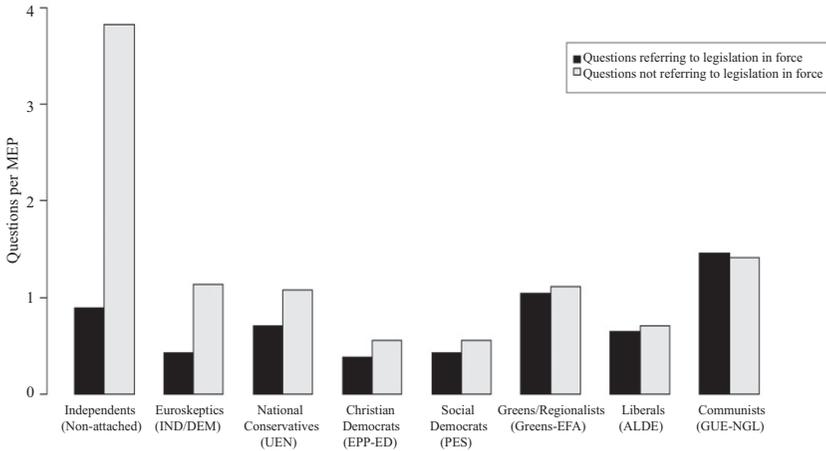
*H2*: MEPs are more likely to use parliamentary questions as a form of fire alarm oversight when the issue at stake concerns their own member state.

### **Data Analysis**

We have collected data on the content of a random sample of 1,024 written MEP questions from the sixth European Parliament. During this time period, MEPs asked around 25,000 written questions. We focus our analysis on those questions asked in complete years (2005–08).<sup>8</sup> A coder was provided with randomly generated question ID numbers and instructed to examine each question to identify a series of question and answer characteristics.<sup>9</sup> Most importantly, the coder determined whether the question dealt with legislation currently in force. We assume a reference to existing EU law in a parliamentary question implies that the question is primarily concerned with the correct implementation of the cited law. The coder was trained to correctly identify both specific (e.g., citation of the EU's Official Journal) and general references to legislation. For example, in a question posed in 2006, MEP Alyn Smith (Scottish National Party, UK) asked whether the United Kingdom's royal succession laws, which prohibit Catholics from ascending to the British throne, are "a breach of both EC anti-discrimination legislation and Article 13 of the EC Treaty."<sup>10</sup> While the question mentions no specific directive or regulation, it clearly deals with the application of existing EU legislation as well as those passages of the Treaty forbidding discrimination based on religion, and it was coded as referring to "legislation in force" accordingly. Approximately 40% of the questions in our sample reference legislation in force at the time the question was posed.

We begin by examining whether European political groups participate equally in legislative oversight. Proksch and Slapin (2011) found that anti-European parties ask more written questions, but they do not examine the content of the questions MEPs ask. It is likely that

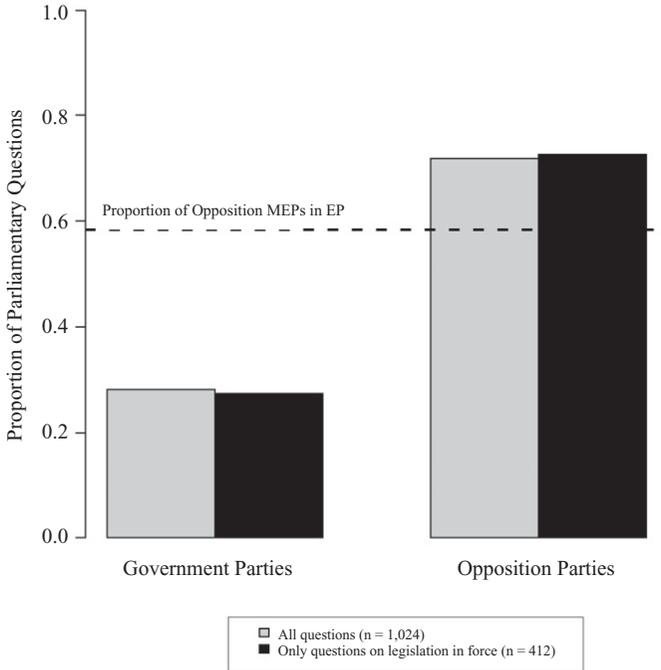
FIGURE 2  
Parliamentary Questions per MEP by European Political Group



