

# Policy Review on Strengthening European Cooperation and the Position of the Netherlands

## Terms of Reference

Adopted on 9 August 2010

### 1 Rationale

The 2006 Order on Periodic Evaluation and Performance Information (*Regeling Periodiek Evaluatieonderzoek*; RPE 2006) states that policy aimed at achieving the general or operational objectives associated with the policy cycle will be subject to periodic ex post evaluation in the form of a policy review. Such reviews are accounted for in the budget.<sup>1</sup>

The policy review, 'Strengthening European Cooperation and the Position of the Netherlands', was included in the explanatory memorandum to the Ministry of Foreign Affairs' 2010 budget.<sup>2</sup> It covers operational objectives 3.1 and 3.4. Operational objective 3.1 reads: 'A democratic, decisive and transparent European Union which offers its citizens freedom, justice, security, prosperity and sustainable economic growth'. Specific policy performance indicators under this objective include: implementing the Lisbon Treaty; developing the Area of Freedom, Security and Justice; promoting the Lisbon agenda (making the European economy more competitive); revising the European budget; strengthening European regulation and supervision of the financial sector; and improving energy supplies.<sup>3</sup>

Operational objective 3.4 reads 'A stronger position for the Netherlands in the EU27'. Policy performance indicators for this objective relate to: strengthening protection of Dutch interests in EU decision-making through intensive bilateral contacts with other EU countries (particularly larger ones) and prospective member states; using existing coalitions of member states and forming variable coalitions on the basis of common interests, by means of intensive bilateral contact; strengthening partnerships through cross-border cooperation with neighbouring countries; and increasing the involvement of other ministries and civil society in the Netherlands' bilateral relations.<sup>4</sup>

Under the Ministry of Foreign Affairs' evaluation programme for 2007 to 2012, the Policy and Operations Evaluation Department (IOB) is responsible for carrying out the policy review, which is expected to be completed by 2012. These operational objectives have not previously been subjected to a policy review.<sup>5</sup> It has been decided, following consultations between the IOB, the European Integration Department (DIE) and the Western and Central Europe Department (DWM), to make 'Benelux cooperation' a key part of the policy review, including both formal, treaty-based cooperation in the framework of the Benelux Economic Union (BEU) and informal political cooperation (*Benelux Politieke Samenwerking*, BPS) between the three countries aimed at achieving

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<sup>1</sup> Ministry of Finance, Order on Periodic Evaluation and Performance Information, The Hague, 2006 (available at: <http://www.minfin.nl/dsresource?objectid=16175&type=pdf>).

<sup>2</sup> Ministry of Foreign Affairs, *Vaststelling van de begrotingsstaten van het ministerie van Buitenlandse Zaken (V voor het jaar 2010 (Adoption of the budget statements of the Ministry of Foreign Affairs for 2010))*, House of Representatives 2009-2010, 32123 V, no. 2, p.98.

<sup>3</sup> Derived from the explanatory memorandums to the Ministry of Foreign Affairs' budgets of 2008 to 2010. See annexe 1 for a full list of the performance indicators.

<sup>4</sup> Ibid.

<sup>5</sup> The IOB has, however, performed evaluations concerning the negotiations on Agenda 2000 (IOB 290, 2003), Dutch policy on the accession of Central and Eastern European countries to the European Union (IOB 299, 2005) and the Dutch EU Presidency in 2004 (IOB 314, 2008). See: [www.minbuza.nl/iob](http://www.minbuza.nl/iob)

a coordinated position in the international forums (and the European Union in particular). There are two reasons for this focus on the Benelux. First, the Dutch government considers political cooperation with the Benelux partner countries an important instrument for promoting and protecting Dutch interests in the enlarged EU.<sup>6</sup> The departments responsible need to know how and to what extent BPS contributes to increasing Dutch influence. Second, the Minister of Foreign Affairs has promised the Dutch parliament that an evaluation of the implementation of the revised Benelux Treaty of 2008 will be carried out.<sup>7</sup>

## 2 Background

Like Belgium and Luxembourg, the Netherlands is one of the six founding members of the European Community. The European Union that has grown out of that partnership is a trading community of shared values, which has achieved an unprecedented level of integration between states, sharing sovereignty in a wide range of policy areas. This process of integration, which began in 1952 with the coal and steel community and was extended to include a customs union, an internal market, economic and monetary union, a common justice and home affairs policy and a common foreign and security policy, now extends to almost every area of government policy. For its member states, the EU is by far the most important forum for tackling supranational policy challenges.

The working relationship between the three Benelux countries not only preceded, but sometimes offered an inspirational example to the process of European integration. As early as 5 September 1944, the governments-in-exile of Belgium, the Netherlands and Luxembourg signed a customs union treaty in London.<sup>8</sup> On 3 February 1958, the three governments signed the Treaty Establishing the Benelux Economic Union, which entered into force for a term of 50 years on 1 November 1960.<sup>9</sup> The founding treaties of the EU recognise the special nature of the Benelux as a more far-reaching partnership than the European integration project.<sup>10</sup> Other regional and sub-regional partnerships, for instance between the Nordic countries, the Baltic states and the four Central European countries that work together in the Visegrád Group, are not accorded the same status. In some respects the Benelux Economic Union (BEU) was a forerunner of the EU itself, particularly where customs union, economic union, monetary cooperation and abolishing internal border controls are concerned. Although the EU has now surpassed the BEU in most of these areas, treaty-based cooperation within the Benelux has been extended in recent years to other policy areas, such as cross-border

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<sup>6</sup> In a debate with the Senate of the States General, Minister of Foreign Affairs Maxime Verhagen stated, 'In this respect we wish to speak with one voice on a broad range of issues, especially in an enlarged EU of 27 member states, since this will give our voice greater weight. Put simply, the combined weight of the Benelux's voices is greater than the sum of its parts.' See: Proceedings of the Senate of the States General 17, 2 February 2010, p. 723.

<sup>7</sup> The minister made this commitment in response to requests to this effect from the Senate and the House of Representatives during the debates on the approval of the new Benelux Treaty. See: Proceedings of the House of Representatives 19-1342, 29 October 2009; Motion submitted by Han ten Broeke, House of Representatives 31585, no. 9, 3 November 2009; Memorandum of reply, Senate of the States General 31585, C, 12 January 2010; and Proceedings of the Senate of the States General 17, 2 February 2010.

<sup>8</sup> A customs union had in fact existed between Belgium and Luxembourg since 1921. After the break-up of the United Kingdom of the Netherlands (1815-1830) various initiatives were taken to create a customs union (see, for example, A. Postma et al. (ed.), *Benelux in de kijker. 50 jaar samenwerking*, (Benelux under the spotlight: 50 years of partnership), a book celebrating 50 years of cooperation between Belgium, the Netherlands and Luxembourg, Tiel: Lannoo, 1994).

<sup>9</sup> After fifty years the treaty is automatically extended by ten years, unless one of the parties denounces it.

<sup>10</sup> Article 350 of the Treaty on the Functioning of the European Union (TFEU) (ex article 306 TEC) states: 'The provisions of the Treaties shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the Treaties.'

administrative cooperation, police and justice, energy supplies and spatial planning, thus remaining, in certain respects, a potential source of inspiration for further European integration.

### *The position of the Netherlands in a changing Europe*

Following the enlargement process that culminated in the accession of ten Central and Eastern European countries and the island states Cyprus and Malta, the EU now comprises 27 member states. The enlargement has implications for the position of the Netherlands in Europe and its chances of exerting influence on EU decision-making. And in relative terms, it has weakened the Netherlands' negotiating position (and that of every other member state). With the possible exception of the 'big three' (Germany, France and the United Kingdom), no single member state can still claim to be indispensable to achieving a decisive majority. If the Netherlands once enjoyed certain benefits as a founding member and the 'biggest' of the small nations, situated in Europe's geographic heartland, it is now, in a union of 27 member states, merely one of the crowd.

The process of building variable coalitions aimed at individual issues has become more complex and less predictable as a result of the growing number of actors involved. The increased membership means not only that more member states are required to obtain a majority, but also that more partners are available for collaboration on the various issues. Being a dependable and attractive partner for other member states is therefore crucial. A further effect of the enlargement process is that the centre of gravity of EU decision-making has shifted toward informal channels. After all, it is no longer possible in a Union of 27 member states to do the real negotiating during formal meetings. Member states thus need to form coalitions and therefore determine their (strategic) position at an earlier stage.<sup>11</sup> This is all the more essential given the tendency of the large member states to deal with some important matters among themselves.

