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Mendeltje van Keulen

The Netherlands 2004 EU Council Presidency:

Dutch EU Policy-making in the Spotlights

Sieps
Swedish Institute for European Policy Studies

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PREFACE

Sieps, the Swedish Institute for European Policy Studies, conducts and promotes research, evaluations, analyses and studies of European policy issues, with a focus primarily on the areas of political science, law and economics.

One of the missions of the Institute is to act as a bridge between academics and policy-makers *inter alia* by arranging seminars and publishing reports. Sieps hopes to contribute to increased interest in current issues in European integration as well as increased debate on the future of Europe. Sieps seeks to co-operate with other research institutes and think tanks dealing with European affairs.

This paper is the second in Sieps' series of occasional papers concerning a specific presidency. It is our intention to henceforth publish brief reports on the incumbent presidency, focusing on the agenda, the domestic factors and the country's specific relation to the European Union. This paper formed the background to a seminar arranged by Sieps on 3 November 2004 on the theme of the Dutch Presidency.

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THE NETHERLANDS 2004 EU COUNCIL PRESIDENCY: DUTCH EU POLICY-MAKING IN THE SPOTLIGHTS

INTRODUCTION

This paper discusses the domestic backgrounds and challenges of the 2004 Netherlands European Union (EU) Council Presidency, which is at the moment of writing well under way.[1] During the six-month period, Dutch government representatives are responsible for chairing Council meetings at the administrative and political level. A national Presidency is generally regarded by member states as a highlight period for EU policy-making 'at home'. Although this is the 11th time the Dutch hold the Council Chair, the challenges they face this time at the EU and the domestic level are surely unique. This paper focuses on the latter, reviewing the national organisation and management of the Presidency with the use of empirical results from a written survey covering some 550 government officials. It is argued that this period at the EU's helm may come at exactly the right time for the Netherlands. According to domestic observers, Dutch government has been somewhat unsure recently about the role and position of the Netherlands within an enlarged and increasingly political

[1] This paper is partly based upon an extensive review of the Netherlands 2004 EU Presidency, including numerous interviews and dossier studies: M. Sie Dhian Ho and M. van Keulen: *The Dutch at the Helm: Navigating on a Rough Sea,* Paris: Research and European Issues, nr 34, (available for download at www.notre-europe.asso.fr). Moreover, it builds upon experiences from the Spring 2004 Presidency Training programme, organised by the European Institute of Public Administration in Maastricht and the Clingendael Institute in The Hague. For more information see www.clingendael-eipa.nl.

European Union. The Presidency may prove to be a catalyst for change, as the government is forced to take a clear stance towards certain EU policy developments, streamlining internal political-administrative procedures and stimulating EU-awareness within the central government administration.

The paper is divided into three sections. In order to place the current Presidency in the broader context of EU policy-making, section one discusses two dominant – but contested – stereotypes about both the overall ambitions and the administrative organisation of Dutch EU policy. Section two starts out by exploring the specific challenges the Dutch are confronted with during their current term in office. These challenges include managing a Council setting à la 25; providing leadership in a time where the Commission will be largely absent; as well as feeding Europeanization processes at home. Secondly, it discusses particular innovations and challenges regarding domestic administrative and political organisation and management of EU policy-making, drawing upon an extensive survey of around 550 Dutch government officials, involved in Presidency preparations both at home and in Brussels. Section three concludes the paper with some general observations on the changes this particular Presidency may induce in Dutch EU policy-making.

1 THE NETHERLANDS AND EUROPEAN INTEGRATION

This section introduces the assessment and management of European integration processes within the Netherlands, a founding Member State of the then-European Community, by discussing two common stereotypes. The first concerns the supposed 'watershed' between the traditional, federally oriented stance towards integration of the Dutch government, and the current, more pragmatic perspective, which focuses largely on the costs and risks associated with a wider Europe. It is argued that the current political debates on the costs of EU membership for the Netherlands; the rapid Europeanisation of a range of domestic actors, as well as the necessity to

make clear political choices for operating within an enlarged Union, seem to have put Dutch policy makers in doubt about which choices to make and which strategy to follow.

The second stereotype is concerned with the passive and re-active nature of Dutch EU policy-making, which according to observers would hamper the effective dealing with EU membership. As will be shown, opinions diverge regarding the consequences of the peculiarities in the Dutch system for the general effectiveness of EU interest representation.

1.1 The growing doubts of a loyal member?

A first common 'cliché' about the role of the Netherlands within the EU concerns its long-standing and unconditional support towards European policy integration (Voorhoeve 1979). A small Member State with an open economy, Atlantic co-operation (within NATO) and economic co-operation (within the European Communities) were key objectives of Dutch post-war foreign policy. Since the early days of common efforts to enhance economic and political co-operation and integration between the EC-Member States, the Netherlands has been known as a loyal 'founding father'. In an article about the 1981 Dutch EC Presidency, Jansen (1985, 209) describes the then-prevailing view of the majority of government officials as follows: 'the European Community is devised as a supranational organisation – therefore we must support all initiatives to strengthen its supranational character and resist all attempts to upgrade intergovernmental aspects'.

In the past few years, historical analyses of Dutch EU policy have come to stress how Dutch EU-politics has in fact always been primarily interest-driven and pragmatic (see Koch 2001; Sie Dhian Ho 2001). Instead of thinking of the *Community method* as a 'moral principle' for common policy-making, it is argued that this particular decision-making method was simply considered a useful means to enhance the Dutch position vis-à-vis the larger Member States. The aim was to discipline them through binding Community law, if and only as long

as further integration was consistent with Dutch interests. The aforementioned analyses argue how, in past and present, Dutch coalition cabinets have always carefully refrained from proclaiming any, let alone any *federal* visions of a future united Europe.

Whether it constitutes a profound change in the year-long Dutch stance towards integration or a continuation of a long-standing trend, it is clear to the majority of observers that in the course of the 1990s, Dutch EU policy has become less attached to its original core values. The Maastricht Treaty in particular constituted a 'rude awakening to the realities of the Europe of the 1990s' (Hoetjes 2003, 317). Since then, slowly but gradually, more critical comments as regards the supposed virtues of integration were to be heard.[2] Within Parliament, traditionally characterised by a high degree of permissive consensus over issues related to European integration, some fierce debates have taken place over sensitive issues such as the costs of integration and the economic and political risks associated with further EU enlargement.[3] In general, it is clear that Dutch EU policy shows a more variable course, influenced, amongst others, by the personal perspectives held by key policy-makers. This development has been adequately described as the new 'pragmatism' of successive Dutch governments towards the EU (Langendoen & Pijpers 2002) or as the 'growing doubts of a loyal member' (Soetendorp and Hanf 1998).[4] Roughly, four causes for change may be identified.