*Note:* Political groups are ordered by the difference between the average number of questions referencing legislation in force and other questions. Calculations are based on a random sample of EP questions as described in the text. Political group abbreviations: EPP-ED: European Peoples's Party-European Democrats, PES: Party of European Socialists, ALDE: Alliance of Liberals and Democrats for Europe, UEN: Union for Europe of the Nations, Greens-EFA: The Greens-European Free Alliance, GUE-NGL: European United Left-Nordic Green Left, IND/DEM: Independence/Democracy.

anti-European parties, either in the Euroskeptical group or not attached to a political group, ask systematically different questions than the mainstream political groups. Figure 2 compares the number of questions in our sample per MEP by political group, differentiating between questions referencing legislation in force and all other questions. The average independent (nonattached) MEP is much more likely to ask a question than an MEP from any other group. However, the bulk of the questions asked by the independent MEPs do not reference legislation in force. Rather than using questions as a means of oversight, they use them to waste the Commission's time, often asking about frivolous concerns (Proksch and Slapin 2011). The small Euroskeptical group also asks relatively few oversight questions. For the remaining mainstream groups, oversight questions represent a higher proportion of their overall question activity per MEP. At the opposite extreme from the independents, the average Liberal MEP devotes every other question to oversight. These findings are consistent with our model of oppositional oversight. The parties of the large groups (Social Democrats and Chris-

FIGURE 3  
Government-Opposition Status and Legislative Oversight



tian Democrats) are more likely to be included in national government than the smaller, and ideologically more extreme, groups.

We argued above that European legislators whose parties are in national opposition are responsible for the majority of legislative oversight questions conditional on these parties being neutral or pro-European. Naturally, we need a baseline comparison to compare the activities of government and opposition legislators. The horizontal line in Figure 3 shows the average proportion of national opposition party MEPs during the sixth European Parliament (58.5% of MEPs). The figure shows opposition parties are responsible for asking 72% of all parliamentary questions in our sample. Importantly, this holds true for the subsample of oversight questions, with opposition party MEPs asking the same proportion of questions referencing legislation in force. In both instances, opposition party MEPs ask significantly more questions than their seat share in the EP would suggest.

TABLE 1  
 Logit Model of Legislative Oversight Questions  
 (standard errors in parentheses)

	Model 1	Model 2	Model 3
MEP party in national opposition	0.250 (0.178)	0.326* (0.190)	0.403 (0.446)
MEP mentions own country	0.852*** (0.151)	0.699*** (0.181)	1.334*** (0.446)
MEP-Commissioner: Same Portfolio	0.034 (0.183)	-0.018 (0.213)	1.131** (0.500)
MEP-Commissioner: Same Country	-0.016 (0.324)	0.002 (0.451)	-0.891 (0.826)
MEP-Commissioner: Same EP Group	-0.158 (0.206)	-0.275 (0.211)	-0.327 (0.588)
(Intercept)	-0.359 (0.244)	-0.330 (0.251)	-0.650 (0.763)
EP Group Effects	Yes	Yes	No
National Party Effects	No	No	Yes
N	862	549	161
Log-likelihood	-546.97	-366.27	-82.40

*Note:* Model 1 includes the full sample of questions for which the answering Commissioner could be identified. Model 2 includes the subset of questions asked by MEPs from mainstream political groups (EPP-ED, PES, ALDE, and Greens). Model 3 includes the subset of questions by MEPs whose national party changed government-opposition status during the period of investigation.

\*\*\* $p < 0.01$ ; \*\* $p < 0.05$ ; \* $p < 0.1$ .