The entry into force of the Lisbon Treaty<sup>12</sup> on 1 December 2009 will undoubtedly also have consequences for the negotiating dynamic within the EU, for instance because more decisions can now be made in the Council by qualified majority, the European Parliament is more closely involved in various policy areas, and new posts have been created, such as those of President of the European Council and High Representative for Foreign Affairs and Security Policy.<sup>13</sup>

The policy challenges requiring a common European response are now more urgent than ever. For the Netherlands, whose prosperity depends heavily on exports, strengthening Europe's competitive position is vital. The further development of the European internal market is therefore in the Netherlands' economic interest. Due to the interconnected character of Europe's economic and monetary systems, the financial and economic crises (i.e. the credit crisis of 2009 and the government finance crises of 2010) present the member states with common challenges. Climate change is a global challenge, to which the EU could lead the global response. Recent crises concerning our energy supplies have shown that energy security also requires a coordinated European approach. In addition, the pressure of migration on Europe remains high: the free movement of people and Europe's open borders make a common policy essential. For the same

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<sup>11</sup> See, for example, Peter van Grinsven and Jan Rood, '*Nederland in een Unie van 25 plus; Strategische samenwerking noodzaak*' (The Netherlands in a Union of 25 plus: the need for strategic cooperation), in: *Internationale Spectator*, vol. 59, no. 7/8, July/August 2005, pp. 369-372.

<sup>12</sup> European Union, Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, Official Journal C 306, 17 December 2007.

<sup>13</sup> Given the Treaty's recent entry into force and the number of elements that still need to be fleshed out, the consequences of the Treaty for EU negotiations are still uncertain. They will therefore not be a central focus of the evaluation. The negotiations surrounding the practical application of certain elements of the Treaty will be considered, however.

reasons, combating terrorism, organised crime, drug trafficking and human trafficking also requires a unified European approach.<sup>14</sup>

### *Dutch policy*

The Netherlands employs a range of instruments to ensure its priorities and viewpoints are taken on board in the EU's decision-making process, the most prominent being its more strategic coalition-building in Europe. Though focusing primarily on the large member states, it also seeks coalitions with smaller and medium-sized countries. A related instrument is the upgrading of its bilateral relations with the other EU member states. While these relations may have been sidelined twenty years ago as the European integration project gathered pace, in recent years the Netherlands has been working to strengthen its bilateral relations in Europe in the interests of multilateral cooperation – particularly in the context of the European Union. This is known as the multi-bi approach. Maintaining good relations with the large member states is important since they hold considerable sway, in relative terms, within the Union. Equally, forging strong ties with the medium-sized and smaller member states is also essential to achieving a counterbalance against the large member states.<sup>15</sup> The strategic memorandum of September 2009 on the multi-bi approach, drafted by the Directorate-General for European Cooperation (DGES), identified various partners with a view to strengthening the Netherlands' strategic position in the EU. The Netherlands regularly holds conferences with a number of member states in order to intensify its bilateral relations with them.<sup>16</sup>

Alongside cooperation with individual member states, the Netherlands also views cooperation within the Benelux as an important mechanism for increasing its influence within the EU. First and foremost, this involves informal political cooperation (BPS) between representatives of the three countries, outside the formal framework of the Benelux Treaty. Thus, it is common, in the context of BPS, for the prime ministers, the foreign ministers and other ministers from the three countries to meet in advance of European meetings to discuss the agenda and align their positions where possible. As a result the countries sometimes make joint statements concerning particular items on the agenda.<sup>17</sup> They may also contribute joint papers or 'Benelux memorandums' to the negotiations. The idea is that by joining forces the Benelux countries will exert more influence than by acting in isolation.<sup>18</sup> The Benelux memorandums have always been met with both attention and appreciation.<sup>19</sup> The best examples of joint Benelux input are to be found in relation to the EU's institutions and Justice and Home Affairs. The countries recently drew up a Benelux memorandum on the implementation of the Lisbon Treaty.<sup>20</sup> Political cooperation in the Benelux has also benefited from consultations with other regional forums, such as the Visegrád Group and the Baltic states.<sup>21</sup>

Strictly speaking, informal BPS is entirely separate from the treaty-based Benelux Economic Union. That said, the BEU can exert influence on European cooperation as a whole. It may do so, for example, in its capacity as a policy 'laboratory'. Equally, ministers who have met in the context of the

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<sup>14</sup> See State of the European Union, 2007-2008, 2008-2009 and 2009-2010.

<sup>15</sup> Ministry of Foreign Affairs, DWM, 2008, 2009 and 2010 annual plans.

<sup>16</sup> I.e. Germany, France, the UK, Poland and candidate country Turkey.

<sup>17</sup> BPS is aimed primarily at the EU's policy agenda, but the Benelux countries also try to work together within multilateral forums such as the UN and the OSCE and with respect to the G20.

<sup>18</sup> Senate of the States General, Proceedings of the Senate of the States General 17, 2 February 2010, pp.719.

<sup>19</sup> Lansloot, T. 'Benelux nog een meerwaarde voor Vlaanderen?' (Does the Benelux still have added value for Flanders?) in: *Internationale Spectator*, vol. 59 no. 5, May 2005.

<sup>20</sup> The memorandum includes proposals concerning the role of the European Council and its President, the position of the High Representative and the European diplomatic service. Benelux, *Benelux Memorandum: Implementatie van het Verdrag van Lissabon (Benelux memorandum on the implementation of the Lisbon Treaty)*, 7 October 2009.

<sup>21</sup> Letter of 13 June 2008 from the Minister of Foreign Affairs, House of Representatives 2007-2008, 31200 V, no. 128.

BEU may opt for joint action when it comes to EU decision-making. The question of whether formal BEU cooperation strengthens the position of the Benelux countries – and thus also of the Netherlands – will be part of the evaluation.

The Ministry of Foreign Affairs also employs other instruments to increase the Netherlands' influence in the EU. One involves intensifying Dutch contacts with the EU institutions (i.e. the Commission, the Parliament and the rotating Presidency of the country). The Netherlands has seconded a number of employees to the European Commission and usually posts staff to countries assuming the Presidency. The Ministry is working to increase levels of EU expertise within the Dutch civil service and to ensure thorough and consistent interministerial coordination. It also conducts analyses of the viewpoints held by other member states (see annexe 2 for a summary of all the instruments aimed at achieving operational objectives 3.1 and 3.4, as listed in the explanatory memorandums for 2008 to 2010).

### *A new Benelux Treaty*

Ahead of the Benelux Treaty's expiry on 31 October 2010, the three countries met in June 2007 to negotiate a continuation of treaty-based Benelux cooperation.<sup>22</sup> There were three main options: denounce the treaty, extend it, or draw up a new one.<sup>23</sup> The final option was chosen, based on the principle that although Benelux cooperation had potential added value, the relationship needed to be organised differently to utilise it to the full. On 17 June 2008 the governments of the Benelux countries signed the Treaty revising the Treaty Establishing the Benelux Economic Union signed on 3 February 1958. Following approval by the various parliaments<sup>24</sup> the treaty was due to enter into force on 1 November 2010, but following delays, a new provisional date of 1 January 2011 has been set. Recognising that the partnership is no longer confined to economic areas, the name Benelux Economic Union will be replaced by Benelux Union (BU). This term will be used throughout the remainder of these terms of reference.

The new agreement is a framework treaty, offering scope to cooperate in various areas without the need to amend the text. It identifies three substantive pillars:

- 1) internal market and economic union;
- 2) sustainable development; and
- 3) Justice and Home Affairs.

When the new Benelux Treaty enters into force, BPS will remain outside its framework. However, when signing the new treaty the government representatives made a declaration stating their intention to give their countries' political cooperation in the context of the European Union a more concrete form.<sup>25</sup>

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<sup>22</sup> Minister of Foreign Affairs, *Kamerbrief inzake onderhandelingen over een nieuw Benelux-verdrag* (Letter concerning the negotiations on a new Benelux Treaty), House of Representatives 2007-2008, 31200 V, no. 128, 13 June 2008.

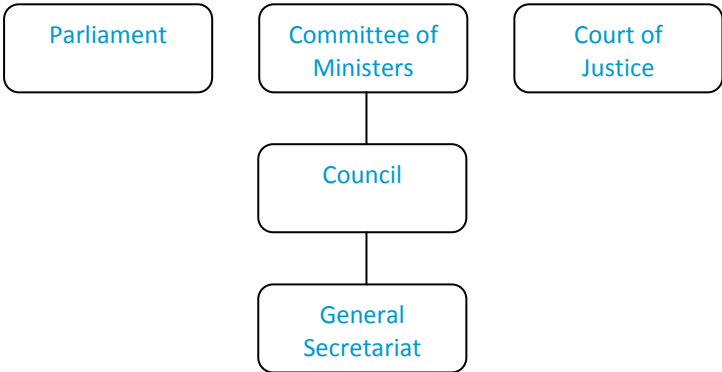
<sup>23</sup> See: Senate of the States General, *Proceedings of the Senate of the States General 17*, 2 February 2010, pp. 721.

