

THE NETHERLANDS AND THE EUROPEAN PARLIAMENT
INVESTING IN A NEW RELATIONSHIP

No. 81, November 2012

ADVISORY COUNCIL ON INTERNATIONAL AFFAIRS
ADVIESRAAD INTERNATIONALE VRAAGSTUKKEN

A I V

Members of the Advisory Council on International Affairs

Chair F. Korthals Altes

Vice-chair Professor W.J.M. van Genugten

Members Professor J. Gupta

Dr P.C. Plooij-van Gorsel

Professor A. de Ruijter

Ms M. Sie Dhian Ho

Professor A. van Staden

Lieutenant-General (ret.) M.L.M. Urlings

Ms H.M. Verrijn Stuart

Professor J.J.C. Voorhoeve

Executive Secretary T.D.J. Oostenbrink

P.O. Box 20061
2500 EB The Hague
The Netherlands

telephone + 31 70 348 5108/6060
fax + 31 70 348 6256
aiv@minbuza.nl
www.aiv-advice.nl

Members of the Combined European Parliament Committee

Chair Dr P.C. Plooij-van Gorsel

Vice-chair W.L.E. Quaedvlieg

Members Professor M.G.W. den Boer
Ms K.M. Buitenweg
Dr F.A.W.J. van Esch
Dr A. Schout
C.G. Trojan
Professor J.W. de Zwaan

Executive Secretary A.D. Uilenreef
S.L. Hollander Msc (as from 18/6/2012)

Contents

Foreword

I	The European Parliament since the Treaty of Lisbon	7
I.1	A parliament with teeth	7
I.2	Power goes beyond formal treaty rules	9
I.3	The balance of power among the EU institutions	10
II	Identification with the European Parliament in the Netherlands	13
II.1	More support required to overcome crisis of confidence	13
II.2	Achieving tangible results	16
II.3	European elections that matter	17
II.4	Involvement of national parliaments	19
II.5	Greater prominence of the European Parliament in the political debate	20
III	The promotion of Dutch interests and the European Parliament	22
III.1	The government	22
III.2	The national parliament	26
III.3	Cooperation with interest groups	29
IV	Summary of the AIV's findings	31
IV.1	Increased influence of the European Parliament	31
IV.2	Stronger identification with the European Parliament	31
IV.3	Promotion of Dutch interests and the European Parliament	33
Annexe I	Request for advice	
Annexe II	List of persons consulted	

Foreword

The European Parliament in Brussels can be approached from different directions – via the esplanade opposite the 19th century Place du Luxembourg or via the narrow Wiertzstraat bordering the Leopold Park. Both routes lead to the imposing steel and glass parliament building that towers above its surroundings and dominates the skyline from afar. Some call it a palace of mirrors, others a glasshouse of European democracy. One thing is certain, there is no avoiding it. Those who take the trouble to visit are overwhelmed by the building's lofty entrance hall where they wait for their appointments. When they are received by the assistant of the MEP they are visiting, the security scanners prove to be a relatively simple threshold to cross. The bustling hall shows that many lobbyists and diplomats from the EU member states also find their way in relatively easily.

This advisory report has been written as a metaphorical roadmap for the Dutch government's approach to the European Parliament. The government asked the Advisory Council on International Affairs (AIV) how it can best strengthen its working relationship with the European Parliament (EP). The substantial increase in the EP's powers since the Treaty of Lisbon's entry into force was a key consideration in our response. We explain how the Netherlands should deal with this and can turn it to its advantage: by adopting an open attitude to the EP in the public debate and by playing an active part in its often complex decision-making procedures.

In more concrete terms, the government asked the following questions. Firstly, how can the government best engage with the new role the EP has assumed since the Lisbon Treaty's entry into force? How can it increase its influence on EP decision-making? Secondly, how does the Netherlands' cooperation with the EP as co-legislator compare with that of several other member states? What lessons can the Netherlands learn in this regard? Thirdly, while the EP has gained more powers, enlargement to 27 member states has made it harder for citizens to identify with it. How should the government address this dilemma? (The government's request is presented in full in Annex I.) In its response to the AIV's advisory letter entitled 'Towards enhanced economic and financial governance in the EU', the government also asked us to consider the strengthening of political and public support for the EU.¹

For the benefit of the reader, the AIV presents its answers in a slightly different order from the questions. In chapter I, we first outline the new powers conferred on the EP by the Lisbon Treaty. We consider not only the letter of the Treaty but also other ways in which the EP has increased its influence. Chapter II looks at how the government can increase public identification with the EP. Chapter III explains how the government and the Dutch parliament and civil society organisations can increase their influence on EP decision-making. In accordance with the government's request, we consider what lessons the Netherlands can learn from other member states in this regard. Chapter IV summarises our main conclusions and recommendations.

¹ Government response to the AIV's advisory letter, 'Towards enhanced economic and financial governance in the EU', <<http://www.aiv-advies.nl/>>.

The government asked the AIV to produce an advisory report on 23 November 2011. To prepare the report, a combined committee was established consisting of Dr P.C. Plooij-van Gorsel (chair), W.L.E. Quaedvlieg (vice-chair), Dr F.A.W.J. van Esch, Professor M.G.W. den Boer, Ms K.M. Buitenweg, Dr A. Schout, C.G. Trojan and Professor J.W. de Zwaan. The executive secretaries were A.D. Uilenreef and S.L. Hollander Msc. They were assisted by the trainees M.J. van der Stelt, C. Rutting and A.L.M. Nieuwland. E. Tessemaker and A. van Deinse acted as civil service liaison officers at the Ministry of Foreign Affairs. The committee spoke to a large number of experts in The Hague and Brussels. The persons we consulted are listed in Annex II. The AIV is extremely grateful for their assistance.

The AIV adopted this report at its meeting of 2 November 2012.

I The European Parliament since the Treaty of Lisbon

I.1 A parliament with teeth

Many political commentators have hailed the European Parliament (EP) as the ‘big winner’ of the Lisbon Treaty. When the Lisbon Treaty entered into force on 1 December 2009, the 27 member states conferred more power on the EP than on any other EU institution. Its powers are now a match for those of most national parliaments and, step-by-step, the EP has evolved from the toothless body it was when it was established in 1952 into a fully-fledged parliament that the other EU institutions and the member states must take seriously. The EP is expected to use its powers to express the wishes and concerns of the European electorate. Its function is to scrutinise the European Commission as an executive institution and thus look after Europe’s interests.² The EP’s formal treaty powers are summarised below, covering its three main areas of responsibility: legislative, budgetary and supervisory. We then briefly consider the influence the EP has acquired outside the Treaty and the consequences for the balance of power among the EU institutions.

Fully competent legislator

One of a parliament’s main tasks is to debate proposed legislation. The Lisbon Treaty made the EP a fully competent co-legislator and discontinued the EU’s system of pillars. In the past, the decision-making procedure was determined by the pillar to which proposed legislation related. The Lisbon Treaty made the codecision procedure, in which the EP and the Council of Ministers (‘the Council’) take decisions together, the standard legislative procedure. It is now used in nearly all policy fields in which the EU has competence. It covers a large number of measures in the fields of justice, asylum and migration policy. A general exception is foreign and security policy, a field, incidentally, in which there is relatively little legislation. In the ordinary legislative procedure, the EP has the same say as the Council. Both institutions can amend or reject Commission proposals. In brief, the Commission submits a proposal to the EP and the Council at the same time. The EP can approve or amend it. If the Council then approves the proposal, it passes the *first reading*. If the Council makes amendments, the proposal is sent to the EP for a *second reading*. The EP can reject, approve or amend the proposal. If the proposal is amended, the Commission makes a recommendation before returning it to the Council. If the Council does not approve the amended proposal, the Council, EP and Commission establish a conciliation committee. Both the EP and the Council must then vote in favour of the conciliation committee’s position to adopt the legislative proposal (*third reading*).³ Parliament and the Council often consult the Commission before it formally submits its proposal. In practice most of the proposals are accordingly approved at the first reading. The EP does not have a formal *right of initiative*, the right

- 2 The political groups in the EP work to promote the interests of Europe as a whole but they are regularly swayed by national interests.
- 3 The EP takes decisions by a simple majority of the votes cast at the first and third readings, and by absolute majority of the total number of parliamentary seats at the second reading (Rules of Procedure of the European Parliament, seventh parliamentary term, July 2012).

to submit legislative proposals.⁴ The treaties reserve this right to the Commission. The EP can, however, ask the Commission to submit a proposal.

The EP's right of assent has also been significantly increased. The majority of international agreements, including trade agreements with third countries, for example, require the EP's assent. The EP must also give its assent if a member state wishes to leave the EU and if a country wishes to accede. Finally, the EP has gained more influence over amendments of European treaties. As well as the Commission and the Council, the EP, too, can now take the initiative to revise treaties. If the European Council, consisting of the member states' heads of state and government, decides to debate the proposed amendments, a Convention is held with representatives of the EP and of the other EU institutions and national parliaments.

The Lisbon Treaty introduced a significant change in the further drafting and implementation of legislation. It replaced the former system of comitology with delegated acts and implementing acts. Delegated acts are amendments or supplements to non-essential parts of legislation in areas in which there is some policy freedom. Implementing acts are technical agreements on the implementation of legislation. In the former comitology system, expert committees from the member states had effectively taken decisions in consultation with the Commission; delegated acts are now subject to the EP's scrutiny. The EP can decide by absolute majority to veto a delegated act. It cannot veto an implementing act; the EP is only consulted, while the member states retain some of their influence by participating in the expert committees. A dispute arose some months ago about whether the implementation of adopted legislation should be regarded as a delegated act or an implementing act. The EP's position in the conciliation committee – as laid down by the conference of committee chairs – is not to approve implementing acts if they contain a policy choice and should therefore be subject to democratic scrutiny.

Allocator of financial resources

Another essential task of every parliament is to adopt the budget. It is even the origin of every parliamentary institution: in exchange for money to wage war the sovereign had to grant the nobility and clergy a say in running the country. The democratisation of nation states was a long historical process. At European level, parliamentary influence has evolved far more quickly, although the EU's budget is considerably smaller in relative terms than that of its member states. Another marked difference with national parliaments is that the EP has a say only in the EU's expenditure, not its income. This is a fundamental restriction on the EP's budgetary power. Significantly, though, the Lisbon Treaty gave the EP a say in all expenditure.⁵ In the past, the EP had no influence on a large part of the EU budget, consisting of compulsory expenditure (agricultural expenditure, expenditure relating to agreements with third countries, administrative refunds to member states). The distinction between compulsory and non-compulsory expenditure has been abolished. The EP's approval is required for both the Union's multiannual budget (multiannual financial framework) and its annual budget. If the Council and the EP cannot agree on a budget compromise, the Commission must submit a new draft budget.

4 By way of exception, it may submit proposals on the reform of the European electoral system.

5 Since the Council decides unanimously on the multiannual budget, it is difficult for the EP to make changes to this compromise in practice.

