

EU-27 WATCH



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EU-27 Watch

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On the project

Due to the new treaty provisions of the Lisbon Treaty and the economic crises the enlarged EU of 27 member states is on the search for a new modus operandi while also continuing membership talks with candidate countries. The EU-27 Watch project is mapping out discourses on these and more issues in European policies all over Europe. Research institutes from all 27 member states and the four candidate countries give overviews on the discourses in their respective countries.

The reports focus on a **reporting period from December 2009 until May 2010**. This survey was conducted on the basis of a questionnaire that has been elaborated in March and April 2010. Most of the 31 reports were delivered in May 2010. This issue and all previous issues are available on the EU-27 Watch website: www.EU-27Watch.org.

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Netherlands**The Netherlands and the implementation of the Lisbon Treaty: a wait and see attitude**

Simone Wolters*

Herman Van Rompuy

With regard to the appointment of the President of the European Council, the Dutch media speculated about the Dutch Prime Minister, Jan Peter Balkenende, as a rival to Van Rompuy.¹ Balkenende himself denied that there was an active lobby from his side to obtain the position.² The national parliament debated about the position of Balkenende in this procedure. The opposition stated that the credibility of the Dutch Prime Minister was downgraded by his apparent ambition to become the first President of the European Council. Politicians in The Hague had mixed feelings about the appointment of Van Rompuy. However, they share a positive view on the appointment of a representative of a small member state.³

Little reference has been made in the last months to the role and person of Van Rompuy. The attitude of the Dutch press could be interpreted as an attitude of "wait and see". The few articles that refer to Van Rompuy himself describe him as a calm consensus seeking person and a pragmatic.⁴ In the Netherlands, the idea of more European Council summits, as proposed at the informal summit in February 2010, was not received well. The Dutch Prime Minister has stated that in his opinion four summits should be sufficient.⁵

Several newspapers and both chambers of parliament are paying attention to the new division of power between the European Commission, the European Parliament and the European Council as a result of the entering into force of the Treaty of Lisbon. A monthly summit would give the heads of state and government more possibility to take initiative at the expense of the European Commission. As one of the smaller EU member states, the Netherlands is historically in favour of a strong Commission.⁶ It is feared that the new function of the President of the European Council could result in a shift towards a more intergovernmental European Union.⁷

The new role of the rotating presidency

The EU presidency of Spain is viewed as a test case for the new constellation of the rotating presidency under Lisbon.⁸ Because of the new and more specific role for the presidency, the achievements and tasks are less visible for the public and the media than before.⁹

Catherine Ashton

Minister of Foreign Affairs Maxime Verhagen has made the observation that a well functioning High Representative of the Union for Foreign Affairs and Security Policy and European External Action Service (EEAS) are in the Dutch interest because they promote the possibility to speak with one voice.¹⁰ To make sure that the High Representative can carry out a clear, strong and unified standpoint, the member states should be prepared to work constructively on common visions on important dossiers. Verhagen underlined the necessity for Catherine Ashton to have enough financial assets and instruments at her disposal to make sure that she can work in an effective way. The Dutch Foreign Minister states that she needs the possibility to appoint deputies because in practice it is impossible to be in three places at the same time. These should be high placed people within the EEAS, for example the Secretary General or his deputies. Ashton would be politically responsible for her deputies.¹¹

With regard to Catharine Ashton, there has been even less attention than for the President of the European Council. In February, former Dutch State Secretary of Defence Jack de Vries stated on Twitter that "she is conspicuous by her absence."¹² The Dutch media reported some criticism of Ashton.¹³ Minister Verhagen defended Ashton during the Summit in Cordoba and talked about the growing pains of her function: "It is something completely new. It has to settle down." He acknowledged that a considerable number of member states and media pose questions about the

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functioning of the High Representative: "But it is in the interest of the Netherlands to have a strong High Representative. I do not believe that it is useful to join the choir of criticism."¹⁴

The Netherlands are reasonably satisfied with the draft decision on the EEAS

Foreign Minister Verhagen holds the view that member states have to be prepared to compromise with regard to the Union's external policy. Efficiency in formulating an external EU policy is vital.¹⁵ According to Verhagen, the Netherlands are reasonably satisfied with the draft decision on the EEAS because the proposal is closer to the line of action of October 2009 than was anticipated. It provides room to the High Representative to fill in some of the details at a later stage.

The Dutch government wants more certainty on the outline of the EEAS before approving the proposal. The Foreign Minister will not give a *carte blanche* without a clear view of how certain positions will be filled and how the EEAS will be financed. It is also important to know how the top of the organisation will function, internally and externally, including its relation to the European Parliament.¹⁶

The Dutch government sticks firmly to its position that one third of the functions of the EEAS should be filled by EU member states. There are several reasons for this. First of all, this allows for the appointment of already highly experienced diplomats from each member state. Secondly, combining experience in the civil service and foreign policy will contribute to a high quality of common European external policy. Importantly, this does not mean that quality should come second to equal geographic spreading, i.e., allowing all member states to appoint a certain share of personnel.¹⁷ It is of vital importance to the Dutch government that the EEAS will present a coherent and integrated external EU policy to the outside world. After the final implementation of the EEAS, the Netherlands expect to employ 15-25 of its diplomats in the service of the EEAS.¹⁸ The status of *agent temporaire* will assure that all employees of the EEAS will have the same rights and duties. This has been an important point for the Dutch government.

