



The European Lobby of the Regions

Analysing the impact of the EU lobbying behaviour of the Dutch provinces on the gatekeeping powers of the central government

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Abstract

This thesis concerns the impact of the EU lobbying behaviour of the regions on the gatekeeping powers of the central government. Through an extensive analysis of the behaviour of the Dutch provinces at the EU level based on interviews, a survey and content analysis, this study concludes that the provinces aim at cooperating with their central government but are capable of bypassing it as well when their interests are strongly opposed to those of the central government. Contradictory to assumptions made in the literature, the institutional strength of the subnational actor appears not to play a decisive role. The inclusiveness of the subnational actors into the national EU policy-shaping process, the length of exposure to the EU integration process and the financial means of the subnational actor seem to explain the occasional bypassing behaviour on the EU level of the provinces.

Although the provinces are capable of effectively influencing the EU decision-making process independently from their central government, this study argues that the gatekeeping powers of the Dutch central government are not significantly affected by the lobbying behaviour of the provinces. The central government remains the dominant actor regarding the Council and the implementation phase. This result confirms the assumption of the theory of liberal intergovernmentalism that the central government is the gatekeeper between the influence of national actors and the EU decision-making process. In the agenda-setting phase, the central government has however lost its gatekeeping powers. This proves that the relation on the EU level between the Dutch provinces and their central government also entails some characteristics of a multi-level governance structure.

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1. Introduction

This study concerns the gate-keeping power of the national government in what is concerned the multi-level governance of the European Union today. The power of the national government is challenged by the emergence of multiple other actors that are also participating in the EU decision-making process, such as interest groups representing certain interests from civil society or big companies. Another type of interest group trying to obtain direct access to the EU decision-making process is the subnational actor. Over time these actors have gained more independent access points to the EU decision-making process which make effectively lobbying from their side more plausible. Many regions and cities are moreover active on the European level by engaging in numerous networks and associations through which they actively try to influence the EU decision-making process to their specific interests.

This development possibly changes the traditional role of the central government as having the ‘monopoly over the national position in the EU policy-shaping processes’ or in other words the monopoly over the competence of representing the member state at the European and international level (Jeffery, 2000: 5). Traditionally, the central government has always been capable of deciding what the input in the EU decision-making process of the nation-state will be. The subnational actors are more and more challenging this capacity by representing parts of the state to external institutions independently from the central government.

Despite the subnational actor being increasingly active on the EU level and very often responsible for the implementation of EU legislation, some believe the subnational actors do not seem to play a major role in the EU policy processes. Others however advocate that the subnational actors do have an increasingly important role at the EU level. One can state however with certainty that the subnational actors have become progressively active at the EU level, which is not surprising considering the fact that the EU now constitutes both higher risks and more opportunities for the subnational actors than in the past. Moore (2008: 518) for example stated that 60 to 80 percent of the local and regional legislation is originated in European legislation, which means that the EU is a highly significant institution for the subnational actors to influence. Due to these greater responsibilities, the risks of execution problems or undesired financial and administrative costs are enhanced and therefore “especially when interests of the subnational actors and the government are not parallel, it is crucial for subnational actors themselves to collect information on the background, intentions and meaning of European regulation” (Mastenbroek et al, 2013: 20). There are therefore multiple reasons for subnational actors to represent themselves at the European level, related to both obtaining funding and influencing the European policies.

The actual impact of the lobbying of the subnational actors remains however often unclear. The position of the central government vis-à-vis other actors is an important and frequently reoccurring topic in the field of EU studies. It is therefore not without surprise that there are various, contradictory theoretical frameworks trying to explain the complex nature of the EU decision-making process and specifically the relations between the multiple governmental actors within this process.

The theories of liberal intergovernmentalism and multi-level governances are such frameworks. According to the theory of liberal intergovernmentalism the central government of the member state will always be able to act as a gatekeeper regarding the relations on the EU-level. The subnational actors would not be able to have a substantial impact on EU policy-making independent from the central government. The theory of multi-level governance on the other hand assumes that the central government shares the competence to influence the EU with other actors, such as the subnational actors. This would mean that the subnational actors are capable of influencing the EU decision-making process independent from their central government. The relations between the subnational actors and the central government on the EU level present a very suitable case to study these theories. The purpose is to enhance our insights into the extent to which multi-level governance is present in decision-making processes of the European Union of today. An interesting theoretical puzzle thus emerges.

1.1 Justification of case selection

This study is aimed specifically at acquiring a better understanding of the potentially changing role of the central government of the Netherlands in relation to the Dutch provinces. The Netherlands is a particularly interesting case as it is a decentralized unitary system in which the process of decentralisation is still evolving. In unitary states, the subnational actors, not having extensive legislative powers, are often institutionally weak. Throughout the years however certain policy areas have been delegated to the provinces and municipalities in the Netherlands. Intuitively, this increased policy scope and responsibility could lead to a more active position of the Dutch subnational actors on the EU level as they have now more to gain or to loose. On the other hand, the Dutch subnational actors are much weaker than for example the German *Länder*. Federal regions are institutionally strong and resource-rich, which could make them more able to effectively represent their interest at the EU level. The literature pays generous attention to the position of these federal states, but far less to the behaviour weaker subnational actors.

The Netherlands is a good example of a country in which the subnational actors have an in-between position, not being as strong as the German *Länder* but not as weak as the French *régions* (Mastenbroek, 2013). In regard to the existing literature, it is therefore particularly interesting to

examine the behaviour of the Dutch subnational actors. Can the paradiplomacy theory correctly explain the behaviour of the Dutch provinces? Does the central government remain the dominant actor at the EU level or are the provinces breaching the gatekeeping powers of their central government?

1.2 Research question

The study seeks to find out how the subnational actor behaves at the EU-level in relation to their national government. Do the regional actors bypass the central government in their efforts to influence the EU or do they only cooperate with the central state level in order to achieve their preferences? And if they bypass, how effective is their lobbying? Do they form a threat to the monopoly position of the central state government? The central research question addressed in this study is as follows:

To what extent are the gatekeeping powers of the central government affected by the paradiplomacy executed by the subnational actors?

In order to answer the main question, the question to what extent the subnational actors bypass the central government at EU-level needs to be addressed. Secondly, the effectiveness of their bypassing needs to be assessed. The following sub- is therefore examined:

To what extent do the subnational actors effectively bypass their central government at the EU level?

Measuring influence and the effectiveness of lobbying is often very difficult. Being active at the EU level does not necessarily equal effective influence. In order to measure the variable effective influence in a valid and reliable manner, this study opts to examine influence via online surveys, conducting interviews and document analysis.

1.3 Political and theoretical relevance

From a theoretical perspective the research question is very relevant as it sheds light on one of the main debates in the field of European Union studies, namely the debate between the liberal intergovernmentalists and the defenders of multi-level governance. The two views are clearly opposed on this topic which makes it particularly interesting to see which theory can best explain the behaviour of the subnational actors.

Furthermore, there is a gap in the literature on specific knowledge of the behaviour of subnational actors with low to middle-range powers. Multiple case studies have been written on the behaviour of the so-called constitutional regions with strong legislative powers, such as the German Länder, the devolved UK regions and the Spanish autonomous regions. This study examines the behaviour of the subnational actors in the Netherlands, a country in which the subnational actors are less strong but do possess some legislative powers which furthermore have been extended in recent years. It is therefore interesting to find out whether similar theoretical explanations also apply to the case of the Netherlands. An evaluation of why the existing theory can(not) explain the Dutch case, will give new insights on the theory related to the paradiplomacy of subnational actors.

The relevance of this study is not limited to a scientific purpose only. Studying this subject also has political relevance as it reveals what the subnational actors actually are doing at the EU level and how effective their strategies are. What is their behavior at the EU level and does their presence at the European level make any substantial difference? The outcomes of this research will furthermore present conclusions on the position of the subnational actors vis-à-vis the central government in the Netherlands as it will give an answer to the question how powerful the Dutch subnational actors are regarding the central government at the EU level.

1.4 Structure of thesis

This thesis will proceed with an extensive review of the existing literature on the topic. After this the details and choices regarding the research method will be explained. Then based on the literature review, the theoretical expectations regarding the position of the Dutch subnational actors at the EU-level will be evaluated. In order to do so, the existing theory will be critically assessed in relation to the Dutch case. In comparison to other subnational actors, how likely is it according to the available theory that the Dutch subnational actors will effectively bypass the central government? Empirical evidence, gathered by interviews, surveys and document analysis, will give insight into the answer to these questions. In the conclusion, an answer will be given to the research questions and to the broader question of which theory, liberal intergovernmentalism or multi-level governance, prevails in explaining the behaviour of the Dutch provinces on the EU-level vis-à-vis their central government.

2. Literature review

There are numerous theories applicable to the study of the European Union, for example from the field of International Relations and Political Science. This study focuses on theories that are relevant to the potentially changing role of the central government, namely the theory of liberal intergovernmentalism and multi-level governance. Before discussing the theoretical framework of this thesis, a theoretical definition of the gatekeeping powers of the central government, a principal concept of this study, will be given.