Supervision of executive power

Like every national parliament, the EP supervises the work of the executive body, in this case the Commission. The Commission must render account to the EP and is regularly heard by it. It also submits its annual report to the EP. The EP can establish committees of inquiry as well. The Lisbon Treaty considerably strengthened the EP's supervisory powers. It laid down that the European Council must take account of the outcome of European elections when nominating a new Commission President and consult the EP on the nomination. A majority of MEPs must then vote in favour of the nomination. If the candidate does not win a majority in the EP, the European Council consults the EP and nominates a new candidate. The EP must approve the entire Commission, including the EU High Representative for Foreign Affairs and Security Policy. The EP also has the right to submit a motion of censure calling on the entire Commission to resign if it thinks the Commission has not carried out its tasks properly.

The Treaty recognised the European Council as a formal institution of the EU and increased its duty to render account to the EP. Subject to strict conditions, the European Council can be heard by the EP. The EP cannot impose any sanctions whatsoever on the European Council, though, as its members are accountable only to their national parliaments. The Treaty also lays down that the President of the European Council must report to the EP on the results of every European summit. Under the Lisbon Treaty, moreover, the High Representative must regularly consult the EP on the main elements and options of Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP). The EP debates the progress of the CFSP and the CSDP twice a year. It can also hear the Council, for example at the start of every EU Presidency. Finally, the Lisbon Treaty lays down that the European Ombudsman will no longer be appointed but elected by the EP.

I.2 Power goes beyond formal treaty rules

Interinstitutional Agreement

The EP's ability to influence EU policy goes beyond that strictly laid down in the treaties. This is largely due to the Interinstitutional Agreement (IIA) concluded with the Commission in 2010.⁶ The EP agreed to the reappointment of Commission President José Manuel Barroso in September 2009 only after he had given far-reaching undertakings. The subsequent agreements laid down in the IIA impose obligations chiefly on the Commission. This increased the EP's power relative to the Commission, and to some extent relative to the Council. The four main agreements are as follows.

Firstly, it was agreed that the Commission President would seriously consider dismissing an individual commissioner at the EP's request. Under the Treaty, the EP can only call for the resignation of the Commission as a whole. Secondly, agreements were made regarding the Commission's right of initiative. The Commission undertook to state within three months whether it would submit a draft law when asked to do so by the EP. If it does not wish to initiate the law it must explain why in detail. In practice, this means that the Commission will often honour the EP's wish to introduce certain laws. A third series of undertakings relates to the conclusion of international agreements. The Commission will allow MEPs to take part in internal coordination meetings held before and after international negotiation sessions. Fourthly, it was agreed that the EP

⁶ Framework agreement on relations between the European Parliament and the Commission, October 2010.

would have access to information on infringement proceedings⁷ against member states and the Commission would allow it to inspect confidential Council documents. The Council described the proposals as ‘unacceptable’ because they extended further than the treaties and therefore disturbed the balance among the institutions. The Council threatened to go to the European Court of Justice but has not yet done so.⁸

Package deals

Another method adopted by the EP to increase its influence is to deal with certain dossiers in combination with each other. Draft laws that are part of such package deals are voted on together. This practice has increased the EP’s influence because its approval in areas in which it has power is linked to concessions by the Council in areas in which it has little if any power. The EP has little influence, for instance, on CFSP but by leveraging its influence on the EU budget, which funds the European External Action Service, MEPs can ensure that their wishes in this area are also taken into account. The EP has thus actively intervened in the establishment of this European diplomatic service. Studies have shown that between 1999 and 2007 about a quarter of EU decisions were taken in the form of package deals.⁹

I.3 The balance of power among the EU institutions

Parliament, the Council and the European Council

The President of the EP, Martin Schulz, said on his assumption of office at the beginning of this year that he would seek to challenge European heads of state and government more frequently.¹⁰ He looked upon the European Council as the EP’s main political adversary. Although he described himself as a ‘fighter’, he is unlikely to force heads of government into a corner any time soon. The Lisbon Treaty unarguably gave the European Council more influence as well as the EP. It formalised the European Council’s position as an institution with a permanent President to set its agenda. The dynamism of the euro crisis has also increased the European Council’s political role. There is some frustration in the EP that it has little influence on the European Council. The measures to tackle the bank and debt crisis (support package for Greece, Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) largely ignored the EP. This was possible only because the heads of state and government took an intergovernmental decision outside the treaties and not formally within the framework of the European Council. The EP, however, has found ways to target the heads of government. They are regularly invited to debates in the EP and resolutions are passed on measures taken by national governments. The EP has expressed concern, for example, about the independence of the Italian judicial authorities under prime minister Silvio Berlusconi and it has criticised the constitutional reforms of Hungarian prime minister Viktor Orbán. It has also had the Netherlands in its sights. In March 2012,

7 If a member state does not observe EU law, the European Commission can take action against the infringement and, if necessary, take the member state to the European Court of Justice.

8 Council of the European Union, 15018/10 INST 405, 18 October 2010.

9 Kardasheva, R. (2009), ‘Package deals in EU Decision-Making’, paper presented at the 11th Biennial Conference, European Union Studies Association, Los Angeles, April 2009, p. 17.

10 Interview in Deutsche Welle, 7 January 2012. See: <http://www.dw.de/popups/popup_single_mediaplayer/0,,6694148_type_video_struct_3232_contentId_6694163,00.html>.

the EP passed a critical resolution on the Dutch government's response to the website for reporting complaints about East European migrants launched by the Freedom Party (PVV).¹¹ Whatever we may think about this, it is a political reality.

Such political acts, which are largely symbolic in nature, generate a lot of media attention for the EP. Its exercise of its new powers has also been a rude wake-up call for many member states. The EP slammed on the brakes in June 2012 when the Council decided to amend the Schengen Agreement so that the EP would no longer codecide on the evaluation of the free movement of people. The EP then blocked other proposals in the fields of justice and home affairs in order to secure its influence. It also used its new powers to veto the conclusion of international agreements. After rejecting the original agreement on sharing bank data with the US, better known as the SWIFT Agreement, the EP won important assurances for EU citizens before agreeing to an amended agreement in July 2010. In December 2011, the EP vetoed an extension of the fisheries agreement between the EU and Morocco. In July 2012, it rejected the controversial Anti-Counterfeiting Trade Agreement (ACTA), without waiting for the opinion of the European Court of Justice requested by the Commission.

Parliament and the Commission

The academic debate often portrays the Commission as the loser in the Lisbon Treaty.¹² The Lisbon Treaty's entry into force curtailed the Commission's right of initiative by formally linking it to the general policy lines set by the European Council. The Commission must also report to the EP if it decides not to grant the EP's request for a particular draft law. Furthermore, draft laws proposed by the Commission can be opposed by national parliaments by means of the yellow and orange card procedures if they think they infringe the principle of subsidiarity (see further chapter III). The AIV, however, thinks the Commission's influence has not declined overall. The Commission has started to act more politically. It sometimes makes deals with the EP to get its way if the Council amends a draft law. The Commission's greater accountability to the EP enables it to gain more democratic legitimacy and influence. The six-pack on governance and the stability agreement also conferred new powers on the Commission in the field of the economic governance of the Union, particularly with regard to budgetary oversight and imposing sanctions on euro countries. The Commission's sanctions can be blocked only by a qualified majority of the Council (reverse majority voting).

Political archipelago

It should be borne in mind that the EP as such is not a monolithic body but a political archipelago that is home to 27 nationalities and many ideologies. MEPs also have their own social or regional constituencies. The EP is a multi-headed beast representing many interests. It currently has 754 members, including 26 Dutch MEPs, organised into seven

11 European Parliament Resolution of 15 March 2012 on discriminatory internet sites and government reactions (2012/2554 (RSP)).

12 See for example: Wessels, W. and F. Bopp (2008), 'The institutional architecture of CFSP after the Lisbon Treaty: Constitutional breakthrough or challenges ahead?', CEPS Challenge Paper 10, 23 June 2008; Kaczyński, P.M. et al. (2010), 'The Treaty of Lisbon – A second look at the institutional innovations', Joint study of CEPS, EGMONT, and European Policy Centre, September 2010; and Monar, J. (2011), 'The European Union's institutional balance of power after the Treaty of Lisbon', pp. 60-89, in *The European Union after the Treaty of Lisbon: visions of leading policy-makers, academics and journalists*, Luxembourg, Publications Office of the European Union.

political groups (some MEPs are not members of a political group). The Conference of Presidents, which is made up of the President of the EP and the chairs of the political groups, has political responsibility for running the EP. Plenary meetings are prepared by 24 parliamentary committees. The EP's position on legislative proposals is determined largely in these committees. The EP's substantive positions are prepared largely by rapporteurs, who also negotiate the substance with shadow rapporteurs from other political groups and liaise with representatives of the other EU institutions. All political groups are represented in each committee and have a coordinator who is responsible for the group's position on a particular subject and for the appointment of rapporteurs. The EP is supported by a secretariat, the political groups by their own staff and individual MEPs by their political assistants.

Implications for the Netherlands

The changes in the institutional balance described above – prompted chiefly by the increase in the EP's powers relative to the Commission and the Council – offer national governments, including the Dutch government, new opportunities to influence EU decision-making. The Lisbon Treaty has made the EP a more important player. It has the same say in legislative matters and in the adoption of EU expenditure as the Council, and plays an important role in the appointment and operation of the Commission. With the Council playing a less prominent role and increasingly sharing legislative powers with the EP, national governments can also influence EU policy by taking a more direct approach to the EP.

II Identification with the European Parliament in the Netherlands

'Europe will be born on the day on which the different peoples fundamentally decide to join'¹³

The recent increase in the EP's legislative, supervisory and budgetary powers described in the previous chapter is the outcome of the wish to strengthen the democratic foundations of the EU and was achieved by the EP in the negotiation of the Lisbon Treaty with the support of most of the member states. The importance of strengthening the ties between 'Brussels' and its citizens was underlined in the Laeken Declaration: 'Within the Union, the European institutions must be brought closer to its citizens. Citizens undoubtedly support the Union's broad aims but they do not always see a connection between those goals and the Union's everyday action.'¹⁴ Although the Lisbon Treaty strengthened the EP's position in many areas, and thus the EU's own democratic basis, the reforms have not yet increased citizens' identification with the European democratic structure or brought the public closer to the Union and its institutions.

The AIV does not deny that change may be just a question of time. Awareness that the EP has significant powers will steadily grow and it will increasingly become a focus of public interest. In addition, a political debate is being instigated in Europe as more citizens and politicians realise that EU actions, principally concerning the economy and the euro, will have direct and far-reaching consequences for everyone. Nevertheless, the AIV believes further steps must be taken if citizens are to be involved more actively in European decision-making.

II.1 More support required to overcome crisis of confidence

In its advisory letter entitled 'Towards enhanced economic and financial governance in the EU',¹⁵ the AIV concluded that the economic crisis had triggered a crisis of confidence: citizens felt they had lost control of their economies and societies. Commission President José Manuel Barroso expressed the same concern when he called for a 'new philosophy for Europe' in his annual State of the Union address and presented sweeping plans to restore public support for the EU.¹⁶ The importance of this to the Netherlands is demonstrated by a recent study by the Netherlands Institute for Social Research (SCP) that found that Dutch public support for the EU had been

13 General de Gaulle, quoted in Peyrefitte, A. (1994), *C'était de Gaulle*. Gallimard.

14 European Council, 14-15 December 2001, <<http://european-convention.eu.int/pdf/LKNEN.pdf>>.

15 AIV advisory letter, 'Towards enhanced economic and financial governance in the EU', advisory letter number 19, The Hague, February 2012.