Our final analysis tests whether opposition status systematically explains question type using a series of logit models with the parliamentary question as the unit of analysis. Thus, we model the probability that a question is an oversight question as a function of the characteristics of the MEP who asks it. The results are presented in Table 1. The dependent variable in each model is coded 1 if the question references legislation in force and 0 otherwise. The main independent variable is the national opposition status of the MEP asking the question, coded 1 if the MEP's national party was in opposition at the time of the question and 0 otherwise (Hypothesis 1). Furthermore, we include a dummy variable indicating whether the MEP asking the question mentions his member state or not (Hypothesis 2).<sup>11</sup> We also control for other factors that may lead MEPs to ask oversight questions. We include a dummy indicating whether the MEP has an informational interest in the subject matter. It is coded 1 if the MEP is in a legislative committee whose jurisdiction is equal to the policy portfolio of the

Commissioner answering the question, and 0 otherwise. Furthermore, we control for whether the MEP and the Commissioner are from the same member state or from the same group. Previous research has shown that MEPs ask fewer questions of Commissioners whose parties belong to the same political group as they do (Proksch and Slapin 2011). Additionally, the first two models include political group dummies that allow us to control for the expected reduced activity of Euroskeptical MEPs, while the third model includes national party dummies.

The first model includes the full sample of questions and all parties, dropping only those questions where the European Parliament question database did not provide the identity of the answering Commissioner. The variables of interest—MEP party in national opposition and MEP mentions own country—have the expected positive sign. However, only mentioning a member state is a statistically significant predictor of an oversight question; opposition status is not ( $p = 0.16$ ). This sample, however, includes many questions asked by MEPs belonging to anti-European parties, who both tend to be in the national opposition and tend not to ask about legislation in force. They are less concerned with oversight than with obstruction. In the second model, we therefore only include questions asked by mainstream European political groups—the Christian Democrats (EPP-ED), the Socialists (PES), the Liberals (ALDE) and the Greens. As a result, the coefficient for opposition status increases and is now statistically significant at the  $p < 0.1$  level. Finally, the third model examines *only* questions asked by MEPs whose national parties switched government-opposition status during the time period of the investigation and includes national party fixed effects. The sample includes 20 parties, whose MEPs asked a combined total of 161 questions. A full list of parties switching opposition status during the time period under investigation is provided in the appendix. In effect, this model examines within-party differences, using opposition status as a treatment, and thus offers the most direct test of our theory. For example, were questions asked by German Christian Democrat (CDU) MEPs more likely to be oversight in nature when the CDU was in opposition than when in government? Assuming parties' positions with regard to EU integration or other policies do not vary much over the four-year period of investigation and do not drastically change upon entering national government, this model also controls for these national party specific omitted variables. The results for this final analysis are reported in model 3. Comparing across models, the magnitude of the coefficient on opposition status is the largest in this third model. Due to the smaller sample size, though, the coefficient

TABLE 2  
Predicted Probability of an Oversight Question

	National Issue	
	Yes	No
Party in Opposition	0.74 (0.44, 0.92)	0.45 (0.20, 0.72)
Party in Government	0.66 (0.42, 0.85)	0.36 (0.17, 0.59)

*Note:* Simulations are based on Model 3 for a hypothetical question coming from the German CDU (calculated using Zelig, see Imai, King, and Lau 2008).

fails to attain statistical significance ( $p = 0.37$ ). Nevertheless, the results confirm our previous analysis—when opposition MEPs ask questions, they are more likely to reference legislation in force, as are MEPs who mention their own country.

None of the control variables are consistently statistically significant across the models, suggesting that while informational concerns matter for the overall frequency of parliamentary questions, they do not impact the choice to ask an oversight question. Only the *same portfolio* variable is statistically significant in the expected direction in the third model. The political group dummies in model 1 (not reported but available upon request) suggest that, even after controlling for national government-opposition status, MEPs from the Liberal group are the most likely to use questions as a form of legislative oversight. Euroskeptics and independent MEPs are least likely to ask oversight questions.