<sup>24</sup> The Dutch House of Representatives approved the new treaty on 3 November 2009. The House adopted an amendment making a revision to the Convention establishing a Benelux Interparliamentary Consultative Council of 5 November 1955 a condition for the treaty's ratification. The Dutch Senate approved the new treaty on 9 February 2010. In Luxembourg, it was approved by the Chamber of Deputies on 7 May 2009. In Belgium at the time of writing (April 2010) the approval process is still under way, since it needs to be approved by seven parliamentary bodies.

<sup>25</sup> Benelux, *Politieke verklaring van de Benelux-regeringen* (Political declaration by the Benelux governments) (available at [http://www.benelux.be/pdf/pdf\\_nl/act/20080617\\_polVerklaring\\_nl.pdf](http://www.benelux.be/pdf/pdf_nl/act/20080617_polVerklaring_nl.pdf)).

Two of the old BEU's institutions, the College of Arbitrators and the Economic and Social Consultative Council have been abolished. With the signing of the new treaty, five Benelux institutions remain: the Committee of Ministers, the Benelux Interparliamentary Consultative Council (Benelux Parliament), the Benelux Court of Justice, the Benelux Council and the General Secretariat (see organigram below). The General Secretariat supports the official committees and working groups and comprises around 60 members. Besides the BU's five institutions, there is also a Benelux Office for Intellectual Property, which has approximately 100 employees and is based in The Hague.

**Figure 1** *Organigram of Benelux institutions*



Source: website Benelux Secretariat-General

Under article 6, paragraph 2 of the new treaty the Committee of Ministers adopts the annual plan and the common work programme. This article was introduced to provide for the type of political leadership required. To ease the transition from the old to the new treaty, a common work programme for the 2009 to 2012 period was adopted alongside the new treaty.<sup>26</sup>

Implementing the Benelux Treaty involves cross-border cooperation across a range of policy areas, including policing, disaster response, ambulance services, spatial planning and ecosystems. The Union also provides a framework for cross-border cooperation between local or regional government authorities (on the basis of the Benelux Convention on Transfrontier Cooperation between Territorial Communities or Authorities). Beyond the Benelux, there are also other frameworks for cross-border regional cooperation, such as the Euregions,<sup>27</sup> facilitated by the European Union, and the European Grouping for Territorial Cooperation (EGTC).<sup>28</sup> Concerns have been raised in the Dutch House of Representatives about whether the Benelux framework is hampering regional cooperation at EU level and cooperation with regions in Germany (the Netherlands borders on the *Bundesländer* Lower Saxony and North Rhine-Westphalia). The new Benelux Treaty explicitly refers to the possibility of engaging in and intensifying partnerships with regions in neighbouring countries.<sup>29</sup> Any formal accession by these regions to the Benelux has been ruled out, however.

<sup>26</sup> Benelux, *Gemeenschappelijk werkprogramma 2009-2012* (Common work programme for 2009 to 2012) (available at: [http://www.benelux.be/pdf/pdf\\_nl/act/20080617\\_werkprogramma\\_nl.pdf](http://www.benelux.be/pdf/pdf_nl/act/20080617_werkprogramma_nl.pdf)).

<sup>27</sup> Dutch local and provincial authorities are involved in the following Euregions: Benelux Middengebied (Belgium-Netherlands), Eems-Dollard (Germany-Netherlands), Gronau-Enschede (Germany-Netherlands), Maas-Rijn (Belgium-Germany-Netherlands), Rijn-Maas Noord (Germany-Netherlands), Rijn-Waal (Germany-Netherlands) and Scheldemond (Belgium-Netherlands).

<sup>28</sup> [http://ec.europa.eu/regional\\_policy/funds/gect/index\\_nl.htm](http://ec.europa.eu/regional_policy/funds/gect/index_nl.htm).

<sup>29</sup> On 31 March 2010, for example, a Dutch cross-border employment internet portal was launched for the North Rhine-Westphalia region. The Benelux General Secretariat is responsible for managing and expanding the site.



In addition to treaty-based cooperation, the three Benelux countries also work together at bilateral level. The Netherlands and the Flemish community in Belgium, for example, have established a formal working relationship on the basis of the cultural treaty the parties signed in 1995 and within the Dutch Language Union (*Nederlandse Taalunie*). The Dutch and Belgian governments also work together on infrastructure projects and tax issues.

*Key actors*

In its capacity as coordinator, the Ministry of Foreign Affairs is responsible for developing the general principles underlying the Netherlands’ policy on Europe. This applies to both the European Union and the Benelux Union. The line ministries help implement this policy according to their respective fields and formulate sectoral policy where applicable. The Ministry of Foreign Affairs’ European Integration Department (DIE) is responsible for the coordination of EU policy. The Western and Central Europe Department (DWM) has the same role with respect to the BU, and oversees the Netherlands’ bilateral relations with other EU member states. The Netherlands maintains an embassy in every EU member state. The Dutch Permanent Representation to the EU (PREU) represents the Netherlands in the Council working groups and the Permanent Representatives Committee (Coreper) and in this respect also plays a role in BPS.

*Budget*

Table 1 shows the budget for operational objectives 3.1 and 3.4. Expenditure under 3.1 relates solely to the Netherlands’ contributions to the EU. The Netherlands contributed considerably less in 2009 because of its insistence on a reduction of (on average) EUR 1 billion per year for the 2007 to 2013 period. That reduction was calculated with retroactive effect in 2009.

<b>Table 1</b> Budget for operational objectives 3.1 and 3.4 (EUR millions)			
	<b>EM 2008</b>	<b>EM 2009</b>	<b>EM 2010</b>
3.1 A democratic, decisive and transparent EU	7,394.7	4,224.3	7,003.0
3.4 Position of the Netherlands in the EU 27	3.6	3.2	3.1

*Source: Explanatory memoranda to the Ministry of Foreign Affairs’ budgets for 2008, 2009 and 2010.*

As one of the BU’s three member states, the Netherlands contributes to the Benelux budget. The organisation’s budget for 2010 is approximately EUR 7.7 million, 48.5% of which is billed to the Netherlands: a total of EUR 3.7 million.

**3 Purpose of the policy review and research questions**

The policy review has two objectives:

- a) provide insight into and render account for both how the Netherlands exerts influence on European cooperation and the results it achieves; and
- b) learn lessons for possible improvements to policy implementation.

The research questions encompass the five elements that according to the RPE 2006 should be included in a policy review. While questions requiring descriptive answers will cover all the instruments that fall under operational objectives 3.1 and 3.4, those dealing with the impact of policy will be confined to a selection of instruments, i.e. the degree to which bilateral relations have been strengthened and the process by which coalitions are formed within the EU, including BPS and implementation of the Benelux Treaty (see section 4, Definition and scope).

#### *Description and analysis of the issue that gave rise to the policy*

- What implications does the enlargement of the EU to 27 member states have for the negotiating dynamic within the Union and for the Netherlands' ability to ensure that its priorities and viewpoints are taken on board in the EU decision-making process?
- What was the reason for the revision of the Benelux Treaty in 2008 and what were the Netherlands' main considerations in that process?

#### *Description of and rationale for central government's role*

- What parts of central government are involved in shaping EU policy and Benelux cooperation and what is their role?
- How does the government justify the importance it accords cooperation at EU and BU level?

#### *Description of the policy objectives to be evaluated*

- What policy objectives is the Netherlands trying to achieve within the EU and the Benelux?
- What policy has been formulated with respect to increasing the Netherlands' influence in Europe?

#### *Description of the instruments employed (A) and analysis of their social impact (B)*

(A)

- What instruments is the Netherlands using to ensure its priorities and viewpoints are taken on board in the EU decision-making process?
- What efforts is the Netherlands making to promote implementation of the new Benelux Treaty and the common work programme?
- Is operational management effective?

(B)

- Is the policy of intensifying bilateral relations with the other EU member states promoting the position of the Netherlands with respect to coalition-building in Europe? If so, in what way?
- By building strategic or other coalitions with other EU member states, is the Netherlands exerting influence on the EU decision-making process? If so, in what way?
- Are BPS and cooperation with other regional partnerships increasing Dutch influence on the EU decision-making process? If so, in what way?
- Have the improvements envisaged in the new Benelux Treaty, such as more political leadership, thematic focus and flexibility, been achieved in practice?
- What is the BU's added value? What benefits does cooperation in the framework of the BU deliver to ordinary citizens?
- What is the relationship between the BU and BPS? Do they reinforce one another? If so, in what way?