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[2] Interestingly, the debate was repeatedly fuelled by current EU Internal Market Commissioner and then- liberal party leader Frits Bolkestein, who once claimed that the Netherlands has 'played the accommodating, self-effacing, mealy-mouthed goody-goody for too long and too little effect' (quote from The Economist, 2 May 1998).

[3] In September 2004, a profound controversy over, *inter alia* the merits of Turkish membership to the EU caused one right-wing MP to split from the liberal party VVD and continue as a one-man faction in Parliament.

[4] See for an extensive overview of this policy shift: Sie Dhian Ho, M. and M. van Keulen (2004).

1.1.1 All about the money

The first of these concerns the political debate on the national financial contribution to the EU's budget. The deterioration of the national net position in the early 1990s can be attributed to an increase of the Dutch contribution to the Common Agricultural Policy (CAP) and the structural funds, and a parallel but downward trend in return payments from Brussels. The official Dutch government position stresses that its concerns are not about a relatively wealthy country paying more to Brussels than it receives. Rather, it focuses on the claim that the current Dutch net-position would be *disproportionate* in a comparative perspective. In the words of State Secretary of European Affairs Nicolaï, in an interview issued on the eve of the Dutch Presidency: 'Dutch citizens still consider peace important (...), but they do not understand why they have to pay 500% more for it than the Danish fellow Europeans' (Nicolaï 2004).

Political consensus on a strategy to deal with the controversial issue has not yet evolved. While the influential advisory Council for Social and Economic Affairs (*SER*) has warned that the public 'fixation on the financial aspects of European co-operation threatens to become a serious political handicap during the EU Presidency' (Sociaal Economische Raad 2004, 191), the government appears to aim at a three level-strategy. It demands a short-term improvement of the Dutch net-position by supporting Commission-proposals for a general correction mechanism, it imposes severe budgetary restraints upon the European Commission; and it supports proposals for long-term CAP and Structural Funds reform.[5] As regards the first and second of these options, in December 2004, the ECOFIN Council is set to establish 'guidelines and principles' on the main lines of the EU's multi-annual budget up to 2013 under Dutch chairmanship. This negotiation marathon, which may drag on well into the second half of 2005, is politically sensitive because of the extensive shopping list of Dutch delegation, which could hamper the political neutrality to be

[5] Letter to the Second Chamber, nr 21 501-20 nr 239.

demonstrated by the Chair. Holding the Presidency could in this case even be more of a handicap than an advantage – the Dutch position will have to be voiced by members of a 'group of friends' sharing the same views on the need for budgetary restraint.

1.1.2 Europeanisation

A second cause for increased pragmatism over the Dutch stance towards integration is, rather paradoxically, the rapid *Europeanisation* of Dutch central administration in the course of the 1990s.[6] EU policy-making at the domestic level may be considered a case of 'governmental politics' (Allison and Zelikow 1999). According to this International Relations-theory paradigm, national government behaviour (in particular regarding foreign policy) is formed by the interaction of competing preferences and bargaining games between domestic actors. Due to the increased scope and volume of EU legislation in the 1990s, developments set in motion by the Single European Act and the Maastricht Treaty on European Union, government ministries as those of Agriculture, Environment, Transport and Economic Affairs have become active in voicing their opinion, both domestically and in EU-level meetings, on new policy initiatives from Brussels. Departmental EU units have been upgraded and there is increased attention for EU affairs amongst the management and political leadership of government departments, as is shown by the survey results discussed in section 2.3. Individual government departments have come to invest in (inter-) ministerial training programmes offering advice on 'how to lobby the EU'; they regularly send their personnel to Brussels for temporary posts and attempt to institutionalize international expert networks, for instance by drafting special 'Who's who'- guides.

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[6] A plethora of definitions of Europeanisation co-exist. In this paper, it is understood as the process by which the European Union becomes a more relevant point of political relevance for domestic actors, re-orienting the direction and shape of politics to the degree that EC political and economic dynamics be-come part of the organizational logic of national politics and policy-making' (based upon Ladrech 1994, 69).

In parallel, a polarisation of domestic actors' opinions over the merits of particular dossiers and policy developments can be witnessed. Generally speaking, experience has shown that the position of expert officials from individual government departments frequently turns out to be less progressive and more reluctant when it comes to further policy integration, than those of the more ideologically driven rationale which is dominant at the Ministry of Foreign Affairs. Although the effects of Europeanisation of domestic actors takes can be seen in all Member States (as well as in non-member states such as Switzerland and Romania[7]), its consequences become more visible in the specific politico-administrative context of the Netherlands. Dutch administrative and political relations are characterised by a strong tradition of departmental autonomy in which even at Cabinet level, the Prime Minister is only a *primus inter pares*. At least formally, the latter is still dependent on a Foreign Ministry mandate to discuss matters with his EU colleagues in European Council settings (Harmsen 2000).

1.1.3 A Europe more political

Closely related to this is a third possible cause for growing 'Euro-pragmatism' in The Hague, which concerns the gradual shift of EU integration initiatives from the field of market liberalisation towards those policy fields formerly under national control, most notably those of justice and home affairs and foreign policy co-ordination. Traditionally, initiatives for closer economic integration used to enjoy the almost permanent support of the Dutch government. However, recent experience has showed that the Parliament tends to show far more reluctance in debates about closer EU-level co-operation on new and politically sensitive areas, such as the

[7] See: Sciarini, P. et.al., (2004), How Europe hits home: evidence from the Swiss case , in: *Journal of European Public Policy,* Vol 11 Nr 3, June 2004 p. 353–362 and Papadimitriou, D. and D. Phinnemore (2004), Europeanization, Conditionality and Domestic Change: The Twinning Exercise and Administrative Reform in Romania, in: *Journal of Common Market Studies,* september 2004, vol. 42, iss. 3, pp. 619–639

issue of handing over policy competences to the Commission in criminal and family law. As regards the 'how' of further co-operations, the government has more than once pleaded for the usage of 'soft' integration methods like open co-ordination, benchmarking and the comparison of best practices in new fields of European integration.