16 European Commission, State of the Union 2012, <<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/12/596&format=HTML&aged=0&language=EN&guiLanguage=en>>.

in decline since 2009.¹⁷ Restoring support for the Union will require a sufficient level of involvement in the European institutions, beginning with the EP as the democratic representative of EU citizens. The Union's institutional structure should operate so that citizens are confident that their interests are promoted in the EU and they are in a position to influence decision-making. This is all the more urgent now that the solutions being put forward for the European crisis entail a further reallocation of power in fields that have traditionally been considered at the heart of national sovereignty, such as member states' budgetary policies. The powers of the European Commissioner for Economic and Monetary Affairs, for example, have increased significantly without the EP being able to hold him individually to account. Political accountability for European economic policy must be visible and subject to public opinion and scrutiny.

To strengthen the Union's input legitimacy, measures have already been taken at European level to increase direct public participation in EU decision-making. They include the interactive decision-making project launched in 2001 and the European Citizens' Initiative included in the Lisbon Treaty. Both these instruments involve the European Commission and are therefore not considered further in this report.

In its request for advice from the AIV, the government noted that it had become harder for the Dutch public to identify with the EP. In the AIV's opinion, this influences their active involvement in European decision-making and thus their support for the Union as such. A Eurobarometer survey found that citizens were not fully aware of the distinction between the European institutions. Nearly 80% of the Dutch public recognised the importance of the EP but still felt they were better represented at national level than at European level.¹⁸ Furthermore, their confidence in the EP is waning¹⁹ and the turnout for European elections remains stubbornly low.²⁰ Although opinion polls have not specifically asked about identification with the individual European institutions, such as the EP, the AIV believes the data in any event show that the Dutch do not readily identify with the EP.

The government asked the AIV how it should address this matter. The AIV would note that identification with the EP should be placed in the broader context of identification with the Union as such. In the political and academic debate It is often argued that strengthening the EU's democratic legitimacy is frustrated or even prevented by the absence of a European *demos*, a precondition for a clearly defined political community

¹⁷ SCP (2012), 'Startklaar voor vier jaar: Een verkenning van publieke prestaties voor de kabinettsformatie 2012' (Ready for Four Years: A survey of public achievements for the formation of a government in 2012), <http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2012/Startklaar_voor_vier_jaar>.

¹⁸ Just 61% of the Dutch thought their voices were heard at European level, versus 87% at national level: Eurobarometer 77.4.

¹⁹ In 2011 only a small majority of the Dutch (54%) expressed confidence in the EP, in comparison with 60% in previous years (Eurobarometer 75). It should be noted that confidence in the Dutch House of Representatives is also declining.

²⁰ The turnout for the 2009 European election was just 37% (Electoral Council, Election Results Database).

with a shared identity.²¹ Others argue that the presence of such a *demos* can be derived from the rights and duties attaching to European citizenship, as described in the Maastricht Treaty.²² Yet others argue that a European *demos* will gradually emerge, as it has done in large nation states such as Germany, Italy and France, from shared history, growing policy integration and greater solidarity in tackling future international challenges.²³

Although nearly two-thirds of the Dutch say they feel like European citizens, a majority prefer a Dutch identity to a European identity and a considerable number (32%) still see themselves solely as Dutch. In addition, more than 40% are not aware of the rights attaching to European citizenship.²⁴ The AIV would note, however, that an individual's identity is made up of many layers and a particular layer's dominance depends on the moment and the context. Dutch people feel more European when they are in the United States, for example, than when they are in France or Germany. It is therefore not necessary, or realistic, for identification with the European institutions to be as strong as that with the national democratic institutions, which are also suffering a decline in public confidence.

In its request for advice the government asked to what extent the EP's credibility was affected by issues such as MEPs' allowances, its sessions in Strasbourg and the increase in the EU budget. The AIV believes these issues probably influence the perception of Europe and the EP in particular. The media pay quite a lot of attention to these issues and their tone is usually negative.²⁵

The Statute for members of the European Parliament entered into force in July 2009. It includes agreements on expense and travel allowances. MEPs may receive allowances only if they submit vouchers showing that the expenses have been incurred and were necessary for their work. Furthermore, travel allowances will no longer be paid on a lump sum basis. The inefficiencies of the monthly sessions in Strasbourg are also a recurrent talking point. The AIV stresses, however, that the EP has no say in where it meets; the location was laid down in the Maastricht Treaty under the Dutch Presidency

21 See for example: Kielmansegg, P.G. von (1993), 'Vereinigung ohne Legitimität', *Merkur: Deutsche Zeitschrift für europäisches Denken*, 47 (7), pp. 561-575; Scharpf, F. (1999), *Governing Europe: Effective and Democratic?* Oxford, Oxford University Press; and more recently Baudet, T. (2012), *De aanval op de natiestaat*, Bert Bakker.

22 See for example: Delanty, G. (1995), *Inventing Europe: Idea, Identity, Reality*, New York, Wiley; Habermas, J. (1994), 'Citizenship and National Identity', in Steenbergen, B. van (ed.) (1994), *The Condition of Citizenship*, London, Sage; Fuchs, D. (2000), 'Demos und Nation in der Europaeischen Union', in Klingemann, H.D. and F. Neidhardt (eds.) (2000), *Zur Zukunft der Demokratie – Herausforderungen im Zeitalter der Globalisierung*, Berlin, Sigma.

23 See for example: Bogdanor, V. (2003), 'Federalism and the Nature of the European Union', in Nicolaïdis, K. and S. Weatherill (2003), *Whose Europe? National Models and the Constitution of the European Union*, European Studies at Oxford, <<http://denning.law.ox.ac.uk/iecl/pdfs/whoseeurope.pdf>>.

24 Eurobarometer 77.

25 Derived from a general analysis based on LexisNexis. Period: 2003-2012; Search term: 'European Parliament'.

and on the insistence of France. For France, and to a lesser extent Germany, meeting in Strasbourg is essential. The city symbolises Franco-German reconciliation, which laid the foundations for European cooperation. Nevertheless, it is bad for the EP's image and even the majority of MEPs admit it needs to be resolved. Dutch discontent about the increase in the EU budget, and the Dutch contribution in particular, is probably also reflected in public opinion on the European institutions, including the EP.

The AIV believes, however, that public perception of Europe is ultimately determined by the achievement of political goals that are in the public interest, the presence of a recognisably democratic system and the correct communication of these two elements. Shortcomings in all three of these areas and ways to strengthen public identification with the EP are briefly considered below.

II.2 Achieving tangible results

The current European crisis has tarnished the Union's image. A study by the Clingendael Institute of International Relations found that nearly half the Dutch population considered the euro crisis to be the most serious international threat.²⁶ There is an uneasy relationship, however, with the approach taken to address it. The Union's success in resolving the crisis will obviously affect its image. To safeguard the sustainability of the euro, the EU's powers have recently been extended in many areas. Yet citizens think the further transfer of powers to Brussels, for example to strengthen EMU integration, is above all an erosion of national sovereignty. The crisis has widened the gap between rich and poor, both within and among the member states. A study by the SCP found that fear for the erosion of national sovereignty is strongest amongst citizens who see themselves as the 'losers' in European integration.²⁷

To achieve tangible results, the EU must have the resources – powers and funds – it needs to operate effectively. The existing resources must also be used. This is not always the case. Many people are worried about the internal market's adverse impact on employment and the public sector cuts necessitated by strict budgetary discipline. These issues affect citizens directly in their jobs and their pockets. The AIV believes European citizens would identify more with the EU if it acted as an institutional buffer against the impact of globalisation.²⁸ Half the Dutch population think the EP should give priority to combating poverty and social exclusion,²⁹ but a majority are not in favour of the EU playing a more substantial social role, out of fear of an erosion of national social

26 Clingendael (2012), 'Rijk achter de Dijken? Buitenlandbeleid en de Tweede Kamerverkiezingen' (Rich behind the Dykes? Foreign Policy and the elections to the House of Representatives),
<<http://www.clingendael.nl/events/rijkachterdedijken/>>.

27 SCP-COB 2012 | 2, <http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2012/Burgerperspectieven_2012_2>.

28 A Eurobarometer survey asked respondents to name up to four issues that would strengthen their sense of European citizenship. A European social system ranked among the top three (Eurobarometer 73).

29 Eurobarometer 77.4.

rights or of excessive European social regulations.³⁰ In the AIV's opinion, the EU, and with it the EP, could play a useful role resolving cross-border social problems (e.g. labour mobility) by complementing the member states' national powers. Tangible results in this area have already been achieved through legislation on equal pay, maternity leave, and women's rights to accrue pensions and through the maintenance of the European social model. Such results are an important potential source of legitimacy for the EU and its institutions.

II.3 European elections that matter

The Lisbon Treaty has considerably strengthened the EP's powers (see chapter I) but the EP's position in the Union's democratic system is undermined by the weak link between it and European citizens. The turnout for EU elections is extraordinarily low.³¹ It is lower than the turnout for general, provincial and municipal elections. In the Netherlands, the turnout for European elections is markedly lower than the EU average.³² What's more, it is declining. Between 1979 and 2009 the turnout fell for all elections but most strongly for the EP elections. These sombre figures are remarkable given that three-quarters of the Dutch think their voices can best be heard in the EU if they vote in the EP elections.³³

There are several important causes for the low turnout for European elections. Firstly, the European political and administrative system is exceedingly complex and opaque, and there is widespread ignorance about the substantial power of the EP. It costs interested citizens a lot of time and energy to understand how decisions are taken in Brussels. Political participation therefore takes far more effort at European level than at national level. Citizens should have a clear understanding of the EP's powers and know where national parliaments have primary responsibility, and where the Union, and thus the EP, has competence. The AIV believes national politics has a crucial role to play in this (see II.5). The Union's powers are very important. They often affect citizens less directly but no less forcefully than national policies in such areas as pensions, care and taxation. Examples include European rules and court judgments that have helped reduce discrepancies in the socioeconomic legal position of men and women, bans on the provision of state aid to declining industries (with all the consequences this has for employment) and the provision of hospital care to citizens from other EU member states as a result of the free movement of people.

Secondly, the EP has no say over the EU's income. Questions of allocation are important issues in national elections and voters can exercise some influence through the ballot box. Voters participate in EP elections partly because of questions of allocation but the EU's influence (for example, by setting national contributions to the EU budget) is smaller and less directly tangible for citizens.

30 Clingendael (2012), 'Rijk achter de Dijken? Buitenlandbeleid en de Tweede Kamerverkiezingen' (Rich behind the Dykes? Foreign policy and the elections to the House of Representatives),
<http://www.clingendael.nl/events/rijkachterdedijken/>.

31 The turnout for the last EP election in the Netherlands was just 37%.

32 The average turnout in the EU was 43% (though it should be stressed that voting is compulsory in some countries, i.e. Belgium, Cyprus, Luxembourg and Greece) (Electoral Council, Election Results Database).

33 Eurobarometer 77.4.

A third cause is that EP elections are still largely national in nature. Most parties do not conduct a European campaign but use national themes to mobilise voters. Furthermore, voting lists for European elections are strictly national. To strengthen identification with the EP, the AIV believes EP elections should be more European in character. Proposals were recently made, for instance by the UK MEP Andrew Duff, to prepare European lists so that voters can vote for candidates from another member state as well as national candidates. Although the AIV thinks such cross-border lists would contribute to the formation of true political European parties and would boost European political awareness,³⁴ it does not think they are realistic in the near term. Such proposals meet a great deal of resistance, sometimes from the EP itself, but also from certain member states. It is feared that such lists would be to the disadvantage of the smaller member states. There are also practical objections such as the costs and language barrier. Not all these proposals and their practical implications can be considered in this report. Nonetheless, the AIV does not think they should be dismissed out of hand.

