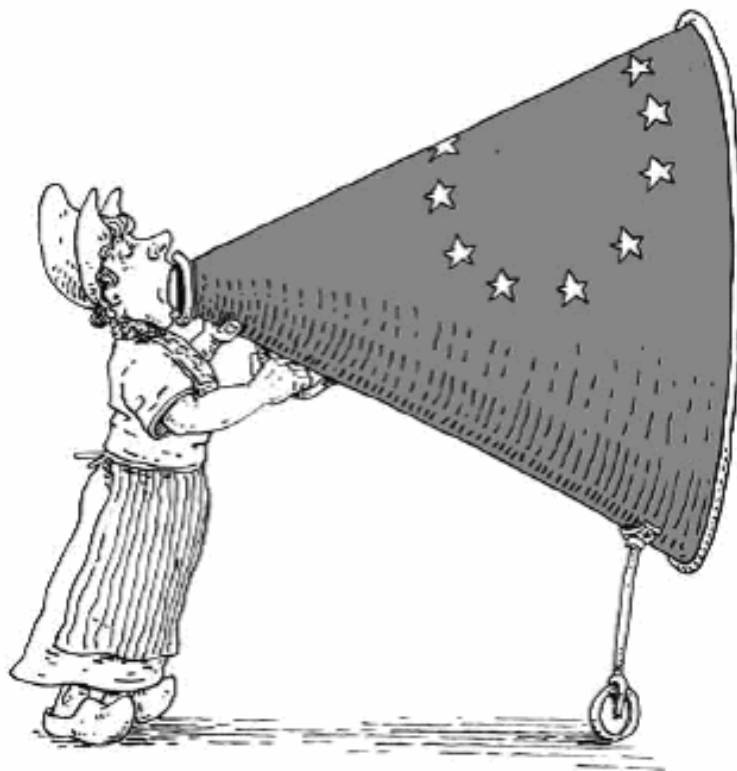




Europe & the Netherlands

Assessing the increased European awareness within the Dutch society and the role of Europe in the Dutch House of Representatives



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1. Introduction

'The EU must cease to be an ever expanding, elite project imposed by politicians on the public; instead it must win back the confidence and support of the people it was intended to help'. (House of Representatives of the States-General, 2007, p.3)

In 2007, the 50th anniversary of the Treaty of Rome was celebrated. During these 50 years of European integration both Europe and the Netherlands have become stronger. Even though the Netherlands has had different governments over the years, every single one acknowledged the 'importance of European integration for the future' (House of Representatives of the States-General, 2007, p.1). Due to the country's 'geographical location' in Europe and its 'open economy', the Netherlands has greatly benefited from European integration (House of Representatives of the States-General, 2007, p.1).

However, over the years the character of European integration has changed. New treaties were developed and signed. The Treaty establishing the European Economic Community (EEC), also known as the Treaty of Rome, came into force in 1958 and the Treaty of the European Union, also known as the Treaty of Maastricht, came into force in 1993. These two treaties both ushered in new phases in the European integration process (Zwaan, 2005, p. 123). The Treaty of Maastricht is of special importance here, because with this treaty the EU took a new turn and European integration was given a political dimension. The EU became more intrusive and at the same time less familiar, because of the accession of many new member states into the EU. From this moment on, Europe brought on a more political and social discussion. However, Dutch politics insufficiently translated this growing political context into a new way of dealing with European policy making (Timmermans, 2007, p. 1).

Since the EU's foundation, its competences and responsibilities have extended considerably. No policy area has remained untouched and the geographical reach of European cooperation has been enlarged as well (Zwaan, 2005, p. 123). From 2003-2007, EU enlargement proceeded rapidly and the EU went from 15 to 27 member states (Zwaan, 2008, p. 19).

In 2004, the European Constitution represented a new phase of the constitutional developments of the European integration process (Zwaan, 2005, p. 123). The European Constitution was supposed to make the EU more democratic and transparent (Aarts & Kolk, 2005, p. 10). In many member states the debate about the ratification of the treaty came to a successful end. However, France and the Netherlands decided to organise a referendum about the new treaty, which resulted in a negative outcome in both countries (Zwaan, 2008, p. 19). Thereafter, it became impossible to proceed with the ratification process of the European Constitution. The European Constitution became the first treaty

not to be ratified by the EU member states. Eventually, the treaty was reformed into a new treaty, called the Lisbon Treaty.

The European Constitution brought on a broad discussion in all the member states. It became apparent that people had started to question if the EU 'in its current form is able to meet present and future challenges' (House of Representatives of the States-General, 2007, p. 1). Many people feel that the EU is moving too fast and they have 'lost faith in European cooperation' (House of Representatives of the States-General, 2007, p. 2). The EU needs to work better and people's confidence in the EU as a protector of their interests needs to be restored. With so many new member states, the EU is presented with 'new challenges' for which 'only a European response can offer real solutions' (House of Representatives of the States-General, 2007, p. 3). Not only did the EU expand in size and diversity, but it has also become 'more intrusive' (House of Representatives of the States-General, 2007, p. 3). The Euro was introduced and EU policy has become more influential in almost all policy areas. People are faced with the 'consequences of EU decisions' on a regular basis, when at the same time European institutions are perceived to be very distant (House of Representatives of the States-General, 2007, p. 3). Unavoidably, this has resulted in problems. People agree that the EU should concentrate on border crossing issues and leave other issues for the member states to handle. Both 'individual identity and what binds Europeans together' are important aspects that should be considered (House of Representatives of the States-General, 2007, p. 2).

The Dutch government has now made it a priority to restore people's confidence in the EU. The Dutch Cabinet has come up with a plan of action to improve the communication with the Dutch citizens about Europe (Keulen & Rood, 2008, p. 5). However, this is not the only problem the Netherlands is facing. The Dutch Europe policy needs to change. Dutch politics need to realize that times have changed and that they need to adapt to these new circumstances. It has become evident that Dutch Members of Parliament do not pay enough attention to European bills. When new bills are established, the Netherlands does not nearly exercise enough influence. Nevertheless, the country still has to conform to norms from Brussels (Europaredactie, 2007).

In the past two years the Netherlands has dealt with a negative referendum outcome, a European reflection period, a broad public debate about Europe, and negotiations about a new treaty. One would think this is reason enough to make Europe a central issue in national politics. Yet shyness and uneasiness remain characteristic for the way in which politicians deal with this sensitive subject. Moreover, the Dutch Europe policy is carried out at great distance from the citizens. This is a problem when time after time drastic policy choices escape any political debate or when the political stake keeps differing from the voters' preferences (Keulen & Brink, 2007, p. 409).

Naturally, the research for this thesis had to be limited. Therefore, a time frame from 2004 until 2008 was chosen. The main reason for choosing this specific time frame was the start of the European constitutional debate in 2004. The referendum about the European Constitution in the Netherlands that was held in 2005 is of special importance here, because it turned out to be a turning point in the Netherlands. It was the negative referendum outcome that resulted in discussion and research, not only about the Dutch citizens' position regarding the European Constitution, but more importantly about their position regarding the EU in general. In addition, there seemed to be a gap between politicians and citizens. As a result, the way politics deal with the EU was also critically reviewed. This is the reason why I chose to also examine the Dutch House of Representatives. Members of the House of Representatives are elected by the people and are supposed to represent the people. After the referendum, a lot of research was done and it became apparent that the House of Representatives did not focus enough on Europe and that it had been dealing with Europe in an incorrect manner.

In this thesis the way in which the Dutch House of Representatives deals with Europe will be examined. First, background information will be given about EU developments that occurred in the Netherlands from 2004 until the present. Then the way in which the House of Representatives deals with Europe will be outlined and an examination of how effective the House of Representatives has been in focussing more on Europe will be provided.

1.1 The research question

To what extent has the increase in European awareness over the past couple of years changed the Dutch society and how effective has the Dutch House of Representatives been in adapting to these new circumstances and focussing more on Europe?

In order to be able to answer this question, the role that Europe has played in the Netherlands over the past couple of years will be outlined. In chapter 2, the European Constitution, the Dutch political position on this constitution, the Dutch referendum, the referendum campaign, the negative referendum outcome, and the reasons for voting against the European Constitution will be examined. Chapter 3 will focus on the government's reaction to the negative referendum outcome. This chapter will also provide a brief outline of the Lisbon treaty. Chapter 2 and 3 aim to describe the role that Europe has played in the Netherlands. Chapter 4 will concentrate on the role the Dutch House of Representatives has played in this matter. Did the House of Representatives acknowledge the need to change the way it was dealing with Europe? To what extent has the House of Representatives started to focus more on Europe? And how effective has it been in improving and increasing the role of Europe? Finally, chapter 5 will provide an overall conclusion of the research.

1.2 Research methods

To obtain as complete a picture as possible, this research consists of primary research as well as secondary research. The primary research consisted of expert interviews, which proved to be of added value to the secondary research.

In order to get a broad understanding of this subject, a number of experts in this field were approached. Fortunately, they were all willing to participate in an interview. These interviews enabled me to get a better understanding of the subject matter. Interviews were conducted with Professor dr. Jan Rood, Head of Clingendael European Studies Programme, dr. Mendeltje van Keulen, Senior Fellow of Clingendael European Studies Programme and co-author of the Scientific Council for Government Policy's report *Europe in the Netherlands*, dr. Alfred Pijpers, Senior Fellow of Clingendael European Studies Programme and assistant professor at Leiden University, and Daan Huisinga, acting clerk of the House of Representatives Committee on European Affairs. Moreover, Sjerp van der Vaart, Head of the Hague Information Office of the European Parliament, also provided me with information and assistance during the beginning stages of my research.

A large variety of sources were used for the secondary research. These were government publications, articles and papers by experts retrieved from sources like Clingendael's monthly journal the *International Spectator*, and reports from advisory bodies, for example the *Advisory Council on International Affairs* and the *Scientific Council for Government Policy*. In addition, newspaper articles published at the time of the referendum and the book *Nederlanders en Europa: het referendum over de Europese grondwet* (The Dutch and Europe: the referendum about the European Constitution) written by Aarts and Van der Kolk (2005) proved to be very valuable for this research.

2. The European Constitution

'The division of sovereignty between the Union and the nation-states requires a constituent treaty which lays down what is to be regulated at European level and what has still to be regulated at national level.' (Fischer, 2000)

In 2000, when the negotiations about the Treaty of Nice were closed, the European Constitutional debate already started to develop. At that time, it was decided that themes like simplifying the treaties, defining the member states' and the European Union's competences, defining the role of national parliaments and the definite status of the Charter of Fundamental Rights would be addressed in 2004. Eventually, the further development of these themes started well before the year 2004 (Zwaan, 2008, p. 19).

In the Laeken Declaration of December 2002, the European Council explicitly mentioned the option of developing a European Constitution. Earlier in 2002, a European Convention was given the task of drawing up this European Constitution (Zwaan, 2008, p. 19). This Convention consisted of representatives of governments but also of representatives of national parliaments, the European Parliament (EP), and the European Commission (EC) (Zwaan, 2008, p. 20). The Convention was chaired by former French president Valéry Giscard d'Estaing, who was accompanied by two vice chairmen, Giuliano Amato and Jean-Luc Dehaene. After negotiating about the common text for about a year, the Convention finished its task on July 10, 2003. In October 2003 an Intergovernmental Conference (IGC) started. The IGC is composed of heads of state and government who are assisted by Foreign ministers. Moreover, representatives of the European Commission and the European Parliament are also involved in the IGC. Within the framework of the IGC, EU member states consult with one another and try to negotiate amendments to a treaty. Every member state tried to amend the text according to its own wishes and it was not until June 2004 that agreement was reached and the IGC accepted the text (Aarts & Kolk, 2005, pp. 12-13). The European Constitution was then signed by the heads of state and government during a ceremony in Rome on October 29, 2004 (Zwaan, 2008, p.19). At that time, all the heads of state and government promised to actively pursue ratification of the treaty by their parliaments within two years (Aarts & Kolk, 2005, p. 14).

2.1 The structure of the European Constitution

The purpose of the European Constitution was to replace all of the former treaties and simplify the complex EU system. The European Constitution was divided into four parts. Part I, articles I-1 until I-

60, contained the constitutional components such as the Union's values and objectives, the relationship between the EU and its member states, the legal status and a reference to the symbols of the European Union. In addition, the EU's competences and the institutions which carry out those competences were mentioned. Part II consisted of articles II-61 until II-114 in which the fundamental rights of EU citizens were outlined and the Charter of Fundamental Rights was included. Part III of the European Constitution was the most extensive of all and consisted of the EU policies, including the EU's specific competences in several policy areas. Part IV contained the final provisions that arrange how and when the treaty will take effect, in what areas it should be applied and how the treaty can be revised. Overall, the structure has been simplified, because for the first time the EU's constitutional and policy components have been presented in a separate manner. Although an estimated 80 to 90 per cent of the content of the treaty strongly resembles the already existing regulations, for such a complex international organisation like the EU, the European Constitution has resulted in a manageable text. Naturally, it remains a legal document and therefore legal skills are required in order to be able to fully comprehend it (Wessel, 2005, pp. 35-36).

2.2 The position of Dutch politics regarding the European Constitution

When Dutch Prime Minister Balkenende signed the European Constitution on October 29, 2004 he made it clear that the Dutch government was in favour of the European Constitution. On March 15, 2005 the government sent a bill to the House of Representatives, in which it advised the parliament to agree with the European Constitution as well (Parlementair Documentatie Centrum, 2005).