Gatekeeping powers of the national government

Charlie Jeffery (2000:5) has defined the gatekeeping powers of the central government as “the capacity of the central state level to maintain a monopoly over the national position in the EU policy-shaping processes”. If the government no longer has a gatekeeping function, then the competences to represent the member state, or part of the member state, are shared with the subnational actors (Jeffery, 2000). Traditionally, the competences of the central government to represent the country externally are fully in the hands of the central government. The gatekeeping powers of a central government are described by Bache (1999: 38) as the ability to ‘ensure its dominance in the influence to the EU decision-making process and to remain a strong position in terms of political, constitutional-legal and ultimately financial resources’. When the national government is no longer able to fulfil a gatekeeping role, this means that its power to control the input towards the EU decision-making process has diminished. According to Bache (1999: 40) we should assess ‘the effectiveness of national governments as gatekeepers [...] throughout the policy processes, namely the agenda-setting, negotiation and implementation phase. A breach in the gatekeeping powers of the central government occurs when the subnational actors are able to effectively bypass the central government at the EU-level through independent channels of access to influence the European decision-making process (Jeffery, 2000).

2.1. Liberal intergovernmentalism

Until the 1980s the scientific debate in the field of European Union studies was focused on the contrast between liberal intergovernmentalism and neofunctionalism, two theories of the field of International Relations that were applied to European Union studies. The theory of liberal intergovernmentalism argues that national governments determine the nature and pace of integration and act as gatekeepers between supranational developments and their domestic systems (Hoffman,

1966). Intergovernmentalism is based on the realist assumption that the central state is foremost the dominant actor in international relations (Cini, 2010). The interests and actions of the nation states are therefore at the basis of the European integration process (Hix, 1999) and the relations between states are “channelled primarily via national governments” and although the influence of other state or non-state actors is recognised, this influence cannot be “crucial, and certainly not controlling” according to the theory of liberal intergovernmentalism (Nugent, 2010: 433). The central state governments are the dominant actor in all international relations and therefore have a final say or a veto on the national input towards the EU level.

In the theory of liberal intergovernmentalism the subnational governments do play an important role in the formation of domestic preferences, the phase in which domestic societal actors can influence the EU position of the central government (Nugent, 2010). However, in the following interstate bargaining phase, which evolves at the EU level, the subnational actors do not play an independent role according to the theory (Tatham, 2011). The subnational governments are not able to bypass their central government at the EU level, as the central government will remain the most important actor or even the veto player at EU level. The central government will remain the gatekeeper to the EU level, thereby monopolizing the national influence on the EU decision-making process. Subnational governments would thus not be able to directly influence the EU independently from its central government.

2.2 Multi-level governance

Because of new developments on the European level during the 1980s, such as the introduction of the Single European Act in 1986, the European integration process entered a new and more comprehensive phase. The theories originating from the field of International Relations no longer seemed to fully grasp the complexity of the decision-making structures that were created on the EU level, because other actors besides the central governments were appeared to be influencing the European decision-making process as well (Badie et al., 2011). The theory of multi-level governance made its ascent to the field of EU studies. In 1992, Gary Marks formulated the concept of multi-level governance. Following the theory of multi-level governance, European integration is described as “a policy creating process in which authority and policy-making influence are shared across multiple levels of government – subnational, national and supranational” (Marks et al, 1996: 342). Marks (1996: 346) further specifies that “decision-making competencies are shared by actors at different levels rather than monopolized by state executives”. European integration is thus not the zero-sumgame in which the central government is the only veto player, as described by the liberal intergovernmentalism.

According to the theory of multi-level governance the central government shares the influence on the decision-making at the EU-level with multiple layers of governance, including the subnational governments. The subnational government would be able to influence the EU decision-making process independent from the central government. The subnational governments would also be able to successfully bypass their central government at the EU level, which would implicate a loss of the gatekeeping power of the central government (Keating and Hooghe, 2006).

Liberal intergovernmentalism thus assumes that national governments are the gatekeepers of the EU decision-making process, while the multi-level governance approach assumes that actors from all levels are capable of crossing these gates “without the keepers’ permission” (Piattoni, 2009: 166). Therefore an interesting scientific puzzle arises on the question which theory prevails in explaining the Dutch case.

2.3 Grand versus middle-range theories

The theories of liberal intergovernmentalism and multi-level governance both have a rather high level of abstraction. The theory of multi-level governance is understood as a “conceptualising theory”, aiming at identifying the analytical or normative concept of the EU (Van Schendelen, 2010: 101). The theory of liberal intergovernmentalism is considered to be a grand theory, as it is aimed at explaining the course of EU integration in its entirety. An advantage of studying theories with a high level of abstraction is that it can lead to interesting conclusions having a wide scope. However, because of their abstractedness these theories also impede the realization of testable hypotheses as the validity of the empirical evidence can be questioned when the concepts and hypotheses extracted from the theory are too broad or even vague. The risk then is that the research outcomes will lack substance or will be invalid and unreliable.

In order to prevent the appearance of these severe research problems, this study uses “mid-level approaches” as they enable the drawing of more specific hypotheses (Van Schendelen, 2010: 101). The mid-level theories used in this research are on the Europeanization of the subnational governments and in particular on the behaviour of subnational governments at the EU level regarding their central government. On the basis of these mid-level approaches, testable hypothesis will be drawn. The outcomes of these hypotheses will give more insights on the answer to the question which of the two abstract theories can best explain the potentially changing role of the central government at the EU level. In the final discussion, the implications of the research outcomes will therefore be put in the larger framework of the grand theories. By doing this, this study tries to narrow down the broad scope of the grand theories by using mid-level theory in order to test the theoretical expectations more precisely.

2.4 Paradiplomacy

An extensive research body exists on the implications of the EU mobilization of subnational actors. Especially during the 1990s much attention in the literature was given to the so-called upswing of the subnational actors on the European level, identified by the growing involvement of the subnational actors at EU-level, the emergence of subnational representations in Brussels, the renewed attention to the principle of subsidiarity and the creation of the Committee of the Regions in 1994 (Jeffery, 2000). This was also due to the 1988 reform of the EC regional policy, which introduced the partnership principle. This meant that the subnational actors were for the first time officially recognised as partners in the realization of the EC regional policy, next to the European Commission and the member states. The reform significantly empowered the subnational actors in the regional policy process. This also increased awareness by the subnational actors of the existence of the EU structural funds (Bache and Jones, 2007). They became internationalized and they gained “autonomous channels of access to the extra-state arena of European policy-making” (Jeffery, 2000: 2).

The first wave of literature on the subnational EU-mobilization in the late 1980s and early 1990s attributed extensive amounts of power to the subnational actors as a third governance layer at the EU level. The subnational actors were said to be able to diminish the gatekeeping power of the central government. “Europe of the Regions” was a term often used to indicate the upcoming power of the subnational governments. The second wave of literature however was more pessimistic on the role of the subnational actors, stating that the attribution of powers to the subnational actors was a misperception as the regions would not have an independent role of themselves at the EU level (Tatham, 2008).

Some authors have made the linkage between studying the position of the subnational governments and the gatekeeping powers of the central governments before, in order to evaluate the theories of liberal intergovernmentalism and multi-level governance. Bache (1999) has for example examined the appearance of multi-level governance in EC regional policy implementation in the United Kingdom. He found out that the central government remained the dominant actor and he therefore concluded that the gatekeeping role of the central government is “extended” as the central government acts as a gatekeeper “at all stages of the policy process, including the contested sphere of policy implementation” as the central government monopolized the key positions that were responsible for the implementation (Bache, 1999: 28). The gatekeeping role of the central government was therefore not significantly challenged since the government kept its dominant position “in terms of political, constitutional-legal and ultimately financial resources” (Bache, 1999: 38). According to Bache (1999) the theory of intergovernmentalism prevails therefore. Pollack (1995: 377, in Bache 1999) also found that the member state governments were retaining their position as gatekeepers to the influence to the European structural policymaking.

Other authors however reached opposite conclusions as their research findings suggested that central governments have occasionally been bypassed by their subnational governments (Goldsmith 1993, Tatham 2008 and Keating 2008). Keating (2008) for example states that the central government nowadays is no longer able to monopolize all relationships between the subnational level and the EU level, which is “giving rise to complex patterns of paradiplomacy and inter-regional networking” (Keating, 2008: 630). Also Jeffery (2000: 2) reaches the contradictory conclusions by stating that traditionally the central government claims the monopoly on the competence to shaping the EU policy position, but that the subnational actors have become able to “wrest away from the central state institutions some share of competence to represent their member-state in the process of EU policy-making”.

The above illustrates the contestable nature of the position of subnational actors at the EU level as authors still have contradictory views on the matter. The activeness of the subnational actors on the EU level and the relevance of EU policies for subnational actors are however not questioned. When it comes to policies that are important to regional actors, well-established subnational actors will have direct contacts with EU institutions, including the Commission (Nugent, 2010). When a policy areas is not that important to a subnational actor or when the subnational actor does not have the appropriate resources, a subnational actor will “work with the EU more through their national governments and, where appropriate, through EU-wide liaison organisations” (Nugent, 2010: 245). Tatham (2010) also recognises that subnational actors use the various intra- and extra-state channels to influence the EU policy process. The two strategies are mutually exclusive but complementary to each other. To what extent the subnational actors actually effectively influence the EU decision-making process however remains often unknown.