#### *Description of the budgets set*

- What budget has the Netherlands set with respect to operational objectives 3.1 and 3.4 and on what basis?
- What amount does the Dutch government contribute to the BU's budget and on what basis? What other costs, if any, are attached to cooperation in the context of the Benelux Treaty?

## **4 Definition and scope**

With respect to the description of the underlying issues, the role of central government, the policy objectives, range of instruments and budget, the evaluation will cover all the instruments listed under operational objectives 3.1 and 3.4 in the explanatory memorandums for 2008 to 2010.



There is no recent impact study on the instruments employed to which the policy review can refer and therefore an impact study will form part of the policy review process (and as a result the process will take longer than usual). In order to conduct a prompt yet thorough analysis, instruments have been selected from the explanatory memorandums, and these will be evaluated in two separate studies. The first is aimed at instruments that help the Netherlands position itself strategically in the enlarged EU. The second is an evaluation of treaty-based Benelux cooperation, in accordance with the Minister of Foreign Affairs' commitment to that effect to the Dutch parliament.

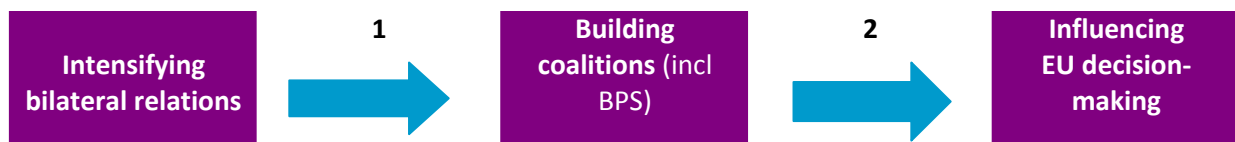
### Study 1 Instruments aimed at increasing the Netherlands' influence

This study will focus on instruments central to the Netherlands' efforts to position itself strategically within the enlarged EU:

- a) intensifying bilateral relations with important EU member states; and
- b) building coalitions with suitable member states, including joint action with Benelux partners where possible (BPS) and working with other regional groups (e.g. Baltic states, Nordic countries and Visegrád Group).

Figure 2 shows the relationship between the selected instruments. Intensifying bilateral relations serves primarily to facilitate coalition-building among member states (arrow 1), which in turn should serve to increase Dutch influence on EU decision-making (arrow 2).

**Figure 2** Hierarchy of instruments aimed at influencing EU decision-making



The figure illustrates only a small part of the theory underlying this policy. Maintaining and deepening bilateral relations also serves other purposes, of course. And plenty of other instruments are employed to strengthen the Netherlands' position when it comes to building coalitions in Europe (e.g. analysis of other member states' viewpoints and secondment of personnel to the Commission and selected member states etc.).

### Selection of EU negotiation dossiers

The evaluation of the process of coalition-building and the influence exerted on EU decision-making will be based on four EU negotiation dossiers. These were selected using the following criteria:

- priority areas for the Netherlands (determined with reference to the State of the European Union and the explanatory memorandums);
- progress achieved in a given area during the evaluation period; and
- thematic spread (institutional, prosperity, security and sustainability).

The dossiers selected are as follows:

- 1) implementation of the Treaty of Lisbon (i.e. negotiations over the treaty's 'loose ends');
- 2) energy supply security;
- 3) drafting and implementation of the JHA multi-annual programme for 2010 to 2014 ('Stockholm programme'); and
- 4) European measures in response to the financial and economic crisis.

For each of these dossiers, a limited number of issues will be identified (by means of document studies and interviews with relevant negotiators), which were central to the decision-making process. The analysis of the coalition-building process will focus on these issues.

## Study 2 Implementation of the Benelux Treaty

The second study will evaluate cooperation in the context of the Benelux Treaty. It will consider firstly the improvements envisaged with the introduction of the revised treaty, and secondly, the results and added value of cooperation at BU level.

### *Selection of themes for cooperation*

The evaluation of the implementation of the revised Benelux Treaty will include a selection of themes for cooperation. The selection took account of the following criteria.

- There should be a spread of themes across the three substantive pillars of the BU (internal market and economic union, sustainable development and Justice and Home Affairs).
- A theme may be chosen if a potential link exists between implementation of the Benelux Treaty and joint BU action in EU decision-making.
- A theme may be chosen if it also involves neighbouring countries or regions in neighbouring countries (i.e. 'Benelux plus').
- A theme may only be chosen if cooperation in that area is already under way.

After reviewing the Benelux's common work programme and annual plans, the following selection was made:

- 1) Pentalateral cooperation on energy (Benelux, France and Germany)
- 2) Combating animal diseases
- 3) Cross-border cooperation among local and regional authorities<sup>30</sup>
- 4) Youth policy
- 5) Cross-border employment
- 6) Availability of ambulances
- 7) Cross-border police cooperation ('Senningen consultations')

The evaluation will also consider a number of other themes for cooperation that were included in the common work programme but failed to get off the ground. These will be identified by means of interviews. Further discussions with relevant officials from the ministries responsible and staff of the Benelux General Secretariat will examine which factors hindered implementation of the themes in question.

The functioning of the Benelux Parliament will not be covered by the evaluation, since the negotiations concerning its new statute have been held separately from those concerning the new Benelux Treaty and have not yet been concluded. The Benelux Office for Intellectual Property will also be excluded from the evaluation. The agency is entirely self-funded by the fees it charges for registering trademarks, designs and drawings.

### *Line ministries' involvement*

Although this policy review is aimed at two of the Ministry of Foreign Affairs' operational objectives, other ministries are also involved in achieving them. This is true of both Benelux and EU cooperation. The relevant policy officers from these other ministries will be interviewed as part of the evaluation. These ministries will be given access to the parts of the draft report that relate to their policy area. The only line ministry represented in the reference group will be the Ministry of Justice, in view of the prominent role played by JHA policy in both the EU and the Benelux.

### *Period studied*

The evaluation will cover the period 2008 to (spring) 2012, at which time it too will be concluded. The end date has been set by the BZ Evaluation Programme and is the year in which the Minister of

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<sup>30</sup> On the basis of the Benelux Convention on Transfrontier Cooperation between Territorial Communities or Authorities.

Foreign Affairs' promised evaluation of revised treaty-based cooperation in the Benelux falls due.<sup>31</sup> It is also the year in which the first Benelux common work programme (2009-2012) expires. This time frame will enable the BU to take account of the results of the policy review when developing its next work programme. 2008 was selected as the start date because treaty-based cooperation in the Benelux received a boost in June of that year with the signing of the revised Benelux Treaty, the issue of a political declaration and the adoption of the common work programme. Thanks both to the work programme and to the fact that the revised treaty is largely a consolidation of existing practices, the BU is to all intents and purposes already operating according to the new policy objectives. The negotiations on the revised Benelux Treaty will not form part of the evaluation. The expected improvements will however be considered when reconstructing policy.

The first study (on bilateral relations and coalition-building) will also take 2008 as its starting point. In the political declaration issued in June of that year, the representatives of the Benelux governments said they intended to intensify BPS. The renewed appreciation for bilateral relations with other member states in the context of coalition-building in fact dates from the turn of the century. An evaluation period of just over four years is sufficient to assess the results of that policy and should allow researchers to reliably reconstruct it with the help of the actors concerned. Important facts occurring in the areas for study in 2007 will, however, also be taken into consideration.

The policy review will be conducted within the period to be studied, with most of the data collection taking place in 2011. Where applicable, progress concerning implementation of the Benelux Treaty may be included up until early 2012.

Where processes of cooperation are ongoing, as is the case with treaty-based Benelux cooperation and the intensification of bilateral relations, the evaluation will take place in real time. In matters involving EU decision-making, however, the evaluation will be *ex post*: only matters that have already been concluded will be examined.

## 5 Approach and methodology

The description of the underlying issues, the role of the government, the policy objectives, the range of instruments and the budget will be drafted on the basis of document study (i.e. of the literature, letters to parliament, reports of parliamentary debates, official memos etc.) and following interviews with policy officers at the various Dutch ministries. A critical assessment of operational management will be made only in respect of the Ministry of Foreign Affairs and the embassies, on the basis of existing audits by the ministry itself or the Netherlands Court of Audit (*Algemene Rekenkamer*).

As observed in paragraph 4, the evaluation of the impact of Dutch policy will be divided into two separate studies. The methodology to be applied to each is described in more detail below.