The Dutch parliament (Senate and House of Representatives) had to wait for the referendum outcome before being able to vote on this bill. Prior to the referendum, a large majority of the House of Representatives had already stated to be in favour of the European Constitution. However, the House of Representatives also said to respect the outcome of the referendum. When the referendum outcome turned out to be negative the government withdrew the bill and, as a result, the House of Representatives did not have to vote on it. By withdrawing the bill, Prime Minister Balkenende saved a large majority of the House of Representatives from having to humiliate themselves by voting against the bill, when in fact they were in favour of the European Constitution (Parlementair Documentatie Centrum, 2005).

Even though a majority of the House of Representatives was in favour of the European Constitution, this does not mean that all the Dutch political parties were in favour of the European Constitution. Among the political parties, different views were present on the European Constitution. The main political parties, CDA (Christian Democratic party), VVD (Conservative Liberal party), PvdA (Social

Democratic party), D66 (Progressive Liberal party) and GroenLinks (the Greens) were in favour of the European Constitution (Aarts & Kolk, 2005, p. 166). In general, they thought that the European Constitution would make the EU more democratic, more resolute and that it would enable the fight against terrorism and crime to be more effective. In addition, supporters of the European Constitution emphasized those aspects that best suited their political profile. PvdA claimed that the constitutional protection of the rights of workers would make the EU's social character stand out more clearly. CDA put the emphasis on European values like human dignity and freedom. D66 considered the inclusion of the Charter of Fundamental Rights to be the most important aspect and GroenLinks said that the European Constitution would make Europe greener and animal-friendlier. At first, VVD claimed rather not to have a European Constitution at all than to have a 'bad' European Constitution. However, they ended up on the supporters' side, partly because the free market principle was embedded in the European Constitution (Voerman, 2005, p. 61).

Smaller parties, like SP (Socialist Party), CU (Christian Union), LPF (List Pim Fortuijn), SGP (Reformed Political Party) and Geert Wilders, were against the European Constitution (Aarts & Kolk, 2005, p. 166). It was expected that these traditional Euro sceptic political parties would take a stance against the European Constitution. They claimed that The Netherlands would lose too much influence to the European super state. CU and SGP were offended by the lack of an explicit reference to Christianity in the constitutional treaty. SP protested against what they called the 'social bargain sale' and the increase of free competition and 'pursuit of gain'. LPF said that the Constitution would further enlarge the gap between the electorate and 'Brussels' and Geert Wilders warned for the possible entry of the 'Asian and Islamic' Turkey into the European Union (Voerman, 2005, p. 62).

2.3 The Dutch referendum

In October 2002, a majority of the House of Representatives asked the government to hold a consultative referendum about the European Constitution. When the government did not respond to this appeal from the House of Representatives, three members of parliament - Niesco Dubbelboer (PvdA), Boris van der Ham (D66) and Farah Karimi (GroenLinks) - decided to introduce a private member's bill. On November 20, 2003, the bill to organise a consultative referendum on the European Constitution was supported by a majority of the House of Representatives. At first, this referendum was supposed to take place at the same time as the European Parliament elections in 2004. However, the negotiations about the European Constitution took longer than expected and the initiators piloted an alteration of the law through the House of Representatives, making it possible to disengage referendums and elections from one another. This law and alteration of the law were accepted by the First Chamber on January 25, 2005 (Aarts & Kolk, 2005, pp. 14-15). The main objective was to revise

the decision making procedures and the integration of the different treaties but, along the way, increasing citizens' involvement in the European Union became a secondary objective. The initiators said that a positive referendum outcome would enhance the legitimacy of ratification by parliament. However, they failed to mention what would happen if the outcome turned out to be negative (Aarts & Kolk, 2005, pp. 15-16).

2.3.2 The referendum campaign

After the decision was made to organise a referendum about the European Constitution, it became clear that a large majority of the Dutch electorate supported the initiative to hold a referendum. In general, Dutch citizens had a positive attitude towards the European Constitutional referendum and they appreciated being drawn into the discussion about European integration. In addition, research showed that the number of people that were reached by the campaign rapidly increased over time. However, Dutch citizens were not as positive about the referendum campaign as they were about the referendum (Aarts & Kolk, 2005, pp. 161-162). In general, Dutch voters said they felt badly informed about the European Constitution and feelings of discontent about the campaign prevailed. The campaign was even described as 'too little, too late' (Brink & Keulen, 2007, p. 6). Two-thirds of the electorate was of the opinion that the campaign did not clarify what the European Constitution was actually about. Many people also felt that the supporters and the opponents were not honest during the discussions about the European Constitution (Aarts & Kolk, 2005, pp. 161-162).

During the Dutch debate on the European Constitution, it became clear that an unbridgeable gap existed between the supporters and the opponents of the European Constitution. This was not a gap between reasons why to take a stand for or against the European Constitution, but a gap between different opinions on what the referendum was actually about. While the supporters pointed out the improvements with respect to the existing treaties, the opponents considered the Constitution to be a document that would regulate Europe's future. Supporters emphasized that large parts of the European Constitution had already been agreed on in the past and that it contained few new decisions. Opponents wondered why it was not an option to go back on those decisions. Supporters downplayed the word 'constitution' and stated that in fact it was a 'treaty between sovereign states'. This made the opponents wonder why it was called a constitution and not just a treaty and they used the many connotations the Dutch have with the word constitution to mobilize opposition (Aarts & Kolk, 2005, pp. 10-11).

Another aspect that played an important role was the lack of time needed to conduct an effective and informative campaign (Boudewijn & Rood, 2005, p. 5). The late start of the supporters' campaign can

be explained by the fact that the supporters have seats in Cabinet, coalition and opposition, and have a large majority in the House of Representatives, which means they represented a far larger political group than the opponents. Nevertheless, the smaller parties that were opposed to the European Constitution received the same amount of speaking time during the many debates about the European Constitution. Another reason for the late and defensive campaign of the supporters was that the Senate did not agree with holding a referendum until January 25, 2005 (Giebels, 2005). It was not until this date that an independent referendum commission was set up and given the task of dividing subsidies between the supporters and the opponents of the European Constitution. Moreover, the commission was given four months to produce a neutral summary of the European Constitution. When the information finally became available and the subsidies were divided, there were only six weeks left to conduct the campaign (Boudewijn & Rood, 2005, p. 5). In contrast to the supporters, the opponents of the European Constitution did not wait and started their campaign a month earlier, during the Chamber debate on the accession of Turkey to the EU. During this debate Geert Wilders said that he would campaign against the European Constitution to fight against the accession of Turkey. From then on, this became the opponents' main argument (Giebels, 2005).

Because the opponents of the European Constitution started their campaign before the supporters did, the supporters were forced to hold a defensive and negative campaign. Instead of explaining how the European Constitution would benefit the Netherlands, the supporters of the European Constitution kept saying how bad it would be for the country if the Dutch citizens voted against the European Constitution. In other words, the supporters of the European Constitution were more or less campaigning against the campaign of the opponents. This resulted in a situation in which the arguments of the opponents determined the supporters' campaign (Giebels, 2005).

In addition, the supporters' campaign was unorganised and even panicky. At first, neither the House of Representatives nor the government felt responsible for it, which caused the campaign's lack of direction and sharpness. Prior to the start of the campaign, it was agreed that the Ministry of the Interior and Kingdom Relations would be responsible for a 'turnout promoting campaign' and the Ministry of Foreign Affairs would carry the responsibility for the 'Yes Campaign'. Both departments then started to quarrel about the quality of the information that was handed out to the citizens. At the least, this had to give citizens the impression that the European Constitution was a difficult and hard to understand document. Moreover, it definitely did not support the claim that the European Constitution would make Europe more transparent (Boudewijn & Rood, 2005, p. 5).

On top of the above mentioned mistakes that the supporters made in organizing their campaign, the government and supporters of the European Constitution also made a couple of startling statements. Minister of Justice Piet-Hein Donner (CDA) warned that a rejection of the European Constitution

could lead to wars and a possible 'Balkanization' of Europe. At the last minute, Dutch Member of the European Parliament Jules Maaten (VVD) called off a television spot, in which images of Auschwitz and Srebrenica were used with the goal of persuading voters to vote in favour of the European Constitution. Minister of Economic Affairs Laurens-Jan Brinkhorst (D66) proclaimed that if voters rejected the European Constitution, "the lights would go off" in the Netherlands, "our country would be locked up" and "the Netherlands would become the Switzerland of Europe" (Parlementair Documentatie Centrum, 2005). Later on, he also said that the European Constitution is too complicated for citizens to pass judgement on. Opposition leader Wouter Bos (PvdA) said that after a negative referendum outcome the Netherlands should quickly organise a new referendum in which the same question should be asked (as Ireland did with the Nice referendum). Moreover, minister of Foreign Affairs Ben Bot (CDA) said that it would be best for voters to stay home and abstain from voting in case of doubt. Former Prime Minister Ruud Lubbers repeated this statement one day prior to the referendum (Parlementair Documentatie Centrum, 2005). These statements definitely did not do the supporters' campaign any good. Basically, the supporters did not succeed in selling their message to the citizens. They were unable to convince the citizens that Europe does not pose a threat to the country's prosperity or national identity and that the social security would be upheld. Besides this, the discussion about the introduction of the Euro got in their way and the supporters were incapable of nullifying the images that this introduction evoked (Aarts & Kolk, 2005, p. 206).

As opposed to the supporters' campaign, the opponents' campaign was well organised and effective. Even though the opponents of the European Constitution consisted of right, left and Christian parties, their campaign was more together than the supporters' campaign (Giebels, 2005). The 'No Campaign' dominated the debate with 'one liners' about the Euro, Turkey, the European super state and interference of Brussels. These were statements that appealed to feelings of uneasiness that prevailed among many Dutch people (Boudewijn & Rood, 2005, p. 5). Harry van Bommel (SP) called the European Constitution "a horrible afterbirth which should be buried as soon as possible" (Parlementair Documentatie Centrum, 2005). The opponents succeeded in defining the European Constitution as an expression of European integration and presenting this European integration as the future cause of many social economic problems (Aarts & Kolk, 2005, p. 206). In other words, the 'No' vote is partially the result of skilful political entrepreneurship. The 'No Campaign' took the initiative and set the tone of the debate. In the prevailing political climate this meant that, to a significant extent, the matter had already been decided in an early stage (Rood, 2005, p. 17).

2.3.3 The referendum outcome

On June 1, 2005 the referendum took place and the Dutch electorate had the opportunity to vote on the European Constitution by answering the following question:

‘Are you in favour of or against approval by the Netherlands of the treaty establishing a constitution for Europe?’ (Elzenga, Korthals Altes, Kortmann, Oostveen & Schutte, 2005)

Out of the 12,172,740 million people that are allowed to vote, a total of 7,705,196 people placed their vote; a turnout of 63.3 per cent. The official outcome of the referendum declared that 4,705,685 Dutch people voted against and 2,940,730 Dutch people voted in favour of the European Constitution. In other words, a majority of 61.5 per cent voted against the European Constitution (Kiesraad, 2005).

Despite the negative outcome of the referendum, many politicians called the referendum successful. The referendum brought on a large debate about the future of Europe and the role that the Netherlands should play in it. In addition, the intensity of the referendum campaign and the high turn out exceeded the expectations of those that initiated the referendum (Aarts & Kolk, 2005, p. 158). The turnout was so high that it was only surpassed by the turnout for the House of Representatives elections (Aarts & Kolk, 2005, p. 183). For a long time, European integration has exclusively been politicians’ territory. Due to the referendum, Europe became a subject of discussion in, for example, hair salons and canteens, and at family gatherings (Aarts & Kolk, 2005, p. 158). On June 1, 2005, Prime Minister Balkenende’s reaction to the referendum outcome was: “Naturally, I am disappointed. It should be clear that we are not happy with this outcome. But there are also positive aspects to be noted: the high turnout and the discussions about Europe that have started. Alongside this ‘No’ I see that as gain.” (Aarts & Kolk, 2005, p. 183). A few weeks later he added that the lesson that can be learned from June 1 is that “the people should not be brought closer to the EU, but the EU closer to the people.” (Aarts & Kolk, 2005, p. 184).

Prior to this referendum, the Netherlands was always perceived to be a supporter of a further EU collaboration. After the referendum, the question arose whether this was still the case (Aarts & Kolk, 2005, p. 9). According to the opponents, the rejection of the European Constitution could not be interpreted as a rejection of Europe. However, some things would have to change to make Europe less centralistic, less fast and more transparent. The supporters, on the other hand, claimed that this was precisely the intention of the European Constitution. In the European Constitution the competences of the EU and those of the member states were clearly embedded. The European Parliament’s power was extended and the collection of treaties that formed the basis for this untransparent European decision making were summarized in one text, from which many of the conflicting articles were removed

(Aarts & Kolk, 2005, p. 10). Nonetheless, citizens still felt the need to vote against the European Constitution.

2.4 Why did the Dutch vote 'No'?

Even though a great majority of the Dutch citizens voted against the European Constitution, this does not mean that Dutch citizens are against the European Union itself. In fact, research has shown that a large majority of the Dutch people is in favour of European integration. Both before and after the referendum campaign, Dutch citizens said to be very positive about European integration. A majority of the Dutch citizens also believe that being an EU member state is beneficial to the country and, more specifically, to the Dutch economy (Brink & Keulen, 2007, p. 3). Both supporters and opponents of the European Constitution agreed that the 'No' vote against the European Constitution was not caused by anti-European feelings. People agree that European collaboration should definitely proceed, but perhaps in a less fast and less far reaching manner (Aarts & Kolk, 2005, p. 189).

So if the 'No' vote is not a vote against the EU, then what exactly were the main reasons to reject the European Constitution? Since the Dutch 'No' vote on June 1, 2005, research has been done to find out what the reasons were for voting against the European Constitution. The following reasons were given to explain why the Dutch voted 'No'.