Literature on paradiplomacy

The attempts of subnational actors to influence the EU policy process are referred to in the literature as paradiplomacy (Keating 2008, Tatham, 2010). Subnational actors can follow several lobbying strategies. They can choose to influence the EU policy process “in tandem with the member state” – this is often referred to as co-operative paradiplomacy (Tatham, 2010: 78). The subnational actors can also to choose to influence the EU independently “without interaction with its member state” – this is referred to as bypassing paradiplomacy (Tatham, 2010: 78). In practice, the subnational actors will often opt for the combination of both strategies that benefits them the most.

Tatham (2010) further identifies three forms of bypassing, namely conflictual, inconspicuous and tolerated bypassing. In case of tolerated bypassing, the gatekeeping position of the central government is not affected as the central government can still perform its veto function then. Inconspicuous bypassing is a difficult case which is not likely to happen often. One could argue that in case of successful inconspicuous bypassing the gatekeeping powers of the central government are

challenged because the central government cannot perform its gatekeeping or veto function towards this form of bypassing. If the subnational governments are able to influence the EU to their best interest in case of conflictual bypassing of the central government, then the gatekeeping powers of the central government are significantly challenged.

The fact that subnational actors are active on the EU level does however not imply that they bypass their central government as their attempt of bypassing might not be successful. The existing literature however often assumes that the existence of a paradiplomatic strategy of the subnational actor equals bypassing of the central government, leading to a frequently occurring “amalgam” in the literature (Tatham, 2010: 77). Another important aspect to keep in mind is that active participation in the EU decision-making process does not equal actual influence. The important question to ask therefore is how effective subnational actors are in influencing the EU policy process independently from their central government. If subnational actors are active at the EU level independent from their central government but are not effective in influencing the EU, then the gatekeeping role of the central government is not harmed. Bypassing of central government itself does not equal a claim of the subnational actors on the traditional monopoly position of the central government regarding the EU. Although it is very difficult to measure, this study aims at examining the effectiveness of the bypassing behaviour of the subnational actors.

2.5 Explanatory variables

An extensive amount of literature only deals with the determinants of activeness of the subnational actor at the EU level. This study focusses specifically on the explanations for when a subnational actor is likely to bypass their central government and effectively influence the EU decision-making process. The literature does identify several possible determinants that make effective bypassing more plausible. The next section therefore zooms in at these factors.

Institutional strength

Keating and Hooghe (2006) argue that the institutional strength of the subnational actors has a positive effect on their behaviour at the EU level. A subnational actor with domestically strong institutional powers will be more effective in bypassing their central government at the EU level than their weaker counterparts in other member states as the institutionally strong regions for example have strong information rights and are allowed to represent the country directly at the EU level. The authors therefore stated that weak regional governments are less in a position to challenge the gatekeeping powers of the central government (Keating and Hooghe, 2006). Also Pollack (1995: 377) stated that “the level of success or failure of each member government in maintaining its gatekeeper role seems

to be largely a function of the pre-existing distribution of power among the central government and the subnational governments in each member state'. Institutionally weaker regions would thus have less means to effectively bypass their central governments and may also have less reason to be active on the European level in the first place as they often have a limited policy scope and a more narrow range of responsibilities.

The variable institutional strength is divided into several sub-factors, namely the level of devolution in the country, the diplomatic accreditation of the subnational actors and the rights of the subnational actors to indirectly appeal to the European Court of Justice (Tatham, 2014:66-67). Tatham (2014) identified the following theoretical assumptions.

Level of devolution

The more powers are devolved to the subnational actors, the more conflicting bypassing will occur.

Diplomatic accreditation

The more subnational actors are equipped with diplomatic accreditation, the less conflicting bypassing will occur.

Appeal rights to ECJ

When the subnational actors have the right to request their member state to appeal to the European Court of Justice against EU decisions through the annulment procedure in article 230 of the EC Treaty, then less conflicting bypassing will occur.

Financial resources

The financial resources also often play a role in research on the behaviour of subnational actors at the EU level. The expectation is that the more financial resources a subnational actor has, the more it will be able to afford effective lobbying (Marks et al., 2002). Financially rich regions can afford a larger and more professionalized staff. Tatham (2010) also found that the GDP per capita of the subnational actor can to a small extent explain the bypassing behaviour of subnational actors. The financial resources of a subnational actor regarding their EU interest representation can be expressed by the number of full-time employees they have in the Brussels office and by their annual spending on the Brussels office.

Size

In his study on the Dutch municipalities De Rooij (2002) found that the size of the subnational actors can explain the pro-activeness of its activity at the EU level. As stated earlier, (pro-) active subnational actors at the EU level do however not necessarily bypass their central government. Tatham (2010)

found in its research that there is no relationship between the size, being it geographic, economic or demographic and the bypassing behaviour of subnational actors. Since this variable is more likely to explain the activeness of a subnational actor instead of the likelihood of bypassing, it is left out of the analysis.

Length of exposure to EU integration process

Subnational actors from member states that have long been exposed to the EU integration process would have become socialized to the “informal rules, codes of practice and understandings of appropriateness implicitly regulating relations” (Tatham, 2010: 80). These effects would lead to a ‘convergence towards co-operative practices and a gradual decrease in frequency of non-co-operation’ (Tatham, 2010: 80). The expectation therefore is that subnational actors from the old member states will show more co-operative behaviour vis-à-vis their central government.

Power position of the member state

The power position of the member state could also have a role in the degree to which a subnational actor bypasses its central government. The expectation is that when the power position of a member state in the EU decision-making process is strong, the subnational actors will be less likely to bypass their central government as this government is then of crucial importance in reaching the necessary threshold for achieving an agreement (Tatham, 2010). One way to measure the power position of the member state is to look at the share of votes it had in the former voting system of the EU Council. The Council voting system is reformed since November 2014, but can still act as an indicator for the division of power between the EU member states.

In the case of the Netherlands the power position of the central government is not of a decisive strength in the EU decision-making process but at the same time not nugatory. The Dutch share of votes was 13, while the average per country was 12,6. The expectation is therefore that the behaviour of the Dutch provinces will not be strongly influenced by the power of the central government. Furthermore, the share of votes in the Council only gives a limited reflection of the very complex and fluctuating power position of the member state. The influence of this variable should be tested on the basis of an extensive research on the power position of the member state and on cases in which a member state has a clear weak or strong position in the EU decision-making process. Therefore this variable is left out of the analysis of this study.

Party politics

Keating (1999) found that the behaviour of subnational actors can be explained by following party-political lines. If the subnational and the central government are from different political parties, more

bypassing is expected. Keating (1999) examined this by a case study on the United Kingdom which had especially during the 1990s a two-party system. In such a system the political parties are more directly opposed to each other. For this study the party politics factor is left out of the analysis as this variable is not likely to have an impact in the case of the Netherlands as both the central state government and the subnational governments are always based on a coalition. Therefore no clear contrast between the central state government and the subnational government in respect to party politics can be made in the first place.

The current political situation illustrates this perfectly. The Dutch central government (2012 – current) is based on a coalition between the left-wing PvdA and the right-wing VVD. The government of the province of Utrecht (2011-2015) was composed of VVD, centrist parties CDA and D66 and leftist green party GroenLinks. Because of this lack of clear contrast or similarity, it is very likely that party politics does not play an important role in the relations between the Dutch central government and the subnational governments. This variable is therefore excluded from this research.

Degree of inclusiveness

Also the degree of inclusiveness of the subnational actor in the internal policy-shaping process of the member state on EU issues has an impact on the level of bypassing. This variable is referred by Tatham (2010: 83) but he did not examine this variable in his research. This study however does include this variable into the analysis as the expectation is that the more subnational actors are involved in the national EU policy-shaping process, the less bypassing will occur on the European level as the subnational actors are then in a strong position to influence the EU position of their member state. This would reduce the likelihood of bypassing in a later stage, because the point of views of the provinces would be taken into account in the national position on EU affairs. The fact that the interests of the provinces are already incorporated into the national EU position will lead to less conflictual interests on the European level. Cooperation from an early stage in the policy process will increase the likelihood of cooperation on the EU level as well instead of bypassing behaviour.