### Study 1 Instruments aimed at increasing the Netherlands' influence

The dual focus of this study is the intensification of bilateral relations and the building of coalitions, including joint action with the Benelux partners and other regional partnerships. Intensifying bilateral relations serves in large part to promote Dutch interests in the EU decision-making process. The rationale for this policy is that stronger bilateral relations with other member states should put the Netherlands in a good position to enter into coalitions within the EU and thus to influence EU

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<sup>31</sup> Minister of Foreign Affairs, *Goedkeuring van het op 17 juni 2008 te 's-Gravenhage tot stand gekomen Verdrag tot herziening van het op 3 februari 1958 gesloten Verdrag tot instelling van de Benelux Economische Unie* (Approval of the Treaty of 17 June 2008 revising the Treaty Establishing the Benelux Economic Union signed on 3 February 1958), Memorandum of reply, Senate of the States General 2009-2010, 31585 C, 12 January 2010.

decision-making. The merits of this rationale will be assessed in two stages. First, the study will consider how the Netherlands goes about intensifying relations with other member states and what impact this has on its ability to form coalitions in the EU. Next, it will examine what coalitions the Netherlands has entered into and how it uses them to exert influence on EU decision-making. Special attention will be paid in this study to the role of BPS. The cooperation between the Benelux countries and other regional groups will also be considered in this connection.

Annexe 4 contains an evaluation matrix, which displays the rationale underpinning the policy in terms of inputs, outputs, outcomes and impact.

*a) Intensification of bilateral relations*

The study will begin by establishing what activities the Netherlands conducts to intensify its relations with other member states. This includes organising political and official visits, sharing information and expertise, holding bilateral conferences, seconding staff etc. Informal contacts at any level of seniority may also be significant, and will be examined, where possible, by means of interviews.

The researchers will use policy documents and interviews to establish whether these activities are aimed at member states that have been identified in policy as priorities. Since the main reason for intensifying bilateral relations is to facilitate coalition-building in the EU, it stands to reason that the activities in question should be aimed at countries with which the Netherlands may expect to be able to collaborate in the framework of EU decision-making.

Questions re activities	
Questions	Sources
1. With which member states has the Netherlands sought to intensify its bilateral relations?	DWM records, embassies’ annual plans, interviews with staff from BZ, line ministries and Dutch embassies.
2. How many visits at official and political level took place in the period studied? Which member states were involved and at what level? What were the topics of discussion?	DWM records, embassies’ annual plans, messaging system, interviews with staff from BZ, line ministries and Dutch embassies.
3. With which member states has the Netherlands organised bilateral conferences and with what level of frequency? What were the topics of discussion?	Ibid
4. What activities have the Dutch embassies undertaken in EU member states to intensify bilateral relations?	Embassies’ annual plans, messaging system, interviews with staff from BZ, line ministries and Dutch embassies.
5. What further activities has the Netherlands undertaken to intensify bilateral relations with other member states?	Ibid
6. What role did the potential for EU-level cooperation play in the choice of member states with whom the Netherlands sought to intensify relations and in the choice of themes for cooperation?	Embassies’ annual plans, interviews with country officers and embassy staff.

The intended effect of these activities is to put the Netherlands in a strong position to work with other member states in the context of EU decision-making. They may achieve concrete results, such as a joint ministerial declaration, a memorandum of understanding or a discussion paper (e.g. a Benelux memorandum) to serve as inputs for EU negotiations. But there may also be less tangible

results, such as a better understanding of other member states' viewpoints, greater appreciation of the Netherlands' viewpoint in other member states or a generally positive impact on the Netherlands' image abroad.

The concrete results of bilateral activities can be documented relatively easily using document analysis, supplemented where necessary with interviews. Less tangible results can only be established on the basis of interviews with Dutch officials and representatives of other member states. These interviews will focus as much as possible on the impact – potential or already achieved – of these bilateral activities.

It is not possible to make sweeping judgments regarding the relationship between intensifying bilateral relations and the Netherlands' ability to build coalitions aimed at influencing EU decision-making. Making generalisations of this sort is difficult in any case, given the diverse circumstances surrounding the different dossiers: they involve different actors, different power relations and viewpoints, different decision-making rules and different negotiating styles (e.g. trade-off, persuasion, pressure etc.). Nor is it possible to isolate a focus on bilateral relations from other factors determining a member state's suitability as a potential coalition partner. Examples include the personal chemistry between negotiators or ministers, the political persuasions of the ministers involved, the countries' viewpoints, the balance of power between them, the positions taken in earlier negotiations and the countries' previous working relationship. After studying the literature and conducting interviews with negotiators from other member states, the researchers will list the factors affecting the Netherlands' position as a potential coalition partner and will attempt to qualify the relative importance of intensive bilateral relations.

It is equally impossible to construct an accurate 'what if?' scenario (i.e. would the situation be different if the Netherlands had *not* sought to intensify bilateral relations with the country in question?). Any attempt (within a given dossier) to compare member states with which the Netherlands has and has not intensified relations will fail due to the countless other ways in which the countries will differ (e.g. size, geographic and cultural proximity, viewpoint, power position and political persuasion). A similar problem emerges when comparing two dossiers with respect to a single member state if the Netherlands has invested in bilateral relations relating to only one of the two policy themes.

Questions re impact	
Question	Sources
1. Have bilateral activities achieved concrete results, such as joint declarations, MoUs, discussion papers and memorandums?	BZ records, interviews with officials from BZ and line ministries, and representatives of other EU member states
2. Have these bilateral activities resulted in greater understanding in the Netherlands of other member states' viewpoints?	Embassy reports, interviews with officials from the Netherlands and from other member states
3. Have the activities resulted in greater appreciation and understanding of the Netherlands' viewpoints and input?	Interviews with representatives of other member states
4. Have the activities served to promote a positive image of the Netherlands?	Ibid
5. Which bilateral activities have played a demonstrable role in building coalitions? In what way?	Messaging system, interviews with negotiators from the Netherlands and other EU member states
6. What role is played by intensive bilateral relations compared to that of other factors	Academic literature, interviews with officials from BZ and line ministries, and with

(power position, viewpoint etc.) in whether or not a coalition is entered into?	representatives of other EU member states
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The effect of intensified bilateral relations on coalition-building is also dealt with in the next part of the study, which will examine the process of coalition-building through the prism of four specific dossiers.

*b) Coalition-building and BPS, including cooperation with other regional partnerships*

The study will consider coalition-building from two perspectives. First: for each of the four dossiers identified (see section 4), the researchers will examine with which member states the Netherlands has formed coalitions and how each coalition has helped the Netherlands influence EU decision-making. Two sets of questions will be addressed, one dealing with the process of coalition-building and the other with the Netherlands' influence on EU decision-making. The role played by the intensification of bilateral relations will be dealt within the first set.

Next, a number of BPS-related questions will be addressed. The European issues in which BPS does or does not play a significant role will be mapped on the basis of literature studies and interviews.

**Questions re process of coalition-building by selected area of EU negotiation**

Questions	Sources
1. Which Dutch actors (senior/junior officials, politicians) have been involved in building a coalition?	BZ records, messaging system, interviews with staff from DIE and other departments (incl. DME), line ministries and PREU
2. In what phase of the negotiating process was the coalition formed?	Ibid
3. What information and considerations resulted in the choice of one particular member state or group of states as a coalition partner?	Ibid
4. Were the coalition partners among those countries with whom the Netherlands has intensified bilateral relations? If so, did these strengthened relations make working with the partner easier?	Ibid
5. How did the Netherlands consult with the coalition partners in question, and at what level?	Ibid

**Questions re influence exerted on EU decision-making per selected dossier of EU negotiation**

Question	Sources
1. What were the three to four most controversial issues relating to this dossier?	BZ records, messaging system, reports of meetings of Council, Council working groups and Coreper, letters to parliament, interviews with staff from DIE and other departments, line ministries and PREU
2. What was the Netherlands' initial preferred outcome regarding these issues?	BZ records, interviews with staff from DIE and other departments, line ministries and PREU
3. What forces were at play for each of these issues (nature and intensity of viewpoints, member states' power positions etc.)?	BZ records, messaging system, interviews with staff from DIE and other departments, line ministries, PREU and negotiators from other member states
4. With which countries did the Netherlands form a coalition, and on what basis (e.g. shared	BZ records, interviews with staff from DIE and other departments, line ministries and PREU



viewpoint, shared opposition, previous cooperation)?	
5. What was the Netherlands' role in this coalition (e.g. initiator, leader, passive member)?	Ibid
6. How did the negotiations on these issues unfold? (At what point was a breakthrough made? Which actors dragged their feet? How was a decisive majority achieved? Did the negotiations turn on trade-offs, persuasion, pressure etc?)	BZ records, messaging system, reports of meetings of Council, Council working groups and Coreper, interviews with staff from DIE and other departments, line ministries and PREU, and negotiators from other member states
7. How did the Netherlands and the other members of the coalition attempt to influence the negotiations? Did they succeed?	BZ records, messaging system, interviews with staff from DIE and other departments, line ministries and PREU, and negotiators from other member states
8. What was the outcome of the negotiations on each of the issues identified and how did this outcome compare to the Netherlands' initial position on this issue?	BZ records, messaging system, reports of meetings of Council, Council working groups and Coreper, interviews with staff from DIE and other departments, line ministries and PREU, and negotiators from other member states