A fourth cause is the absence of a direct link between voting for a particular political group and the leaders in Brussels, notably the President of the Commission and the President of the European Council.³⁵ The AIV thinks executive power in the Union, i.e. the composition and political colour of the Commission, should reflect the outcome of EP elections. In his State of the Union address, Barroso urged the political groups to present their candidates for the Commission Presidency before the 2014 election.³⁶ This would magnify the election's prominence in the media. The AIV thinks the EP should thereafter elect the Commission President. In June this year, such a proposal was made by the Future of Europe group, an informal think-tank of 11 EU foreign ministers, including the Dutch foreign minister, initiated by the German foreign minister Guido Westerwelle.³⁷ A Commission President elected by the EP would have more direct relevance to the citizens. Another option would be to have the President automatically nominated by the largest political group to emerge from the election. The AIV would note that a President elected directly by the EP would have a clearer democratic mandate as he could count on a parliamentary majority. The most radical option would be to have the President elected directly by European citizens. The AIV thinks this option should not be considered until experience has been gained with indirect election by the members of the EP.

34 See AIV advisory reports: 'Bridging the Gap between Citizens and Brussels: Towards Greater Legitimacy and Effectiveness for the European Union', advisory report number 27, The Hague, May 2002, and 'Follow-up Report: Bridging the Gap between Citizens and Brussels: Towards Greater Legitimacy and Effectiveness for the European Union', advisory report number 32, The Hague, April 2003.

35 The Lisbon Treaty lays down, however, that the European Council's nomination for the Commission's Presidency should reflect the results of EP elections.

36 European Commission, State of the Union 2012.

37 Final report of the Future of Europe group, <<http://www.msz.gov.pl/files/docs/komunikaty/20120918RAPORT/report.pdf>>, 17 September 2012. The group had different opinions on reforming the institutional structure of the EU, as evidenced by the letter submitted by Minister Rosenthal to parliament to explain the Westerwelle report (Letter to the House of Representatives on the informal Future of Europe reflection group, 19 September 2012).

II.4 Involvement of national parliaments

Although the Dutch House of Representatives and Senate's involvement in Europe in general and in the EP in particular has been strengthened in important areas since 2003 (see chapter III), the AIV concluded from the interviews it held that there was still room for improvement. A number of concrete recommendations will be made in the next chapter. Greater involvement of the national parliament would improve perception of the EP. Citizens often feel they have more direct ties with national MPs than with their MEPs and national MPs are therefore a vital link between national and European decision-making. That is why the AIV believes the general debates in the EP and the House of Representatives should be better synchronised. Serious issues debated in the EP should be debated in a plenary session of the House at the same time. Incorporating issues that are alive in the EP 'countries' into national politics would strengthen identification with the EP. In this respect, the clarity the Senate's website provides on decision-making on European dossiers – and the role played by the Senate – is an example for others to follow.

The AIV rejects the recurrent call to reintroduce dual mandates as unrealistic. Pursuant to article 7 (2) of the Act concerning the election of the members of the European Parliament by direct universal suffrage of 20 September 1976, the office of a member of the European Parliament has been incompatible with that of a member of a national parliament since 2004. Furthermore, the AIV believes exercising the dual mandate is not physically possible. When the dual mandate was in existence, MEPs often had to absent themselves from the States General. It is therefore likely that if a member has a dual mandate, one of the tasks will come under pressure with the result that it cannot be exercised properly.

In the debate about strengthening the national parliament's supervision of EU decision-making, proposals have also been made to introduce a bicameral European parliamentary system. The Future of Europe group led by the German foreign minister, Guido Westerwelle, recently proposed that a European Senate be established alongside the EP, consisting of MPs from the member states. Although the AIV acknowledges that such a Senate would have some symbolic value, it thinks such a fundamental institutional reform would make the Union's already complicated decision-making procedure even more complex and therefore considers it undesirable. Furthermore, such a Senate would have a tense institutional relationship with the Council³⁸ and the addition of another body could paralyse decision-making. This would weaken rather than strengthen identification with the EP and the EU as such.

Section III.2 considers the contribution that greater involvement by national parliaments can make to a recognisably democratic administration and public support and presents recommendations on how the Dutch parliament can influence policy more effectively.

³⁸ From a federal angle, it is claimed that the Council is a Senate in the making. The Lisbon Treaty lays down, for example, that the Council, in its capacity of legislator, will in future meet in public. In practice, however, public meetings are usually avoided and decision-making still takes place largely behind closed doors (De Bruijn, T.J.A.M. (2011), *De veranderende rol van nationale parlementen in de Europese Unie* (The changing role of national parliaments in the European Union), in *RegelMaat*, no. 6, p. 337).

II.5 Greater prominence of the European Parliament in the political debate

A third issue that influences identification with Europe is the tone of the political debate on the EU. The AIV would note that the Dutch government and MPs have all too often presented Europe in the recent past as an unpleasant necessity. The EU is used too often as a scapegoat for unpopular national measures. Power-sharing with the EU, it is argued, undermines national sovereignty, which artificially makes The Hague and Brussels adversaries. The Dutch government's frequent failure to commit to compromises made at EU level is not conducive to lasting identification with the European project. If Dutch politicians fail to present Europe as an integral part of national politics and to transmit the European message with sufficient knowledge, conviction and passion, the public will react accordingly and politicians will reap what they have sown: contempt. For the first time, Europe featured prominently in both the manifestos and debates for the recent general election, but most politicians were still talking in terms of 'for' or 'against' European integration and protecting national sovereignty was an important topic of debate.³⁹

The political debate usually pays little attention to the EP as well. Successive Dutch governments have long called for more democratic supervision by the EP. Now it has acquired more power, many member states look upon it as a threat. The EP's importance as a codecision-making body is not given enough emphasis. With ministers paying such little attention to the EP, it receives relatively little consideration in the media.

The AIV stresses that the above proposals to achieve and communicate tangible European results (output legitimacy) and to strengthen identification with the EP (input legitimacy) will have little effect if there is no change in the tone adopted when speaking about the EU and its institutions. If members of the government do not mention the EP in their public appearances and create the impression that Europe, and the EP in particular, has little if any relevance to the Netherlands, that is what the electorate will believe.

The government should make it clear that EU membership is vital to the Netherlands' position in the world and that it stands by the decisions taken in Council. It should emphasise that Europe is not something over which we have no control; the Netherlands is an integral part of European decision-making and sets national policies via Brussels. Member states have long been unable to act individually in many cross-border policy fields, such as defence and security, natural resources and climate policy. Instead of speaking of threats to national sovereignty, politicians should explain that they share responsibility in Brussels with other European leaders and the institutions to find joint solutions to global challenges. Sharing sovereignty with other countries creates opportunities to influence events that the Netherlands would otherwise have to observe from the sidelines. Which specific goals the Netherlands should pursue at European level is a key question that the government should answer in consultation with the national parliament.

The AIV thinks a different tone at the top is one of the changes necessary for lasting identification with the EP. The government itself has primary responsibility for highlighting the codecision procedure, which it and the governments of other member

39 Schout, A. and A. Mijs (2012), pp. 18-25, in Clingendael (2012), *Rijk achter de Dijken? Buitenlandbeleid en de Tweede Kamerverkiezingen* (Rich behind the Dykes? Foreign policy and the elections to the House of Representatives), <<http://www.clingendael.nl/events/rijkachterdedijken/>>.

states conferred on the EP in the Lisbon Treaty. The Dutch government has two roles vis-à-vis the EP: that of an individual member state and that of a member of the Council. This means that the Dutch government has an institutional relationship with the EP that it should respect. For lasting identification with the EP, the EP's function within the European legal community should be clearly communicated in the public debate. The legal community also protects the interests of the smaller member states, such as the Netherlands.

The proposals made in this chapter presume that the national government and parliament will have a lasting association with Europe and the EP in particular. Although the substantive involvement of both has increased in recent years, the AIV notes that it can still be improved. Greater involvement is essential both to identify with the EP and to safeguard the Netherlands' interests in Europe. Recommendations on how to strengthen the government's involvement are made in the next chapter.

III The promotion of Dutch interests and the European Parliament

The government asked how the Netherlands could increase its influence on decision-making in the EP and what lessons the Netherlands could learn from other member states in this regard. The AIV thinks the Netherlands has an effective influence on European policy but there is room for improvement in many important areas. To a large extent a cultural shift is needed: the EP must be lodged firmly in the mind. This can be achieved in several ways. By definition, the influence brought to bear on the EP is indirect. The EP is an independent parliamentary body and its members, like the members of the Dutch States General, have no formal obligations. In the Union's institutional structure the EP represents European citizens. To answer the question of how the Netherlands can best approach the EP, it must first be agreed what is meant by 'the Netherlands'. The AIV distinguishes the following Dutch actors in this chapter: the government, the national parliament and interest groups, which can lobby Brussels and the EP both individually and jointly.

III.1 The government

Balance between Council and EP. The Lisbon Treaty entered into force several years ago but the AIV thinks the government has still not fully come to terms with the new reality of a more powerful EP. The Netherlands is not alone in this respect. Interviewees from several other member states said this was also the case in their own countries. Nevertheless, some countries are taking more systematic account of the increased influence of the EP. They will be discussed below. The AIV notes that the ministries in The Hague still focus most of their attention on the Council. This can be explained institutionally. The Council is by definition the institution that represents the member states' governments. The Dutch ministers and state secretaries operate in this forum and the civil service is designed to serve them as well as possible. Preparing dossiers for the ministers and state secretaries in the Council demands a lot of time, as do the debates in the House of Representatives before and after Council meetings. Furthermore, the Council has traditionally been the most powerful body in the EU. This explains why the lion's share of the government's efforts has been directed at it. The EP is now a fully-fledged co-legislator in nearly all fields and has increased its formal and informal powers in other areas (see chapter I). The Hague should therefore devote sufficient attention to this influential body.

Giving and taking. The government must constantly weigh up its priorities, decide where it will stand up to the EP and where it can work with it. The government should invest and build up credit. In the longer term this will pay dividends in the form of a constructive and productive working relationship. The EP is not only fragmented into political groups but also has its own institutional interests. In the AIV's opinion, a strategy vis-à-vis the EP should in any event include: recognition of the EP's institutional position in the European legal order and a plan for tactical cooperation in carefully selected fields. Disagreement with the EP on certain questions is legitimate and sometimes inevitable but the government must ask itself where it wishes to invest in the relationship. In recent years, the Netherlands agreed with Council decisions that the EP opposed. Examples include the SWIFT dossier, postponement of the approval of the EU budget and the possibility of temporary reintroduction of border controls under Schengen. The government could have supported the EP more forcefully on

issues where it agreed with it, such as the wish that member states account every year for their use of European funds (member state declaration) and the EP's democratic scrutiny of the European Stability Mechanism (ESM). The Netherlands, however, did not wish to offend the majority in the Council. A telling example of where the Netherlands could have worked more closely with the EP is the agreement of the six-pack, the six legislative proposals to strengthen economic governance in the EU. Contrary to its original position, the government agreed to a compromise in the Council and the decision-making procedure on sanctions was not tightened up. The government saw little benefit in challenging the outcome through other channels but the EP still managed to secure stricter decision-making (reverse majority voting) so that it is more difficult for member states to avoid financial sanctions.⁴⁰ The important role played by the Dutch rapporteur in the EP, Corien Wortmann, went largely unnoticed in The Hague and the Dutch media. Thanks to this outcome, the overall interest of the Union prevailed, i.e. that of a legal community that also protects the interests of the smaller member states.