EU as a speeding train

The EU is often perceived to be a speeding train on which citizens do not have any influence (J.Q.Th. Rood, personal interview, February 8, 2008). The following story illustrates the comparison between the EU and a speeding train:

Currently, the EU is like a blind speeding train. Not very long ago, the train was expanded with ten new carriages. It is unknown if any new carriages will be added in the future, and if so, how many new carriages. Dutch passengers wonder how this will affect the stability of the entire train. There is a lot of confusion on board of the train. People do not know the exact route, the train passes strange railway stations and people do not know anything about the destination. On top of this, some passengers had to pay a lot more money to get on the train than others did. As often happens in life, the rude passengers with big mouths were better off.

A conductor is walking through the train. Now and then he lets the passengers catch a glimpse of the new railway guide that contains new house rules and prices. It appears to be an unreadable and incomprehensible 'phonebook' with regulations and protocols, which are

vague and open to various interpretations. This results in feelings of resentment and distrust among the passengers.

Moreover, wild rumours are spread on the train. It is said that the passengers will never be able to leave the train and it is uncertain if people will ever see their house again. People are worried and start panicking. Not knowing what else to do, the French and Dutch passengers decide to pull the emergency brake. It is time for a break; time to reflect on the speed, direction and length of the train. Is it still an enriching and responsible journey or is it starting to get risky? (Anker Solutions, 2005, p. 23)

This is an image that has often been used. In short, people feel like they have ended up on a train that is speeding to an unknown destination. They have no control over the destination, travel time and ticket costs. Moreover, their most important concern seems to be about the finality of the integration process (Rood, 2005, pp. 18-19).

European integration and collaboration

Even though the 'No' vote against the European Constitution cannot be interpreted as a 'No' against the European Union itself, a number of people voted against the European Constitution because they believe that European collaboration has gone too far. These anti-European feelings most certainly played a role during the referendum and affected some people's votes (Aarts & Kolk, 2005, p. 190).

In the discussion about European collaboration, two types of fear took a leading role. First, people were afraid that European integration would be a threat to social security and to their standard of living. During the referendum campaign, this claim was also made by the SP. Some people thought the internal market had gone too far and should not be organised more freely than it already was. Willem Bos, who was on the 'No Committee', said: "The 'No' vote shows that Europe's primary task – enlarging prosperity through perfecting the internal market – no longer works" (Aarts & Kolk, 2005, pp. 191-193). People who thought that prosperity would be enhanced by ongoing European integration and who did not expect it to threaten social security were more likely to vote in favour of the European Constitution than those who believed that prosperity would not be enhanced and social security would even be broken down. In other words, the reason for opponents to vote against the European Constitution partly lies in the expectation that it will barely make the economy grow and that it is a threat to social security. Secondly, cultural aspects also played an important part. Some people felt that the Dutch identity and culture were being threatened. Moreover, people expected the influence of countries like the Netherlands to become smaller due to further European collaboration (Aarts & Kolk, 2005, pp. 191-193).

Super state

Another reason to vote 'No' was 'a fear of opening the door to a European super state' (Nicolăi, 2006, p. 32). Because the treaty was named a 'constitution' the citizens felt that their suspicions about the creation of a European super state were confirmed (Nicolăi, 2006, p. 33). The fact that the treaty was called a 'constitution' in combination with the campaign of the opponents created the image of a European super state. People were supported in their beliefs that the European Constitution would lead to European state formation (Goudswaard & Hekking, 2007). During the campaign, the SP set the tone by arguing that the European Constitution would create a European super state and illustrated this with a map of Europe in which the Netherlands was left out. In addition, Geert Wilders also put emphasis on the creation of a European super state in which the Netherlands would be nothing but a powerless province (Parlementair Documentatie Centrum, 2005).

Turkish candidacy for membership

The possible entry of Turkey into the EU mainly played an important role in December 2004, which is a pretty long time before the referendum took place. At that time, the EU announced that the negotiations about the accession of Turkey were going to start in October 2005. Most observers agreed that the European Constitution had nothing to do with Turkey. However, politicians like Geert Wilders pointed to a particular section of the European Constitution that grants large countries with a bigger say. Turkey is also a large country and if it would ever join the EU, it would have a bigger say with the European Constitution in place than it would have without. Most voters, however, were not convinced that the European Constitution would speed along Turkey's accession to the EU. Therefore, Turkey played a limited role during the referendum. On the other hand, there is a clear connection between opinions on Turkey and the 'No' vote: opponents of Turkish candidacy for EU membership more often voted 'No' than supporters did. It is difficult to assess the role Turkey played during the referendum and by no means does this mean that the 'No' against the European Constitution can be seen as a 'No' against Turkey (Aarts & Kolk, 2005, pp. 196-197).

The Euro

Despite the fact that the European Constitution has nothing to do with the Euro, this issue definitely played a role during the referendum. On May 14, 2005, SP frontman Marijnissen said: "Clearly, we were cheated with the Euro. Everyone knows that for the same product you pay in euros what you used to pay in guilders" (Aarts & Kolk, 2005, p. 197). In addition, he said that the people who created the Euro were also responsible for the European Constitution. Ever since the introduction of the Euro, a lot of people seem to be very negative about it. Many people say that the guilder was traded in too cheap, the Euro has led to high inflation and a majority of the people also feels that the Euro did not contribute to economic growth. Moreover, Dutch Central Bank director Henk Brouwer confirmed citizens' suspicions by saying that when the Euro was created, the Dutch guilder was undervalued by 5

to 10 per cent in relation to the German mark. On the whole, the general idea about the Euro substantially contributes to the explanation of the 'No' vote (Aarts & Kolk, 2005, pp. 197-198).

Discontent with the government policy

Many supporters believed that people were going to vote against the European Constitution to express their discontent with the government policy. However, research showed that no more than two per cent actually used the referendum to vote against the government. A large majority of the people did say they were dissatisfied with the government at that time (Aarts & Kolk, 2005, pp. 198-200). Moreover, people appeared to largely distrust public authorities and politics. This distrust is based on the insufficient functioning of politicians as representatives of the people (representational crisis) and their inability to deliver public services that are of sufficient quality. In addition to distrusting politicians, people have also started to distrust civil servants (Anker Solutions, 2005, p. 10). This representational crisis needs to be fixed by the government. Citizens would like to be included in the discussions about Europe and citizens have expressed a call for leadership and an adequate execution of political work by government and opposition (Anker Solutions, 2005, p. 29). Even though this is a significant problem that needs to be addressed, it can be concluded that this negative opinion about the government did not substantially contribute to the 'No' vote (Aarts & Kolk, 2005, pp. 198-200).

Gap between citizens and elite

Notwithstanding this multitude of reasons, many also concluded that the 'No' revealed a large gap between citizens and the elite when it comes to Europe. This is a gap between citizens and the political elite as well as the elite in general. The gap between citizens and the political elite rests on the finding that a large majority of the House of Representatives supported the European Constitution whereas the up-until-then tractable people rejected the European Constitution (Grinsven, Keulen & Rood, 2006, p. 6).

When looking at the political situation in the Netherlands at that moment, there are three elements that need to be taken into consideration. First, the political elite is responsible for spreading Euro scepticism among the citizens (J.Q.Th. Rood, personal interview, February 8, 2008). During the past couple of years, politics has not given the citizens much reason to take up a positive attitude towards the EU; politics created the contrary, for example with the continuous criticism on 'impracticable' European legislation, interference of Brussels and the Dutch net position, irritation about large member states' behaviour, and the fear of being deluged with workers from new member states as a result of EU enlargement (Grinsven, Keulen & Rood, 2006, p. 7). The political elite, who is supposedly pro Europe, has expressed a lot of Euro scepticism over the past ten years and drew an exceptionally negative image of Europe. During the referendum, citizens basically acted on what politics had been telling them in all those years: the European integration process is not to be trusted

and it is better to keep some distance. From this perspective, there is nothing wrong with having a gap between citizens and politicians, because the citizens more or less did what politics had been telling them for the past couple of years. It is up to the politicians to indicate the direction in which the country should be headed and in this case the citizens merely followed the politicians' lead (J.Q.Th. Rood, personal interview, February 8, 2008).

Secondly, there is a reasonably instable political climate due to the post Fortuijn situation, in which citizens do not trust the political elite and are easily influenced. And thirdly, as mentioned earlier, the referendum campaign failed in every way (J.Q.Th. Rood, personal interview, February 8, 2008). Politics started off by being extremely conceited about the European Constitution. And during the negotiations they were very critical about components of the European Constitution that subsequently became prominently included in the treaty. It can be concluded that politics played an important role in the creation of a more critical attitude towards European integration (Grinsven, Keulen & Rood, 2006, p. 7).

Moreover, there is a gap between citizens and the elite in general. The employer's organisation VNO-NCW, the royal association MKB-Nederland and trade union FNV were all supporters of the European Constitution. VNO-NCW and MKB-Nederland even campaigned for the European Constitution. VNO-NCW said that the EU has largely contributed to the growth of prosperity and employment and argued that a rejection of the European Constitution would send a negative signal to foreign investors. MKB-Nederland added that the European Constitution would enable the EU to compete with rising economic powers like China and India. FNV chair Lodewijk de Waal said that with regards to social economic grounds the European Constitution is an improvement of existing treaties. FNV did not campaign for the European Constitution, but it provided information about parts of the European Constitution that are of interest to trade unions. In addition, FNV called the European Constitution 'a step forward'. These examples show that besides the gap between the citizens and the political elite, there was also a gap between the Dutch citizens and the elite in general (Parlementair Documentatie Centrum, 2005).

Conclusion: Why did the Dutch vote 'No'?

Overall, it can be concluded that the electorate's conceptions were pretty general, not very deep rooted, fairly whimsical and relatively easy to influence. Both opponents and supporters were not consistent in their conceptions and people appear to have voted against the European Constitution for a multitude of reasons. These are mainly reasons that have little to do with the European Constitution itself and more with feelings of uneasiness and uncertainty about the EU (Grinsven, Keulen & Rood, 2006, pp. 5-6).

As outlined above, the 'No' vote was prompted by the conception that the European integration process formed a threat to the Dutch sovereignty, identity and prosperity; that the EU does not give value for money (the Euro and Dutch net position) and that the EU is too centralistic and bureaucratic. This, in combination with the feeling of having insufficient grip on decision making in Brussels – especially concerning the accession of Turkey – and uneasiness about the lack of a clear goal, explains the 'No' to a large extent. This also means that there was not a decisive reason to vote 'No'. This conclusion was supported by the CPB/SCP research that explained the 'No' as 'the outcome of a conjunction of circumstances, among which an atmosphere of limited political trust and especially a process of shaping public opinion with a high degree of own dynamic'. The latter refers to the referendum campaign which, due to a lack of management, timing and tone on the supporters side, led to an irreversible intensification of the ultimate 'No' (Grinsven, Keulen & Rood, 2006, pp. 5-6).

3. The Lisbon Treaty

'The reflection period and the negotiations have made the EU stronger. We are now able to look towards the future. With this improved treaty, we are well equipped to handle issues such as climate change and terrorism.' (Balkenende, 2007)

3.1 The Dutch government's actions following the referendum outcome

After the French and Dutch voted against the European Constitution, the EU declared a reflection period. All the member states were asked the question "Where should Europe be headed?" (Nicolai, 2006, p. 8). The reflection period was supposed to be a time of reflection and research. In the Netherlands the citizens' conceptions were paramount during this reflection period. According to government and parliament, the lesson to be learned from the Dutch 'No' was to listen to its citizens. At first, the primary focus of the reflection period was finding out why the citizens voted against the European Constitution. After a while, the focus moved to citizens' attitudes and conceptions towards European integration in general (Grinsven, Keulen & Rood, 2006, p. 2).

During the reflection period, extra money was made available for the purpose of stimulating a 'national debate on Europe' and on EU level, conferences were organised to discuss 'what Europe's responsibilities are and what is better left to the member states' (Nicolai, 2006, p. 8). In addition, a number of 'advisory agencies' presented the Dutch government with recommendations about what 'course to follow in Europe' (Nicolai, 2006, pp. 8). Because the referendum only gave citizens the chance to vote in favour of or against the European Constitution, an internet survey was set up with the purpose of discovering what citizens expect from Europe. In a month's time, about 100,000 people participated in the survey (Nicolai, 2006, pp. 8-9).

Even though the government did undertake some action, many people believe that not nearly enough was achieved during this reflection period. The main idea of the reflection period was to start a discussion with Dutch citizens about the future of Europe (Zwaan, 2008, p. 19). 'Broad public debates' about the EU were supposed to take place. The idea was for politicians to set up a public debate, travel through the country to listen to citizens, actively involve citizens with Europe, and provide them information on future EU decisions (Grinsven, 2006, p. 614). Politics could have easily played on the already emerged EU discussion among Dutch citizens. Unfortunately, initiatives for public debates never really had the chance to be developed, because of 'mutual differences of opinion on the scope and aim of these discussions' (Brink & Keulen, 2007, p. 6). The result was a 'deafening'

political silence that lasted until after the 2006 parliamentary elections (Brink & Keulen, 2007, p. 6). During the *Europa - Quo vadis?* debate, that was held on December 1, 2005, Guy Verhofstadt also referred to the ‘deafening silence’ of the reflection period: “Instead of using the reflection period for actual reflecting, it has more in common with a ‘Spanish siesta’” (Verhofstadt, 2005). When eventually the national Europe debate started to develop, it never went past the discussion about ‘more’ or ‘less’ Europe (Brink & Keulen, 2007).