For an easier interpretation of the coefficient estimates and associated standard errors, we simulate predicted probabilities. Table 2 presents the predicted probabilities and their 95% confidence bounds for four scenarios based on model 3. The probability for national government MEPs constitutes a baseline to which we can compare the effect of opposition parties. Being in opposition increases the probability of asking an oversight question between 0.07 and 0.11, depending upon whether the question also mentions the member state. Mentioning one's own member state increases the probability of an oversight question by approximately 0.3, independent of government and opposition status. A question is more than *twice* as likely to be about legislation in force when an opposition MEP mentions his or her member state compared to a government party MEP who does not mention his or her member state.

Simulations based on the second model reveal very similar results, as well. This indicates that MEPs are interested in how their own state is responding to EU legislation in force. In other words, MEPs from national opposition parties use EP parliamentary questions as an oversight mechanism to ask the Commission to review the actions of their national governments. The findings provide evidence that MEPs respond through their legislative activity to the national government-opposition status of their parties.

### **Legal Consequences of EP Oversight Questions**

Thus far we have supported our theoretical claims by examining the content of MEP questions. A valid criticism of our approach is that the questions do not, by themselves, constitute oversight. MEPs may simply ask questions and make references to their countries and to European directives, even if they do not expect direct enforcement action as a result. Moreover, even if the question does point out shortcomings in implementation, we do not know whether the Commission could have been informed of the potential violation through some other means.

We now provide evidence that the Commission takes these alerts seriously, and may initiate legal action against a member-state government as the result of such questions. The Commission initiates on average more than one infringement case every month as the result of an MEP question. As pointed out earlier, this number is likely to understate the impact of questions because the formal initiation of an infringement procedure only occurs when the issue cannot be resolved informally. Moreover, the Commission is not required to report that MEP questions were the reason for initiation. We therefore choose to discuss several infringement cases that we were able to clearly link to specific MEP questions. Unfortunately, the EP's question database and the Commission's infringement database are not linked. Furthermore, the Commission, in its annual reports, does not identify the questions that lead to infringement procedures, making the task of linking the data nearly impossible. Nevertheless, we were able to identify six recent cases where a parliamentary question led the Commission to take action.

In four of these cases, the MEP's party was in the national opposition at the time the question was asked. The first of these opposition MEP questions was asked by Luigi Cocilovo, an Italian MEP belonging to the Olive Tree party. It referred to the failure of the Italian government to remove contaminated soil from a polluted industrial site. The second

question came from Frieda Brepoels, an MEP from the Belgian Flemish Christian Democratic alliance. She alleged discrimination against companies based outside of the Walloon region of Belgium in receiving training grants from the government. The third question was asked by Willy Meyer Pleite of the Spanish communist United Left party. He inquired about the failure of the Spanish government to conduct an environmental impact assessment regarding the construction of an airport in Castellon. Finally, Peter Olajos of the center-right Hungarian Democratic Forum asked about a violation of the EU's nature conservation law by the Hungarian government through the destruction of protected woodlands.<sup>12</sup> All four opposition MEPs referenced some potential violation of EU law by their government. Therefore, these cases correspond nicely to the finding above that oversight questions are most likely when an opposition MEP is concerned about a national implementation issue (see Table 2).

In each of its four responses to the MEPs, the Commission stated that it would take investigative action as a result of the question. For instance, in the Italian case, the Commission acknowledged the MEP's question was the first time it had heard of the potential problem and that it would take appropriate steps to gather detailed information and ensure compliance with EU law. After carrying out its investigations, the Commission took formal action in several of the cases. In the Belgian, Italian, and Hungarian cases, the Commission sent out a formal letter of notice to the governments concerned, informing the government of its legal assessment that a potential violation of EU law exists, and inviting the government to present its views to the Commission regarding the case. The Italian and the Hungarian cases were resolved successfully at this stage. In the case of the training grants in Belgium, the Commission considered the government's response unsatisfactory and determined that an infringement existed. It then asked the Belgian government in a "reasoned opinion" to remove the violation within a specified time limit.