Send ministers and state secretaries to Brussels. Dutch ministers and state secretaries should visit the EP more often and draw attention to points the government finds important. There has been some increase in the number of visits made by the prime minister since the first Rutte government took office, but the overall number has remained low. The prime minister and the European affairs minister set a good example by visiting the EP twice between 2011 and September 2012 and by receiving one visit to the Netherlands in 2011 and one in 2012. A foreign minister visited the EP in Strasbourg in 2012, for the first time in 18 years. Only four other ministers or state secretaries visited the EP during this period (and all just once). Two visits were concerned only with Dutch MEPs.⁴¹ The Netherlands has the disadvantage that its government, unlike that of many other member states, is relatively small and it is difficult to find time for such visits. The dual role of the European affairs and international cooperation minister is unfortunate in this respect. The presence of ministers in the Council also suffers from the small size of the government. The Permanent Representative or his deputy acts on behalf of the responsible minister or state secretary in half of the Council meetings.

Contacts with MEPs from other member states. Dutch ministers and state secretaries who visit the EP usually confine their visits to Dutch MEPs. It is often more effective, however, to talk to the chair of a political group, usually not a Dutch person. Dutch MEPs are generally well respected in Brussels. They are looked upon as hard working and knowledgeable. Unfortunately, their influence is not as strong as it has been in other parliamentary terms. This is due in part to the recent enlargement of the EU and the decline in the relative number of Dutch MEPs (currently 26 of the 754). But the main cause is that Dutch MEPs are spread across a larger number of political groups than in the past and some members do not take part in a political group's activities. This makes it more difficult to gain an important position in a political group (see chapter I for a description of the various positions in the EP). There is not a single Dutch chair of a political group or of a permanent committee and only three Dutch MEPs (Peter van Dalen,

40 In practice sanctions follow almost automatically under reverse majority voting; if the Council does not reject a Commission proposal by qualified majority (55% of the member states, representing 65% of the population) within ten days, the proposal is automatically approved.

41 Based on a study by the Permanent Representation in Brussels conducted at the AIV's request.

Gerben-Jan Gerbrandy, Sophie in 't Veld) are deputy chairs of such committees.⁴² Of the 132 coordinators, seven are from the Netherlands. This is roughly the same proportion as that of Dutch MEPs in the EP. Corien Wortmann, vice-chair of the European People's Party Group, currently holds the most prominent position. Dutch MEPs, moreover, are unevenly spread across the various committees. Some interviewees describe the situation as 'swarm behaviour'. At the forefront are the Civil Liberties, Justice and Home Affairs Committee, the Foreign Affairs Committee (including its subcommittees) and the Environment, Public Health and Food Safety Committee, with between four and six permanent members from the Netherlands. The more economic committees, which are of at least equal importance to Dutch citizens but even more important to the Netherlands as a trading nation, have far fewer Dutch MEPs as permanent members. Examples include the Internal Market and Consumer Protection Committee, the Transport and Tourism Committee, the Industry, Research and Energy Committee and the Economic and Monetary Affairs Committee. These all have only one or two permanent members from the Netherlands. The Agriculture and Rural Development, Fisheries, International Trade, Constitutional Affairs and Legal Affairs Committees do not have a single permanent Dutch member.⁴³ Since the Netherlands often does not have a representative in a powerful position, representatives of the Dutch government should increasingly concentrate on MEPs from other member states. This offers opportunities for even more effective lobbying.

Embedding in the coordination structure. Germany and France have formalised consideration of the EP's position in their interministerial coordination structures. Berlin recently introduced a monthly meeting for civil servants from the EU department of the foreign ministry, a number of MEPs and national MPs (not restricted to the coalition parties). It is a useful forum to exchange information directly on important dossiers discussed in the EP. Another innovation is a monthly meeting of the German State Secretary for European Affairs and the Permanent Representative ahead of each plenary session in Strasbourg. In Paris, half-yearly interministerial meetings set the priorities for the dossiers being dealt with by the EP. The priorities are always agreed at government level. Line ministries that set priorities in their policy fields undertake to make an active contribution during the follow-up procedure, in part by drawing up position papers. The United Kingdom also circulates position papers to UK MEPs and MEPs from other member states. The Dutch government could consider doing this more often. It would be a good opportunity for the government to place certain issues clearly in the spotlight. It must not advise MEPs on how to vote, however, as that would be counterproductive and constitutionally incorrect. Focusing minds on the position of the EP in the coordination structure in The Hague could improve results. Various interviewees said the Netherlands successfully made its position known at an early stage but ministries were subsequently not involved, for example by making concrete suggestions for amendments in the EP.

Stronger civil service capacity. The AIV recommends that decision-making in the EP be considered systematically in The Hague. At present, the Ministry of Foreign Affairs in The Hague has just one policy officer dedicated to developments in the EP. The other ministries have not designated anybody to do this. The practice in Germany and France can serve as an inspiration. The German foreign ministry has a dedicated Europe department with four people working exclusively on relations with the EP. The head of

42 EP website <<http://www.europarl.europa.eu/meps>> and the websites of the political groups in the EP.

43 See: <<http://www.europarl.europa.eu/committees/nl/parliamentary-committees.htm>>.

this Referat has the appropriate official stature and is close enough to the decision-making procedure in Berlin to be an authoritative contact for German MEPs. This official attends every plenary session in Strasbourg and regularly visits Brussels. In France, the *Secrétariat général des affaires européennes* (SGAE), the permanent coordination committee for European policy, reports to the French prime minister and has a six-strong unit dedicated to the parliamentary decision-making process. Four of its members focus on the EP and two on the national parliament. Furthermore, every French ministry has appointed a policy officer to liaise on EP matters.

Strengthening knowledge. Dutch ministries' knowledge of the EP's importance and procedures must be strengthened. This can be initiated by the Ministries of Foreign Affairs and of the Interior in collaboration with the Permanent Representation and Dutch civil servants at the EP. Ministries that are highly regarded in this area can also make a contribution. Interviewees frequently named the former Ministry of Transport, Public Works and Water Management (now part of the Ministry of Infrastructure and the Environment) in this respect. In the past, master classes on the operation of the EU under the Lisbon Treaty were organised for civil servants. There are occasional meetings on the operation of the EP, such as the one organised by the Ministry of Foreign Affairs' Centre of Expertise on European Law in July 2012. The HEC/ROI Europe unit has done a lot of pioneering work in this area. The AIV believes such activities should be organised more regularly. Roadshows on the EP, similar to those held in the United Kingdom, could be held at the ministries. Another UK example that deserves following, provided Dutch MEPs are open to it, is the organisation of internships with MEPs so that Dutch civil servants can learn about the dynamics of the EP from the inside. The AIV thinks knowledge and experience of the EU should be a precondition for admission to the Senior Civil Service.

Operation of the Permanent Representation. The member states' embassies in Brussels take a very similar approach to the EP. Every Permanent Representation (PR) has a separate EP division to monitor horizontal issues (institutional questions, politically-sensitive issues, relationship between dossiers). The specialist attachés by contrast are responsible primarily for following dossiers in their own areas. There are differences, however, in the size of the divisions. Belgium's consists of one and a half FTEs, Slovenia's and Denmark's of two FTEs (temporarily four during the Danish Presidency), France's of three FTEs (one of whom combines the task with that of press attaché), Germany's of four FTEs (one of whom is from the *Länder*) and the UK's of six FTEs. The UK EP division leaves less to the specialist attachés. The Dutch EP division consists of two diplomats, one central government trainee (rotating every six months) and a temporary local employee. Interviews with several member states found that a minimum of three dedicated FTEs is required to do the work effectively. The French PR said it could carry out the tasks adequately with its current staff because it was supported by a robust and experienced EP division in Paris and the associated network at the line ministries. Most PRs work with a weekly schedule that informs the staff of the main debates in the EP's committee meetings. The Dutch PR works with a schedule of the legislation under discussion so that its head can decide when to intervene. Unlike The Hague, the PR divides its time more equally between the Council and the EP. It is difficult, however, to 'steer' debates in the EP and to agree on a clear exchange of dossiers. Furthermore, decision-making in the Council must be taken into consideration. Many balls have to be kept in the air at the same time.

More direct contact between civil servants and MEPs. Strict rules were introduced in 1998 on the contact between civil servants and members of parliament. They are laid

down in the instructions for civil servants' external contacts,⁴⁴ also known as the 'Kok edict' after the prime minister under whose responsibility the agreements were made. Under the previous government, prime minister Mark Rutte said a 'more relaxed' approach would be taken to the instructions. The rule that a minister must give permission for direct substantive contacts between members of parliaments and civil servants, however, is still formally applicable. In practice not all ministers and state secretaries value such contacts and Dutch civil servants are exceedingly reluctant to make them or avoid them altogether, particularly when the contacts are with representatives of the opposition. If a civil servant speaks at length to a member of parliament, it is usually at the request and with the knowledge of the minister or state secretary concerned. In the day-to-day reality of Brussels such an arrangement is unrealistic. The PR's staff are in daily contact with MEPs from both the coalition parties and the opposition. The AIV recommends that direct contacts between civil servants from The Hague and MEPs should be permitted without the prior permission of the minister, in order to maximise the Netherlands' influence in Brussels. Even in France, which is known for its more formal administrative culture, it is common practice for staff from the SGAE to approach MEPs directly.

Dutch members of the EP secretariat. The government could encourage the placement of Dutch civil servants in strategic positions in the EP in the same way that it encourages placements with the European Commission. The civil servants' primary loyalty, of course, is to the institution for which they work. When preparing a decision, however, it helps to have people who understand the Dutch situation and way of thinking. It is also easier for the Dutch government to approach such people and they are generally more inclined to share information. In comparison with other European countries few senior civil servants from the Netherlands work at the EP in strategic policy positions. The three Dutch directors are the heads of support services, albeit important ones. Nor does the Netherlands have divisional heads on influential parliamentary committees.

III.2 The national parliament

Involvement in Europe. The request for advice asked how the government should best engage with the EP. The AIV thinks attention should also be paid to the role of the Dutch parliament. The States General have attempted to strengthen their involvement in European decision-making in recent years. Since 2004, the Senate and the House of Representatives have together stationed a representative in Brussels. In 2007 the House increased the number of the parliamentary civil servants in The Hague by appointing extra EU advisers to support MPs on matters of European decision-making.⁴⁵ Since 2001, members of the Senate have enjoyed extra support from the civil service to prepare decisions on European policy. The various House committees identify European proposals in the Commission's annual work programme that deserve closer attention. Both the House and the Senate can then indicate where they wish to make a scrutiny reservation or where they intend to test subsidiarity (i.e. whether a proposal should really be made at European level). The AIV thinks the States General's use of these instruments in its involvement in decision-making in Brussels has clearly progressed in the past ten years but could still be far more effective. It was noted in chapter II

⁴⁴ Government Gazette, 1998, no. 104, <<https://zoek.officielebekendmakingen.nl/stcrt-1998-104-p8-SC14139.html>>.