Again, it should be stressed that the development toward a growing reluctance and more critical stance when it comes to 'more Europe' is probably highly similar to what can be witnessed in other, long-standing Member States. As for the Dutch case, however, the central government level seems thus far to lack a broad overall view on desired and less preferable EU developments as well as a coherent strategy designed to export Dutch concerns to Brussels (Hoetjes 2003). The observation that a serious strategy on the preferred direction and contents of European policy developments has thus far failed to occur has been convincingly explained by the inward-looking political climate that would have dominated Dutch politics after the brute murder, in May 2002, of popular right-wing politician Pim Fortuyn.[8]

1.1.4 Consequences of EU enlargement

To make matters worse, the recent enlargement of the European Union from 15 to 25 Member States has not been without effect on Dutch EU policy. The process of gradual widening of the former inner circle of six founding Member States, in which the Dutch have always claimed a special responsibility as a mediator between France, Germany and the UK, has seriously diluted the 'special status' of the Dutch. Influential think tanks and former politicians have argued it is about time the Dutch should come to accept the Franco-German leadership as a motor for integration, which would,

[8] According to the Annual Report of the Netherlands Council of State (Raad van State), 2002, p. 191: 'In public and private debates in 2002, Europe has again been absent. The consequences of the accession of 10 new member states did not get any attention. (...) The Netherlands seems increasingly self-absorbed, only focused on domestic problems'.

however, imply a break with the Dutch reluctance towards large state dominance to which Dutch policy makers seem to have not yet have reconciled themselves (Wetenschappelijke Raad voor het Regeringsbeleid 1995).

Two recent examples have been illustrative of the aforementioned 'Euro-pragmatism' of the Dutch government. Firstly, the position taken by the Dutch government regarding the European Convention, charged with preparing a draft Constitutional Treaty from early 2002 onwards. In the beginning, Dutch Cabinet Ministers made bantering remarks about this public exercise set out to sketch the 'future of Europe', warning their fellow EU-politicians not to 'build castles in the air'. The crude realisation that the Convention would in fact have more impact upon EU politics in the years to come than a mere 'talking shop', led to the rather sudden replacement of the Dutch government representative.[9] Increased attention focused on the potential consequences of individual proposals for the Dutch interest (Pelkmans, Sie Dhian Ho et al. 2003). As a second example may serve the remarkable speech, in May 2004 at Berlin's Humboldt University, by Dutch Foreign Minister Bernard Bot. To the surprise of many, this long-experienced EU diplomat and Permanent Representative argued for a gradual re-nationalisation of policy-making competencies, in order to increase the public legitimacy of the EU in the Member States.

In the meantime, political concerns about the costs and risks associated with an enlarged EU gradually become visible in public approval ratings.[10] Moreover, recent threats by the

[9] Former Foreign Minister and well-known EU-federalist Hans van Mierlo was replaced as government representative by liberal Gijs de Vries (now the EU's anti-Terrorism Tsar) who was charged to defend Dutch national interests in a much stricter manner than his predecessor.

[10] During 2003, the percentage of Dutch citizens thinking EU membership is 'a good thing' decreased from 73 to 64%, while the number of people who think that the Netherlands profits from membership has fallen from 65 to 55%. (source: Eurobarometer). It should be noted however that these figures still rate astonishingly high in comparative perspective.

Dutch to crudely veto EU decision-making, in order to demonstrate national concerns about the financial consequences of new proposals, have caused some surprise abroad and amongst national EU-watchers. The latter have judged this stance as short-sighted and potentially harmful to the country's reputation and the goodwill it enjoys with its EU-partners (see Van Grinsven and Rood 2004). At the same time, the concerns summarized in the above about EU policy supposedly being adrift can be toned down somewhat, taking into account the following considerations.

Firstly, the observations discussed in the above mostly concern political-level discussions regarding 'history-making' package deals, concerning the Convention, Treaty change or the EU's budget. However, the bulk of EU policy concerns relatively minor (but no less important!) 'bread-and-butter' files regarding internal market harmonisation, agriculture or food safety regulation or major infrastructural projects, to be endlessly discussed in regular committee and working party meetings. Interviews in Brussels seem to indicate that at these administrative levels, the average Dutch official remains to be regarded as a hard working, constructive, perhaps somewhat critical, but nevertheless loyal bargaining partner, thus lacking proof about the Dutch stance having been drastically altered in the past few years.

Secondly and related, the aforementioned change in attitude towards a more firm and nationally oriented stance towards European developments has only very recently been documented in a major government brief. This concerns the so-called *State of the Union*, annually issued by the Foreign Affairs Ministry. The document aims to offer an extensive overview of what is happening in the Union, and is debated in Parliament's plenary. The most recent edition, issued late September 2004,[11] gives a detailed account of the latest and upcoming developments in different Council formations. The

[11] State of the European Union 2004–2005, sent to the Second Chamber of Parliament, nr 29080 nr 1, 21 September 2004.

document also sums up different opportunities of opening general debates about the future of European co-operation, such as about 'deepening and consolidation of Europe, but also about a reallocation in favour of the nation-state' (State of the Union 2005, 6). No policy choices are proposed as to which stance is to be taken by the Dutch governments in these discussions, so that the general image remains rather fragmented. However, a particularly interesting quote is to be found in the part dealing with initiatives to bring Europe closer to the citizens – a concern obviously related to the upcoming (first) Dutch referendum about the Constitutional Treaty, early next year. According to the text, getting the citizens involved should be done through 'regarding the European agenda in terms of 'what is best for the Netherlands – without losing sight of the interests of other Member States and the Union' (p. 4). This implies 'coalition building and co-operation with the likeminded, but it also means not running away from confrontations with countries whose interests are contrary to those of the Netherlands'.