#### Questions re BPS

Question	Sources
1. How often and in what form do consultations (preliminary or otherwise) at ministerial level take place in the context of BPS?	BZ records, interviews with staff from DWM, DIE, other departments, line ministries, PREU; Belgian and Luxembourg embassies, PREUs and ministries
2. List the areas of EU activity in which the Benelux countries have cooperated politically.	Ibid
3. Was the initiative to work together taken at official or political level? How was the cooperation managed at official level?	Ibid
4. What were the results of BPS in terms of outputs (joint statements, shared viewpoints, Benelux memorandums etc)?	Ibid
5. Did BPS succeed in influencing the EU decision-making process and the outcome of the negotiations in question? If so, in what way?	BZ records, interviews with staff from DWM, DIE, other departments, line ministries, PREU; Belgian and Luxembourg embassies, PREUs and ministries; negotiators from other member states
6. Are there examples of cooperation in the context of the BU resulting in joint action with respect to European decision-making?	BZ records, interviews with staff from DWM, DIE, other departments, line ministries, PREU; Belgian and Luxembourg embassies, PREUs and ministries

#### Questions re cooperation with other regional partnerships

Question	Sources
1. How often and at what level did the Netherlands participate in consultations with the Baltic states, the Nordic countries and the Visegrád Group and what topics were discussed?	BZ records, interviews with staff from DWM, DIE, line ministries and embassies
2. What were the outputs of these	Ibid

consultations? Did they result in joint action on EU issues?	
3. If so, what role did this joint action play in the EU decision-making process?	BZ records, messaging system, reports of meetings of Council, Council working groups and Coreper, interviews with staff from DIE and other departments, line ministries and PREU, and negotiators from other member states

## Study 2 Implementation of the Benelux Treaty

The evaluation of the implementation of the Benelux Treaty will examine:

- a) the extent to which a number of improvements envisaged by the revised treaty have been realised in practice; and
- b) the BU's added value as a framework for cooperation.

### a) Expected improvements

The new Benelux Treaty is expected to bring about a number of improvements, such as stronger political leadership, a clearer focus on the substance of policy and greater flexibility, enabling it to respond to new developments and trends.<sup>32</sup>

Questions re political leadership	
Question	Sources
1. How frequently does the Committee of Ministers meet, in what form and how does this compare with the period prior to the signing of the revised Benelux Treaty (in June 2008)?	BZ records, messaging system, interviews with staff from DWM and line ministries
2. What topics are discussed in the Committee's meetings?	Ibid
3. Is the substance of the annual programme discussed at political level and adjusted as necessary or is the programme approved as a formality?	Interviews with staff from DWM, Benelux General Secretariat and Belgian and Luxembourg ministries

Questions re thematic focus	
Question	Sources
1. What policy themes does cooperation focus on?	Benelux common work programme, Benelux annual programme, BU annual reports, DWM files, interviews with staff from DWM and other departments, line ministries, Benelux General Secretariat and Belgian and Luxembourg ministries
2. How does this compare to the number of themes prior to the new treaty (i.e. pre-June 2008)?	Ibid
3. Is there now greater coherence between themes for cooperation?	Ibid
4. Has the common work programme	Ibid

<sup>32</sup> See the Minister of Foreign Affairs' letter to the House of Representatives regarding the progress of the negotiations on a new Benelux Treaty: *Vaststelling van de begrotingsstaten van het Ministerie van Buitenlandse Zaken (V) voor het jaar 2008* (Adoption of the Ministry of Foreign Affairs' 2008 budget statement), The Hague, 13 June 2008, House of Representatives 2007-2008, 31 200 V, no. 128.

contributed to a greater focus on the substance of policy?

#### Questions re flexibility

Question	Sources
1. Does the treaty framework offer scope for flexibility?	Benelux common work programme, Benelux annual programme, BU annual reports, DWM files, interviews with staff from DWM and other departments, line ministries, Benelux General Secretariat and Belgian and Luxembourg ministries
2. Does the multi-annual common work programme offer scope for flexibility?	Ibid
3. Are the Benelux institutions geared toward flexibility?	Interviews with staff from DWM and other departments, line ministries, Benelux General Secretariat and Belgian and Luxembourg ministries
4. Have there been instances where the Benelux has had to respond swiftly to changing circumstances? Did it succeed in doing so?	BU annual reports, DWM files, interviews with staff from DWM and other departments, line ministries, Benelux General Secretariat and Belgian and Luxembourg ministries

#### *b) Added value of the Benelux Union as a framework for cooperation*

A selection of themes for BU cooperation (see section 4) will be examined. For each theme, the following set of questions will be addressed:

#### Questions by theme for cooperation

Question	Sources
1. Why was the Benelux chosen as the framework for cooperation as opposed to, say, bilateral cooperation or an EU framework?	Interviews with staff from DWM and other departments, line ministries, Benelux General Secretariat, Belgian and Luxembourg ministries, regional/local authorities and executive agencies in the Benelux countries
2. What role (e.g. supportive, coordinating, managerial, consultative) did the Benelux General Secretariat play in the activities in question?	Ibid
3. How did the process of cooperation between the representatives of the Benelux countries unfold?	Ibid
4. What was the 'output' (e.g. a decision by the Committee of Ministers, practical agreements, information materials etc.)?	BZ records, BU annual reports, Benelux Newsletter, interviews with staff from DWM and other departments, line ministries, Benelux General Secretariat, Belgian and Luxembourg ministries, regional/local authorities and executive agencies in the Benelux countries
5. Is use now being made of the facilities/provisions that resulted from the activities in question (e.g. ambulance services, internet portal etc.)? What benefits have they delivered for the Dutch people?	Interviews with staff from DWM and other departments, line ministries, Benelux General Secretariat, Belgian and Luxembourg ministries, regional/local authorities and executive agencies in the Benelux countries and beneficiaries and

	users (actual and potential) of the facilities/provisions in question
6. What added value has been demonstrated by the BU framework relative to alternative frameworks for cooperation?	Ibid

Besides the sources given above, use will be made of evaluations performed or commissioned by the BU itself. In 2010, for example, an evaluation of the Treaty concerning Cross-Border Police Intervention (Senningen Treaty) will be completed.

As well as examining existing themes for cooperation, the researchers will also consider why planned cooperation in other areas did not get off the ground.

Questions re cooperation that did not come to fruition	
Question	Sources
1. Which plans for cooperation as set out in the common work programme have not (yet) been implemented?	Interviews with Dutch, Belgian and Luxembourg officials and staff of the Benelux General Secretariat
2. What factors explain why the planned cooperation did not get off the ground?	Ibid

Finally, the researchers will address the question of the BU's role as policy 'laboratory' for broader European cooperation:

Question re Benelux Union as policy laboratory	
Question	Sources
1. What examples are available of other European countries joining what was originally a Benelux project and/or the EU implementing policy pioneered by the Benelux?	BZ records, BU annual reports, Benelux Newsletter, interviews with staff from DWM and other departments, line ministries, Benelux General Secretariat, Belgian and Luxembourg ministries, regional/local authorities and executive agencies in the Benelux countries

In his commitment to the Senate of the States General, the Minister of Foreign Affairs undertook to involve the Benelux Parliament in the promised evaluation of the BU.<sup>33</sup> The IOB will accommodate the Parliament's requests concerning the evaluation wherever possible.

## 6 Policy Review management

These terms of reference were adopted on 9 August 2010 by the Acting Secretary-General of the Ministry of Foreign Affairs. The final report will be adopted by the director of IOB.

IOB evaluator Bastiaan Limonard will be responsible for conducting the policy review together with research assistant Mirjam Piepenbrink-Lagerwaard. In early 2011, external researchers responsible for conducting interviews and elements of the document study will also be appointed.

<sup>33</sup> *Behandeling van het wetsvoorstel Goedkeuring Verdrag tot herziening van het op 3 februari 1958 gesloten Verdrag tot instelling van de Benelux Economische Unie* (Debate on the Bill concerning approval of the Treaty Revising the Treaty Establishing the Benelux Economic Union signed on 3 February 1958), Senate of the States General 17, 2 February 2010, p. 726.