⁴⁵ *Bovenop Europa, Evaluatie van de versterkte EU ondersteuning van de Tweede Kamer, 2007-2011* (On top of Europe. Evaluation of the strengthened EU support for the House of Representatives, 2007-2011).

that the Dutch parliament should pay more attention to day-to-day matters in Brussels. The Dutch parliament may be one of the few national parliaments to have held regular public debates with the government on such prominent and vital issues as the euro crisis but it gives markedly less priority to more technical issues that could have far-reaching consequences, such as the six-pack. Parliament is also highly dependent on the government for information.

Parliamentary procedures. The Dutch parliament rightly takes a decentralised approach, with relevant committees expressing opinions on specific European proposals. The Permanent Committee on European Affairs (House of Representatives) and the European Cooperation Committee (Senate) confine themselves to coordinating the process but also play an important role in the preparations for the European Council and in horizontal EU issues, such as treaty amendments. Only Belgium, Germany and Slovakia grant such an important role in evaluating European proposals to specialist committees.⁴⁶ The House also uses a combination of a Council- and document-related system. This means that it holds a debate with the government before a Council meeting but also expresses its own opinion on individual proposals as soon as the Commission makes them. Other member states also use such a system. Frequently named examples of ‘strong’ national parliaments in EU matters are the Danish Folketing, which has to give the government a specific mandate, and the Finnish Eduskunta, where a Grand Committee considers European legislation and questions ministers and state secretaries. MEPs regularly and formally participate in the deliberations of several parliaments. The German parliament’s European Affairs Committee, for example, is made up of 35 members of the Bundestag and 16 German MEPs, who can take part in all debates and propose items for inclusion on the agenda.⁴⁷ The UK parliament’s Scrutiny Committee has a fixed monthly meeting with UK MEPs. The Danish Folketing also holds regular meetings with Danish MEPs. The House of Representatives does not have such an institutionalised arrangement. The annual debate on the State of the European Union is the only occasion on which Dutch MEPs, subject to certain conditions, play a – limited – role in the House’s deliberations. The AIV thinks the House should organise more frequent participation by MEPs in its work, especially within their own political parties.

Yellow and orange cards. The use of yellow and orange cards plays an important role in the public debate.⁴⁸ The first yellow card was recently issued in respect of a regulation to limit the right to strike, in response to which the Commission withdrew its proposal. The Danish parliament took the lead and presented a reasoned objection after just three weeks. The regulation was not on the House’s or the Senate’s list of priorities but when it became clear that the blocking threshold of 18 of the 54 votes was feasible,

46 J. Kester and M. van Keulen, ‘De Tweede Kamermethode: versterkte parlementaire invloed op Europese besluitvorming’, (The House of Representatives method: stronger parliamentary influence on European decision-making), *RegelMaat* 2011 (26) 6, pp. 303–314.

47 See: <http://www.bundestag.de/htdocs_e/bundestag/committees/a21/index.jsp>.

48 The Lisbon Treaty lays down that if a proposal is opposed by a third (yellow card) or half of all possible votes, with the support of the EP or Council (orange card), the European Commission must reconsider or withdraw it respectively. By way of clarification, to set the thresholds, each national parliament has two votes (in a bicameral system one vote for each chamber). As there are currently 27 member states, the total number of votes is 54.

parliament also lodged an objection following an emergency debate.⁴⁹ In view of the higher threshold for an orange card (27 of the 54 votes), the short response term of eight weeks and the current state of interparliamentary relations, the AIV does not think it likely that an orange card will be issued. The practical value of this highly praised instrument is therefore limited. In their contacts with MEPs, members of the House should highlight the importance of the EP's respect for the principle of subsidiarity and ensuring that legislation is not overly detailed. The AIV regrets the fact that the card system is symbolically chiefly a negative instrument – to oppose EU proposals – and would like to see it complemented with constructive powers such as the ability to request European legislative initiatives.

Stronger civil service presence in Brussels. The States General must have an independent information position in Brussels in the form of their own civil service presence supported by a central government trainee. They would then not be dependent solely on the government. The representatives of national parliaments in Brussels meet about three times a month. They form a useful network to exchange information on decision-making in national parliaments, including decisions on yellow and orange cards. They are not as important, though, as the Dutch Permanent Representation, which has about 70 policy officers to provide the Dutch government with information, although some of this information reaches the Dutch parliament indirectly. The Dutch parliament's presence in Brussels pales in comparison with that of, for example, the UK parliament, which consists of three persons. Most parliaments have a civil service presence similar to that of the Netherlands. It is impossible to follow all the House's priority dossiers (between 20 and 25) with such a small number and judicious choices have to be made. Active lobbying by a representative is possible only if the House as a whole supports a particular policy line.

Interparliamentary contacts. The civil service representation described above is important but is no substitute for the direct political involvement of national MPs. It is they who can hold Dutch MEPs to account and influence them, especially if there is a political difference of opinion in the House. National MPs should have direct contact with other national parliaments in order to raise the level of cooperation. The current formal interparliamentary network of the national parliaments' European affairs committees, COSAC (Conference of Parliamentary Committees for Union Affairs of the Parliament of the European Union),⁵⁰ is not seen by national MPs as a platform to share thoughts on current affairs such as legislative proposals and important developments, and it is therefore poorly attended. Its position could be improved if the agenda for its meetings better reflected current political developments. National MPs have a role to play in this. Added value could be sought in the form of bilateral meetings around COSAC meetings. (Interestingly, the Council secretariat and not COSAC informs national parliaments about yellow and orange card procedures). MPs, who are currently overwhelmed by the many meetings and voting rounds, could visit Brussels more often, especially in view of its proximity. This is essential given the growing importance of European decisions to national legislation. The House of Representative's rules of procedure could require MPs to visit Brussels at least once a month. Greater use of video conferencing might also be an option.

49 Proceedings of the House of Representatives 2011-2012, 85, file no. 33251.

50 Established in 1989 and formally recognised in Protocol 1 to the Lisbon Treaty. Delegations from the European affairs committees of national parliaments and representatives of the EP meet in COSAC.

III.3 Cooperation with interest groups

In addition to the government and the Dutch parliament, many corporate and civil society organisations promote their interests in Brussels. Together with Washington, Brussels is known as the lobbying capital of the world. Since 2011, all lobbyists seeking access to the EP buildings have had to be entered in a transparency register set up jointly with the European Commission. More than 5,300 interest groups and consultants are currently accredited.⁵¹ The total number of lobbyists active in Brussels is thought to be many times greater. However, this section of the report considers not the activities of interest groups in Brussels but how cooperation between them and the government and House of Representatives can be strengthened. Dutch interests groups can lobby the EP not only in Brussels but also through the Dutch government and the States General.

One of the first opportunities to influence the Dutch government is during the preparation of fiches on the Dutch position on new Commission proposals (Assessment of New Commission Proposals, BNC). The government must send these BNC fiches to parliament within six weeks of the Commission making a new proposal. Few Dutch organisations are aware of this, let alone that they can make their own positions known at that stage. Conversely, Dutch civil servants could go to greater lengths to learn about the positions of the interest groups active in Dutch society. The government could also act in concert with civil society groups more often in areas that are evidently in the Netherlands' interests, in order to influence decision-making in the EP.⁵²

Dutch interest groups could make better use of the opportunities available to influence European decision-making via the House of Representatives. At present, relatively few civil society organisations know precisely when to approach parliament. In comparison with the deluge of letters on national issues, correspondence on European issues is negligible.⁵³ The House of Representatives started to organise annual network meetings last year to inform civil society organisations and the business community about the Commission's legislative programme. By asking for proposals to be prioritised (see 'Parliamentary procedures' in section III.2) and raising certain substantive issues before they are debated in the House, for example during committee meetings with members of government, parliament can ask the government to adopt certain positions in the EU, and Dutch MPs can contact their political counterparts in the political groups in the EP. The interests identified in this way can then be included more effectively in the EP's decisions.

These options to increase the synergy between civil society organisations and the government can be used to promote Dutch interests even more effectively in Brussels. The Netherlands could achieve more if coordination between the government and civil

51 See: <<http://www.ec.europa.eu/transparencyregister/public/consultation/listaccreditations.do?locale=en&reset>>.

52 See the report entitled *Nederland en de Europese regelgeving* (The Netherlands and European legislation) issued by the European Union legislation theme group of the Association of Former Employees of Rijkswaterstaat, 2011 <<http://www.vorrws.nl>>.

53 J. Kester and M. van Keulen, 'De Tweede Kamermethode: versterkte parlementaire invloed op Europese besluitvorming' (The House of Representatives method: stronger parliamentary influence on European decision-making), *Regel/Maat* 2011 (26) 6, p. 314.

society organisations were improved and if the interests identified were promoted simultaneously by national bodies. The AIV recommends that the government establish a task group consisting of representatives from politics, the civil service and interest groups to determine how coordination can be strengthened in order to maximise the effectiveness of Dutch input into Brussels' decision-making.

IV Summary of the AIV's findings

IV.1 Increased influence of the European Parliament

The European Parliament has grown into an influential body in all areas in which the EU has competence. The other EU institutions and the member states must take serious account of it. The EP has strengthened its influence in a variety of ways. *Firstly*, the Lisbon Treaty's entry into force on 1 December 2009 conferred many new powers on it. In nearly all policy fields, the EP now has as much say on the adoption of legislation as the Council and it also has a say on all EU expenditure. The Treaty also strengthened the EP's supervision of the European Commission – and to some extent of the Council and the European Council, too. *Secondly*, the EP has strengthened its power by winning concessions from the Commission outside the Treaty. These powers were laid down in an Interinstitutional Agreement in October 2010. They relate in part to the dismissal of individual commissioners and the initiation of legislation. *Thirdly*, the EP has increased its influence by adopting a clever negotiating strategy and linking certain dossiers in package deals. The EP makes its assent on issues where it can exercise influence conditional on concessions by the Council in areas where the EP has little influence.

These changes – including the strengthening of the European Council, in part by the euro crisis – has led to a shift in the balance of power among the institutions. The EP's increased powers offer national governments new opportunities to influence EU decision-making by approaching the EP more frequently. We answer the government's questions by presenting the main conclusions and recommendations from the advisory report below.

IV.2 Stronger identification with the European Parliament

Question: While the EP has gained more powers, enlargement to 27 member states has made it harder for citizens to identify with it. How should the government address this dilemma? The government also invited the AIV to consider how political and public support for the EU can be strengthened.

The increase in the EP's powers has not strengthened public identification with the institution. Public confidence in the EP has remained relatively low and the turnout for European elections has fallen. The AIV thinks that increasing public esteem for the EP can help restore Dutch popular support for the Union as such, although it will certainly not be easy in the current economic climate. The AIV also thinks that positive or negative public perception of the EP is closely related to the EU's ability to achieve results in the public interest (output legitimacy), the presence of a recognisable democratic system (input legitimacy) and the extent to which the political debate does justice to these two elements. These are the directions in which the AIV has looked for measures to strengthen identification with the EP.