1.2 Managing Europe at home: Dutch EU policy-making

1.2.1 EU co-ordination: too little too late?

A second stereotype dominant in accounts of Dutch EU policy-making concerns the supposed reactive nature of the process by which negotiation mandates and instructions are being formulated between parties concerned (Van Schendelen, 1993). The co-ordination structure of EU affairs in The Hague – which has been compared to a 'patchwork' of different inter-ministerial committees, working and high level groups (Van den Bos, 1991) has not been fundamentally changed since the 1960s. It is characterised, firstly, by a large degree of decentralisation and segmentation – it has been claimed that 'nowhere (...) the fragmentation of Dutch policy-making [becomes] more visible than in comparison with the unified political systems of other West European countries' (Andeweg and Urwin 2001,169). Secondly, the system of dealing with

EU dossiers at the central administrative level is known for its passive co-ordination. This refers to the fact that the drafting and (re-)formulation of official Dutch positions for EU-level negotiations is largely left to the expert official at the responsible ministry (Van den Bos 1991). Those government departments not primary assigned responsible are forced to put much efforts into securing information and organising influence during the negotiations. The contrary, a system of active information, characteristic of EU co-ordination arrangements in the UK – implies that the expert official most involved is supposed to inform relevant others of the progress in the file.[12]

Current judgements on the implications of the particularities of the Dutch EU co-ordinating structure differ. The stereotype discussed here refers to the criticism, by domestic observers, concerning the plethora of bodies working separately. This would even result in 'poorly organised preparation' of Dutch negotiation positions (ibid, 170) and produce partial and reactive responses to new EU policy developments. Although a special 'Europe Unit' at the Foreign Ministry was appointed co-ordinating authority for matters relating to European co-operation in the early 1960s, congruent to the Dutch 'polder'-culture of consensus, consultation and compromise, this institution lacks the competencies to establish priorities and arbitrate between conflicting views. Files tend to be discussed at weekly senior-level Co-ordinating Committee meetings only when conflicts of interest occur. Since even the Junior Minister for European Affairs chairing this Committee lacks competencies to arbitrate, the result of inter-ministerial co-ordination discussions is often a rather vague compromise between competing interests, giving much leeway to the

[12] 'The rationale for keeping others informed, from a selfish or [ministerial] point of view, is to try to avoid the introduction of new objectives to the UK position towards the end of a negotiation… For this reason, copying papers is not necessarily enough. The implications of [Commission] proposals have to be made clear [to other ministries]….', quote taken from Humphreys (1997).

national Permanent Representative in COREPER to adapt instructions to Brussels reality.

Moreover, less efficient co-ordination in preparatory stages of EU legislation would also contribute to the growing implementation gap of EU directives to be transposed into national law (Van Haersolte and Van Den Oosterkamp 2003) – a recent overview indicated that the Dutch have fallen back to the 10th place when it comes to timely transposition of EU law, by not having implemented 2,8% of all internal market directives.[13]

On the other hand, it should be noted that most criticism comes from *inside* the system and is voiced predominantly by domestic EU watchers. Because of the relatively inclusive procedure which gives all ministries at least the opportunity to be involved, *foreign* observers tend to positively judge the capacity of the Dutch system to operate pro-actively (Beyers 2000,60). Indeed, a special inter-ministerial early-warning committee (*BNC*) was set up in the early 1990s to examine new Commission proposals. The committee appoints a lead ministry for each and distributes new proposals over the different government departments. The summary of each new legislative text proposal that is subsequently drafted (including the financial consequences foreseen as well as possible implications of the proposal for sub-national government) serves to inform Parliament about new Commission proposals.[14] Also, there is general praise by EU negotiators for the level of expertise and sound preparations that the Dutch tend to bring into Council meetings.[15]

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[13] See the regular overviews published by the Commission at http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm.

[14] Although information overload causes serious delays – it often takes months before summaries of recent proposals are sent to relevant MP's, according to a recent report by the national Court of Auditors (2004), *Informatievoorziening bij nieuwe EU-beleidsvoorstellen,* Den Haag: Algemene Rekenkamer.

[15] Source: interviews.

1.2.2 A less gloomy picture

Opinions on the effectiveness of Dutch EU policy-making thus differ – as the survey results in section 2.3 show. However, perhaps in response to the aforementioned critique, the past few years have witnessed serious attempts by different central government institutions to develop and increase national expertise and knowledge about EU developments and strengthen inter-ministerial procedures. Pressed by three subsequent EU Council Presidencies, government departments have strengthened relations with the European Commission and facilitated secondments and traineeships of national officials within EU institutions (Schout 1996). In 2001, the Cabinet, driven by worries about institutional under-representation in Brussels, initiated a national training programme for Dutch candidates for the EU entry exams, an effort to increase the number of Dutch officials successfully passing the hurdle for jobs at the EU institutions. In the meantime, the national Parliament has invested in organising EU matters in a separate bureau and has appointed an EU liaison officer at the European Parliament. It should be noted, however, that these different innovations remain rather fragmented and dispersed over the central government organisation, whereas a central overview of initiatives, let alone a strategy taking together different initiatives, is still lacking.

In the past decade, the volume, scope and importance of EU legislation have increased, including many cross-sectoral policy developments, while the decision-making arena, both at home and in Brussels has been widened. In response, regular discussions about the ways to 'organise Europe' domestically are taking place in many Member States.[16] Numerous comparative volumes have put together detailed accounts of how national administrations within the Member States deal with the EU (see Pappas, 1995; Peters and Wright 2001; Wessels, 2003, Kassim, 2000). However, sound judgements about the relative capacity and effectiveness of national systems are hard

[16] See for instance: Commissariat General du Plan, *Organiser la politique europeenne et internationale de la France,* Paris: 2002.

to make (Metcalfe 1987), as there is little (comparative) research on how national governments attempt to shape or influence EU negotiations according to their preferences. Most studies concerned with governance and Europeanisation use European integration as an explanatory variable to understand the 'domestic impact of Europe' (Börzel and Risse 2003), focusing on 'how home hits Brussels' (Beyers and Trondal 2003). The impact of the Member States at the EU level, or what have been called 'inside-out' studies (Bulmer and Lequesne 2002, 28) have until now not received much academic attention. Without clear performance indicators and comparative data about national shaping attempts, it is particularly difficult (if not impossible) to make valid statements of an individual country's shaping capacity.