As a result of the Lisbon Treaty, EU delegations can operate in international organisations and third countries under the directive of the High Representative. According to the Netherlands, this is important for the coherence of external EU actions. The draft-decision states that Union delegations should be able to assist member states in their diplomatic relations and give consular protection to EU citizens. The Netherlands is satisfied with the option of giving the EEAS consular tasks, and will push for a speeding up of its introduction. In addition, the Dutch government is a supporter of a transfer of the former tasks of the rotating presidencies to Union delegations. This will include tasks such as external representation of the EU and internal coordination of foreign policy positions.¹⁹

The Netherlands deems it essential that the deputies of the High Representative are clearly organised. The Secretary General of the EEAS and his deputies are seen as possible representatives of the High Commissioner. The Netherlands does not oppose deputies of the High Representative to be directly answerable in the European Parliament, although this should not be the standard situation. The Dutch government is in favour of the transition of the geographic desks from the Commission and the Council Secretariat to the EEAS to prevent duplication. It is also emphasised that there should be enough capacity at the EEAS to perform its programming tasks, for example in the case of development aid.²⁰

In line with these positions, the government has demonstrated its favour regarding a proper balance between the readiness of the EEAS – by giving it its own capacity and by using the capacities of the Council Secretariat – and the services of the Commission. The Dutch government stresses the need to continuously evaluate the implementation process leading to the formation of the EEAS in order to identify and solve insufficiencies (like the unification of institutions and shifts between institutions and budgets). Preferably, the High Representative would report to the European Council on the functioning of the EEAS. According to the Dutch government, the 2014 evaluation should be as broad as possible. Besides this, the Netherlands attaches much importance to budgetary control of the EEAS by the European Parliament.²¹

According to Foreign Minister Verhagen the coordination of development aid will become easier because the EEAS will also set the strategic programming of the EU.²² The Netherlands highly values EU development aid and emphasises that the EEAS should take care of setting the development priorities. The Dutch government stresses that enough attention should be given to specific development aid policy guidelines.²³

European Citizens' Initiative, discussion about numbers

The Netherlands is a supporter of the European Citizens' Initiative because the introduction of this instrument could lead to more involvement of citizens within the EU. The government underlines that the instrument should be as simple and workable as possible. The Dutch government feels the current proposal is in line with these requirements. At the same time, the Netherlands will closely watch the balance between, on the one hand, accessibility, and, on the other hand, representation. The possibility to register declarations of support online, improving the accessibility of the instrument, is appreciated. However, the Netherlands is critical towards the rules, which force the initiators and supporters to provide a multitude of information. This acts contrary to the accessibility of the instrument. It is also deemed unnecessary because of the introduction by the Commission of a receptivity test after 30,000 signatures are collected.

The Dutch government agrees with the current proposal that 1,000,000 necessary signatures must be collected within one year and should be from at least one third of the member states. But the Netherlands is critical about the minimum amount of signatures required per member state. The Green Paper originally stated that the minimum would be 0.2 percent of the population per member state, but the proposal determines the minimum amount of signatures per member state by multiplying the number of Members of European Parliament (MEPs) from the member state by 750. That would amount to the same as 19,500 signatures from the Netherlands (approximately 0.12 percent of the population). The Netherlands would prefer to set the minimum amount of signatures from its own country at 40,000 (around 0.2 percent of the population).

Finally, the Netherlands and the Commission share the opinion that the responsibility of the authenticity check lies with the member states. The privacy aspect will have the full attention of the Dutch government during the development and implementation of the European Citizens' Initiative.²⁴

¹ Ron Meerhof: Balkenende voorkwam in Brussel 'eindeloos gedoe', De Volkskrant, 21 November 2009.

² NRC Handelsblad: Premier erkent dat zijn naam viel, 2 December 2009.

³ De Volkskrant: Gemengde reacties op benoeming Van Rompuy, 20 November 2009.

⁴ Martin Visser: Homo pragmaticus in roerige tijden, Het Financieele Dagblad, 10 April 2010.

⁵ Jeroen van der Kris: EU-leider wil vaker topoverleg, NRC Handelsblad, 13-14 February 2010.

⁶ Ibid.

⁷ Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1080; Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1110.

⁸ Leonoor Kuijk: Roulerend voorzitter voortaan ondergeschikt aan nieuwe EU-president: EU-voorzitter Spanje is proefkonijn, Trouw, 19 December 2009.