Despite the lack of a proper discussion with Dutch citizens about the future of Europe, the Dutch government came up with an interpretation of the ‘No’ vote and made the following list of requests for the negotiations about the Reform Treaty:

1. The Netherlands wants a modification of the existing treaties (the Treaty of Nice) instead of a ‘new, all embracing treaty’
2. Due to the fear of a European super state, a new treaty should not include any state symbols or terminology (no European Constitution and no references to a European flag, anthem, European minister, European laws etc.)
3. The Charter of Fundamental Rights is not to be included in the treaty itself
4. To reassure the citizens about European interference in housing, healthcare, etc. there needs to be a strict delimitation of competences and national autonomy in conducting services of common interest needs to be secured
5. In order to guarantee the principle of subsidiarity, national parliaments should get a heavier vote when testing if the EU acted within their competences (the so called red card)
6. In response to the citizens’ concerns about the enlargement process, the Copenhagen Criteria need to be explicitly included in the treaty
7. Also in response to the citizens’ concerns about the enlargement process, there should be ‘more’ Europe in the areas of energy, environment, foreign policy, terrorism and criminality (Limonard & Rood, p. 406).

The Netherlands did not get its wishes on all these points, but most of them were honoured. The request for a so called red card that national parliaments can use against EU regulation was a point that was not honoured. In addition, the Copenhagen Criteria are not explicitly included in the treaty. Instead, a reference to the EU’s accession criteria has been added to the text (Meijnen, 2007).

So how did the Dutch government end up with this interpretation of the ‘No’ vote? Of course, the many reasons for voting against the European Constitution were taken into account. In a sense, the seven points were a translation of the referendum and the outcome of the referendum. But the question remains if these additions really changed the constitutional character of the treaty (A. Pijpers, personal interview, February 21, 2008).

Another way of looking at the interpretation, and the connection that was made between this interpretation and the European Constitution, is to say that the government operated in a smart and consistent manner. The seven points can be explained from a specific interpretation of the 'No' vote. Some of the points most certainly address the citizens' concerns. On the other hand, the government interpreted the 'No' vote in a certain way that led to negotiation points which were achievable at EU level. Even though five of these seven points were realized, it is doubtful if they will have such an effect that it will take away the citizens' concerns (J.Q.Th. Rood, personal interview, February 8, 2008).

3.2 The Lisbon Treaty

On 13 December 2007, the heads of state and government from all the member states met in Lisbon to sign the Reform Treaty, which was then named the Lisbon Treaty. This meant the end of a long and difficult negotiation process about amendments and alterations of the European Constitution (Rood, 2007, p. 401).

Prime Minister Jan-Peter Balkenende, Minister of Foreign Affairs Maxime Verhagen and Minister of European Affairs Frans Timmermans all claimed that this new treaty was substantially different from the European Constitution in 'shape, content and size' (Meijnen, 2007). In the State of the European Union 2007-2008, the Dutch government said to believe that the modified treaty does justice to the Dutch 'No'. The Lisbon Treaty will make the EU 'more democratic and more effective' (House of Representatives of the States-General, p. 3). National parliaments will have a stronger involvement in European decision making and the competences of both Europe and the national parliaments are clearly defined. As a result, Europe cannot expand its competences and national parliaments have a say in deciding whether or not a certain issue calls for a European answer. Moreover, the rights of EU citizens will be secured through the legally binding reference to the Charter of Fundamental Rights. The Copenhagen Criteria will be directly placed in the treaty and the possibilities for 'decision making by qualified majority voting' will be widened. Furthermore, the public services' position is clarified and the treaty has been cleared of 'constitutional pretensions' (House of Representatives of the States-General, p. 4). The Lisbon Treaty is a 'traditional amending treaty' that focuses on improving existing treaties. 'The reform treaty is good for Europe and good for the Netherlands' (House of Representatives of the States-General, p. 4).

Surely, there are differences between the European Constitution and the Lisbon Treaty. An important difference is that the intention of European integration is different in the Lisbon Treaty. A constitution

has the intention to proceed along the lines of state formation. Even though certain things have remained the same, member states can derive a more moderate intention from the Lisbon treaty. From the viewpoint of the Netherlands, a different perspective has been given to European integration. It can be said that the political ballast of the Lisbon treaty is different from the political ballast of the European Constitution (A. Pijpers, personal interview, February 21, 2008).

When comparing the two, the main differences between the Lisbon Treaty and the European Constitution are:

- The abolishment of the complicated pillar structure. The collaboration in the area of Justice and Internal Affairs as a whole will be incorporated into the community pillar. This will result in a significant simplification of the EU's structure. Nevertheless, this simplification is not as far reaching as it was in the European Constitution.
- Most of the 'institutional renewals' of the European Constitution will be adopted, except for the state symbols and terminology. There will not be a European minister of Foreign Affairs. Instead there will be a 'High Representative for Foreign Affairs and Security Policy' who will chair the ministers in the Foreign Affairs Council and will be vice president in the EC. From 2014 onwards, the European Commission will be reduced to members from two thirds of the member states. In addition, when a majority of national parliaments object to a Commission proposal based on the principle of subsidiarity, then the Council of Ministers or the EP can reject the proposal. Also, starting in 2017, the weighing of votes will be simplified.
- Similar to the European Constitution, the Lisbon Treaty also states that decision making by qualified majority voting and co decision by the European Parliament will become the basic rule within the EU. However, there are still significant exceptions where unanimity voting is applied. Also, 'emergency brakes' have been built in which, when actually used, will influence the affectivity of the decision making.
- The EU will have a clearer demarcation of competences. It will have exclusive, shared, and supportive competences at its disposal. This demarcation has been accentuated in the Lisbon Treaty, because the Netherlands, among others, insisted upon such actions. The member states will be called 'the masters of the treaty' and the EU can only act within its assigned competences.
- The Charter of Human Rights will not be included in the treaty itself, but in a protocol that is legally binding through a reference article (Limonard & Rood, 2007, pp. 403-404).

In short, the renewals from the European Constitution can still be easily recognized in the Lisbon Treaty. The structure may be simplified, but at the same time the many opt-outs, statements, and protocols do not improve the transparency at all (Limonard & Rood, 2007, p. 404).

3.3 Critical evaluations

There are many scientists who do not entirely agree with the government and have a more critical attitude towards the Lisbon Treaty. Many say the government is right about the shape and size being different, because there will not be a new treaty and instead the existing treaties have been amended and put together. The treaty is no longer called a Constitution and all state symbols and terminology have been removed. The content, however, is not substantially different than before. The essence of the European Constitution remains the same in the Lisbon treaty: the EU will be more resolute, EU decision making based on qualified majority voting will become more common (in more areas), the European Parliament will become more influential and the collaboration of police, justice, asylum and migration will be further Europeanized (Meijnen, 2007).

Furthermore, it can also be argued that the Lisbon Treaty does not take away the objections of the Dutch citizens. In some cases, it might even be conflicting with their wishes. The citizens' message to the politics was capable of broad interpretation. In default of any public Europe debate, the Dutch general opinion had to be sought through numerous opinion polls. And based on these polls, politics came up with the seven requests that were mentioned earlier (Keulen, 2007). By removing the constitutional symbols, the incorrect image of the EU turning into a European super state has been contested. However, when looking at the content and the essence of the European Constitution, it has remained the same in the Lisbon Treaty (J.Q.Th. Rood, personal interview, February 8, 2008).

The inclusion of a reference to the Copenhagen Criteria in the treaty does not change the current situation in which each decision about accession is up to the politics, and therefore it was a requirement that the member states could easily agree with. In other areas, changes do not even seem to correspond with citizens' preferences. To the Dutch, the main advantage of the EU is a free market without any internal borders. However, French President Sarkozy demanded that free competition would no longer be included in the EU's objectives. According to the Lisbon Treaty, social policy will remain up to the member states, which will not automatically lead to a more social Europe, as parties in the House of Representatives assumed. In addition, the aspiration to have one face to represent the EU in the world has been undermined. The EU Minister of Foreign Affairs can no longer carry this title and the UK has secured 'extra safeguards' that stand in the way of the aspiration of coherence in foreign policy. Reducing the integrated Charter of Fundamental Rights to a binding reference in the text is purely cosmetic. The treaty is no longer a constitution, but these fundamental rights are still legally binding – except for the UK. The British opt-outs in criminal law cooperation show that a joint approach of crime by border crossing police and justice deployment remains a fantasy. All these

exceptions certainly do not make Europe more transparent, as the Constitution intended to (Keulen, 2007).

Even though this is the opinion of many scientists, the Dutch Council of State still claims that the Reform Treaty distinctively distinguishes itself from the European Constitution. Especially since it has been cleared from elements ‘which could have led to the EU’s development in a distinct state or federal direction’ (Keulen, Limonard & Rood, 2007, p. 1).

3.4 Conclusion

The previous two chapters show that a lot has happened over the past couple of years: the European Constitutional debate, the Dutch referendum and its negative outcome, the reflection period following the referendum, and the negotiations about the reform treaty which ultimately led to the Lisbon Treaty. After the European Constitutional debate and the 2005 referendum, it became apparent that citizens had started to question the EU. Irreversible mistakes were made by Dutch politicians in the way they were dealing with Europe, talked about the EU (the ‘Brussels-bashing’), and handled the referendum campaign. After the referendum outcome, research was done to find out what the main reasons were for voting against the European Constitution. The government took these reasons into account when drawing up a list of requests for the negotiations about the Reform Treaty. After the negotiations ended, the heads of state and government of the EU member states signed the Lisbon Treaty. Now it is up to every member state to ratify the treaty. The ratification of the Lisbon treaty also gives Dutch politics the opportunity to start focusing more on Europe and improve the way it deals with European issues.

4. The House of Representatives and Europe

'It is very important for parliament to be closely involved in EU policies. This is necessary for the Union's democratic legitimacy. But close parliamentary involvement in Dutch policy on the EU is also crucial. This is the only way in which the government can account for the choices it has made and parliament can fulfil its scrutinising role.' (House of Representatives of the States-General, 2007, p. 8)

Over the past 50 years, the Netherlands has become indissolubly connected to Europe. And even though the Netherlands is part of the decision making in Brussels, citizens have the impression that the EU is imposed on them. This can be explained by the strong separation between European and national decision making and the fact that Europe is not really part of Dutch politics (Raad van State, 2005). But the fact remains that European policy is national policy. Therefore, Europe has to become a normal part of Dutch politics. In other words, Europe needs to integrate into the Netherlands (Raad van State, 2005).

First, this chapter will explain in what manner and through what means the House of Representatives can influence European issues. Secondly, suggestions that have been made in the past couple of years to improve the position of the House of Representatives when it comes to the EU will be outlined. Finally, an examination will be done to see what improvements have been made and what other ideas are still being developed.

4.1 The Dutch House of Representatives

The House of Representatives can exercise oversight and influence in a couple of ways. First, the House has a committee at its disposal that focuses entirely on Europe. This committee is called the Committee on European Affairs and was founded in 1986. Over the years, the Committee has developed itself into a specialist committee that mainly focuses on the institutional aspects of the EU (Gerards, 2006, p. 4). The Committee on European Affairs checks government policy on general European developments, for example EU enlargement and the discussion about the future of the European Constitution. The Committee on European Affairs has the same instruments at its disposal as all the other committees, which are public hearings, roundtable discussions, written consultations, and working visits. The Committee on European Affairs also has the ability to call upon committees to pay attention to certain developments in European legislation and advise them about these developments. Committees on European Affairs from other member states, EU candidate states and

the European Parliament can address the Committee on European Affairs about European matters. Moreover, the Committee on European Affairs represents the House of Representatives during COSAC meetings (Commissie voor Europese Zaken, 2008). COSAC is 'a cooperation between committees of the national parliaments dealing with European affairs as well as representatives from the European Parliament' (COSAC, n.d.). In addition, the Committee's staff is in charge of coordinating the consultation between the government and the House of Representatives regarding the meetings of the Council of the European Union (Commissie voor Europese Zaken, 2008).

Since two years, the House of Representatives and the Senate also have a permanent representative at their disposal in Brussels. The permanent representative's task is to report significant European legislative developments to the parliament and to point out the possibilities to influence these developments. Furthermore, the permanent representative has a supporting role in organizing the specialist committees' working visits to Brussels and the European Commissioners' working visits to the Dutch parliament (Commissie voor Europese Zaken, 2008).

Another manner in which the House of Representatives can exercise oversight is to put the 'fiches' on various 'aspects of European legislation' on the agenda (Baalen, 2002, p. 5). The House of Representatives receives these fiches from the government. The government uses the fiches to inform the House of Representatives about new EU proposals. A fiche contains a brief description of the content and objectives of the proposal, the subsidiarity and proportionality of the proposal and its consequences for the Netherlands. Through these fiches, the government informs the House of Representatives about 'the European Commission's Green and White Papers, communications, draft Directives, etc.' (Baalen, 2002, p. 5). The staff of the Committee on European Affairs discusses the fiches and makes recommendations to the Committee. Hereafter the Committee decides which fiches should be handled by which specialist committees and then advises the committees on how to deal with the fiches. Moreover, the Committee on European Affairs takes on some of the fiches itself as well (Baalen, 2002, p. 5).

The most common way for the House of Representatives to exercise influence is to meet with government members beforehand 'to discuss the agenda and proposed Dutch position for a European Council, General Affairs Council or meeting of specialist ministers' (Baalen, 2002, p. 5). The House of Representatives has other instruments that it can use to influence the government's position on EU matters, however, these are not generally put into practice. First, the House of Representatives has the ability to 'adopt resolutions in plenary session' to express its opinion on the position that the government plans to take (Baalen, 2002, p. 5). These resolutions can be connected to the parliament's confidence in the ministers that are involved, but this rarely happens in practice. Another instrument that is even more difficult to use is to 'summon' the prime minister to a 'plenary debate' to explain the

results of a European Council. It would suffice for the prime minister to argue that the 'parliament's preferred outcome turned out to be impracticable' and, in case of the possibility to veto, the prime minister could simply say that he was unwilling 'to sacrifice higher interests' for that particular issue (Baalen, 2002, p. 5). The same goes for so called 'post mortems' with ministers in the 'parliamentary committee' about what happened in 'General Affairs Councils and meetings of specialist Councils' (Baalen, 2002, p. 5). But it is not just the government that needs to enable the parliament to exercise more influence. The members of the House of Representatives have not made enough effort to become more involved in Europe either.