A reference group, chaired by the director of IOB, will supervise the policy review. The group will consist of Hendrik-Jan Heeres (senior inspector, Inspectorate of the Budget, Ministry of Finance), Karin Mossenlechner (senior officer, European Integration Department, Ministry of Foreign Affairs), Brechje Schwachöfer (Head of Western Europe Division, Western and Central Europe Department, Ministry of Foreign Affairs), Marlen Dane (Head of EU Division, European and International Affairs Department, Ministry of Justice) and two external experts: Professor Jan Rood (Head of Strategic Research, Netherlands Institute of International Relations Clingendael) and Dr Sebastiaan Princen (Associate Professor, School of Governance, Utrecht University).

IOB inspectors Frans van der Wel and Ms Marijke Stegeman will act as internal readers.

## 7 Planning and deliverables

Planning per quarter								
	2010/3	2010/4	2011/1	2011/2	2011/3	2011/4	2012/1	2012/2
Adopt ToR								
Study literature and develop interview lists and strategy for document study								
Document study and general interviews, prepare impact analysis								
Impact analysis of selected themes and areas of EU negotiation								
Draw up reports								
Discuss draft report								
Approve draft report								
Send report to House of Representatives								

The policy review process will produce a report that will be presented to the Dutch parliament. When drawing up the final report, account will be taken of confidentiality requirements. The IOB will decide in early 2012 whether to publish its evaluation of the implementation of the Benelux Treaty as a separate report and whether to translate it into French and/or English.

## Abbreviations

BEU	Benelux Economic Union
BPS	Benelux Political Cooperation
BU	Benelux Union
BZ	Ministry of Foreign Affairs
Coreper	Committee of Permanent Representatives
DGES	Directorate-General for European Cooperation
DIE	European Integration Department
DME	Environment, Water, Climate and Energy Department
DWM	Western and Central Europe Department
EU	European Union
IOB	Policy and Operations Evaluation Department
JBZ	Justice and Home Affairs
MoU	Memorandum of Understanding
PREU	Permanent Representation to the European Union
RPE	Order on Periodic Evaluation and Performance Information
ToR	Terms of Reference



## Annexe 1 Performance indicators listed under the operational objectives<sup>34</sup>

Performance indicators listed under operational objective 3.1:

- contribute to the ratification and implementation of the Treaty of Lisbon;
- increase citizens' involvement and role of national parliament by means of stricter assessment of subsidiarity and proportionality;
- achieve greater transparency within the Union;
- give further shape to the Area of Freedom, Security and Justice;
- establish position with respect to revised Lisbon strategy;
- establish Dutch commitment in revision of European budget;
- establish a new Benelux Treaty that results in a more decisive and flexible Benelux;
- strengthen European legislation on and regulation of the financial sector;
- develop a more effective internal energy market and a cleaner, more efficient energy supply.

Performance indicators listed under operational objective 3.4:

- strengthen protection and promotion of Dutch interests in EU decision-making through intensive bilateral contact with EU member states (particularly larger ones) and prospective member states, including with respect to cross-border issues;
- use/strengthen existing coalitions of member states – and develop variable coalitions – on the basis of common interests through intensive bilateral contacts with (large) EU member states, prospective member states, (incoming) EU Presidencies, the European Commission and the European Parliament;
- promote stronger bilateral cooperation through cross-border cooperation with neighbouring countries;
- encourage greater involvement of other ministries and civil society in the Netherlands' bilateral relations.

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<sup>34</sup> Derived from the explanatory memoranda to the Budgets of the Ministry of Foreign Affairs for 2008 to 2010. Where goals are formulated differently from one year to the next, IOB has formulated them in general terms.

## Annexe 2 Instruments for achieving the operational objectives<sup>35</sup>

### Operational objective 3.1

Instruments aimed at contributing to a democratic, decisive and transparent European Union which offers its citizens freedom, justice, security, prosperity and sustainable economic growth:

- thorough and consistent levels of interministerial coordination (e.g. in the CoCo);
- analyses of the positions held by other member states;
- building coalitions with appropriate EU member states, whatever their size, but with a special focus on the large member states;
- intensifying contacts with the EU institutions and (incoming) Presidencies;
- increasing levels of expertise in European law and legislation and making it more accessible;
- increasing knowledge of the EU institutions and the EU in general;
- strategic human-resources policy geared toward the EU institutions (e.g. strategic secondments);
- consultations with civil society; and
- contributing to public debate and provision of public information.

### Operational objective 3.4

Instruments aimed at strengthening the position of the Netherlands in the EU:

- intensive bilateral contacts at political and official level (reciprocal visits) with a special focus on the large EU member states and incoming Presidencies;
- secondment of diplomats to important EU member states (incl. Presidencies);
- secondment in strategic areas within the Commission;
- regional cooperation with other (smaller) countries (e.g. Benelux, Visegrád Group, Baltics and Nordics), for example through regular consultations on the eve of European Council meetings;
- implementation of the revised Benelux Treaty and joint action with the Benelux partners where possible;
- use of MATRA resources for new member states and candidate countries and for countries bordering on the EU;
- sharing expertise among civil servants and financial contributions to projects aimed at intensifying bilateral relations (incl. conferences and seminars) with a number of countries (i.e. Germany, France, Belgium, United Kingdom, Poland and Turkey).

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<sup>35</sup> Derived from the explanatory memoranda to the Budgets of the Ministry of Foreign Affairs for 2008 to 2010. Where the description of instruments differs from one year to the next, IOB has described them in general terms.

## Annexe 3 Themes for cooperation in the framework of the Benelux Union

The three priority areas for intensive cooperation at Benelux level are:

- 1) Internal market and economic union
- 2) Sustainable development
- 3) Justice and home affairs

### 1 Internal market and economic union

#### *Energy policy*

- Pentalateral Energy Forum;
- Gas platform;
- Informal consultations with a view to agreeing a common position within the international energy forums.

#### *Veterinary affairs, food safety and animal welfare*

- Combating animal diseases and food safety crisis;
- Animal welfare inspections of livestock transports;
- Formal consultations between Chief Veterinary Officers;
- Calls at EU level for a Bluetongue vaccination programme;
- Information exchange on animal diseases and related or future strategies for combating them;
- Benelux decision on border grazing;
- Cross-border crisis management exercise on combating animal diseases;
- MoU on the transport of and trade in equidae;
- Benelux General Secretariat meeting with relevant ministries on the approach to tackling infectious diseases.

#### *Cooperation in the border areas*

- Free movement of persons who live and work in the border areas (public health, social security, transport infrastructure);
- Benelux Convention on Transfrontier Cooperation: forms the public-law basis for cooperation among municipal and provincial governments and other territorial authorities.
- The Benelux Almanac;
- Identifying problems/bottlenecks in the Flemish-Dutch border area;
- Public Transport Platform (*Platform Openbaar Vervoer*);
- Tripartite consultation on the Maas Valley;
- 4th lock at Ternaaien;
- Meeting of Governors/Queen's Commissioners;
- Supervision by Benelux of various partnerships;
- Alignment of Benelux General Secretariat with Dutch border broker (*grensmakelaar*).

#### *Transport*

- Sustainable and efficient transport systems and development of integrated logistics;
- Consultation on major infrastructure projects;
- Consultation on issues dealt with at EU level;
- Efforts to achieve joint approach to road pricing;
- Consultations on road transport between Benelux and Baltic states;
- Maritime transport;
- Exchange of data on traffic violations;

- Round table discussion on fine particle pollution caused by the transport sector;
- Consultations begun on pilot projects with LHVs (longer and heavier vehicles).

#### *Economic cooperation*

- Consultations on economic policy, retail trade and innovation policy;
- Consumer policy and cooperation among consumer protection agencies incl. in context of transposing EU directives;
- Pioneering role in achieving Lisbon objectives for growth and jobs;
- Implementation of important EU directives, incl. Services Directive;
- Protection of industrial and intellectual property;
- Cooperation on regional economic policy;
- Enterprise Europe Network (EEN) and Benelux;
- Consumer protection;
- Promoting entrepreneurship.

## **2 Sustainable development**

#### *Spatial planning*

- Promoting cross-border projects;
- Agreements on sustainable spatial planning (infrastructure, water and landscape);
- Consultations on territorial impact of EU policy in the Benelux;
- Seminar on international aspects of spatial planning in the Benelux;
- Border commissions for VLANED and Oost border areas;
- Cooperation among the Rhine, Schelde and Delta regions;
- Symposium on the role of women in agricultural enterprises.