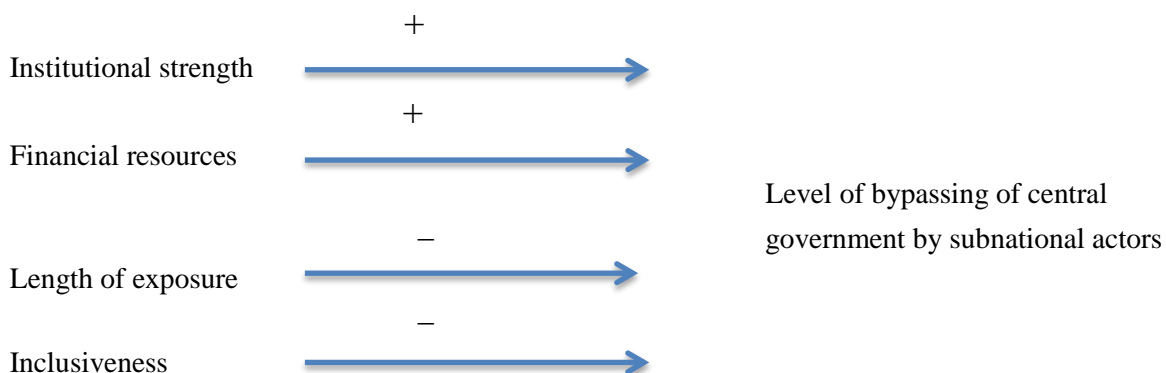
The operationalization used for this variable is derived from the study of Mastenbroek et al. (2013) and shows some overlap with the operationalization used for the institutional strength variable. The diplomatic accreditation and the right to appeal to the ECJ are also included in the measurement of the inclusiveness variable. The degree of inclusiveness thus correlates with the strength of the institutional position of an actor in the domestic arena. Institutionally strong regions can for example formally oblige their central government to take their position into account, while weaker regions are not in a position to formally bind their central government to their standpoints. In a later research Tatham (2011) also recognised the high correlation between the two variables, but he found that institutional strength can only explain the involvement of a regional actor into the national EU policy-shaping process for 69 percent, which means other factors must be at stake as well in defining the

extent to which subnational actors are included. He furthermore found that institutional strength and involvement only correlate when a certain threshold of institutional strength is reached (Tatham, 2011). The Dutch provinces do not reach this threshold.

This study therefore makes a distinction between the two variables since the institutional strength and the inclusiveness in the national EU policy-shaping process do not necessarily go hand in hand. Also institutionally weaker regions which have a cooperative relationship with the central government could be capable of influencing the EU position of the central government. This could then have an important impact on their bypassing behaviour at the EU-level. Therefore the degree of inclusiveness is examined as a separate variable.

2.6 Theoretical model and expectations

The theoretic model used in this study can be summarized as follows:



The variables institutional strength, financial resources, length of exposure to EU integration and the inclusiveness into the national EU policy-shaping process will be applied to the Dutch case. The variables that are excluded in this study do not fit the Dutch case. In some cases, these variables are referred to in the literature as important factors in explaining the behaviour of subnational actors at the EU level. It is therefore especially interesting to find out which other variables do explain the behaviour of the Dutch provinces.

Theoretical expectations

If the subnational actors successfully bypass the central government on a rather regular basis, than one can conclude that the gatekeeping powers of the central government are indeed affected. If the subnational actors show more signs of co-operative behaviour and the frequency of bypassing is rather

low, then no serious threat to the gatekeeping powers of the central government is made. If the subnational actors do try to bypass their central government but are not effective in doing so, then the gatekeeping powers are not affected as well.

The research question aims furthermore at finding out which theory, intergovernmentalist or multi-level governance, prevails in determining how the behaviour of subnational actors affects the role of the central government on EU level. If we follow the logic of multi-level governance, we expect a sharing of the decision-making competencies at European level by subnational, national and supranational actors. We would then see that the power of the central government has been diminished. According to the intergovernmentalist theory the central government will be able to keep its gatekeeping role. The central government can then control the influence the subnational actors have on the EU policy process because the influence is expressed via the central government.

3. Research design

3.1 Research method

The research units in this thesis are the central government and the subnational actors. The central government includes the national government and its ministries. The subnational actors or sub-state actors are all kinds of regional representations, such as provinces, municipalities, cities and in the Dutch case the ‘Waterschappen’ (water authorities). In this study the position of the provinces in particular will be assessed.

A qualitative case study research is conducted to assess the behaviour of the Dutch provinces at the European level in relation to the central government. First, on the basis of the existing theoretical knowledge, the expectations regarding the behaviour of the Dutch provinces at EU-level are reviewed. These expectations will then be compared to the empirical evidence, gathered through interviews, a survey and a content analysis of relevant documents. The interview and survey method is used in order to reveal inside knowledge on the behaviour of the provinces in relation to the central government which would otherwise be very difficult, if not possible, to identify. By directly asking the EU representatives of the Dutch provinces in Brussels, the most valid and reliable information on the topic is gathered. Consequently, based on the survey and interview outcomes, an example of a situation in which the subnational governments had different policy preferences than the central government is determined. This example will reveal more details on the relation between the Dutch subnational governments and the central government on the EU level.

The subsequent comparison between the theoretical expectations and the empirical will give us more insight on the extent to which the current theoretical knowledge fits the Dutch case best, which is a particular interesting case as the Netherlands has a decentralized unitary system. Since much of the literature is often focused on highly devolved regions, the current body of knowledge will be critically examined on the basis of the findings and if necessary adjusted in a way that it will better fit the situation of the low to medium devolved regions.

The collected empirical evidence also provides suitable information to address the broader question of which theoretical framework, liberal intergovernmentalism or multi-level governance, can best explain the relation between the provinces and the central government in case of the Netherlands. This question will also be addressed in the discussion.

3.2 Measurement of dependent variable

The following section will discuss the measurement of the dependent variable. The operationalization of the independent variables will be addressed in the following chapter.

The dependent variable is the extent to which the subnational actors effectively bypass the central government at the EU level. The effectivity of influence needs to be measured. Influence however is a very diffuse and intangible variable as it is difficult to measure whether the influence of one actor has been of a decisive impact in the policy process. Solely reviewing policy documents and statements will not reveal the lobbying practices of the subnational actors. This study has therefore opted for the use of a survey, interviews and document analysis to examine the effectiveness of the lobby.

In order to grasp the actual influence of the provinces, a survey was sent out to them asking them about their lobbying strategies and their view on the effectiveness of their lobby and the relation with the central government. The survey was sent to the representatives of the EU offices of the provinces in Brussels. It is assumed that these representatives have the best insight knowledge of the conducts of the provinces at the EU level. One third of the respondents filled in the survey. The survey questions can be found in Appendix I. Subsequently, multiple interviews have been conducted with the EU representatives in order to elaborate more into detail on the lobby strategies of the provinces, their financial means, the extent to which the provinces cooperate with the central government on the EU level and the extent to which provinces are included into the national EU policy-shaping process.

Regarding the examination of the perspective of the Dutch central government on the issue, the aim was to send an online survey to the staff of the relevant departments of the Permanent Representation (PermRep) of the Netherlands to the EU and to conduct interviews with the employees of the Dutch PermRep and of relevant ministries. Unfortunately, even after multiple attempts, the ministry of Foreign affairs did not give its approval to conduct a survey or interviews. I acknowledge that this leads to the fact that only one perspective of the issue is examined. It was however beyond my control.

The absence of survey and interview results from the side of the central government are compensated by an extensive analysis of relevant documents. Also because surveys and interviews only reflect subjective views on the matter, in this case from the subnational actors themselves, the results are complemented by a study of the various relevant policy documents that are available. The data is collected by content analysis of policy documents indicating standpoints of the relevant actors and outcomes of the decision-process. This gives further insight on what the role of the subnational actor was in relation to the national government.

4. Empirical evidence

This chapter will first illustrate the competences and characteristics of the Dutch provinces. Then an analysis of the influence of the independent variables is given. After this, the dependent variable of this study is addressed.

4.1 Introduction on the Dutch provinces

The Dutch provinces have policy competences in the field of regional economy, environment, agriculture, transport, culture and welfare. The provinces have a directly elected body but they can make regulations but no laws. The provinces are entitled to set some taxes but the scope of this ability rather limited. The Dutch provinces furthermore monitor the activities of the local actors, the ‘Gemeentes’. Former Dutch minister Piet Hein Donner (2011) said during his ministry that most of the EU-legislation is partially or completely executed by the local or regional actors. The estimation is that around 60 to 80 percent of the subnational legislation is originated in EU regulations. The provinces thus have important tasks in implementing EU policies.

In the Netherlands the provinces are in the process of receiving more tasks and greater duties. This implies an increase in the responsibilities of the Dutch subnational actor, also towards the EU. In 2012 a new Dutch law called *Wet NERpe* was established in order to provide the central government of instruments to correct and sanction lower governments in case they are not correctly implementing EU legislation (Mastenbroek et al, 2013). A financial penalty by the EU could therefore indirectly end up at the subnational actor. European policies are therefore often of great importance to the provinces.

The Interprovinciaal Overleg (IPO) is the common platform for the Dutch provinces that represents their joint interests in the national and European decision-making processes (IPO, 2015a). The IPO has an office in The Hague and in Brussels. The office in Brussels is called House of the Dutch Provinces (HNP). The provinces are represented by four separate regional EU offices in Brussels. The Western provinces Zuid-Holland, Noord-Holland, Utrecht and Flevoland are represented by the Randstad Region, the Northern provinces Groningen and Friesland by the Samenwerkingsverband Noord-Nederland (SNN), the Eastern provinces Drenthe and Overijssel by the East-Netherlands region and the Southern provinces Noord-Brabant, Limburg and Zeeland are represented by South-Netherlands. Each province is separately represented by one or a few representatives.