Naturally, the way in which the House of Representatives and the government interact with one another leads to 'a common understanding of the Netherlands' interests within the European Union' (Baalen, 2002, p. 5). It is good that trust is placed in the government, however, it would be better if the House of Representatives had more oversight. In addition, the House has a lack of: 'insight into the informal background to decisions, a clear notion of Dutch interests, firm priorities, a sense of timing and willingness to make the government face the consequences of its decisions' (Baalen, 2002, p. 5).

Neither members of parliament nor the government are to blame for 'the poor quality of parliamentary oversight of EU decision making' (Baalen, 2002, p. 5). There is awareness of the 'Brussels factor' among members of the parliament and the government, but despite their hard work they are 'often unsystematic and fail to focus on concrete results' (Baalen, 2002, p. 5). The explanation lies in the unfortunate fact that in almost all 'political parties and their parliamentary groups' the EU is 'a low prestige policy field' (Baalen, 2002, p. 5). Unless the Netherlands is experiencing 'a difference of opinion', the EU does not offer many opportunities to score points (Baalen, 2002, p. 5). Most of the time, political issues of current interest take precedence over the 'long term national interest' (Baalen, 2002, p. 5).

4.2 Advisory reports

After the European constitutional debate and the 2005 referendum it became clear that Dutch politics could not simply continue dealing with the EU as it had done in the past. When it comes to Europe, the House of Representatives did not undertake any action until it was already too late (D. Huisinga, personal interview, April 3, 2008). In the Netherlands there is a democratic model where 'the government governs and parliament merely scrutinises, waiting to exercise oversight until approached by the government' (Baalen, 2005, p. 5). As a result, it is difficult for the Netherlands to 'exercise influence in Brussels'. It is of the utmost importance that the House of Representatives as well as the Senate 'take a pro-active approach' by 'setting priorities (less is more) and concentrating on the

background to and progress of decision making procedures in Brussels' (Baalen, 2005, p. 6). It is at the early stages in the EU decision making process where the most influence can be exercised. In addition, the House of Representatives has to take a position on an issue and, together with the government, develop a strategy before the issue becomes a 'hot topic' (Baalen, 2005, p. 6). At the least, the Dutch parliament should be able to 'exercise an appropriate level of oversight and influence' (Baalen, 2005, p. 6).

From 2002 until 2007, a number of advisory agencies published reports about improving the parliament's influence on and involvement in Europe. These advisory reports were directed at the Dutch parliament; meaning that both the House of Representatives and the Senate were addressed. Because this chapter focuses on the House of Representatives, the role of the Senate will not be discussed. However, in some cases the parliament as a whole will be mentioned. The advisory bodies and the reports they published are the following:

- The Council for Public Administration (Raad voor het Openbaar Bestuur - ROB) is the advisory body of the Dutch government and parliament (The Council for Public Administration, n.d.). In December 2004 the Council published the report "Nationale coördinatie van EU-beleid: een politiek en proactief proces" which means "National coordination of EU policy: a political and proactive process" (Raad voor het Openbaar Bestuur, 2005).
- The Council of State (Raad van State - RvS) advises government and parliament on legislation. In September 2005 the Council of State published a report called "De gevolgen van de Europese arrangementen voor de positie en het functioneren van de nationale instellingen en hun onderlinge verhouding" which means "The effects of European arrangements for the position and the functioning of national institutions and their relation to one another" (Raad van State, 2005, p. 1).
- Advisory Council on International Affairs (Adviesraad Internationale Vraagstukken - AIV) is an independent advisory body that provides government and parliament with advice on foreign policy. In December 2005 the AIV presented the report "De EU en de band met de Nederlandse burger" ("The EU and the relationship with the Dutch citizen") (Adviesraad Internationale Vraagstukken, 2005).
- National Convention (Nationale Conventie - NC) consisted of a group of people who examined if changes are needed in the national political system (Nationale Conventie, n.d.). The Minister of Governmental Reform and Kingdom Relations made a request for advice and this led to the National Convention's final report that was released in October 2006. The report was called "Aanbevelingen van de Nationale Conventie voor de 21^e eeuw" which means "The National Convention's recommendations for the 21st century" (Nationale Conventie, 2006).

- Scientific Council for Government Policy (Wetenschappelijke Raad voor het Regeringsbeleid - WRR) uses ‘a scientific approach’ to advise the government on ‘future developments of great public interest’ (Scientific Council for Government Policy, n.d.). The Council published the report “Europe in the Netherlands” in June 2007 due to a request for advice from the Minister of General Affairs (Wetenschappelijke Raad voor het Regeringsbeleid, 2007).
- “On time is too late” is a paper that was published in April 2002 by Mr. Hans van Baalen, Committee on European Affairs (Baalen, 2002).
- “Parlement aan zet” (“Parliament’s turn to make a move”) was published in June 2006 by Marisa Gerards, project manager EU support for the Committee on European Affairs (Gerards, 2006)

Some of the above mentioned advisory bodies were approached by the government, but others took the initiative to publish advisory reports and present them to the government themselves. Similar recommendations can be found in many of the advisory reports. The main reoccurring recommendations made by these advisory bodies have been outlined in the following table:

Recommendations about the role of parliament in the EU decision making process

	Earlier and more selective action taking / more theme debates	Strengthen own information gathering	Enlarge role of committees / parties	Strengthen official support	Citizen participation		Subsidiarity check	Treat specific EU proposals as national legislation	Appoint rapporteurs	Strengthen relationship with EP	Double mandate	Set up a scrutiny committee	Scrutiny reserve
					Public hearings	Pre-ferenda							
ROB	√	√	√	√	√		√			√			
RvS	√	√	√	√	√		√	√	√	√			
AIV	√	√	√	√			√			√			
NC	√	√		√			√			√	√	√	√
WRR	√	√		√		√	√			√		√	√
On time is too late	√	√	√	√	√					√			
Parlement aan Zet	√	√	√	√	√		√	√	√	√			
Cabinet reaction	√	√	√	√	√		√						

Source: Committee on European Affairs (March 26, 2008)

4.2.1 Main recommendations

As can be seen in the table, a couple of recommendations were made in (almost) all of the advisory reports and therefore clearly stand out.

Earlier and more selective action taking / more theme debates

One of the main recommendations is that earlier and more selective action taking and more theme debates should take place. The House of Representatives' involvement in the EU decision making process should move to an earlier stage in the negotiations. Because the negotiations in Brussels have been taking place at an earlier stage this is where the House of Representatives should exercise its influence (Gerards, 2006, p. 10). Earlier action taking can also be achieved by organising public hearings about the EC's consultation documents (Green and White papers) and sending the EC a reaction based on the outcome of such public hearings (Gerards, 2006, p. 10).

The House of Representatives could also consult with the government about the official Dutch reaction to the EC's consultation documents. The parliament should ask the government for an assessment of the Commission's Legislation and Work Programme at the beginning of each year. The Legislation and Work Programme consists of consultation documents and legislation proposals that the EC expects to carry out that year. It is important for the House of Representatives to enter into a debate with the government about the EC's Legislation and Work Programme (Gerards, 2006, p. 10). Moreover, it is important that the House of Representatives takes the initiative to set up EU debates about publicly relevant issues. Only once a year, during the annual debate on the State of the Union, do the House of Representatives and government discuss European policy. The House of Representatives and its specialist committees should take the initiative to set up EU debates more frequently (Gerards, 2006, p. 8).

Strengthen own information gathering

The House of Representatives should strengthen its own information gathering. It is of great importance that the House of Representatives does not merely rely on the government for EU information, but that it starts actively gathering information itself. This can be done by organizing hearings (or round table discussions) with experts and interest groups (Gerards, 2006, p. 15). The specialist committees of the House of Representatives and the European Cooperation Committee of the Senate could also be included in these hearings. Moreover, the Dutch European Commissioner, the Permanent Representative to the EU and Members of the European Parliament could also be invited to attend these hearings (Baalen, 2005, p. 8). In addition, civil servants can be approached to hold

technical briefings about European legislation. The House of Representatives should also make more use of the possibility to ask advisory bodies for advice (Gerards, 2006, p. 15). Moreover, the suggestion was made to make better use of the internet by setting up a website with the purpose of getting citizens' and public organisations' opinions on EU matters. The Senate already has such a website called 'EuropaPoort' (Europe Gateway), where members and the public can find information on European files. The House of Representatives could collaborate with the Senate and turn 'EuropaPoort' into a joint website or set up its own website (Gerards, 2006, pp. 18-19).

Enlarge role of committees / parties

Enlarging the role of specialist committees and/or parties was also one of the recommendations. Europe is often seen as a separate discipline and has not been integrated into the work of the specialist committees. Within a specialist committee, there are often different spokesmen for European and national issues. In addition, the parties also treat Europe as a separate discipline and only have one EU spokesman who is supported by a party employee. It would be better if within the parties and specialist committees the spokesmen are allocated a certain subject that includes the European dimension instead of separating 'national' and 'European' issues. Moreover, the specialist committees on External Affairs and European Affairs are the only ones who are allocated a higher travel budget due to the international component of their work. However, a growing amount of work of other specialist committees results from European proposals. Therefore, other specialist committees with an important European component should be allocated a higher travel budget as well. This will enable them to build and keep a European network by going on working visits (Gerards, 2006, p. 18).

Strengthen official support

The recommendation was made to strengthen the official support. One suggestion that was made was to expand the staff of the Committee on European Affairs of the House of Representatives (Baalen, 2005, p. 6). The House of Representatives needs to have a qualified team of EU experts at its disposal that pays attention to important European legislation from the beginning stage, keeps the House of Representatives up to date and lets the House of Representatives know when it should exercise its influence. The suggestion was made to set up an EU office that consists of a team of EU experts that are given the task of supporting all the specialist committees (Gerards, 2006, p. 20). Another suggestion is to strengthen the representation in Brussels, because one permanent representative and a deputy clerk is not enough (Gerards, 2006, p. 21).

Citizen participation (public hearings/preferenda)

Citizen participation should be strengthened, first of all, by enhancing their knowledge and understanding of Europe. The Dutch citizens need to be better informed about the importance of the EU and how the EU works. It is important that elementary schools and high schools take the effort to

educate children about Europe. Secondly, citizens' democratic participation in the European decision making process should be strengthened (Raad van State, 2005, p. 16). In order to make this possible, the parliament could organise public hearings. These hearings should be about the question whether a certain issue should be handled on a national or European level and if it is up to the public authorities or private initiatives to take action. It is important that both citizens and private initiatives become more involved in the European decision making process (Raad van State, 2005, p. 9). Besides organising public hearings, the Scientific Council for Government Policy recommended organising preferenda to enhance citizen participation. Preferenda give citizens the opportunity to choose between different proposals concerning a certain EU issue. While referenda merely allow citizens to vote yes or no, preferenda give citizens an actual role in the EU decision making process. Preferenda give citizens the chance to give their opinion before the decision making takes place, which gives them the ability to influence EU decision making (Wetenschappelijke Raad voor het Regeringsbeleid, 2007, p. 138).

Subsidiarity check

Almost all the advisory reports recommended the introduction of a subsidiarity check. This was not an entirely new idea, because in November 2003 the parliament had already established the Joint Committee Application Subsidiarity (JCAS). This committee was given the task of developing proposals to make the Dutch parliament ready to execute the subsidiarity check. JCAS proposed to set up a Temporary Committee on Subsidiarity (TCS), which was done on March 28, 2006. The Temporary Committee on Subsidiarity consists of both members of the Senate and members of the House of Representatives (Commissie voor Europese Zaken, 2008). The purpose of the TCS is to improve the ability to reach a consensus between the Senate and the House of Representatives with regard to 'subsidiarity and proportionality matters' (COSAC, 2006, p. 15).

The Temporary Committee on Subsidiarity's task is to decide if, based on treaty regulations, the European Commission is competent to make certain proposals. This is the subsidiarity check in its most basic form. Because it is impossible for one committee to check the content of all the different proposals, the TCS then divides the EU proposals among the specialist committees. The committees have to determine if the proposals are in line with the principles of subsidiarity and proportionality (Dijk, 2005, p. 656). The principle of subsidiarity means that the EU can only act if it is more effective than acting at a national, regional or local level. The principle of proportionality means that the EU can only act to the extent that is necessary to achieve its objectives (Bureau Europees Parlement Den Haag & Parlementair Documentatie Centrum, n.d.). The committees have to report their findings to the Temporary Committee on Subsidiarity and give advice about the proposal (Dijk, 2005, p. 656).

Strengthen relationship with EP

Another recommendation that appeared in all of the reports was to strengthen the relationship with the European Parliament. It is important for the House of Representatives to work together with the European Parliament (Baalen, 2005, p. 6). Members of the European Parliament are experts when it comes to the EU and therefore the House of Representatives should take advantage of their expertise (Gerards, 2006, p. 15). If the parliamentary parties can set up an alliance with their political group in the European Parliament, they would be able to exercise parliamentary oversight and influence in a more effective manner. If Members of the European Parliament could go to meetings of national parliamentary parties on a regular basis this would also strengthen their relationship. Moreover, it would also be useful to have members of the European parliament present when committees are discussing EU matters. Finally, meetings of the political groups in the European Parliament should be attended by other spokesmen and staff members in addition to those on European Affairs (Baalen, 2005, p. 6).