2 GETTING SET FOR THE PRESIDENCY

Over the years, the four main tasks of the Council Presidency have evolved to encompass the following: 1) ensuring an efficient management of Council business, including administration and co-ordination; 2) agenda-setting and prioritizing for all levels of Council meetings; 3) performing a mediating or brokering role in seeking consensus amongst parties in order to 'get results', and 4) the collective representation of the Council, both internally as well as towards the world outside the EU. Whereas for the 1981 Netherlands Council Presidency, 'satisfaction with existing structures and procedures made (...) that no special measure were considered (...) and the general approach was that of EC business as usual' (Jansen 1985, 218), the current Presidency workload requires much of a national administration in terms of preparations, planning and organisation. Focusing on the most recent Dutch experience, this section gives an account of planning and organising a national Presidency at the domestic level. It discusses the process of agenda-setting and administrative preparations and interprets the empirical results of a survey amongst national officials involved in getting ready for the Presidency.

2.1 Agendas and priorities

Each national EU Presidency is faced, at an early stage, with the time-consuming task of proposing a manageable agenda of issues and priorities to be discussed during its stint at the helm. This challenge has somewhat been facilitated after the Seville European Council conclusions, in June 2002. These introduced some important changes in the Council Presidency structure, in order to ensure more co-operation and consistency at the helm.[17] One key innovation has been the obligation, for groups of Member States, to issue multi-annual Presidency programmes. Agenda setting for the Dutch was thus largely bound to the Multi-annual Programme as elaborated at the end of 2003 with five subsequent Chairs-to-be.[18] Sufficient room of manoeuvre is left for national administrations, however, to determine how this broader framework is elaborated into a more detailed overview of national priorities for different Council formations.

The actual selection of issues depends partially on the role a Member State chooses to play during its Presidency: will it be a loyal servant to the rolling agenda or does it strategically use its Presidency for tabling national priorities and hobby-horses? Obviously, prior experiences determine to a large extent the stance that is developed towards the period as Chair (Elgström, 2003). The rather subdued stance for its 10th Council Presidency in 1997, firmly positioning the Netherlands as a mediator between different interests (reflected in the Presidency logo: a bridge) triggered domestic debates about the perceived lack of national ambitions (Van Keulen and Rood 2003). This, in turn, was a reaction to the more dominant approach which so painfully failed in 1991. Then, the Dutch attempts to actively push an alternative to the Luxembourg treaty draft failed at *Black Monday*, 25 September 1991, reportedly due to poor internal co-ordination between negotiators (Van Hulten 1996). The 1991 Presidency is still widely con-

[17] See Seville European Council Conclusions, 22 and 23 June 2002, http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/72638.pdf.
[18] Council of the European Union, 8 December 2003, 15896/03.

sidered as a traumatic experience for the politicians and negotiators involved.

From the start of domestic political and administrative Presidency preparations, two years earlier, it was clear that the EU's rolling agenda for 2004 would be considered as leading. A pragmatic approach is rather common for smaller Member States facing the Chair, if only for the huge costs associated with a six-month term at the helm. Consistent with the issues on this agenda, the five central themes for the Dutch EU Presidency were thus identified as follows: 1) ensuring progress in further EU enlargement; 2) a sustainable strengthening of the European economy and reducing the administrative burden; 3) further developing the Area of freedom, security and justice 4) ensuring progress as regards the Financial Perspectives for the years up to 2013; and 5) working on the EU's external relations with, basically, 'the rest of the world'. Added to that are the preparations for the ratification of the new Constitutional Treaty on the EU, on which the European Council meeting in June reached agreement – much to the relief of many Dutch officials closely involved in Presidency preparations. However, technical preparations related to the Constitutional Treaty include: translation of the final text into all twenty official languages; elaboration of new provisions and rules, such as those on the EU's new Foreign Minister; and preparing for domestic debates and ratification referenda in a number of Member States.

It cannot escape the eye that the five central items identified in the above have a broad 'umbrella-like' character. Considering the decentralised nature of Dutch EU policy-making in general, it will thus be no surprise that government ministries have added multiple lists of more concrete policy issues, and consistent with this general approach, this has been organised largely bottom-up, i.e., from the policy units to ministerial coordination groups up to the inter-ministerial and political level. In the final Presidency Programme, sent to Parliament in June, national hobby-horses are easily identified, including

issues such as a high water and flooding initiative; maritime transport and short sea shipping.[19] Probably the most prominent Dutch priority concerns the launching of a debate on the norms and values underlying European integration, widely considered a personal hobby-horse of Prime Minister Jan Peter Balkenende (a Christian Democrat). Although a high-level conference has been held in September, this particular issue remains highly abstract. More seriously, it has been labelled as particularly sensitive considering the ongoing debates on Turkish membership, although insiders stress that any connection between the value debate and religious aspects of the membership debate should be avoided at any cost.

The final, rather fragmented Presidency agenda carried the risk of turf battles between government departments over priorities, negotiating tactics and strategy, as key players such as the Finance and Justice and Home Affairs Ministries were known to hold strong outlying views regarding dossiers at stake. In an effort to manage this risk, the Foreign Affairs Ministry has instigated a more centrally co-ordinated process of EU policy preparations. The two main innovations include, firstly, setting up a new *Interdepartmental Working Group* of senior officials in charge of co-ordinating the Presidency at home. This group has faced the difficult task of scaling down the initial agenda as soon as progress by the preceding Irish Presidency had become clear. A similar group proved its worth in the preparations for the 1997 EU Presidency, in terms of providing a forum for regular co-ordination and information exchange. Secondly, a *Ministerial Steering Group*, chaired by the Prime Minister and composed of a selected group of government ministers of the departments most involved. The Group meets weekly in the period before and during the Presidency with the aim to discuss horizontal overview of progress in the different Council formations and to avoid inconsistencies.

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[19] Notitie, *Het Nederlandse voorzitterschap van de Raad van de Europese Unie in 2004; accenten,* Second Chamber of Parliament, 2003–2004, 29 361, nr 5. See for updates: www.eu2004.nl.

Although these measures, aimed at improving inter-ministerial dealings with EU affairs during this highly intensive Presidency period have been explicitly intended to be temporary, they may be deemed worthy to be continued after the Dutch have left the Chair. Experience has shown that organisational innovations made in the context of the Presidency often prove valuable in the longer term (Van Keulen and Rood 2004). To give an example: for the 1997 Dutch Presidency, the Agricultural Ministry introduced special inter-ministerial 'dossier-teams', which were charged with the monitoring of one particular file during the Presidency. Working with these teams enabled a focused and co-ordinated approach to the EU negotiations and their mere introduction implied a strategic prioritizing between files. It is an innovation which has been copied by several government departments since.