4.2 Analysis of independent variables

The following section discusses the position of the Dutch provinces regarding the explanatory variables outlined in the theoretical framework.

1. Institutional strength

The Dutch provinces are not highly devolved. With an average score of 2 on the devolution index of Hooghe et al. (2008) which ranges from 0 to 4, the Dutch provinces score below the average of 3.05 (Tatham, 2010: 83). Following the theoretical assumption behind this variable, it is according to their rather low institutional strength unlikely that the Dutch provinces will effectively bypass the central government. The Dutch provinces do not enjoy diplomatic accreditation at the European level, also not partially and they do not obtain the right to request their central government to appeal against an EU decision at the ECJ. These two factors thus make bypassing behaviour of the Dutch subnational actors more likely.

It is however noteworthy that the provinces try to reinforce their institutional position regarding the central government on the EU level. The provinces for example want to represent the Netherlands in the Council in fields of regional competence. This now happens only rarely. They also want to actively contribute to the upcoming EU Presidency of the Netherlands in the first semester of 2016, for example by co-organising a ministerial conference on urban development (IPO, 2015b). These measures would strengthen the institutional position of the provinces vis-à-vis the central government.

2. Financial resources

The annual budget of the Brussels office of a Dutch subnational actor is above average. The province of Zuid-Holland for example spends €617,000 a year (Province of Zuid-Holland, 2015), while the region East of England spends around €250,000 a year although their population size is much bigger (East of England, 2015). There are however also regions spending much more on their EU office, such as the German Bayern region with an annual budget of €1,5 million excluding personnel costs (Representation of the Free State of Bavaria to the European Union, 2015).

The number of employees of the Dutch provinces is however below the average of an EU subnational actor. Within the Western and Southern regional representations each province has its own representative(s). The Northern and Eastern regional have both two representatives who present the provinces together.

Table 1: Number of EU office employees per region

Regional cooperation of provinces	Number of employees per region
HNP coordinator	1
Randstad Region	7
South-Netherlands	5
East-Netherlands	2
North Netherlands (SNN)	2

Source: Huis van de Nederlandse Provincies (2015)

Most representatives moreover have to divide their time across three types of representation: the joint representations of all provinces for the IPO, the regional cooperation and the individual representation per province. Although the capacity of the Dutch provinces could be perceived as rather low, the respondents in the survey almost all stated that they believe they obtain enough financial means in order to influence the EU in an effective manner independently from the central government. This was also confirmed in the interviews. One interviewee however noted that due to the economic crisis and the increasing position of anti-EU parties in regional governments, the capacity of the European affairs department was decreased. The interviewee indicated that therefore choices had to be made regarding the number of dossiers they could actively lobby on. This statement however was a clear exception to the general perception. One can therefore conclude that the Dutch provinces have sufficient financial means to influence the EU decision-making process effectively. This increases the likelihood of bypassing behaviour.

3. Length of exposure

The Netherlands is one of the founding fathers of the European Union. The EU office in Brussels is named ‘House of the Dutch Provinces’ (HNP) has been active since the year of 2000. Before this date the provinces were separately already represented at the European level by regional EU offices in Brussels. The Randstad Region for example opened an EU office in 1993. Because of this lengthy exposure to the European integration process, the expectation is based on Tatham’s (2014) theoretical perspective, that the Dutch subnational actors will show more signs of cooperative behaviour to their central government.

4. Inclusiveness

The inclusiveness of the subnational actors in the EU policy-shaping process of the member state can be measured by several indicators, based on the study of Mastenbroek (2013) and Tatham (2011). The

table on the following page gives more insight into the level in which the provinces are included into the national EU policy-shaping process.

Table 2: Degree of inclusiveness of Dutch provinces in national EU policy-shaping process

Policy stage	Indicator	The Netherlands
Policy preparation	Subnational actors have the right to participate in the national preparation of EU standpoints.	Yes, but informal status
	The position of the subnational actors is binding in the national preparation of EU standpoints.	No
	Subnational actors can represent the member state in the EU Council of Ministers.	No
	Subnational actors can represent the member state in the EU Council working groups.	No
	The EU offices in Brussels of subnational actors have diplomatic accreditation.	No
Implementation	Subnational actors have the right to request the member state to appeal to the ECJ against EU-decisions.	No
	Subnational actors participate in the national process of the EU implementation	No, not in a formal way
	Central government has the ability to make the subnational actors financially responsible for non-compliance to EU law by the subnational actor.	Yes
Interest representation	Subnational actors have organised their interest representation at the EU-level.	Yes

Source: Mastebroek et al. (2013), p. 41-48.

The subnational actors are involved in the preparation of the EU position through the BNC, the working group on the assessment of the new Commission proposals, in which the IPO represents all the provinces. IPO can also be consulted by the relevant ministries through intergovernmental dossier teams (Mastebroek, 2013). The status of both consultations is however not formally constituted. The position of the subnational actors in the preparation phase of the EU policy position is not binding in the Netherlands. In some countries, such as Germany, Austria and Belgium, the position of the regional actors is binding to the central government and the representatives of the regions can take place in the delegation to the EU Council of Ministers and the Council working groups (Mastebroek, 2013). In the Netherlands there are no formal procedures to secure the subnational involvement of the implementation of EU law (Mastebroek, 2013). Since 2012, the central government does have the ability to fine the subnational actors when they are responsible for non-compliance to EU law.

One can conclude that according to the Mastebroek study (2013) the involvement of the subnational actors at the national EU policy-shaping process is rather limited. Especially the fact that their positions are not binding and that the consultations do not have a formal status points to a weak

position in the internal EU policy-shaping process. In order to further evaluate the position of the Dutch provinces in the national EU policy-shaping process, their current role in all main policy-making phases, namely the agenda-setting, negotiation and implementation phase is now further assessed in detail.

In the consultative phase of the policy-making process, the Commission has contacts with various partners. Also the Dutch provinces are directly consulted in this phase (Europa Decentraal, 2013). Policy advisors from the ministries from the central government are formally consulted through expert groups. The subnational actors are not formally involved in the shaping of the national position regarding these expert meetings (Europa Decentraal, 2013). If it concerns a priority dossier an intergovernmental dossier team is can be up to enhance the involvement the subnational actors into the EU policy-shaping at the national level (Rijksoverheid, 2008). These intergovernmental dossier teams are mostly active on the field of environment (Europa Decentraal, 2013). The consultations between the IPO, VNG, ministry of Internal Affairs and the ministry of Foreign Affairs are formalised into the EOBB (Europa Overleg Binnenlands Bestuur) meeting. When relevant, other ministries can join these consultations as well. IPO and VNG are also involved in the several other interdepartmental ministerial working groups, such as the consultation regarding state aid ('Interdepartementaal Staatssteun Overleg') and the internal market ('Werkgroep Interne Markt') (Rijksoverheid, 2014).

A new proposal of the Commission is first issued in the BNC (Beoordeling Nieuwe Commissievoorstellen) committee, which is a weekly meeting between officials from all ministries. The IPO also joins these meetings to put forward the position of the provinces when regional interests are at stake. The BNC committee prepares the BNC-fiche, a paper which introduces the position of the Netherlands regarding the Commission's proposal. In this paper, the consequences of the EC proposal for the subnational actors are reviewed as well. This paper is then sent to the national Parliament. The next step in the EU policy-shaping process is the CoCo (Coördinatie van Europese aangelegenheden) meeting in which higher officials from the ministries further discuss the Commission's proposals in order to prepare the national position in preparation to the national Council of Ministers. The provinces are not represented in this meeting but the ministry of Internal Affairs is responsible for the representation of the subnational interests in this regard (Rijksoverheid, 2008). Through the BNC and EOBB meetings the subnational actors are informed of the progress made in the CoCo. The approval of the position by the Council of Ministers subsequently officially formalizes the national position regarding the EC proposal.

The PermRep of the Netherlands in Brussels subsequently conveys the Dutch position to the EU institutions and the other member states. During the following EU negotiation phase the Dutch provinces are not involved in the negotiations from a national perspective. Through IPO the provinces do aim to influence the decision-making process by lobbying directly at the member of the European Parliament (Europa Decentraal, 2013). The provinces do this through IPO as well as through the regional associations such as the Council of European Municipalities and Regions (CEMR).

The provinces are thereafter often responsible for the correct implementation of the EU policies. The comitology committees, consisting of the Commission and PermRep officials, determine how EU policies will be implemented. The provinces can provide the national representatives with their advice on this matter. Also in the evaluation phase the provinces can share their point of views with EC officials. These consultations however do not have a formal status.

Interview and survey results

The interviews and survey revealed that the provinces are in general mildly satisfied with their involvement in the national EU policy-shaping process. All survey respondents agreed that the provinces are sufficiently capable of influencing the position of the central government regarding EU issues. This suggests that the provinces have sufficient instruments to influence the central government and that the central government is willing to incorporate the interests of the provinces in the national standpoint. The interviews also confirm that the provinces are content with the way the provinces are involved in the national EU policy-shaping process. One interviewee however mentioned that the provinces themselves had to lobby for the creation of intergovernmental dossier teams on certain relevant topics for the provinces. At first the central government wanted to retain the inter-departmental teams, which only include the relevant ministries instead of all relevant governmental levels. Eventually the inter-departmental team was turned into an intergovernmental dossier team.