4.2.2 Other recommendations

The other recommendations listed in the table were made by only a couple of the advisory bodies and did not receive wide support. Nevertheless, these recommendations will be briefly outlined as well.

Treat specific EU proposals as national legislation

The House of Representatives should treat specific EU proposals the same way it treats national legislation. This can be done by using the same parliamentary instruments it uses for national legislation, for example setting up a so called 'legislation report' (Gerards, 2006, p. 13). A legislation report consists of four components: the content of the legislation, a technical component, a financial component, and publications in the media. For EU proposals a fifth component should be added, namely the subsidiarity check. Such a legislation report will force the members of the House of Representatives to treat EU proposals as national legislation. Other parliamentary instruments are: inviting interested parties to provide written comments about EU proposals, organizing hearings or round table discussions, and approaching civil servants to hold technical briefings. These instruments will provide the House of Representatives with insight in important EU issues at an early stage. As a result, the House of Representatives will be able to exercise influence on EU proposals (Gerards, 2006, pp. 13-14).

Appoint rapporteurs

The House of Representatives can strengthen its own information gathering by appointing rapporteurs to work on the important files on European legislation. Given the complex nature of large European

bills, a rapporteur can be of added value to gather information, maintain political contacts in the Netherlands and in Brussels, and keep the matter on the agenda. It is a political position and therefore it is important to divide the positions among the different political parties. A rapporteur's main task would be to set up a report about a specific EC proposal explaining the sticking points, dilemma's, possible outcomes, advantages and disadvantages. If the Council or the EP proposes changes to the EC proposal, the different positions of the Council, the EP and the EC can be outlined in the report as well (Gerards, 2006, p. 17).

Double mandate

In the past it was possible to combine membership of the Dutch parliament with membership of the European Parliament, a so called 'double mandate' (Nationale Conventie, 2006, p. 56). However, with the 2002 European Parliamentary Elections Act the possibility for a double mandate was removed. The National Convention is the only advisory body that suggested bringing back the possibility of a double mandate. A double mandate can strengthen the relationship between the Dutch parliament and Europe. The national parliament will be better informed about European developments and can exercise influence on these developments. The EP will be better informed about ideas of the member states. The double mandate does have a disadvantage, which is the increased workload for those who are members of both the national parliament and the EP (Nationale Conventie, 2006, p. 56).

Set up a scrutiny committee

The National Convention and the Scientific Council for Government Policy made the recommendation to set up a scrutiny committee, similar to the European Scrutiny Committee of the British House of Commons (Nationale Conventie, 2006, pp. 53-54). When the United Kingdom receives a proposal from the European Commission, the relevant ministry sets up an Explanatory Memorandum and submits it to the European Scrutiny Committee. Then the Committee 'assesses the legal and/or political importance' of the EC proposal (United Kingdom Parliament, 2008). The Committee can recommend a debate to be held in a European Standing Committee or even in the House of Commons. Ministers cannot agree to EC proposals until the Committee has 'cleared' them (United Kingdom Parliament, 2008). The Dutch parliament should also set up a scrutiny committee to examine EC proposals based on their legal and political importance (Nationale Conventie, 2006, p. 54). A scrutiny committee will result in more involvement of the national parliament with EC proposals, which strengthens the national democracy. Moreover, when European policy stands a national test this also strengthens the citizens' trust (Nationale Conventie, 2006, p. 53).

Scrutiny reserve

The recommendation to introduce a scrutiny reserve corresponds to the prior recommendation to set up a scrutiny committee. Larger involvement of the national parliament can only be effective if

parliament can exercise influence prior to the consultations in Brussels. Therefore, a scrutiny reserve is recommended (Nationale Conventie, 2006, p. 54). As outlined above, the British House of Commons already has a European Scrutiny Committee. Because of the scrutiny reserve, a British minister cannot negotiate in Brussels until the parliament gives permission to do so. Even though there is a scrutiny reserve, the British scrutiny system still offers government and parliament a sufficient amount of room and flexibility. Parliament has the possibility to share its view with the minister prior to a European consultation. If the minister does not act in accordance with the parliament's conceptions then the House of Representatives can call the minister to account. A minister still has room to negotiate and can be flexible during negotiations (Nationale Conventie, 2006, p. 55).

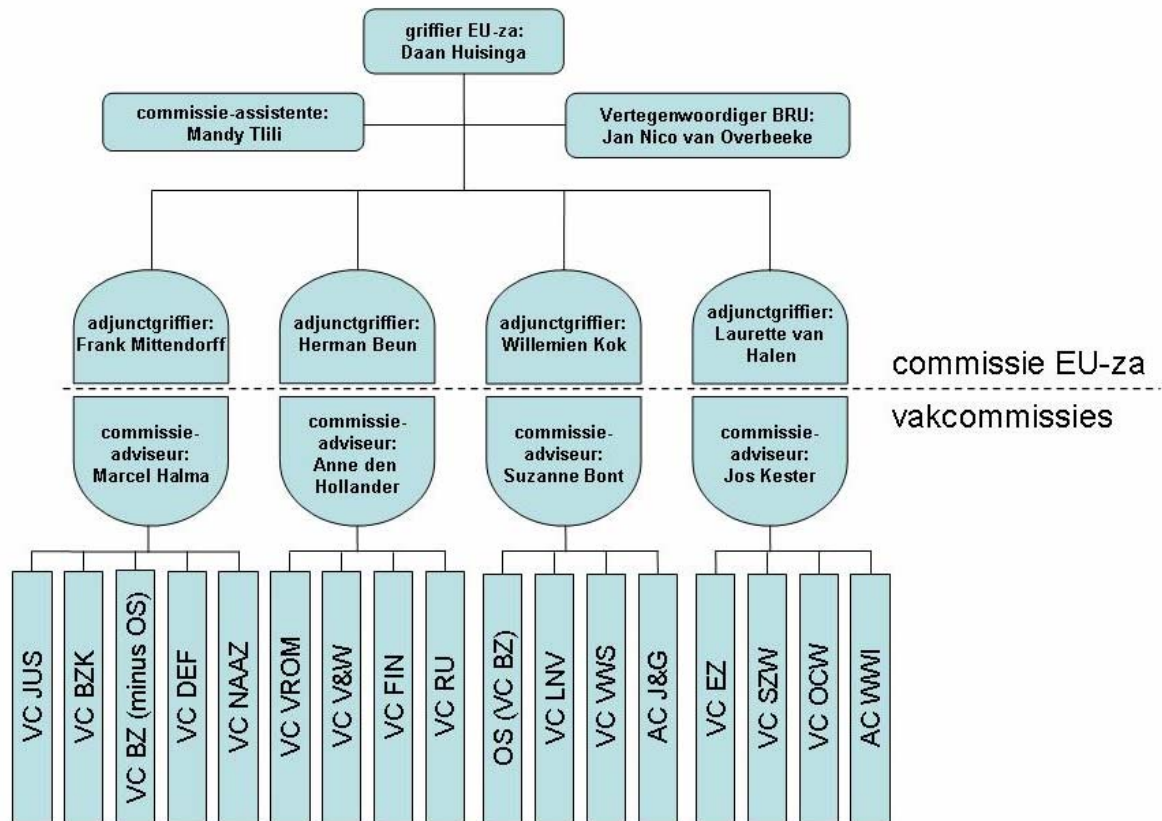
4.3 The House of Representatives and Europe

Clearly, the House of Representatives received a large variety of recommendations about how to improve its involvement in Europe and its ability to exercise more influence on EU matters. So what did the House of Representatives do with these recommendations? Hereafter, the action that was taken by the House of Representatives will be outlined.

4.3.1 What recommendations have been realized?

First of all, in order to be able to gather more information, organise more hearings, etc. it is obvious that people are needed to handle these things. The Committee on European Affairs used to consist of an acting clerk, a committee assistant, a representative in Brussels, and four deputy clerks. The deputy clerks supported the acting clerk and the Committee. Their main job was to work for the Committee on European Affairs, but they also did some work for the specialist committees. In order to strengthen the EU support, the recommendation was made to set up an EU office with the purpose of actively involving specialist committees with Europe and showing them how important Europe is. However, the Committee on European affairs believes that such an EU office would not be effective. The EU is not very popular among specialist committees as it is and having an EU office 'bothering' them about Europe could only make the situation worse. Instead of setting up an EU office, the Committee on European Affairs decided to appoint committee advisors to all the specialist committees (D. Huisinga, personal interview, April 3, 2008). The following (Dutch) chart shows the EU support as of January 1, 2008:

Organogram EU-ondersteuning per 1 jan 2008



Source: Committee on European Affairs (2008)

Above the dotted line in the organization chart, the staff of the Committee on European Affairs is displayed, with at the top the acting clerk, then a committee assistant and a representative in Brussels, as well as the four deputy clerks. Beneath the dotted line, the expansion of the Committee's staff with four committee advisors is shown. These committee advisors have been divided among the different specialist committees (D. Huisinga, personal interview, April 3, 2008).

The committee advisors provide the specialist committees with information about Europe and give them advice on how to handle EU issues, whether the specialist committees have requested information and advice or not. In a way, they push Europe into the nationally orientated specialist committees and encourage them to pay attention to issues from Brussels (D. Huisinga, personal interview, April 3, 2008). The committee advisors have four main tasks: strengthening the information gathering, (pre)selecting files that have a political priority, deciding what the right moments are to exercise influence and advising and/or planning (committee)activities (D. Huisinga, personal email, March 7, 2008). In order to strengthen the information gathering, committee advisors gather their own information, from their own sources and contacts. Secondly, they prioritise new proposals so the

specialist committees know which proposals are the most important and need to be dealt with. Thirdly, the committee advisors try to keep track of what is happening with certain proposals in Brussels, inform the specialist committees about important developments, and let them know when they can exercise influence. Finally, the committee advisors advise the specialist committees about the type of action they should take. For example, specialist committees have the possibility to approach a minister and discuss an EU issue, or travel to Brussels to meet with the Commissioner (D. Huisinga, personal interview, April 3, 2008). These working visits have started to become more common as well. Last year only three specialist committees visited Brussels. This year, the number of specialist committees that organised working visits to Brussels already expanded to nine (D. Huisinga, personal interview, April 3, 2008).

In addition, specialist committees have been given the ability to appoint a rapporteur (D. Huisinga, personal interview, April 3, 2008). For example, in September 2007, Paulus Jansen was appointed as rapporteur for the specialist committee of Spatial Planning, Housing and the Environment to work on the file 'adjustment to climate change'. He was given three months to examine the file. His job was to gather information, examine and analyse. The principles of subsidiarity and proportionality had to be taken into account as well. Based on the information collected, and in consultation with the other members of the specialist committee, Mr. Jansen drew up a questionnaire and presented it to the minister. Eventually, it was concluded that for the most part 'adjustment to climate change' concerns national policy. However, European legislation is important when it comes to, for example, the large river basins. The large rivers cross borders and therefore clear agreements between member states need to be made (Tweede Kamer der Staten-Generaal, 2008).

Moreover, it is possible to invite a commissioner to visit the House of Representatives with the purpose of explaining the background of a particular proposal. Such visits bring Europe to life and give the anonymous bureaucracy in Brussels a face. Private initiatives are also encouraged to give their opinion, write specialist committees a letter, apply for a meeting with specialist committees, etc. Europe has to come alive to both the members of parliament and to society. Business companies are also informed about the possibility to contact one of the committee advisors and share their view about a particular EU proposal or provide the committee advisor with information. On top of this, inviting lobbyists to talk about a technical EU proposal also makes the matter more accessible to members of parliament. It is important to invite lobbyists with different perspectives of the issue. In the European Parliament lobbyists are very common already, because they possess knowledge of EU matters. Therefore, inviting lobbyists to talk about EU proposals would be of added value to the Dutch parliament. Members of parliament have called upon the expertise of Members of the European Parliament more often as well. Moreover, the possibilities for Members of the European Parliament to participate in national debates have been broadened (D. Huisinga, personal interview, April 3, 2008).

On December 11, 2008, the Dutch Standing Orders were amended so that the House of Representatives can invite Dutch Members of the European Parliament to participate in consultations (Bureau Europees Parlement Den Haag & Parlementair Documentatie Centrum, 2007).

As mentioned earlier in this chapter, a subsidiarity check had already been introduced in 2006, when the Temporary Committee on Subsidiarity was set up. The TCS's activities have been evaluated in 2007 and the decision was made for the TCS to continue its activities for at least another couple of years. As a result, the TCS can acquire more experience by testing new EU proposals. In the year 2009 the parliament will decide if the Committee on Subsidiarity should be given a permanent status (Timmerman-Buck, 2007). In addition to the subsidiarity check, the recommendation to ask the government to draw up an assessment of the Commission's Legislation and Work Programme has already been realized as well. In 2005, the Committee on European Affairs requested the government to draw up an assessment of the Commission's Legislation and Work Programme for the first time. This request resulted in an interesting list of proposals of which the government questioned their subsidiarity. That year the government's assessment was only discussed between the Committee on European Affairs and the Minister of European Affairs. However, it would be more effective if the specialist committees discussed relevant aspects of the assessment with their minister. The following year, a discussion about the assessment also occurred between the specialist committee on Justice and its minister (Gerards, 2006, pp. 10-11). Moreover, in the *State of the European Union 2007-2008* (2007), the government made it clear that it intended to continue presenting the parliament with an assessment of the EC's Legislation and Work Programme at the beginning of every year. Those EU initiatives that are of significant importance to the Netherlands will be outlined so that the government and parliament are able to discuss them in advance (House of Representatives of the States-General, 2007, p. 8).