Other preparatory measures have included a massive Presidency training course for some 550 national officials, aimed at updating knowledge of EU procedures and working practices in EU-25. In this training course, Dutch negotiators have been briefed, *inter alia*, by Council Secretariat officials regarding the assistance this institution may bring to the Chair. The Secretariat may offer advice on Member State positions, procedures and legal issues, assist in planning, briefing and reporting from meetings and thus serves as the Presidency's 'eyes and ears' in Brussels. It has been argued that 'one of the keys to the success of a Presidency is its ability to capitalize on the support and advice' (Westlake 1999, 50) – valuable assistance which is often badly missed by Member States once their Presidency term has come to an end. Council Secretariat assistance will be all the more important this time, because of the new Council Rules of Procedure after enlargement (see section 2.2.1). Finally, preparations have included numerous political and administrative working visits to the EU capitals – to the extent that complaints arose with the then-Irish Presidency about the frequency of working visits by the incoming Chair (Sie Dian Ho and Van Keulen 2004).

2.2 Particular Presidency challenges

Although every Member State generally regards its term at the helm as extraordinary, it is clear to insiders and observers alike that the Dutch face a particularly challenging Presidency. This is due to the particular institutional context and the rolling EU agenda set for the second part of 2004. This section identifies three particular challenges for the Dutch Presidency: making Council business work with 25 members around the table; providing leadership to the Union and feeding Europeanisation at home. Moreover, it examines how organising and managing this challenge has been experienced by those directly involved.

2.2.1 Making the EU-25 work

During the Dutch Presidency, press headlines regarding the EU are dominated with the coming into office of the new European Commission headed by Jose Manuel Barroso, as well as the getting into motion of a largely renewed European Parliament composed of relatively less experienced new members. The legislative machinery is *de facto* limited to some six weeks: from 1 November, when the new European Commission takes office, until the 17 December European Council meeting. To make up for this, many informal political and high-level meetings have been convened. This poses an enormous (albeit partly self-inflicted) challenge to the Presidency organisation. However, for those active in the Presidency organisation on the ground, probably most striking is the fact that the Netherlands is the first Member State to be responsible for running the Council's day-to-day work with 25 Member States for their full six-month period.

Two direct effects of enlargement to be managed by the Dutch Presidency will be the complication of processes of coalition formation and negotiation within different institutional settings, and secondly the change in working procedures *within* the Council.[20] Not only is the building of winning coali-

[20] See *Operation of the Council with an Enlarged Union, Secretary-General of the Council of the Euro-pean Union,* SN 2139/99, 10 March 1999 (a.k.a. the Trumpf-Piris Report).

tions considerably complicated by the increase in Member States and the parallel changes in voting procedures, the negotiations have also become less predictable, due to the active presence of ten less-familiar Member States. These countries differ in many ways from the old members, in terms of administrative histories, cultural backgrounds and political situations. There is a large diversity amongst them, and the number of cross-cutting cleavages amongst the EU-25 will increase considerably. In the meantime, the introduction of new voting procedures and an increase in negotiating parties imply that coalition formation has become much more complex. Many new combinations and alliances are feasible and it is less clear in advance how negotiations will turn out, as the European Council nomination of the new Commission President in June 2004 has showed.[21]

'Getting to know the new actors' has been one of the key issues in Dutch Presidency preparations. Multiple working visits aimed to establish regular contacts and to repair the damage done by the domestic government debates on enlargement. The fact that financial worries tended to dominate these debates has, reputedly caused much annoyance in the accession states. Instead, the Presidency aims at building an image of the Netherlands as an ally less threatening than perhaps the larger member states, and which is sufficiently experienced to act as an opinion leader and coalition partner, for instance as regards the liberally and free-trade oriented economic agenda which many new member states share.

A second consequence of enlargement is the change of working procedures in Council settings. Because a mere extrapolation of working practices for the EU-15 would have led to administrative overload and deadlock, the Council General

[21] The French-German candidate for Commission President, Guy Verhofstadt, was blocked by a coalition led by Poland, the UK and Italy. Subsequently, Chris Patten's candidature, pushed by these member states, was blocked by a coalition in which France, Germany and Spain figured prominently – causing temporary deadlock in the negotiations.

Secretariat has produced new rules of procedure, to which all delegations will have to get used.[22] The most important changes include the substitution of tour de tables by targeted discussions; a limitation of speaking time to 2 minutes, while delegations are prevented from repeating points already made. In addition, files may be sent only upwards to COREPER, when working group discussions have isolated a small number of sensitive political issues.

Obviously, these changes alter the way in which meetings are prepared, but also the role of the Chair. It has become more urgent than ever to produce and maintain a strict planning of files and meetings, the so-called 'battle plans'.[23] At the very least, it is important that the Chair raises sufficient patience and empathy to accommodate all delegations, including those less experienced in Council practices. But also for long-standing members, experience will have to be built, for example as regards the new language regime. In the new system, a translation of mere 10 pages into 20 official languages may take up to 8 working days and there are financial 'envelopes' for translations to be managed individually by each Member State. These changes put a severe burden on all players, but they will most notably put pressure on the Chair to organise Council work pro-actively. Initial experiences under the Irish and Dutch Presidencies seem to indicate that some Chairmen tend to stick to tour de tables, allowing lengthy interruptions. Successful implementation of the reforms will ultimately depend on the extent in which the new Chairs co-operate with the Council Secretariat in serious attempts to maintain and enforce the new Rules in working practice.

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[22] See *Council's Rules of Procedures,* Council Decision adopting the Council's Rules of Procedures, Legislative acts and other instruments, Brussels, 22 March 2004, 5163/04, JUR 12, CAB 3.

[23] See Guggenbühl, A., 'Cookbook of the Presidency of the European Union', in: Meerts, P. and Cede, F., *Negotiating European Union,* Palgrave McMillan, forthcoming.