⁹ Iñaki Oñorbe Genovesi: Een discrete voorzitter, maar vooral onzichtbaar, De Volkskrant, 19 April 2010.

¹⁰ Tweede Kamer: vergaderjaar 2009-2010, 21 501-02, nr. 958, 18-19.

¹¹ Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1111.

¹² Petra de Koning: Wrevel over optreden Ashton groeit: In ogen van regeringen kan EU-buitenlandchef weinig goed doen, NRC Handelsblad, 26 February 2010.

¹³ Ibid; Marc Peeperkorn: Buitenlands gezicht van EU worstelt met Imago, De Volkskrant, 24 February 2010.

¹⁴ De Volkskrant: Verhagen neemt 't op voor Ashton, 5 March 2010.

¹⁵ Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1116.

¹⁶ Tweede Kamer: vergaderjaar 2009-2010, 21501-02 nr. 962, p. 1-6, Kabinetsappreciatie EDEO, 19 April 2010.

¹⁷ Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1113.

¹⁸ Tweede Kamer: vergaderjaar 2009-2010, 31 384 (R1850), nr. 28, 5.

¹⁹ Tweede Kamer: vergaderjaar 2009-2010, 21501-02 nr. 962, p. 1-6, Kabinetsappreciatie EDEO, 19 April 2010.

²⁰ Ibid.

²¹ Ibid.

²² Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1114.

²³ Tweede Kamer: vergaderjaar 2009-2010, 21501-02 nr. 962, p. 1-6; Kabinetsappreciatie EDEO, 19 April 2010.

²⁴ Tweede Kamer: vergaderjaar 2009-2010, 21501-02 nr. 960, p. 1 and 5; Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1112.

Questionnaire for EU-27 Watch, No. 9

Reporting period December 2009 until May 2010 – Deadline for country reports 21 May

All questions refer to the position/assessment of your country's government, opposition, political parties, civil society organisations, pressure groups, press/media, and public opinion. Please name sources wherever possible!

1. Implementation of the Lisbon Treaty

On the 1 December 2009 the EU-reform ended with the entering into force of the Lisbon Treaty. However, the new treaty provisions still have to be implemented. Some procedures and conditions have to be determined. In other cases, procedures, power relations, and decision-making mechanisms will change due to the new provisions.

- How is the work of the new President of the European Council, Herman Van Rompuy, assessed in your country? Which changes to the role of the rotating council presidency are expected?
- How is the work of the new High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, assessed in your country? Please take into particular consideration both her role within the European Commission and her relationship to the Council of the European Union.
- On 25 March 2010 a "Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service" was presented. How is this concept perceived in your country? Which alternatives are discussed?
- On 31 March 2010 the European Commission presented a proposal defining the rules and procedures for the European Citizens' Initiative (ECI). What are the expectations for the ECI in your country? What are the various positions concerning the rules and procedures?

2. Enlargement and European Neighbourhood Policy

The European Commission has given its opinion on Iceland's application for EU-membership and a decision from the Council is expected before the end of June. Croatia seems to have settled its border dispute with Slovenia. Against this background:

- Which countries does your country expect to become members of the European Union in the next enlargement round? What are the opinions in your country on the membership of these countries?
- How are the membership perspectives of those countries discussed, which are not expected to become a member in the next enlargement round?

The Eastern Partnership and the Union for the Mediterranean were the last major projects dealing with the European neighbourhood:

- How are these projects assessed in your country?

3. European economic policy and the financial and economic crisis

The European Council agreed on 25/26 March on the key elements of the Europe 2020 strategy, the successor of the Lisbon strategy. While not being on the formal agenda the economic and financial situation in Greece was discussed. The European Council agreed on a finance package combining bilateral loans from the eurozone and financing through the International Monetary Fund.

- How is the finance package for Greece assessed in your country? Are there any opinions on the process, how the agreement on the package was reached?
- Which lessons should be drawn from the Greek case for a reform of the Stability and Growth Pact?
- How is the idea of "a strong coordination of economic policies in Europe" perceived in your country? What concepts of an European economic governance are discussed in your country and which role do they assign to the Euro group?
- How is the Europe 2020 strategy discussed in your country? What are the priorities for the Europe 2020 strategy from your country's perspective?

4. Climate and energy policy

The climate conference in Copenhagen took note of the Copenhagen Accord but did not reach a binding agreement. The next conference of the parties (COP 16 & CMP 6) will take place at the end of November 2010.

- How is the Copenhagen conference assessed in your country? Please take into consideration the negotiation strategy of European Union and the results of the conference.
- Does the European Union need to change its own energy and climate policy in order to give a new impulse to the international negotiations?
- Is a global agreement within the UNFCCC the best strategy to fight climate change? If not, which alternative strategy should the European Union follow?
- What is your country's position on financing mitigation and adaptation efforts in developing countries?

5. Current issues and discourses in your country

Which other topics and discourses are highly salient in your country but not covered by this questionnaire?