Another interviewee indicated that the provinces always try to cooperate with the central government, but that it depends on the ministry in question as to which extent this cooperation is fruitful. The ministry of Infrastructure and Environment has for example a long tradition of involving the subnational actors into the decision-making process. The ministry of Economic affairs however has a more sceptic position towards the involvement of the subnational actors. They would recognise the usefulness of this involvement less.

It was also noted that the provinces aim at increasing their involvement in the Council preparation concerning dossiers that fall within the regional competences, because these dossiers have a direct impact on the provinces. The provinces want to be at the negotiation table in order to be able to share their expertise and to have a direct influence on the EU decision-making process. However, increasing the involvement of the subnational actors on the decentralised dossiers is seen by the regional EU representatives as an arduous process in which the provinces have to 'fight' every next step. The involvement of the subnational actors is not yet standardized. On a few occasions the provinces were for example able to represent the Netherlands in the Council working which concerned a decentralised topic, but the consent of the ministry of Foreign affairs is needed every time.

Conclusion on position of Dutch provinces in national EU policy-shaping process

The Dutch provinces are thus only formally included in the very early stage of the EU policy-shaping process and in the implementation phase. The provinces want their role to be increased and established in a more formal way. In the beginning of July 2015 the ministers of Internal and of Foreign affairs Ronald Plasterk and Bert Koenders will reach new agreements with the chairmen of the associations of the different governmental levels on what the role and involvement of the different levels of government into the EU policy-shaping process will be in the future. The expectation is that the involvement of the subnational actors will be more formalized, which should result into a more concrete and standard inclusion of the subnational actors into the formation process of the Dutch national position in EU affairs regardless of the topic or ministry it concerns. For now the formal degree of inclusiveness is rather low and the involvement differs per dossier. Therefore, the theoretical expectation is that the frequency of bypassing will increase.

Conclusion on expectations of bypassing behaviour of Dutch provinces

Table 3: Summary of empirical evidence

Variable	Measurement	Average of EU subnational actors	Average of Dutch subnational actors
Institutional strength	Devolution index	3.05*	2
	Diplomatic accreditation	Differs	No
	Appeal rights to ECJ		
Financial resources	Number of full-time employees at Brussels office	6,5*	Per region: 4,25 Per province: 1
	Annual spending on Brussels office	Not found	€617,000 a year
Length of exposure	Year of opening Brussels office	1998*	Early 1990s
	Year of EU accession	1978*	1951
Inclusiveness	(See separate table)	Differs greatly	Mostly informal

*This information is borrowed from the research of Tatham (2010), page 83.

The position of the Dutch provinces leads to different assumptions on the likelihood of bypassing. An overall estimation remains therefore ambiguous. The contradictory assumptions could be explained by the fact that the Dutch provinces can be considered to be a special case. The characteristics do not point into one clear direction. The Dutch system is for example only medium devolved, but the provinces do have some important policy responsibilities which touch upon the EU competences. From a theoretical perspective, the Netherlands is a case of mixed results. In the discussion chapter of this thesis all variables will therefore be reviewed on their explanatory value.

4.3 Analysis of dependent variable

Independent channels of influence

Most respondents in the survey stated that the provinces are not dependent on the central government in influencing the EU as they are also capable of influencing the EU independently. They are active in lobbying towards the European Commission, the European Parliament, the Committee of the Regions, the Council to a lesser extent and last but not least they are active in many transnational regional networks. The interviewees all emphasized the multitude of channels the provinces have access to besides the central government. One interviewee stated that this variety of channels strengthens the position of the Dutch provinces to a large extent and the provinces would therefore even have a stronger position in certain cases than the central government. Another interviewee noted that the provinces have much more contact with the European Parliament than the central government, also in the trilogue phase. They therefore often have information from the Parliament sooner than the central government, which possibly results in an enhanced lobbying position as well. The provinces have direct contact with the Commission and are invited by the Commission to contribute their position in a very early stage of the policy process, for example through e-mail consultations.

The central government is furthermore often limited by the pledge of secrecy and therefore not able to always share crucial information. The provinces are better able to openly share useful information which reinforces their lobby strategies. Sometimes the provinces are informed by other regions of content that the Dutch PermRep was not able to share. Especially the Italian and Spanish regions have strong information rights and are very willing to share this information.

Bypassing behaviour

On the basis of the empirical evidence, one can furthermore conclude that the Dutch provinces do bypass the central government when conflictual interests are at stake. They thereby make use of their independent channels to influence the EU decision-making process. This was the case concerning the EU budget for 2014-2020 regarding especially the structural funds. In 2012 and 2013 the negotiations regarding the EU budget for the period of 2014-2020 between the EU institutions and its partners were taking place. The Dutch regional governments were in favour of the continued availability of European funds for their governments (IPO, 2012). The central government on the other hand wanted to cut its payments to the EU with one billion euros and it was therefore in favour of not allocating any funding from the EFRO and ESF to the richer regions including the Dutch regions (IPO, 2012). The Netherlands has been a net contributor to the European budget for years.

During the national negotiations on the EU budget for 2014-2020 the aim of the provinces was to guarantee that the Dutch regions would still receive funding after 2013, that the central government

would provide co-funding to European projects and that the regions would obtain more power over EU regional policy (IPO, 2012). The provinces influenced the EU decision-making process through their various channels independently from the central government. Ultimately it was agreed that the structural funds were also available to the Dutch provinces, which was against the wishes of the central government and in accordance with the lobbying aims of the provinces. The gatekeeping powers of the central government were therefore challenged in case of the Netherlands.

Strong cooperation with central government

In the case of the 2014-2020 EU budget negotiations the provinces also aimed at convincing the central government of their point of view by showing the Parliament, the ministries and the ministers that the provinces make very good use of the EU funding (IPO, 2012). They thus actively try to influence their central government as well. This is typical behaviour for the Dutch provinces as survey and interview results showed that in general the objective of the provinces is to cooperate with the central government as much as possible. One interviewee for example emphasized that the provinces pursue closer relations with the central government, and in particular the PermRep of the Netherlands as it is the central government who directly participates at the EU negotiations. Another interviewee stated that direct contacts with the ministries in The Hague are very important as the PermRep is only an intermediary.

The relationship between the provinces and the central government at the EU level furthermore has been strongly reinforced in the past years. The information exchange between the two has been increased. Another example of the present good relations is the fact that the Dutch PermRep, the Embassy of the Netherlands to Belgium and the Dutch provinces together organised a New Year reception in the beginning of 2015. This was initiated by the PermRep. Another example is the joint organisation of a seminar concerning circular economy in the beginning of June 2015 by the Dutch PermRep, the provinces and the ministries of Economic affairs, and Infrastructure and Environment. Multiple interviewees mentioned that these forms of cooperation would be unthinkable ten years ago.

Contradictory interests are rare

The structural funds are however a rare case in which the interests of the Dutch provinces and the central government are opposed to each other. 60 percent of the survey respondents says that most of the time the interests of the regions and the central government are in line with each other. The interviewees also stated that conflicting interests do occur, but not on a regular basis. The negotiations concerning the EU budget are an example of a structural recurring occasion of conflicting interests. Another example is the EU climate policy and in particular the binding character of the targets of for example CO₂ reduction. Although disagreement on minor details may exist, in general the central

government and the provinces agree with each other on the content of the Dutch standpoint. Most of the time the provinces and the central government operate as partners.

Conclusion on the position of the Dutch provinces

In conclusion, one can state that evidence suggests that the provinces can represent their own interests independent from the central government in an effective manner at the EU level. The provinces are influencing institutions and networks that are not available to or not opted by the central governments, such as the interregional networks and the Parliament. The provinces are also able to gain information on the EU decision-making process, including information on Council negotiations, through channels independent from their central government. Certainly in the agenda-setting phase, the traditional monopoly of the central government to represent the national interests at the EU level is breached in the case of the Netherlands as the central government is no longer able to control the input of the provinces on the European level. The Dutch provinces have been furthermore effectively bypassing their central government on occasions.

Cooperation with the central government remains however very important to the provinces as it strengthens their position. This is not without surprise as the empirical evidence also showed that the interests of the provinces and the central government in EU affairs generally correspond to a large extent. The need for bypassing is therefore rather low. If however the interests are conflictual, then the provinces are in a good position to influence the EU decision-making process independent from the central government.

An interesting development is moreover observed. An interviewee indicated that the relation between the Dutch PermRep and the provinces is becoming more and more reversed. The PermRep is increasingly dependent on the expertise of the provinces, especially on decentralised dossiers. Because the policy then falls within the domain of the provinces, they are the ones aware of what are appropriate and desired policy options. The interviewee also mentioned that the provinces can bring forward practical examples which are of crucial importance in order to make an argument convincing. The provinces are usually also better informed of the position of other European regions, which can be crucial information in negotiation processes. The provinces are also in a strong position as they cooperate intensively with other regions. As one interviewee indicated that “a Dutch interest alone is not enough anymore”. In the EU, especially regarding the Commission, the strength of an argument also depends upon the plurality of parties supporting the argument. The Commission is susceptible to interests that represent more than one member state. The PermRep therefore more and more relies on the knowledge of the provinces.