4.3.2 What recommendations are still being developed?

A recommendation that is more difficult to realize is organizing more EU theme debates. The idea is to organise debates on social issues to discuss the problem, what instruments to use, and if it requires action at a national or European level. It has become more common for European aspects to come up for consideration during debates already. In addition, the debate on the State of the European Union takes place every year. Still, the organisation of more EU theme debates, as well as hearings, discussions on consultation documents, and technical briefings by civil servants, needs to be further developed. The same goes for the recommendation to treat European legislation as national legislation. There has not been an opportunity to do this yet, but it is an issue that is on the Committee on

European Affairs' to-do list and undoubtedly it will happen in the future (D. Huisinga, personal interview, April 3, 2008).

Enlarging the role of committees and parties is more difficult to realize. The committees and parties have to decide for themselves that they have to start dealing with Europe in a different way. They have to acknowledge the need to integrate Europe into their activities. The Committee on European Affairs can provide them with the necessary means, but cannot force them to change the way they deal with Europe. Another difficult issue is citizen participation. The House of Representatives can definitely put more effort in informing citizens about Europe, for example through the internet. The idea of a joint website has been dropped, because the Senate's website 'EuropaPoort' is very labour intensive, which means that the Committee on European Affairs would have to hire someone to work on that website. Instead, the Committee is looking into the possibilities for the House of Representatives to develop its own EU website. The House of Representatives does have an intranet site, which is a website just for its members. This intranet site has a very good 'Europe corner' that informs members of the House of Representatives about EU developments. It was also recommended to increase citizen participation by organizing public hearings or *preferenda*, but this idea still needs to be discussed further (D. Huisinga, personal interview, April 3, 2008). In addition, in 2007, minister of European Affairs Frans Timmermans presented his communication strategy. The goal is to involve citizens with Europe and inform them about EU developments. The Cabinet wants to maintain an active dialogue with citizens, parliament, (business) organisations and private initiatives. The EU communication needs to be improved. This can be done, for example, by encouraging visits to Brussels and by improving the role of Europe in schools (Timmermans, 2007, pp. 3-5).

Finally, there are the recommendations to introduce the double mandate, scrutiny committee and scrutiny reserve. These issues are all higher politics that need to be arranged by law. The Committee on European Affairs is not in the position to make that happen and therefore it is up to Dutch politics to make these arrangements (D. Huisinga, personal interview, April 3, 2008). That being said, there have been some developments in these areas, which will be discussed next.

4.3.3 Other initiatives

Motion

During a debate about the future of the European Constitutional treaty on May 23, 2008, a private motion was introduced by Han ten Broeke, who is a member of the House of Representatives and EU spokesman for the Conservative Liberal Party (VVD) (Dijk & Waalkens, 2007, p. 2). He asked the presidium, which is the management of the House of Representatives, to put more effort into the

development of new working methods and mechanisms that will increase the involvement of the House of Representatives in Europe (D. Huisinga, personal interview, April 3, 2008). In his motion, Han ten Broeke requested the presidium and the chairmen of the Committee on European Affairs and the Temporary Committee on Subsidiarity to develop proposals that rearrange the parliament's working method so that it is better equipped to check European legislation on subsidiarity and proportionality. Moreover, attention should be paid to enlarging the possibilities of co-legislation and the possibility to introduce a parliamentary mandate. This means that the House of Representatives would be given the right to send ministers to negotiations in Brussels (Broeke, 2007).

The chairmen of the Committee on European Affairs and the Temporary Committee on Subsidiarity reacted to this motion by acknowledging that the parliament's working method should be rearranged so that it is better equipped to check European legislation on subsidiarity and proportionality. A good starting point is the Temporary Committee on Subsidiarity's evaluation report, which proposed to set up a permanent committee on subsidiarity. This permanent committee will continue the Temporary Committee on Subsidiarity's work and little changes will be made to the current working method of the committee. However, the committee's activities have increased substantially since the previous year. The amount of proposals that have to be checked on subsidiarity have increased from 11 to 26. As a result, extra measures have been taken so that the activities of the Temporary Committee on Subsidiarity connect with the activities of both the Committee on European Affairs and the specialist committees in the best possible way. From beginning to end, the committee advisors will be involved in those activities that are relevant to their specialist committees (Dijk & Waalkens, 2007, p. 3).

Enlarging the possibilities of co-legislation and the possibility to introduce a parliamentary mandate will strengthen the parliament's position with respect to the government. In the Netherlands, the government negotiates in the Council and afterwards the parliament checks the government's input. The House of Representatives can try to influence the way the government's representative acts in the Council, however, the government can always refer to the saying 'the government governs and the House of Representatives supervises' (Dijk & Waalkens, 2007, pp. 3-4). The government wants to keep a sufficient amount of freedom to negotiate in the Council and does not want to be tied down. The most powerful instrument that enables the House of Representatives to influence the government's actions in the Council is to introduce a motion. Nevertheless, the possibilities for enlarging the parliament's role could be further examined (Dijk & Waalkens, 2007, pp. 3-4).

Scrutiny committee and scrutiny reserve

The possibilities of introducing a scrutiny committee and scrutiny reserve have also been widely discussed. The ratification process of the Lisbon treaty makes this a matter of current interest. For example, the House of Representatives can tell the government that it will only approve the new treaty

if the House of Representatives is given a scrutiny reserve on European files. A scrutiny reserve means that the government cannot act until the House of Representatives gives permission to do so. It is a sensitive issue, because it will make the government less independent and it will result in a bigger workload for the House of Representatives. However, it is definitely an effective mechanism to involve the House of Representatives in European legislation. The government will need the House of Representatives' support on European issues, which means that they will do everything they can to make sure the House of Representatives knows what is going on and that the House of Representatives has all the information it needs to make a decision. A scrutiny reserve also has a large disadvantage, because it limits the government's freedom. Moreover, it can be argued that the House of Representatives already has a significant number of instruments it can use to exercise its influence, for example a motion, EU consultations, working visits to Brussels, etc. A compromise could be that the House of Representatives indicates which European files it considers to be important and that the House of Representatives then gets the ability to use a scrutiny reserve on those files. Still, some parties are afraid a scrutiny reserve will obstruct the course of business in Brussels (D. Huisinga, personal interview, April 3, 2008).

The Netherlands is not the only member state that is discussing the possibility of introducing a scrutiny reserve. A scrutiny reserve is also becoming very popular in other EU member states: 14 of the 27 member states have some sort of scrutiny reserve set up. A couple of these member states have coordinated the national discussion of EU proposals so that it takes place at the same time as the discussion in Brussels. Moreover, some member states have pre-selecting systems that make sure not all the proposals have to be discussed in parliament. Denmark and Lithuania are member states that have such a pre-selecting system. Another option is to set up a committee that reviews EU proposals and decides which proposals should be discussed in parliament and which should be handled directly by the government. A great example is the United Kingdom, which has a European Scrutiny Committee. Other member states, like the Czech Republic and Italy, work with a time limit. During a certain amount of time the government cannot negotiate an EU proposal. This gives the parliament a chance to contribute to the discussion (Voermans, 2007, p. 159).

These examples show that there are different types of scrutiny reserves. The Conservative Liberal Party (VVD) has already announced that it wants a scrutiny reserve. Ministers should not be able to negotiate in Brussels until after they have discussed the government's position with the House of Representatives. Han ten Broeke argued that the introduction of a scrutiny reserve has turned Denmark back into a mainstream EU member state. Strengthening the national democratic check of the Brussels decision making process will also strengthen the support for European collaboration. Up until now, a minister would negotiate in Brussels before giving the House of Representatives the opportunity to

give its opinion. Han ten Broeke acknowledges that members of the House of Representatives have been negligent in supervising the government as well (Europaredactie, 2008).

With the ratification of the Lisbon Treaty, which will take place sometime before the summer of 2008, Han ten Broeke wants to legally lay down a scrutiny reserve. He expects to receive support from PvdA (Social Democratic Party), SP (Socialist Party), GroenLinks (the Greens) and D66 (Progressive Liberal Party). Minister of European Affairs Frans Timmermans has said that, on certain terms, he has a positive attitude towards a type of scrutiny reserve. Earlier involvement of the national parliament means that civil servants have to start working on European issues at an earlier point in time, which ultimately leads to a faster implementation of European directives (Europaredactie, 2008).

4.4 Conclusion

Because of the subsidiarity check, the committee advisors, the rapporteurs, the consultations with Members of the European Parliament, the meetings with European commissioners, and the government's assessment of the Commission's Legislation and Work Programme, the EU support has increased considerably. The House of Representatives has more EU information at its disposal and more possibilities for earlier involvement with Europe. The House of Representatives has the means it needs to be able to focus more on Europe. Unfortunately, having the means is not enough to improve the role of Europe in the House of Representatives. It is up to the politicians to acknowledge the importance to use these means and improve the way they deal with Europe. Among many members of the House of Representatives there is still a lack of knowledge about the relevance of Europe. On top of this, there is a lack of awareness that Europe should be treated as a dimension instead of a separate subject. When European files do come up for discussion Europe definitely brings on a debate. The challenge, however, is to integrate Europe into the national debate (M. van Keulen, personal interview, February 15, 2008).

5. Conclusion

'The EU should not be discussed exclusively in terms of the European Parliament, Commission, Council, Court of Justice and Court of Auditors. What matters are the political choices confronting us. They call for a serious debate, not only within these institutions, but also, and above all, within the Netherlands itself. The EU needs to be integrated into Dutch politics and the national discourse.' (Nicolai, 2006, p. 16)

5.1 Summary

Over the past couple of years the EU has become an important topic of discussion among Dutch citizens. In the past, the EU was not discussed much. People could easily see the economic benefits the EU brought and they left it to the government to deal with the EU. This situation started to change along with certain EU developments; for example, the introduction of the Euro and the EU enlargement.

In the Netherlands, it was the European Constitution, and more specifically the referendum about the European Constitution, that brought on a large debate about the future of the EU and the role that the Netherlands should play in it. For the first time, the Dutch citizens were asked to give their opinion about a European issue. A large majority of the Dutch people voted against the European Constitution, but for a number of different reasons. Many of these reasons had more to do with feelings of uncertainty about the EU or with other aspects like integration, fear of a European super state and the Euro, than with the European Constitution itself. These reasons, in combination with the supporters' referendum campaign that miserably failed, resulted in the ultimate 'No'. At that point it became painfully clear that many people had lost confidence in the EU.

After the referendum it became clear that Dutch politics needed to change the way they had been dealing with the EU. Ratifying the European Constitution was no longer an option and negotiations about a Reform Treaty started. The original treaty was amended and the constitutional aspects were removed. At the same time a reflection period took place in all the EU member states, with the purpose of activating a national discussion between citizens and politicians about the EU's future. Unfortunately, this discussion never really got off the ground in the way it was intended to. After the EU member states finished negotiating and amendments were made, the Reform Treaty was signed and named the Lisbon Treaty. However, not everyone agrees that the Lisbon Treaty is different from the European Constitutional Treaty and that the amendments that were made are for the better.

Most importantly, the EU became a topic of discussion among Dutch citizens. In addition, Dutch politicians were confronted with the importance of close involvement with the EU. After the referendum, the Dutch government realized that it needed to restore citizens' confidence in the EU. In the past, politics had insufficiently translated the EU's growing political context into a new way of dealing with the EU. As a result, the Dutch government had to pay the price during the referendum.

Dutch politics need to realize that times have changed and that they need to adapt to these new circumstances. Not only does this apply to the government but, more importantly, it applies to the parliament. Members of the Dutch parliament do not pay enough attention to European bills. When new bills are established, the Netherlands does not nearly exercise enough influence. European and national decision making are strongly separated from one another. Even though European policy is national policy, Europe is not an actual part of Dutch politics.

The House of Representatives, which is supposed to represent the citizens, does not nearly pay enough attention to the EU. Even though they have various instruments at their disposal – like a Committee on European Affairs, a permanent representative in Brussels, the possibility to meet with the government and put files on the agenda etc. – members of the House of Representatives tend to be unable to successfully deal with Europe.

After the European Constitutional debate and the referendum, it became clear that the House of Representatives needed to exercise better oversight of EU decision making. In order for the House of Representatives to be able to exercise influence, more and earlier involvement in the EU decision making process is necessary. A number of advisory reports were published containing recommendations for the Dutch parliament to improve the way it had been dealing with Europe. A couple of the main recommendations were: earlier and more selective action taking and more theme debates, strengthen own information gathering, enlarge the role of committees and parties, strengthen the official support, strengthen citizen participation, introduce a subsidiarity check and strengthen the relationship with the European Parliament.

The House of Representatives definitely took the advice to heart and already significant changes have been made. Some of the recommendations had already occurred, for example, the subsidiarity check was introduced a couple of years ago. Other recommendations were acted on by the House of Representatives. The Committee on European Affairs decided to appoint committee advisors to all the specialist committees to inform and advise them about important EU issues. Moreover, appointing rapporteurs, organizing working visits to Brussels, and organizing meetings with members of the European Parliament and European Commissioners have become more common. Besides acting on the recommendations made by advisory bodies, other initiatives emerged as well. A motion requesting

that the parliament's working method is rearranged so that it is better equipped to check European legislation on subsidiarity and proportionality was introduced. Moreover, the possibilities of introducing a scrutiny reserve and scrutiny committee are being examined. All in all, the House of Representatives has been making an effort to improve its role and to become more involved with Europe.

5.2 Overall conclusion

In this thesis, Europe's influence on Dutch society and more specifically the role of Europe in the Dutch House of Representatives have been discussed. Based on an extensive examination, which consisted of both primary and secondary research, the following conclusion has been drawn.

The central question examined in this research is:

To what extent has the increase in European awareness over the past couple of years changed the Dutch society and how effective has the Dutch House of Representatives been in adapting to these new circumstances and focussing more on Europe?