We are aware that anecdotes do not constitute a systematic test of the impact of MEP questions on Commission action, and the evidence we have provided is suggestive at best. Nevertheless, the cases show that opposition MEPs use parliamentary questions about compliance with EU legislation to alert the Commission to existing breaches of EU law. Furthermore, the Commission takes these questions seriously and, in some instances, takes formal action against member states, which leads governments to come into compliance with EU law. Combined with the systematic evidence that opposition MEPs ask more questions referring to European legislation than government parties, we believe that our

analysis suggests that parliamentary questions are indeed an important means of fire alarm oversight in the European Union.

### Conclusion

MEPs from national opposition parties have stronger incentives than MEPs from government parties to alert the Commission to problems regarding the implementation of EU law at home. National opposition MEPs are, therefore, more likely to use parliamentary questions as a form of fire alarm oversight than MEPs from government parties. They ask questions of the Commissioners that reference problems in their own member state, in hope that the Commission will investigate and take action to resolve the issue. Moreover, we have provided evidence that questions do, in fact, lead the Commission to start infringement procedures in some cases. This means a question from a single MEP could potentially lead to public embarrassment of his or her government, costly fines should the case go to the European Court of Justice, and also correct implementation of European law throughout the European Union.

Our findings have implications for research on parliamentary questions, the institutional politics of the EU, and the study of delegation and oversight in federal systems. We go beyond present work by uncovering that opposition MEPs actually ask questions about legislation in force with reference to their own member states. Our research contributes to the understanding of EU institutions by demonstrating that the European Parliament provides a means for influencing national politics. The EP provides a mechanism for opposition parties to engage in fire alarm oversight of national governments, giving them more tools to check national governments' implementation of EU law than has previously been noted.

Our findings also point to an unexpected and counterintuitive effect of EU elections. The second-order nature of EP elections is evident in low turnout, low media-attention campaigns that are run on national rather than European issues and low politicization. These consequences are widely seen as contributing to the EU's democratic deficit. While this may be true, an additional consequence of these elections is that national opposition parties have a comfortable majority in the EP, giving them the opportunity to conduct *increased* legislative oversight of national governments. Such fire alarm oversight is an important feature of democratic politics because it leads to improved application of EU law, making it an unexpected positive consequence of the current nature of European elections.

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## APPENDIX A

### Random Question Sampling and Coding Instructions

We sampled 1,024 written questions from the EP question archive using the following procedure. First, we determined the total number of questions asked between 2005 and 2008 and sampled 1,024 random numbers from this list without replacement. Then we assigned each question its corresponding link on the EP website. The coder then followed the link to the website and coded the question according to the following coding scheme. The following is an excerpt of the instructions to the coder for the content of MEP questions. The European Parliament Parliamentary Question Archive can be found here: <http://www.europarl.europa.eu/QP-WEB/application/search.do?questionType=QE&questionExpand=NO&leg=6&language=EN>.

Variables that were collected:

- Question ID number. For example, e-5694/06.
- Question date (month/day/year).
- Question title.
- MEP name.
- MEP country.
- MEP national party.
- MEP political group at time of question.
- Was the question directed to the Commission or Council?
- If directed to the Commission, answering Commissioner?
- Does the question mention a particular member state or member states?
- If the answer to 10 is yes (1), which member states?
- Does the question mention a region or regions? By “region” we mean any reference to a geographical location other than a member state.
- If the answer to 12 is yes (1), which regions?
- If the answer to 12 is yes (1), list the countries of the region(s).
- Does the question mention legislation in force?