Output legitimacy

- 1) The EU must achieve results that benefit its citizens and protect the public interest.
The EU's image will be influenced in part by its success in answering the economic and financial crisis. Many people are concerned about the adverse effects of the internal market on employment and the spending cuts necessitated by strict budgetary discipline. The AIV thinks European citizens would identify more with the

EU if it acted as an *institutional buffer* against the effects of globalisation. In the AIV's opinion, the EU could play a meaningful role by addressing cross-border social problems (e.g. labour mobility problems). This would complement the national powers of the member states.

Input legitimacy

The AIV supports the *politicisation of European elections*. The elections should be a true political contest. The composition and political colour of the Commission should reflect the outcome of European elections.

- 2) The AIV believes the Commission President should be *elected* by a majority of MEPs every five years following the election of the EP. This would give the President a clearer political mandate and ensure that the election had more direct relevance to citizens.
- 3) In the AIV's opinion, the drawing up of *European voting lists* would contribute to the formation of European political parties and European political awareness. In view of the political opposition, however, this is not realistic in the near future.

The AIV supports the *greater involvement of national parliaments*. Citizens often identify more strongly with national MPs than with MEPs. National parliaments can therefore be a vital link between national and European decision-making.

- 4) Greater *synchronisation* is needed of debates in the EP and debates in the House of Representatives. When important issues are debated in the EP, they should also be debated in a plenary session of the House. Synchronisation would ensure that political issues debated in the EP are also debated in The Hague.
- 5) On treaty and practical grounds, the AIV dismisses the recurrent wish to introduce the *dual mandate*, under which members of the national parliament are also members of the EP.
- 6) The AIV also believes the introduction of a *European Senate*, consisting of MPs from the member states, is undesirable because it would further complicate the already complex European decision-making process.

Greater involvement of national parliaments could contribute to a more recognisable democratic system and increase support. Recommendations on how the Dutch parliament can effectively influence policy are presented in points 17-20.

Political debate

In the AIV's opinion, the above proposals to strengthen both output and input legitimacy will be inadequate unless the *tone of the political debate* changes. Politicians reap what they sow. In the past, they have often created an artificial split between The Hague and Brussels and were sometimes dismissive of the European institutions. This has not been conducive to public identification with Europe.

- 7) It should be emphasised that Europe is not something over which we have no control and that ministers and state secretaries should *support the decisions* they agree upon in the Council.

- 8) In the AIV's opinion, politicians should do more to *highlight* the crucial role played by the EP in the European decision-making process and its function in the European legal community.

IV.3 Promotion of Dutch interests and the European Parliament

Question: How can the government best engage with the new role the EP has assumed since the Lisbon Treaty's entry into force? How could we increase our influence on EP decision-making?

Question: How does the Netherlands' cooperation with the EP as co-legislator compare with that of several other member states? What lessons could the Netherlands learn in this regard?

To answer these questions, this report makes a distinction between the following three actors in the Netherlands: the government, the national parliament and interest groups.

The government

The AIV thinks the government's influence on the EP can be improved in a number of important areas:

- 9) The ministries in The Hague still focus chiefly on the Council. In view of the increased influence of the EP, they should pay more attention to this influential body. *The attention paid to both legislative institutions* should be better balanced.
- 10) The government must invest in a *strategic relationship* with the EP and set clear priorities: on which dossiers does it wish to give and on which does it wish to take? According to the AIV, such a strategy should include support for the EP's position as an actor in the European legal order.
- 11) The AIV believes ministers and state secretaries should *visit prominent MEPs* more frequently to draw attention to the Dutch position on important dossiers. This happens too infrequently at present.
- 12) The proportion of Dutch MEPs has declined and they hold less prominent positions. The government should therefore invest more in contacts with MEPs from *other member states*. This will provide opportunities to promote Dutch interests even more effectively.
- 13) The AIV recommends that consideration of the EP's position be embedded more *firmly* in the *national coordination structure* and that the *capacity of the civil service* be strengthened throughout central government. Inspiration can be drawn from the practice in France and Germany as described in this report.
- 14) The government should deepen its *knowledge* of the operation of the EP within central government by means of master classes, internships with MEPs and making EU experience compulsory for admission to the Senior Civil Service.
- 15) *Direct contact* must be permitted between Dutch civil servants and MEPs. The instructions on the external contacts of civil servants, also known as the 'Kok edict', should be withdrawn as they set overly strict conditions.

- 16) The Netherlands is poorly represented by civil servants in strategic positions in the EP. The Dutch government could promote the *placement of Dutch civil servants* in strategic positions in the same way that it does in the case of the Commission.

The national parliament

The AIV makes the following recommendations to strengthen the national parliament's involvement in decision-making in Brussels:

- 17) The House of Representatives should involve MEPs more frequently in its work.
In other parliaments, consultation between national MPs and MEPs is more institutionalised.
- 18) The network of national parliaments' European affairs committees (COSAC) will gain in value if its agenda is better aligned with political developments. Members of the House should also visit Brussels more often.
- 19) In view of the growing importance of European decision-making on national legislation, the House of Representatives should give it *more prominence* in its own work, for example during plenary debates.
- 20) The highly praised yellow and orange card procedure has only limited practical value. Moreover it is used chiefly to obstruct EU proposals. The AIV would like to see the procedure complemented with *constructive* powers, such as the ability to request European legislative initiatives.

Cooperation with interest groups

The AIV believes that joint action by interest groups, the government and parliament would make the Netherlands even more successful in Brussels.

- 21) Few organisations make their positions known when new Commission proposals are evaluated by the *Dutch government*. Conversely, Dutch civil servants could go to greater lengths to learn about the interest groups' positions.
- 22) Dutch interest groups could influence the European decision-making process more frequently through the *House of Representatives*. At present, relatively few groups approach the Dutch parliament at the right moment.
- 23) The AIV recommends that the government establish a *task group* consisting of political and civil service representatives on the one hand and of interest group representatives on the other to study how coordination can be strengthened in order to maximise Dutch input into decision-making in Brussels.

Finally, the AIV would emphasise that implementing the recommendations to promote Dutch interests will have the intended effect only if, as noted, there is a concomitant change in the tone of the political debate about Europe in general and the EP in particular. The Netherlands will not appreciably increase its influence on EU decision-making unless the responsible politicians recognise and communicate the EP's vital position in European decision-making and its function in the European legal community. It is of fundamental importance that members of the EP and of the national parliament see each other as potential allies that deserve one another's support.

Annexes

Request for advice

Mr F. Korthals Altes
Chairman of the Advisory Council
on International Affairs
P.O. Box 20061
2500 EB The Hague

Date November 2011
Re Request for advice on the European Parliament

Dear Mr Korthals Altes,

In the State of the European Union 2011-2012, the government set out its views on the EU. It suggested that the EU's values and objectives are closely aligned with those of the government. The Union has delivered economic benefits through the internal market and has contributed to peace and security. The government wants to take a realistic approach to the EU, assessing the options on European integration on their merits. It wants to see an effective, decisive Union wherever European action is in the Netherlands' interest. Conversely, it does not want European policy in areas where intervention is not needed and where member states are perfectly capable of making their own arrangements.

This approach requires good working relationships between the Netherlands and the EU's institutions. The Treaty of Lisbon, in force for two years now, has modernised the EU's institutional structure in several ways. One important example is the extra powers conferred on the European Parliament (EP). The codecision procedure, in which the Council and the EP jointly decide on EU legislation, has become the standard legislative procedure. This has increased the EP's influence on EU decision-making. What's more, in a number of cases the EP has sought to test its new power against that of the Council.

Against this background we would like to pose the following questions to the AIV.

1. How can the government best engage with the new role the EP has assumed since the Lisbon Treaty's entry into force? How could we increase our influence on EP decision-making?
2. How does the Netherlands' cooperation with the EP as co-legislator compare with that of several other member states? What lessons could the Netherlands learn in this regard?
3. While the EP has gained more powers, the enlargement to 27 member states has made it harder for citizens to identify with. How should the government address this dilemma? To what extent is the EP's credibility affected by issues such as MEPs' allowances, its sessions in Strasbourg and the increase in the EU budget?

We look forward to receiving your recommendations, preferably in the form of a concise advisory report.

Yours sincerely,

[signed]

[signed]

Uri Rosenthal

Ben Knapen

Minister of Foreign Affairs
Cooperation

Minister for European Affairs and International

Annexe II**List of persons consulted**

Name	Position/Organisation
C. Baukhage	First Secretary, German Permanent Representation to the EU
M. Berman	Member of the European Parliament, Progress Alliance of Socialists and Democrats Group
L. Bernheim	Counsellor, French Permanent Representation to the EU
A. Bielecki	Attaché, Belgian Permanent Representative to the EU
E. Brok	Member of the European Parliament, Bureau member, European People's Party Group (Christian Democrats)
Dr B.R. Bot	Former Minister of Foreign Affairs, former Dutch Permanent Representative to the EU
T.J.A.M. de Bruijn	Member of the Council of State, former Dutch Permanent Representative to the EU
E. Burns	First Secretary, UK Permanent Representation to the EU
J. Coolegem	Director for Interpretation at the European Parliament
A. Duff	Member of the European Parliament, Alliance of Liberals and Democrats for Europe Group
B. Eickhout	Member of the European Parliament, Greens/European Free Alliance Group
P. de Gooijer	Dutch Permanent Representative to the EU
D.J.M. de Grave	Legal adviser, Dutch Permanent Representation to the EU
L. Hendrikx	Head of Dutch interpretation at the European Parliament
S. Jakobsen	First embassy secretary, Danish Permanent Representation to the EU
Dr M. van Keulen	European Affairs registrar, House of Representatives
C. Lobbezoo	Counsellor, Dutch Permanent Representation to the EU
G. Milton	Head of the Administrative Unit, Interinstitutional Relations Directorate, Secretary-General of the Council of the EU

<i>B. Mrak</i>	Counsellor, Slovenian Permanent Representation to the EU
<i>J. Mulder</i>	Member of the European Parliament, Alliance of Liberals and Democrats for Europe Group
<i>J. Nijssen</i>	Senior officer, European Integration Department, Ministry of Foreign Affairs
<i>M.B.J. Offermans</i>	Senior Adviser, Public Matters, Public Affairs & Lobby Advice
<i>D. Oldenburg</i>	Deputy Dutch Permanent Representative to the EU
<i>Dr C. Prins</i>	Deputy Head of External Relations, Europe, Unilever
<i>S. van der Vaart</i>	Head of Information Bureau, European Parliament in the Netherlands
<i>G. Verhofstadt</i>	Member of the European Parliament, Chair of the Alliance of Liberals and Democrats for Europe Group, former Belgian prime minister
<i>K. van Vlierberge</i>	Counsellor, Belgian Permanent Representative to the EU
<i>G.M. de Vries</i>	Member of the European Court of Auditors, former member of the European Parliament, former head of the European Liberal and Democratic Party Group (Liberals)
<i>C.M. Wortmann-Kool</i>	Member of the European Parliament, Deputy chair of the European People's Party Group (Christian Democrats)