#### *Environment and climate (not included in 2008 BU)*

- sustainability criteria and best practices in environmental policy in regard to, for example, implementing EU legislation (e.g. air quality, particulate matter, water quality) and developing new technologies to reduce CO<sub>2</sub> emissions;
- Closer cooperation on renewable energy sources;
- General Secretariat has held exploratory talks with Belgium and Luxembourg on transposing EU's climate and energy package into harmonised national policy.

#### *Nature and landscape conservation*

- Cooperation on nature conservation in context of NATURA 2000 (European network of nature areas) aimed at strengthening ecological networks.
- Flemish-Dutch border area;
- Conference on Environmental Education;
- Benelux Convention on hunting and the protection of birds;
- Benelux decision on the free migration of fish in the catchment basins of the Benelux;
- Topozym project;
- Development cooperation with respect to nature and biodiversity;
- Benelux decision on invasive foreign species;
- Strategic consultations between directors of BU's Nature departments/Directorates-General;
- Conference on nature and the environment;
- Joint report on forests/game balance drawn up; information exchange on hunting policy;
- Preparation of joint manual on use of biomass;
- Consultations on expansion of Benelux border park, De Zoom-Kalmthoutse Heide.

### *Youth policy*

- Harmonisation of viewpoints in international forums;
- Cooperation in context of priorities of EU youth policy;
- Seminars in the context of multi-annual Youth Programme on participation by children and young people, and research and indicators on position of children and young people in society;
- MoU on Equal Rights and Opportunities for all Children and Young People;
- Meeting of the Benelux Youth Policy working group with the Nordic Council's counterpart body;
- Benelux/Nordic seminar, 'Indicators of Child and Youth Well-Being: The link between knowledge, policy and practice';
- Multi-annual Youth Policy Programme for 2009 to 2012.

### *Education*

- Project proposal: '*Bedrijfsleven als hart van transnationaal veiligheidsonderwijs*' (The business community at the centre of transnational programmes of study on safety and security).

### *Social cohesion*

- Ambulance services agreement;
- Promoting access to labour markets for cross-border workers and integration into host country;
- Benelux internet portal for cross-border workers.

## **3 Justice and home affairs**

### *Senningen consultations (joint approach to cross-border crime)*

- Establish new potential areas for cooperation on the basis of joint analyses of cross-border crime;
- Cooperation on crisis management and disaster response, for example through joint exercises and communication network among national crisis centres. Better policy harmonisation, risk identification, public information and exchange of best practices;
- Cooperation on policy regarding illegal immigration and its practical implementation;
- Action plan for Senningen consultations for the 2009-2012 period.

### *Police cooperation resulting from Senningen consultations:*

- Police cooperation aimed at practical application of existing agreements and optimal use of available instruments;
- Benelux strategic consultations on policing;
- Project on Benelux liaison officers;
- Benelux cooperation on hostage situations, kidnapping and product contamination extortion;
- Project re logistics of joint purchase of Benelux bullet-proof vests;
- Joint expertise centres;
- International exercise on maintenance of public order ('Operation Saffraanberg');
- Establishment of working group on radio communication;
- Personal protection procedures;
- Conference on information-driven policing;
- Mixed patrols and inspections;
- Joint police training courses;
- Benelux consultations;
- Assistance-on-request in practice;
- Joint police exercises;

- Use and exchange of police equipment;
- Strategic communication.

#### *Crisis management*

- Benelux MoU on cooperation on managing crises that may have cross-border implications;
- *Draft rules on the appointment of a contact person;*
- Information exchange on risk identification;
- Informing the public in emergency situations;
- Joint crisis management exercises.

#### *Counter narcotics*

- Best practices for preventive measures, information exchange;
- Working Group on Drugs and Public Health, geared toward informal consultations, cooperation on prevention, addict care, and soft drugs and aligning positions on soft drugs in the international forums;
- Discussion paper on 'Drugs in the border region';
- Exploratory discussions on the issue of drug use in prisons.

#### *Immigration and visa affairs*

- Practical cooperation, particularly in regard to third countries;
- Cooperation on visas: common instructions on visas have been updated in the framework of Benelux cooperation;
- Joint policy on immigration with various countries and in the Benelux.

#### *Traffic and transport*

- Euro Contrôle Route;
- Cross-border enforcement of measures relating to road safety and transport of dangerous substances. Cooperation is also aimed at reaching common viewpoints in these areas;
- Exchange of data re traffic violations;
- Transport of dangerous substances;
- Annual Benelux-BIVIC colloquium on road safety;
- Joint inspections by and training of road inspectors;
- Multilingual lexicon for use by road inspectors has been drafted.

#### *Combating tax fraud*

- Anti-fraud activities ongoing and extended to property and construction sectors;
- Establishment of anti-fraud systems;
- Criminal enforcement instrument aimed at efficient ways of tackling cross-border carousel fraud;
- Fraud in the auto sector;
- Information exchange on national systems and structures for combating fraud in the property and construction sectors;
- Information exchange re tax inspection policies currently in force or in development;
- Cross-border beverage supplies by catering wholesalers;
- Excise duty: Parallel Warning System;
- Excise duty: non payment of duty on red diesel exports.

#### **New initiatives (2009 Benelux Annual Report)**

- Memorandum on Cross-border cooperation concerning digital geoinformation;
- Memorandum on Benelux urban policy;



- Water policy;
- Caberg canal.

## Annexe 4 Evaluation matrix re study 1

Evaluation matrix		
Aims-resources	Indicators (not exhaustive)	Sources
<b>Input</b> <ul style="list-style-type: none"> <li>• Policy</li> <li>• Manpower, budget</li> <li>• Instruments</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic choice of member states and policy themes for closer cooperation</li> <li>• Appointment of staff in relevant departments of Dutch ministries, embassies in EU member states and PREU</li> <li>• Funding for bilateral projects</li> <li>• Specific embassy activities</li> <li>• Other activities</li> </ul>	<ul style="list-style-type: none"> <li>• Policy documents (Letters to parliament, State of the European Union, explanatory memorandums to BZ budgets)</li> <li>• Official memos and correspondence</li> <li>• Annual plans of BZ and embassies</li> <li>• Interviews with Dutch policy officers</li> </ul>
<b>Output</b> <ul style="list-style-type: none"> <li>• Communication</li> <li>• Personal contacts</li> <li>• Exchange of information, knowledge and expertise</li> </ul>	<ul style="list-style-type: none"> <li>• Member states with which the Netherlands is intensifying bilateral relations</li> <li>• Policy areas in which the Netherlands works with other member states</li> <li>• Number of visits by politicians and officials</li> <li>• Frequency and topics of bilateral conferences</li> <li>• Results of specific activities by embassies and other actors</li> </ul>	<ul style="list-style-type: none"> <li>• Official memos and correspondence</li> <li>• Correspondence with other member states</li> <li>• Embassies' annual plans</li> <li>• Messaging system (embassy reports)</li> <li>• Interviews with employees of BZ (DIE, DWM and other departments, e.g. DME), line ministries and embassies; negotiators from other member states, incl Belgium and Luxembourg</li> </ul>
<b>Outcome</b> <ul style="list-style-type: none"> <li>• Understanding of each other's viewpoints</li> <li>• Shared opinions</li> <li>• Positive image of the Netherlands</li> <li>• Coalition-building</li> </ul>	<ul style="list-style-type: none"> <li>• Understanding of other member states' viewpoints</li> <li>• Knowledge among other member states of Dutch input</li> <li>• MoUs</li> <li>• Joint ministerial declarations</li> <li>• Joint discussion papers</li> <li>• Benelux memorandums/papers</li> <li>• Appreciation/understanding of Dutch viewpoint and input</li> <li>• Coalitions with member states with whom relations have been intensified</li> </ul>	<ul style="list-style-type: none"> <li>• DIE and DWM records; memorandums, official memos, correspondence with other member states</li> <li>• Messaging system</li> <li>• Interviews with employees of BZ (DIE, DWM and other departments, e.g. DME), line ministries and embassies; negotiators from other member states</li> </ul>
<b>Impact</b> <ul style="list-style-type: none"> <li>• Influence on EU decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• Outcome of negotiations in accordance with efforts of the Netherlands and of the coalition to which the Netherlands belonged</li> </ul>	<ul style="list-style-type: none"> <li>• CoCo instructions</li> <li>• Reports of meetings of Council, Council working groups and Coreper, and of preliminary consultations with other delegations</li> <li>• Interviews with employees of BZ (DIE, DWM and other departments, e.g. DME), line ministries and embassies; negotiators from other member states, other 'insiders' (e.g. journalists) and academic experts</li> </ul>