In general the position of the central government is thus seen as complementary to the position of the provinces and vice versa. Their channels of influence overlap but differ as well. The central government is mostly focused on the Council, while the provinces have channels across all EU

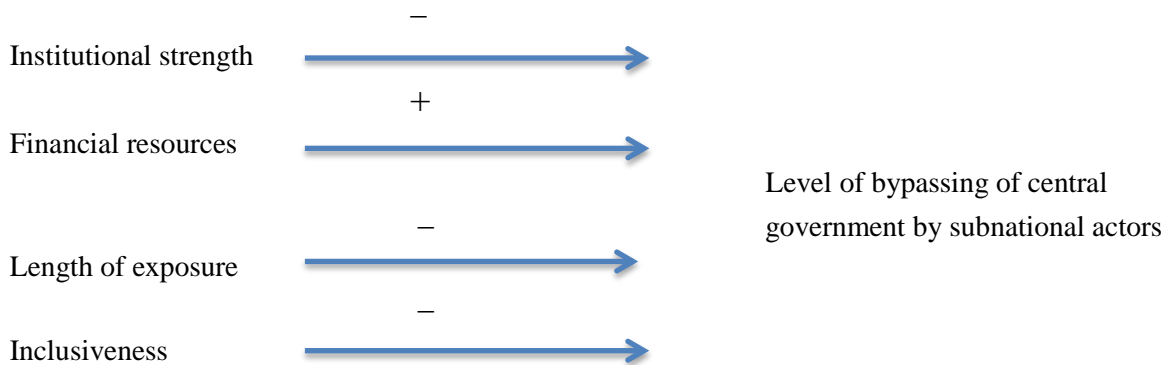
institutions and in various other European networks. In case their interests coincide, the lobbying strategies of the provinces and the central government amplify each other. As the regions have a strong and flexible position in the EU decision-making process, the position of the central government is also quite strongly enhanced by the support of the provinces.

5. Discussion

The Dutch provinces are cooperative to their central government but also show bypassing behaviour. Which variables can explain this outcome and which fail to predict? What are the underlying reasons for this? The following discussion provides answers to these questions.

5.1 Implications for the paradiplomacy literature

The following graph shows the relations between the independent variables and the dependent variables according to the empirical evidence founded in this study.



The empirical evidence contradicts the theoretical assumptions behind the variable of institutional strength. The direction of the relation of the other variables to the dependent variable is supported by the evidence established in this study. The variables are now reviewed in-depth.

1. Institutional strength

As the Dutch system is only low to medium devolved, one would expect not to see effective bypassing behaviour. The assumption of Keating and Hooghe (2006) that the regions with domestically strong institutional powers are more likely to bypass their central government is therefore incorrect regarding the Dutch case. The estimation of Tatham (2010) seems to better explain the case of the Dutch provinces as he reached the conclusion that when subnational actors have a stronger institutional position, they are more likely to frequently cooperate with their central government than the institutionally weaker regions. Because the institutionally strong regions can represent the member state at the EU level, the need to reach a common position on EU issues between the central

government and the regions increases. Institutionally weaker regions would subsequently feel less need to reach a common position which could lead to more bypassing behaviour.

The Dutch provinces seem not to be affected by their institutionally weaker internal position in their lobbying efforts at the EU level. The institutional strength variable does therefore not seem to play a decisive role in the Dutch case. Also the lack of diplomatic accreditation or the right to request the member state to appeal to the ECJ do not seem to be an obstacle for the provinces to lobby for their specific aims at the EU level. This is due to the fact that the Dutch provinces benefit from contacts with institutionally strong regions by gaining information they otherwise would not have obtained from the Dutch government. The provinces thus profit from the strong position of other regions which for example have stronger information rights. The fact that these other regions possess more information could however also be related to a more open culture of information sharing between the central government and the subnational governments instead of a stronger formal institutional position. One interviewee indicated that the Dutch central government can sometimes be reluctant to share information due to a very strict compliance to confidentiality.

The provinces are also recognised by the European Commission as relevant actors considering the fact that the provinces maintain direct contacts with the Commission. Since a couple of years the EU office of the provinces is located close to the Commission in the middle of the European quarter in Brussels, just like the office of the very strong Bayern region for example. This also illustrates that institutional strength does not influence the position of the provinces at the European level. Especially from an outside perspective, the regions are likely to come across as homogenous in institutional strength. The theoretical assumption of Hooghe and Keating (2006) has to be rejected on the basis of this study.

2. Financial resources

The financial resources variable correctly predicted that the Dutch provinces obtain sufficient means to be capable of effective lobbying as they have an above average spending on their EU offices. Although one interviewee expressed that sometimes the lobbying possibilities have to be adjusted to the limited capacity of the EU office, in general the representatives stated in the interviews and survey that they have enough means to effectively lobby the EU institutions. The provinces also had sufficient financial means to move to centre of the European quarter in Brussels a couple of years ago, which is also likely to make their lobbying activities more effective. Their financial resources could however explain the effectiveness of their lobby, but not necessarily their bypassing behaviour.

3. Length of exposure

The expectation regarding the length of exposure variable was that a lengthy exposure would lead to more cooperative behaviour in relation to the central government. This is the case with the Dutch provinces as well. All interviewees stressed the fact that the provinces have increasingly been cooperating with the central government throughout the years. They now for example jointly organised seminars and a New Year's reception which would have been unthinkable ten years ago. Jeffery (2007) also found that there is a substantial change in the behaviour of the regions in recent years as opposed to in the 1990s. During the 1990s the regions would have been more focused on challenging 'the centrality of the member state' through independent lobbying and bypassing behaviour, while since the 2000s they have become more intended to seek cooperation with the central government in order to strengthen their lobbying position (Jeffery, 2007: 14).

However, this cooperative attitude does not imply that the Dutch provinces do not bypass their central government. This variable thus only partly explains the provinces' behaviour. A lengthy exposure to the EU integration process could also explain more bypassing behaviour, as the subnational actors have acquired more experience in the EU policy process and therefore have gained more ways to access the EU policy process. It could be more difficult for subnational actors from new member states to find out how to effectively influence the decision-making process. Tatham (2010) for example found no significant relationship between the length of exposure to the integration process and the bypassing behaviour of subnational actors.

This study however found evidence for an increased cooperation throughout the years, which might have caused less bypassing behaviour than otherwise would have occurred. The length of exposure variable correctly predicted this increased cooperation between the provinces and the central government as the length of the EU membership progressed. The Dutch provinces however still bypass the central government if interests are strongly opposed, but the general attitude of cooperation can be rightly explained by this variable.

4. Inclusiveness

The provinces are involved in the national EU policy-shaping process, but most of the involvement is not yet formally installed nor are their positions binding to the central government. According to the theoretic assumption behind this variable, bypassing behaviour is expected. This variable can therefore correctly explain the behaviour of the Dutch provinces.

The provinces are formally incorporated in an early stage of the national EU policy-shaping process through the BNC-procedure, which could explain the cooperative attitude of the provinces towards the central government. In a later stage, the involvement of the provinces is not yet formally established. On some dossiers the provinces are fully involved, while on other they remain largely out

of the formation of the national EU position. Especially when the provinces are highly involved, they are much more likely to cooperate with the central government. If the involvement lacks, the provinces are more likely to actively lobby through other channels which share their specific interests. This could explain their occasionally bypassing behaviour.

Instead of the institutional strength of the provinces, the extent to which the provinces are included into the national EU policy-shaping process seems to better explain the way in which the Dutch provinces bypass the central government at the EU level. The two variables are interconnected with each other, but do represent some important differences.

Conclusion on explanatory strength of variables

All variables can to a certain extent explain the bypassing behaviour of the Dutch provinces on the EU level, except for the institutional strength variable. Institutional strength does not seem to play a role in the position of the Dutch provinces at the EU level. Based on this study one can state that the inclusiveness of a region into the national EU policy-shaping process best explains the bypassing behaviour. The availability of sufficient financial resources is a necessary condition for effective lobbying and therefore effective bypassing as well. The length of exposure to the EU integration process is likely to influence the general attitude of the subnational actor towards their central government in the European context.

5.2 Implications for the grand theories

This study has demonstrated that the relation between the Dutch provinces and the central government on the EU level entails clear features of the multi-level governance perspective. The provinces have their own independent influence on the EU decision-making process, thereby occasionally bypassing the central government. The influence is thus shared among the different levels of government and not monopolized by the central government. The evidence also suggests that the provinces have been effectively influencing the EU decision-making process, which contradicts the idea of liberal intergovernmentalism that the subnational actors do not have any substantial influence on the EU level.

The gatekeeping powers of the Dutch government are most strongly affected in the agenda-setting phase. In this phase the provinces are active through direct contacts with the Commission, through which they share their ideas and concerns. Moreover their active role in various regional networks and in the Committee of the Regions increases their influence on the EU decision-making process to a considerable extent. The central government is not able to control the input the provinces

have on the EU decision-making process in this phase. The provinces also have an independent role during the negotiation phase as they then try to influence relevant players such as the Parliament.