Previous reports published by the Advisory Council on International Affairs

- 1 AN INCLUSIVE EUROPE, *October 1997*
- 2 CONVENTIONAL ARMS CONTROL: urgent need, limited opportunities, *April 1998*
- 3 CAPITAL PUNISHMENT AND HUMAN RIGHTS: recent developments, *April 1998*
- 4 UNIVERSALITY OF HUMAN RIGHTS AND CULTURAL DIVERSITY, *June 1998*
- 5 AN INCLUSIVE EUROPE II, *November 1998*
- 6 HUMANITARIAN AID: redefining the limits, *November 1998*
- 7 COMMENTS ON THE CRITERIA FOR STRUCTURAL BILATERAL AID, *November 1998*
- 8 ASYLUM INFORMATION AND THE EUROPEAN UNION, *July 1999*
- 9 TOWARDS CALMER WATERS: a report on relations between Turkey and the European Union, *July 1999*
- 10 DEVELOPMENTS IN THE INTERNATIONAL SECURITY SITUATION IN THE 1990s: from unsafe security to unsecured safety, *September 1999*
- 11 THE FUNCTIONING OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, *September 1999*
- 12 THE IGC AND BEYOND: TOWARDS A EUROPEAN UNION OF THIRTY MEMBER STATES, *January 2000*
- 13 HUMANITARIAN INTERVENTION, *April 2000**
- 14 KEY LESSONS FROM THE FINANCIAL CRISES OF 1997 AND 1998, *April 2000*
- 15 A EUROPEAN CHARTER OF FUNDAMENTAL RIGHTS?, *May 2000*
- 16 DEFENCE RESEARCH AND PARLIAMENTARY SCRUTINY, *December 2000*
- 17 AFRICA'S STRUGGLE: security, stability and development, *January 2001*
- 18 VIOLENCE AGAINST WOMEN: LEGAL DEVELOPMENTS, *February 2001*
- 19 A MULTI-TIERED EUROPE: the relationship between the European Union and subnational authorities, *May 2001*
- 20 EUROPEAN MILITARY-INDUSTRIAL COOPERATION, *May 2001*
- 21 REGISTRATION OF COMMUNITIES BASED ON RELIGION OR BELIEF, *June 2001*
- 22 THE WORLD CONFERENCE AGAINST RACISM AND THE RIGHT TO REPARATION, *June 2001*
- 23 COMMENTARY ON THE 2001 MEMORANDUM ON HUMAN RIGHTS POLICY, *September 2001*
- 24 A CONVENTION, OR CONVENTIONAL PREPARATIONS? The European Union and the ICG 2004, *November 2001*
- 25 INTEGRATION OF GENDER EQUALITY: a matter of responsibility, commitment and quality, *January 2002*
- 26 THE NETHERLANDS AND THE ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE IN 2003: role and direction, *May 2002*
- 27 BRIDGING THE GAP BETWEEN CITIZENS AND BRUSSELS: towards greater legitimacy and effectiveness for the European Union, *May 2002*
- 28 AN ANALYSIS OF THE US MISSILE DEFENCE PLANS: pros and cons of striving for invulnerability, *August 2002*
- 29 PRO-POOR GROWTH IN THE BILATERAL PARTNER COUNTRIES IN SUB-SAHARAN AFRICA: an analysis of poverty reduction strategies, *January 2003*
- 30 A HUMAN RIGHTS BASED APPROACH TO DEVELOPMENT COOPERATION, *April 2003*
- 31 MILITARY COOPERATION IN EUROPE: possibilities and limitations, *April 2003*
- 32 BRIDGING THE GAP BETWEEN CITIZENS AND BRUSSELS: towards greater legitimacy and effectiveness for the European Union, *April 2003*
- 33 THE COUNCIL OF EUROPE: less can be more, *October 2003*
- 34 THE NETHERLANDS AND CRISIS MANAGEMENT: three issues of current interest, *March 2004*
- 35 FAILING STATES: a global responsibility, *May 2004**

- 36 PRE-EMPTIVE ACTION, *July 2004**
- 37 TURKEY: towards membership of the European Union, *July 2004*
- 38 THE UNITED NATIONS AND HUMAN RIGHTS, *September 2004*
- 39 SERVICES LIBERALISATION AND DEVELOPING COUNTRIES: does liberalisation produce deprivation?, *September 2004*
- 40 THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, *February 2005*
- 41 REFORMING THE UNITED NATIONS: A closer look at the Annan report, *May 2005*
- 42 THE INFLUENCE OF CULTURE AND RELIGION ON DEVELOPMENT: Stimulus or stagnation?, *June 2005*
- 43 MIGRATION AND DEVELOPMENT COOPERATION: coherence between two policy areas, *June 2005*
- 44 THE EUROPEAN UNION'S NEW EASTERN NEIGHBOURS: *July 2005*
- 45 THE NETHERLANDS IN A CHANGING EU, NATO AND UN, *July 2005*
- 46 ENERGISED FOREIGN POLICY: security of energy supply as a new key objective, *December 2005***
- 47 THE NUCLEAR NON-PROLIFERATION REGIME: The importance of an integrated and multilateral approach, *January 2006*
- 48 SOCIETY AND THE ARMED FORCES, *April 2006*
- 49 COUNTERTERRORISM FROM AN INTERNATIONAL AND EUROPEAN PERSPECTIVE, *September 2006*
- 50 PRIVATE SECTOR DEVELOPMENT AND POVERTY REDUCTION, *October 2006*
- 51 THE ROLE OF NGOS AND THE PRIVATE SECTOR IN INTERNATIONAL RELATIONS, *October 2006*
- 52 EUROPE A PRIORITY!, *November 2006*
- 53 THE BENELUX: the benefits and necessity of enhanced cooperation, *February 2007*
- 54 THE OECD OF THE FUTURE, *March 2007*
- 55 CHINA IN THE BALANCE: towards a mature relationship, *April 2007*
- 56 DEPLOYMENT OF THE ARMED FORCES: interaction between national and international decision-making, *May 2007*
- 57 THE UN HUMAN RIGHTS TREATY SYSTEM: strengthening the system step by step in a politically charged context, *July 2007*
- 58 THE FINANCES OF THE EUROPEAN UNION, *December 2007*
- 59 EMPLOYING PRIVATE MILITARY COMPANIES: a question of responsibility, *December 2007*
- 60 THE NETHERLANDS AND EUROPEAN DEVELOPMENT POLICY, *May 2008*
- 61 COOPERATION BETWEEN THE EUROPEAN UNION AND RUSSIA: a matter of mutual interest, *July 2008*
- 62 CLIMATE, ENERGY AND POVERTY REDUCTION, *November 2008*
- 63 UNIVERSALITY OF HUMAN RIGHTS: principles, practice and prospects, *November 2008*
- 64 CRISIS MANAGEMENT OPERATIONS IN FRAGILE STATES: the need for a coherent approach, *March 2009*
- 65 TRANSITIONAL JUSTICE: justice and peace in situations of transition, *April 2009**
- 66 DEMOGRAPHIC CHANGES AND DEVELOPMENT COOPERATION, *July 2009*
- 67 NATO'S NEW STRATEGIC CONCEPT, *January 2010*
- 68 THE EU AND THE CRISIS: lessons learned, *January 2010*
- 69 COHESION IN INTERNATIONAL COOPERATION: Response to the WRR (Advisory Council on Government Policy) Report '*Less Pretension, More Ambition*', *July 2010*
- 70 THE NETHERLANDS AND THE RESPONSIBILITY TO PROTECT: the responsibility to protect people from mass atrocities, *June 2010*
- 71 THE EU'S CAPACITY FOR FURTHER ENLARGEMENT, *July 2010*
- 72 COMBATING PIRACY AT SEA: a reassessment of public and private responsibilities, *December 2010*
- 73 THE HUMAN RIGHTS OF THE DUTCH GOVERNMENT: identifying constants in a changing world, *February 2011*
- 74 THE POST-2015 DEVELOPMENT AGENDA: the millennium development goals in perspective, *April 2011*

- 75 REFORMS IN THE ARAB REGION: prospects for democracy and the rule of law?, *May 2011*
- 76 THE HUMAN RIGHTS POLICY OF THE EUROPEAN UNION: between ambition and ambivalence, *July 2011*
- 77 CYBER WARFARE, *December 2011**
- 78 EUROPEAN DEFENCE COOPERATION: sovereignty and the capacity to act, *January 2012*
- 79 THE ARAB REGION, AN UNCERTAIN FUTURE, *May 2012*
- 80 UNEQUAL WORLDS: poverty, growth, inequality and the role of international cooperation, *September 2012*

Advisory letters issued by the Advisory Council on International Affairs

- 1 Advisory letter THE ENLARGEMENT OF THE EUROPEAN UNION, *December 1997*
- 2 Advisory letter THE UN COMMITTEE AGAINST TORTURE, *July 1999*
- 3 Advisory letter THE CHARTER OF FUNDAMENTAL RIGHTS, *November 2000*
- 4 Advisory letter ON THE FUTURE OF THE EUROPEAN UNION, *November 2001*
- 5 Advisory letter THE DUTCH PRESIDENCY OF THE EU IN 2004, *May 2003****
- 6 Advisory letter THE RESULTS OF THE CONVENTION ON THE FUTURE OF EUROPE, *August 2003*
- 7 Advisory letter FROM INTERNAL TO EXTERNAL BORDERS. Recommendations for developing a common European asylum and immigration policy by 2009, *March 2004*
- 8 Advisory letter THE DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: from Deadlock to Breakthrough?, *September 2004*
- 9 Advisory letter OBSERVATIONS ON THE SACHS REPORT: How do we attain the Millennium Development Goals?, *April 2005*
- 10 Advisory letter THE EUROPEAN UNION AND ITS RELATIONS WITH THE DUTCH CITIZENS, *December 2005*
- 11 Advisory letter COUNTERTERRORISM IN A EUROPEAN AND INTERNATIONAL PERSPECTIVE: interim report on the prohibition of torture, *December 2005*
- 12 Advisory letter RESPONSE TO THE 2007 HUMAN RIGHTS STRATEGY, *November 2007*
- 13 Advisory letter AN OMBUDSMAN FOR DEVELOPMENT COOPERATION, *December 2007*
- 14 Advisory letter CLIMATE CHANGE AND SECURITY, *January 2009*
- 15 Advisory letter THE EASTERN PARTNERSHIP, *February 2009*
- 16 Advisory letter DEVELOPMENT COOPERATION, The benefit of and need for public support, *May 2009*
- 17 Advisory letter OPEN LETTER TO A NEW DUTCH GOVERNMENT, *June 2010*
- 18 Advisory letter THE EUROPEAN COURT OF HUMAN RIGHTS: Protector of civil rights and liberties, *November 2011*
- 19 Advisory letter TOWARDS ENHANCED ECONOMIC AND FINANCIAL GOVERNANCE IN THE EU, *February 2012*
- 20 Advisory letter IRAN'S NUCLEAR PROGRAMME: Towards de-escalation of a nuclear crisis, *April 2012*
- 21 Advisory letter THE RECEPTOR APPROACH: A question of weight and measure, *April 2012*
- 22 Advisory letter OPEN LETTER TO A NEW DUTCH GOVERNMENT: The armed forces at risk, *September 2012*

* Issued jointly by the Advisory Council on International Affairs (AIV) and the Advisory Committee on Issues of Public International Law (CAV).

** Joint report by the Advisory Council on International Affairs (AIV) and the General Energy Council.

*** Joint report by the Advisory Council on International Affairs (AIV) and the Advisory Committee on Aliens Affairs (ACVZ).