2.2.2 Providing leadership to the EU

Comparative studies of Council Presidencies have shown that their period in office offers Member States the opportunity to take on not only administrative, but also political leadership (see Svensson 2000). This may hold even more so for the Dutch Presidency in 2004, as it functions in a period in which Commission and Council are largely absent, so that the Council Chair will be looked upon to steer the Union. This steering function implies, first and foremost, simply delivering results – as urging the Council towards conclusions has been called the 'basic duty' of any national Presidency.[24] At summit level, these conclusions include a number of 'highly contested issues', most notably: the need for a unanimous European Council agreement of the Commission's proposal to open accession negotiations with Turkey; the establishment of so-called Guiding Principles for the debate on the EU's multi-annual financial agenda (one of the most controversial agenda items in the year to come) and the need for a new policy agenda for Justice and Home Affairs (including various issues such as combating terrorism, im-migration, border controls and asylum policy). Prime Minister Jan Peter Balkenende, assisted by Foreign Minister Bernhard Bot, figure centre-stage in efforts to prevent centrifugal dynamics, to adequately deal with the unexpected and to formulate and sell sustainable compromises while keeping the EU's agenda on track. This coalition is vital to the success of the Dutch Presidency, as it has been argued that 'only a strong Minister of Foreign Affairs or -even better- a coalition between a strong Foreign Affairs Minister and the Prime Minister, can reduce the Dutch problems of co-ordination and control in EU policy-making' (Hoetjes 2003, 323).

It should be noted that most notably during his first but also during his current, second term in office, the Prime Minister has suffered from criticism at home for lacking political

[24] Quote from the 'Three Wise Men Report', 1979: *Report on the European Institutions by the Commit-tee of the Three to the European Council,* Luxembourg: Office for Official Publications of the European Communities.

leadership. This became most prominent during two constitutional crises regarding the Royal Family. As outlined above, lack of co-ordination capacity is a weakness inherent in the Dutch politico-administrative system, where none of the government offices possesses the competencies to temper individual ambitions and set authoritative decisions when conflicting issues arise. On the other hand, government sources stress that the Prime Minister has a considerably stronger image abroad than in delicate coalition politics at home, which would have led him to expect much domestic credit from a successful EU Presidency.[25] Indeed, the starting position of the Dutch seems rather positive due to their long-standing experience, the sound preparatory track for this particular Presidency and the historical given fact that small Member States tend to shine during their term in office.

2.2.3 Feeding Europeanisation at home

A third challenge for the Dutch 2004 Presidency team is to turn the currently built experience of national politics and administration in a special time of increased European awareness, into a sustainable domestic strategy towards the Union. It has been outlined in the above that the Presidency comes at a time of domestic debate on the stance to take as regards EU policy co-operation. Critical issues concern further justice and home affairs co-operation, the need for a new financial redistribution between Member States as well as the nature and extent of reform of the EU's structural, rural and agricultural policies. Combined with the complex EU agenda, dealing with a turbulent context both at home and abroad will certainly be challenging. However, increased domestic attention for the EU and the temporal reforms associated with the

[25] Since mid-September, however, the Dutch Prime Minister has been bedridden in hospital with a serious foot infection. According to latest reports, he will need treatment until at least the end of October, which could threaten his presidency of the European Council Summit of 5 November, devoted to Justice and Home affairs co-operation. In the meantime, Presidency obligations are taken over by deputy Prime Minister and Finance Minister, Gerrit Zalm.

current Presidency may also be turned into structural reform of the way the EU is handled at home. Seen in this light, the Presidency may have come at precisely the right time to provide the necessary momentum for a new strategy on the role and position of the Netherlands within the new European Union. The most recent signs feed high hopes that such a discussion may be initiated, as the aforementioned State of the Union 2005 policy brief explicitly mentions the need to review current Dutch EU policy-making mechanisms in the wake of EU enlargement. The document stresses the increasing importance of bilateral relations and explicitly mentions the relevance of information exchange and co-operation within the Benelux. Moreover, it announces a critical review of co-ordination procedures in the months after the Presidency.

2.3 Opinions on the Presidency: an overview of survey results

Discussing some results of a written survey amongst officials from all thirteen government departments may shed light on the way this particular Presidency and its preparations are being experienced by those directly involved.[26] All 550 respondents (chairs and delegation members of EU Council working groups as well as junior and senior national officials, experts and co-ordinators) have been involved in a government-wide training programme to 'get ready for the chair'. This training programme seemed to be necessary, as the long-standing experience of the Netherlands as regards Council Presidencies is not reflected in the staffing of the current Presidency. Three out of four respondents of the written survey indicated that this is the first EU national Presidency they are participating in.

Nonetheless, this lack of experience is somewhat remedied by the increased efficiency of EU policy co-ordination pro-

[26] This survey has been executed in spring 2004 by the Clingendael Institute and the European Institute of European Administration. See for more information www.clingendael-eipa.nl.

cedures in the run-up to the Presidency – although 44% of the respondents indicate that the (then-upcoming) Presidency has improved the way EU policy is dealt with. Apparently, there is room for change – however, it should be noted that those indicating that effectiveness has not improved due to Presidency preparations give predominantly negative explanations, for instance by stressing that there is 'still too little structural attention for the EU within the central government administration'. On the other hand, respondents readily acknowledge that for the Presidency, more human and financial capacity is made available, the departmental management, politicians and those policy units normally dealing with domestic policy seem more involved in what happens in the EU. In particular regarding the commitment of top officials and the management, a large majority of respondents is positive (71%). Moreover, regular and structured contacts with EU institutions and counterparts are more common than in 'normal' times, without a national Presidency.

In line with what may be expected from a small Member State, respondents share a rather moderate and subdued perspective on the main tasks of the Presidency. When asked to rank Presidency tasks according to their relevance, a majority focuses primarily on mediation and seeking compromise between delegations (51%), agenda setting (49%) as well as co-ordination and planning of Council business (47%). Far less mentioned are the more political tasks, including the possibility to table national initiatives (28%) or actively drafting Presidency papers (22%). A tentative conclusion from these numbers is that Dutch government officials conceive of this Presidency in terms of efficient process management rather than an opportunity for effective national interest representation, perhaps because of the particular context in which it takes place.