## APPENDIX B

List of Parties Switching Government-Opposition Status in Random Sample

Country	Party	Number of Questions
Belgium	CD&V	10
Germany	CDU	28
Germany	Greens	20
Italy	RC	8
Italy	AN	29
Italy	LN	10
Italy	PDL	11
Italy	PCI	2
Italy	PD	2
Italy	SL	7
Italy	PSI	7
Netherlands	PvdA	9
Netherlands	VVD	15
Netherlands	D66	7
Portugal	PPD/PSD	5
Austria	SPÖ	5
Sweden	SD	3
Poland	S	2
Poland	PiS	4
Romania	PSD	3

## NOTES

1. There is a growing literature on oversight in parliamentary systems (Laver and Shepsle 1996; Strøm, Müller, and Bergman 2003). A central theme in analyses of oversight in parliamentary systems is the important role of parties. In coalition governments, participating parties oversee each other using tools ranging from junior ministerial appointments (Giannetti and Laver 2005; Thies 2001) to legislative committees and amendments from the floor (Kim and Loewenberg 2005; Martin and Vanberg 2004, 2005; Strøm, Müller, and Bergman 2008). These analyses focus on parties participating in government.

2. For a more complete discussion of the legislative procedures in the EU and the role of the EP, Council, and Commission in them (see Hix and Høyland 2011; König et al. 2007; Tsebelis 1994; Tsebelis et al. 2001; Tsebelis and Kreppel 1998; Rasmussen 2003).

3. We coded whether a party was always, never, or partially in opposition during the term using information from the ParlGov database (Döring and Manow 2010). If a party was in government for a portion of period, we calculated the share of the legislative term that the party was in opposition. Finally, we assigned to each MEP the share of the legislative term that she or he was in opposition and calculated the average.

4. Indeed, others have found that opposition MPs in national parliaments are more active in asking question than government MPs (Rasch 2009). We, however, are less

interested in whether MEPs in national opposition ask more questions in general. Instead, we are interested in whether they ask more questions related to oversight.

5. We thank an anonymous referee for pointing this out. There is evidence to suggest that significant informal contacts exist between MEPs and the Commission. Approximately 70% of MEPs answering the European Parliament Research Group's elite survey of MEPs (conducted in 2000, 2006, and 2010) report having regular contact with Commission officials, and approximately 45% report having regular contact with Commissioners directly (Farrell, Hix, and Scully 2011). Moreover, we do not assert that questions are the only mechanism for ex post oversight. Another mechanism, for example, might be committee activities. However, questions provide an observable action that can be traced back to individual legislators, while committee activities do not.

6. The question regarding contacts with national party members was not asked in 2000. We furthermore note that not all MEPs participated in the surveys. The overall response rate of the surveys were between 31% and 37% (Farrell, Hix, and Scully 2011), values that are comparable to other elite surveys.

7. Personal communication with the Secretariat General of the European Commission, October 2010.

8. We dropped questions from 2004 and 2009 because the EP was either just elected or gearing up for an election in those years. Furthermore, there was a switch in Commissions in late 2004 from Prodi to Barroso, and we wish to hold the identity of the Commission constant. To validate our random sample, we compare the sample distribution of questions to the population distribution across policy areas. In the vast majority of cases, the proportions of questions in each policy area are similar in our random sample and the population. The modal policy area is the environment, in which 12.1% of sample questions fall compared to 12.7% of all questions asked. The two next most common policy areas in the population (internal market and external relations) are slightly underrepresented in the random sample, whereas the areas of justice, freedom and security, and health are overrepresented. Nevertheless, the overall trend in the relative shares of policy areas covered in the population and the random sample is similar (the proportions correlate at .7).

9. The coder was an undergraduate student, and the coding process was carefully monitored by the authors. Although a manual procedure, the coding did not involve many subjective assessments on the part of the coder. A complete description of the coding instructions for the variables examined in this article can be found in the appendix. The coding instructions also include links to the websites we used to gather the raw information on questions and MEPs in our study.

10. Question E-3142/06.

11. This includes direct references to the member state, as well as references to regions or cities within that state.

12. The corresponding parliamentary question ID numbers are: E-3240/04, P-0926/05, E-4968/06, and P-6520/07.

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