However, the provinces are not able to breach the gatekeeping power of the central government at all phases of the EU decision-making process. Regarding the Council negotiations the central government remains the most dominant actor as it is the government who takes place in these meetings. The provinces have represented the state at some occasions during Council working groups but this can only occur with the permission of the central government. The central government has retained its gatekeeping powers regarding the decision-making process in the Council as the influence is channelled through the central government.

In many cases the implementation of EU policies is the responsibility of the provinces. The central government does have a controlling function in this regard and can also oblige the provinces to pay penalties in case the implementation of EU law is not approved of. One could therefore conclude that the central government still has a gatekeeping function in the implementation phase, as it can exert a decisive control over the actions of the provinces.

In the agenda-setting phase of the EU decision-making process, the multi-level governance framework best reflects the current relation between the Dutch provinces and the central government at the EU level. This early phase is often described as very important as it is then still possible to have a substantial influence on the formation of the proposals of the Commission. When the proposal is already written down, adjustments are much more difficult to make. However in the negotiation phase the real decision on whether a proposal makes it or not is made and in this phase the provinces are ultimately not able to fully breach the gatekeeping powers of the central government. The theory of liberal intergovernmentalism therefore rightly stated that the central government will remain the dominant player in these phases.

Contrary to the assumptions of liberal intergovernmentalism, the provinces do play an independent role at the EU level, also in the bargaining phase. The mobilization of the provinces at the EU level has led to a loss of control of the central government on the representation of the member state at the EU level but this loss is, besides in the agenda-setting phase, not significant. This outcome is thus different from the statements of Hooghe and Marks (2003) suggesting that the control of the national government would be significantly weakened.

On the basis of this study the conclusion is that a mix of multi-level governance and liberal intergovernmentalism is found in the Dutch case. If the theory of liberal intergovernmentalism nevertheless would recognise that the regions not only have an independent influence on the domestic preference shaping but also in the early policy-making stage at the European level, the theory would be able to correctly explain the Dutch case. However, recognising the independent influence of the regions in this early phase would undermine the core assumptions of liberal intergovernmentalism.

Earlier studies found that the gatekeeping powers of the central government were not affected at all (Bache, 1999 and Pollack, 1995). Other researchers, such as Keating (2008) and Tatham (2008)

have however also come to the conclusion, based on more recent studies on among others the United Kingdom and France, that the central government is no longer able to gatekeep all relations between the member state and the EU level. This validates the conclusion of this study that the theory of liberal intergovernmentalism no longer correctly explains the nature of the relation between the regions and the central government at the EU level.

Furthermore, based on this study the expectation regarding the future is that the provinces will aim to cooperate with the central government as much as possible but at the same time will also try to expand their independent role on the EU level, especially on the decentralised dossiers. In case they disagree with the central government on issues, the provinces will want to exert their independent influence on the EU decision-making process. In the future, the multi-level governance structure is therefore likely to become more and more a reality.

6. Conclusion

This study has demonstrated that the institutional position of the individual regions cannot directly explain the behaviour of the region at the EU level. It is likely that the effects of the institutional position of regions are mitigated by the fact that the regions exchange information and cooperate intensively with each other. This might reduce the possible backlog of the institutionally weak regions. The inclusiveness of the regions into the national EU policy-shaping process appears to be better to explain the degree to which regions bypass their central government. The availability of financial resources seems to be a condition for effective lobbying and the length of exposure to the EU integration process plays a role in the determination of the general attitude towards of the subnational actors towards the central government.

In conclusion, this study has shown that the relation between the Dutch provinces and the central government at the EU level entails characteristics of a multi-level governance structure, especially in the early phase of the EU decision-making process, but ultimately their relationship also reflects some important assumptions of the theory of liberal intergovernmentalism. The provinces have become empowered by their activities at the European level as they have gained direct access to the relevant actors and are more and more included into the national EU policy-shaping process. The Dutch provinces have acquired an autonomous position in the EU decision-making process. Through their various independent lobbying channels, the provinces are furthermore capable of effectively bypassing their central government at occasions. However, the gatekeeping powers of the central government have not been profoundly affected as the central government can still exert its decisive control in the Council and in the implementation phase. In these phases the central government remains the dominant actor in the end, which is in line with the expectations of the theory of liberal intergovernmentalism.

The EU has become increasingly important to the Dutch provinces due to the extension of the EU policies and the decentralisation of dossiers that fall within the EU competences. This increased importance has resulted in a strengthening and professionalization of the regional lobbying at the EU level throughout the years. The expectation regarding the future is that the position of the provinces vis-à-vis the central government at the EU level will be further empowered. Especially on decentralised dossiers the practical knowledge of the provinces is very valuable to the central government as this information is no longer directly in the hands of the central government itself. The provinces are furthermore demanding more involvement in the national EU policy-shaping process for example through represent the member state at the Council working groups when it concerns decentralised topics. A shift towards more multi-level governance is therefore likely in the future.

6.1 Research limitations

Unfortunately, in this study it was not possible to include the perspective of the central government since the responsible ministry did not grant permission to send a survey or to do interviews. Further researches on this topic should however address the position of the central government as this may reveal important findings on the behaviour of the regions at the EU level and the relation between the two. Furthermore, lobby targets such as the European Commission or the Parliament could be interviewed as well in order to investigate even more closely the actual influence the regions had on the EU decision-making process.

It is likely that the research results of this study are valid and reliable as the survey and interviews results are countered by an extensive document analysis. Nevertheless, the above mentioned factors would further strengthen in particular the validity and reliability of the research results as the results would then be checked by the perception of other relevant actors.

Case study research offers the important possibility to examine a case in-depth and to investigate the perspective of the relevant players in a detailed and qualified manner, which is especially important when measuring influence and the behaviour of actors. Different factors are at play which are not always measurable in a quantitative valid way. A well-known advantage of quantitative research however is the fact that it is possible to precisely assess the extent to which a variable explains the outcome of the dependent variable. The fact that a precise evaluation of the explanatory value of the different variables in relation to each other is not possible on the basis of this study is a limitation, but case study research offers some essential other advantages which are crucial when unravelling the complexity of this topic.

6.2 Future research recommendations

An important fact future researchers on this topic should bear in mind is that subnational mobilization at the EU level does not equal an effective influence on the EU decision-making process. This study has specifically taken into account the effectiveness of the regional lobby at the EU level. Extensive research has already been done on the subnational EU mobilization and we know now that most regions are active on the European level. However, the extent to which they really make a difference is often neglected. Therefore, further research is needed.

Following-up research is also needed because the current theoretical framework that is concerned with the position of the regions at the EU level is still fragmented as it includes many variables which do not apply to all types of regions and some of them already proved to be insufficiently capable of explaining the EU behaviour of regions. It is important to pay close attention

to the specific characteristics of regions. This study for example found out that several variables were not applicable to the case of the Netherlands and that alternative factors were at play in influencing the behaviour of the regions at the EU level. Further case study research should be done in order to test the explanatory value of the existing variables. These case studies would also increase the possibility of further comparative analysis of regions from different member states, which would also be very beneficial to this particular field of research.

In order to test the validity of specific variables, contradicting cases could be examined. Regarding impact of financial resources for example, a case in which the regions have little resources could be compared to a case in which the regions have very extensive resources. The same holds for regions from member states with strong and weak power positions in the EU decision-making process. Another interesting topic for further research would be the extent to which the EU lobbying behaviour of regions from the same member state differs and which variables can explain this potential variation. This has not yet been extensively addressed in the current literature.

This study has examined the case of the Netherlands, a member state in which the regions have low to medium devolved powers. As much research already concerns highly devolved regions, future research should focus on regions with an institutionally weaker position. If these regions are also capable of influencing the EU decision-making process effectively, the conclusion of this study that the institutional position of a region does not matter would be further confirmed.

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Appendix I: Survey questions

The survey included the following seven statements and three open questions. The original survey was in Dutch. The possible answers to the statements were:

- Totally agree
- Agree
- Neutral
- Disagree
- Totally Disagree

Statements:

1. In most cases the province has the same interests in EU affairs as the central government.
2. The province always tries to cooperate with the central government in its attempts to influence the EU decision-making process.
3. The province is capable of influencing the position of the central government in EU affairs, for example through the BNC-procedure and the Intergovernmental dossier teams.
4. The province mostly reaches successful lobbying results when it joins forces with the central government in order to influence the EU decision-making process.
5. The province obtains sufficient means to effectively influence the EU decision-making process independently from the central government.
6. The province has sufficient contacts and channels to effectively influence the EU decision-making process independently from the central government.
7. Influencing the EU decision-making process is more successful if the province cooperates with the central government in their lobbying.

Open questions:

8. Without doubt the province tries to lobby through various channels. Via which channels do you lobby the most regarding the European interests of the province?
9. Do you have an example from your daily work in which the provinces were defending another standpoint than the central government at the EU level? If so, would you like to elaborate on this?
10. Do you recall a (recent) case in which the provinces were capable of influencing the EU decision-making process effectively for their own interest, although these interests were contradictory to the interests of the central government? What did the provinces achieve?