Somewhat paradoxically, this conclusion is supported by a next finding, namely that a majority of respondents think Dutch national influence on EU decision-making when in the chair will be much *higher* than in normal times. Apparently,

the fact that a Council Presidency lacks formal executive powers does not mean that it is powerless. According to those most involved, influence can be generated though the specific functions and responsibilities of the Chair, mainly those of manager, agenda-setter and consensus-builder. During the six months in office, both the EU agenda and specific Presidency compromises for dossiers to be negotiated can to a large extent be shaped around Dutch positions and preferences, the famous 'power of the pen'. Moreover, respondents estimate that the external responsibilities of the Presidency may increase Dutch standing internationally. Finally, this period may contribute to sound network-building with EU institutions and (new) Member States.

Although dealing with the new members is one of the key challenges in the latter half of 2004, a majority (55%) of respondents estimate that their personal knowledge of the policy-styles of these countries still leaves a lot to be desired. This is obviously for the most part due to the lack of working experience with the new Member States. Poland ranks second after France as the Member State most influential when it comes to the negotiations (and thus as most important for the Chair) – at the same time, Polish negotiating behaviour is largely unfamiliar to most respondents. Improving this knowledge, including insights in the cultural characteristics of the new Member States, has been one key objective of the Presidency training course. In parallel, in the run-up to July 2004, government departments have devoted much time and energy in establishing good working contacts within the new Member States, sharing experiences and working practices and exploring national positions on issues relevant for various EU policy domains.

When asked about the expectations of the Presidency, a majority of respondents tends to judge positively the extent to which the Dutch efforts at the helm will be evaluated as successful in the end. Criteria applied include the extent to which progress is secured on the EU's agenda; whether the Presidency has demonstrated sufficient political flexibility in

dealing with the unexpected and how it has managed to build goodwill and respect with major EU partners. There are risks, as well, mainly concerning inconsistency in the approach to individual dossiers, lack of prioritising or strategy at home, which may ultimately impede progress or conclusion of negotiations. Many respondents express concern that new co-ordination structures notwithstanding, turf battles between government departments are even more likely to take place, because there is so much at stake during a Presidency.

3 SOME CONCLUDING REMARKS

This discussion paper has focused on the domestic and EU-level context of the Netherlands EU Council Presidency in the latter half of 2004. It can be argued that notwithstanding the rather short legislative period of this particularly Presidency, the challenges and innovations that the Dutch face, both domestically and at the EU-level, are immense. Judging any national EU Presidency is particularly difficult, as success is generally in the eye of the beholder and a wide range of internal and external circumstances should be taken into account (for instance: smoothly run Presidencies can be severely interrupted by unforeseen events, whereas a productive European Council summit may put its stamp on an otherwise bad Presidency). Therefore, in the following we will stick with the central aim of this paper and focus on the presumed opportunities the current period at the EU's helm may bring for Dutch EU policy-making in general.

As regards the developments at the domestic level, it has been argued that in the past few years, some growing doubts can be witnessed about the merits and advantages of EU membership for the Netherlands. National debates on larger European package deal decisions, such as EU enlargement and agricultural policy reform, have become dominated largely by financial worries – much to the regret and worry of national EU observers. Somewhat crudely, it may be claimed that whereas traditional Dutch foreign policy has been

characterised by its focus on 'peace, profits and principles',[27] today's focus seems to lie predominantly with the *profits*, rather than the principles. After four successive enlargement rounds, the Netherlands has had to face the loss of its traditional privileged and comfortable position within the EU as 'founding father' and 'medium large state'. The realisation that its national self-image needed to be scaled down has proved to be a painful process. It has, however, not yet resulted in an alternative strategy regarding the preferred Dutch role and position within a wider Europe.

Because of the considerable demands a Presidency period normally puts on a national administration, the challenge to deal with the domestic context alone would easily have made this Presidency memorable for Dutch politics and administration. Added to this, however, there is the difficult international environment it is faced with during its stint at the EU's helm. The Dutch are confronting the 'novum' to manage Council business 'à la 25', which will necessitate much time and patience from all players involved – not in the least from the Chair. This would strengthen a plea for a predominantly process-oriented Dutch Presidency strategy, focusing on efficiency in running the EU internally. This is no option; however, as the current EU agenda is also overloaded with critical dossiers. To name but a few controversial items: the need for consensus on a political decision when and under which conditions accession negotiations with Turkey can commence, the Financial Perspectives and the technical preparations for the draft Constitutional Treaty, to be signed on 29 October in Rome. Finally, to make up for the slower pace of the legislative machinery (due to the absence of an active Commission-in-office and a less experienced European Parliament), a relatively large number of *informal* meetings demand continuous attention from the Chair.

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[27] Voorhoeve, J.J.C. (1979): 'Peace, profits and Principles. Dutch Foreign Policy 1945–1977', Leiden: Nijhoff Publishers

At the same time, it can be argued that holding the Presidency in difficult times constitutes a huge opportunity for the Netherlands. It has been outlined in the above that it provides the government with a unique chance to invest in its strategic position within the new Europe, for instance as a 'loyal partner' to the 10 new Member States, providing assistance in their first experiences as Council members. Moreover, the Presidency has instigated a number of changes and efforts in order to examine the EU agenda more pro-actively. For drafting the Council working agenda for the latter half of 2004, government departments have critically assessed well in advance the overview of negotiable dossiers, with the aim to make a strategic selection of issues to be discussed (and preferably to be concluded) during their six months at the helm of a particular Council formation. In order to strengthen co-operation procedures, avoid inconsistencies and ensure a broad horizontal overview of files during the Presidency, special co-ordination mechanisms have been put into place. In parallel, there are now permanent discussion groups related to particular dossiers; and more human and financial capacities have been assigned to EU affairs. At the same time, in the past few months, much has been invested in relations with new Member States, major EU partners and institutions.

In the run-up to this Presidency, the Dutch government has been forced to take a clear stance towards certain policy developments as well as to stimulate internal political-administrative awareness of the realities of EU policy-making. It could be highly detrimental if things would simply fall back into normal routine, as soon as the well-deserved post-Presidency holidays have been enjoyed. Turning this challenge into a long-term investment demands a continuous and critical evaluation of the innovations introduced for managing the Presidency. However, if this is taken seriously, the current Presidency may provide the catalyst for change and a response to critics of recent Dutch EU policies.

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