To answer the central question; Europe's influence on Dutch society has significantly changed over the past couple of years. The EU became larger, more political and closely involved in different policy areas. In the Netherlands, the most important change has been the rising awareness of the EU. In the past, neither citizens nor politics engaged in elaborate discussions about the EU. This changed when the European Constitution was signed and Dutch politics decided to ask the Dutch citizens' opinion through a referendum. At that point, it became clear that many citizens had questions and doubts about the EU. The involvement with the EU and understanding of the EU of both citizens and politicians need to be improved.

The Dutch House of Representatives has been fairly effective in adapting to these new circumstances. Especially the Committee on European Affairs has worked hard to provide the members of the House of Representatives with the tools they need to be able to expand their knowledge of the EU, improve their involvement with the EU, and improve the EU's role in the House of Representatives. In other words, the Committee on European Affairs has been working on facilitating members of the House of Representatives with the means necessary to engage more in Europe.

However, having the means is just the start and more is needed to improve the role of Europe in the House of Representatives. Members of the House of Representatives have to acknowledge the need to improve their knowledge of Europe as well as their involvement with Europe. The Committee on

European Affairs has been making a great effort and now it is up to the members of the House of Representatives to take action. Europe should no longer be treated as a separate issue, but as a dimension that is part of all national issues. Hopefully, members of the House of Representatives will acknowledge the need to change the way they deal with Europe and take the necessary action.

6. Bibliography

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Appendices

Appendix 1: Interview with Professor dr. Jan Rood, Head of Clingendael European Studies Programme

Appendix 2: Interview with Daan Huisinga, acting clerk of the House of Representatives Committee on European Affairs

Appendix 1

Interview with Professor dr. Jan Rood, Head of Clingendael European Studies Programme

Volgens het kabinet is het Verdrag van Lissabon qua naam, omvang en inhoud wezenlijk veranderd is ten opzichte van de Europese Grondwet. Bent u het daarmee eens?

Ik ben het niet met het kabinet eens. Ik denk dat als je kijkt naar het proces van verdragswijziging binnen de EU over de afgelopen jaren, Nice, Amsterdam, Single European Act, dat je tot de conclusie moet komen dat het bij dat proces van verdragswijziging, dat gold ook voor de Europese GW, toch in essentie steeds ging om aanpassing van de spelregels. Meer meerderheid besluitvorming, rol van de Europese Commissie, EP, al dat soort zaken stonden centraal. En daar heeft men een constitutioneel sausje overheen gegooit tijdens die discussie over de grondwet voor wat betreft de aard van de Europese integratie en de verdeling van de bevoegdheden tussen lidstaten en de EU geen enkele betekenis had, dat was buitenkant, symboliek. Door die symboliek eruit te halen heb je misschien wel wat gedaan aan het onjuiste beeld dat was ontstaan, namelijk dat door die symboliek er een soort Europese superstaat zou gaan ontstaan. Maar dat argument op zichzelf, dat er een Europese superstaat zou ontstaan was onzin, dat hebben de voorstanders van de Europese Grondwet ook altijd ontkend.

En je kunt dan vervolgens 2 dingen zeggen, de harde kern van wat er in die grondwet stond, de aanpassing van de besluitvorming etc. vind je onverkort terug in het nieuwe verdrag en de regering heeft een merkwaardige truc uitgehaald door vervolgens te zeggen dat de tegenstanders van de grondwet misschien toch wel gelijk hadden en riekte het teveel naar een soort superstaat, dus laten we die elementen er maar uithalen. Dus ik heb het vooral gezien als een truc, dat hele verhaal van de regering, om dat nieuwe verdrag dat in essentie als het gaat om wat echt belangrijk is, hetzelfde is als de grondwet, om dat gewoon binnenlandse politiek te kunnen verkopen. En tot op zekere hoogte kun je daar begrip voor hebben omdat de regering natuurlijk in een heel moeilijke positie verkeerde. Omdat men als het ware in een spagaat zat tussen binnenlandse politiek, die buitengewoon kritisch stond tegenover het nieuwe verdrag zeker als dat de suggestie in zich droeg dat het hetzelfde was en de medelidstaten binnen Europa, zeker de landen die het verdrag al geratificeerd hadden en die hoe dan ook een nieuw verdrag wilden dat in opzet gelijk zou zijn aan de grondwet. De bekende kreet van januari van vorig jaar, de groep van 18 die zei: wij willen een nieuw verdrag dat 'in substance and balance similar is' aan de Europese Grondwet en Nederland dat zegt we willen iets heel anders. Dat was eigenlijk de spagaat waar de Nederlandse regering in zat en de enige manier om daaruit te komen was dat punt van de symboliek enorm te gaan opspelen om vervolgens te kunnen zeggen kijk nu is het eruit dus het is anders. Maar vanuit de kern waar het om gaat, is het in mijn ogen toch in essentie hetzelfde verdrag.

Na afloop van dat Nee heeft de regering die 7 punten geformuleerd, maar denkt u dat die terecht zijn?

Vanuit de interpretatie die de regering aan het Nee gegeven heeft en de koppeling die vervolgens is gelegd vanuit die interpretatie met de Europese Grondwet kun je zeggen dat de regering heel slim en consequent heeft geopereerd. Dan moet je ook kijken naar waarom mensen nee hebben gestemd. Ten eerste, een aantal mensen heeft nee gestemd omdat de partijen die tegen de Europese Grondwet waren hen er in elk geval van wisten te overtuigen dat op basis van dit verdrag er een soort superstaat zou kunnen gaan ontstaan. Dat was onzin, maar in de visie van de burgers was dat risico duidelijk aanwezig. Dat heeft men geprobeerd te adresseren door de symboliek eruit te halen. Een aantal van de 7 of 8, er is altijd discussie over hoeveel het er nou precies zijn, dus vlag, naam, volkslied en daarnaast titulatuur in de zin van minister, Europese richtlijn wordt een wet, statelijke begrippen die in dat document terugkwamen en dat Nederland die eruit wilde hebben sloot aan bij dat superstaat argument. Het is alleen een beetje merkwaardig dat de regering zelf in tweede instantie dat superstaat argument is gaan hanteren.

Tweede element dat heel sterk naar voren kwam, zeker in Nederland, is dat verhaal van de rijdende trein: burgers hebben geen greep meer op en Brussel bemoeit zich met steeds meer dingen. Dat heeft geleid tot een soort tweesporenbeleid, 2 andere elementen: a) nadruk op meer waarborging tegen al te grote Europese bemoeienis, dus verduidelijking van de verdeling in competenties en waarborgen tegen bemoeienis van Brussel op het gebied van publieke diensten, diensten van algemeen belang, woningbouwcorporaties enz. dus dat sloot daarbij aan en het 2^e spoor wat bij het krijgen van greep op dat hele integratieproces is gevolgd is natuurlijk b) versterking van de rol van de nationale parlementen. Dus aanvankelijk de rode kaart procedure dat nu de gele en oranje kaart procedure is geworden. Dat is naast die symboliek, een belangrijk element.

Tenslotte, dan kun je de laatste inzet vanuit Nederlandse hoek begrijpen, wat ook naar voren kwam bij het Nee tegen de Europese Grondwet was dat burgers zich buitengewoon veel zorgen maakten over het uitbreidingsproces. En om daar wat aan te doen, in ieder geval op papier want in praktijk zal het niks uitmaken, maar in ieder geval op papier, heeft de regering gezegd nou dan moeten in elk geval de toetredingscriteria expliciet in het verdrag worden opgenomen. Dat is in zoverre gelukt, dat er een verwijzing naar de toetredingscriteria, dat de Europese raad zijn eigen opvattingen serieus moet nemen bij de beoordeling van uitbreiding, maar ja dat moeten ze in ieder geval, dus.. maar goed die verwijzing is in het verdrag opgenomen.

Of daarmee recht wordt gedaan aan de bezwaren van burgers, tot op een bepaalde hoogte omdat uit onderzoek blijkt dat burgers op een aantal punten toch wel om die redenen moeite hadden dan wel met

die Europese Grondwet dan wel met het Europese integratieproces. Maar je kunt ook zeggen dat de regering wel heel specifiek een bepaalde interpretatie eraan gegeven heeft die leidde tot onderhandelingspunten op Europees niveau die haalbaar waren en dat is ook weer heel verstandig opereren natuurlijk. Vervolgens kun je de vraag stellen of met het verdwijnen van de statelijke symboliek, met het iets scherper omschrijven van de bevoegdheden verdeling, met het protocol inzake de publieke diensten, met de verwijzing naar de toetredingscriteria en met de versterkte rol van nationale parlementen, of dat er in de praktijk toe zal leiden dat burgers inderdaad meer greep krijgen op, Nederland minder last heeft van bemoeienis van en daar kun je grote twijfels over hebben, want in die hele procedure inzake de versterkte rol van nationale parlementen, ik zie daar bijzonder weinig van terecht komen.

Ook in de tweede kamer bestaat er redelijk mate van scepsis over de club die dat dan doet, die subsidiariteitstoets, komende woensdag hebben we daar een seminar over in het Haags Historisch Museum. Die bevoegdhedenverdeling die in wezen, dat is dan ook weer het merkwaardige, die aangescherpte bevoegdhedenverdeling is in wezen datgene wat er al in de Europese Grondwet stond, dat is gewoon overgenomen met hier en daar een paar toevoegingen, maar dat maakt verder niet zo vreselijk veel uit, en die publieke diensten, dat is helemaal een apart verhaal want je mag gewoon als overheid publieke diensten instellen en inrichten als het maar wel publieke diensten zijn. Op het moment dat je daar marktwerking op toelaat krijg je te maken met mededingingsbeleid en dat zal in de toekomst niet anders zijn. Dus vanuit een heel specifieke interpretatie van het Nee zijn die punten verklaarbaar, die heeft men ook voor een deel gerealiseerd, maar of ze ook het effect zullen hebben dat vervolgens de zorg van de burgers zal worden weggenomen, daar kun je twijfels over hebben.

Ja, want er is ook wel gebleken dat er een kloof is tussen burgers en politiek.

Ja en Nee. Kijk in die zin dat je natuurlijk moet concluderen dat als er gewoon een parlementaire stemming was geweest en dat 80 tot 90 procent van het parlement voor de Europese Grondwet had gestemd een zittende regering en de belangrijkste oppositiepartijen, GroenLinks, PVDA, heftig campagne voeren voor de Europese Grondwet, nou als dat de politieke situatie is en vervolgens de bevolking met een zeer forse meerderheid tegen stemt dan kun je zeggen dat er op dat moment een kloof is, dat kan niet ontkend worden, maar als je het in een wat langere termijn perspectief plaatst dan heb ik heel sterk mijn twijfels over die kloof vanuit 2 invalshoeken.

Die 1^e invalshoek is dat als je kijkt naar het debat in Nederland de afgelopen 10 jaar over Europa vanuit de politieke elite die altijd zo pro-Europees zou zijn geweest toch behoorlijk Eurosceptische geluiden werden geuit. De bekende trits, het was te duur, onze nettobetalers positie moest ons geld terug de grote landen deden maar, stabiliteit- en groeipact, uitbreiding: op het laatste moment ging

Nederland op de rem staan, kostte teveel, onze markt werd overspoeld met goedkope arbeid, concurrentieverhoudingen kwamen onder druk te staan, restricties, aanpassingen van budget, bemoeienis van Brussel (ongewenst), regelgeving die onuitvoerbaar was en die Nederland voor problemen plaatste, we moesten geld terugbetalen vanwege Europees sociaal fonds etc. De politiek heeft alleen maar naar de burgers toe een buitengewoon negatief beeld van Europa geschetst. Als je dat dan toespitst op de Europese Grondwet, Nederland had geen behoefte aan die hele grondwettelijke prescriptie, wij vonden dat onzin, blauwdrukken, specifieke elementen van de grondwet, vaste voorzitter van de Europese Raad wilden we niet, verkleining van de EC, wilden we niet, dat staat allemaal in het document dat op tafel lag op het moment dat de burgers ja of nee moesten zeggen.

Kortom, burgers hebben eigenlijk gewoon gedaan wat de politiek de jaren daarvoor tegen hun gezegd heeft, dat Europese integratieproces is niet te vertrouwen, daar kun je alleen maar een beetje afstand van houden. Dus in die zin was er geen kloof, alleen op het moment dat kwam die kloof natuurlijk wel naar voren omdat de politiek plotseling opeens zelf zei: moet je kijken wat mooi dit is daar moet je eigenlijk voor stemmen, waarmee de politiek volstrekt ongeloofwaardig was. Dat is een lijn, ik zeg altijd tegen politici als ze hierover beginnen: wat zit je nou te zeuren? Ze hebben naar jullie geluisterd, ze doen eens een keer wat jullie willen. Ja, en jullie zijn plotseling van opvatting veranderd. Zit niet te zeuren, ze hebben jullie gevolgd. Dat is een.

Tweede invalshoek is, meer filosofisch of principieel, het is helemaal niet verkeerd als er een kloof is in die zin dat het is ook de taak van de politiek om aan te geven welke kant het op moet. Dus dat burgers in zekere zin volgend zijn in de zin van dat ze niet direct zelf bepalen wat er gebeurt maar vooral naar de politici kijken. Dat er in die zin een kloof is, dat is een ander type kloof en daar is helemaal niks mis mee, dat is in tegendeel heel goed. Politiek moet leiding geven. En dan kom je dus ook bij de merkwaardige situatie na het Nee waar je ziet dat de politiek zegt: Ja wij weten het ook niet meer, burgers vertel het ons maar, zal ik maar zeggen. Dus ja de kloof, ik plaats een aantal kanttekeningen bij, de politiek zelf is de oorzaak van het Nee. Ik heb na het Nee een artikel geschreven Wind gezaaid, Storm geoogst en dat is gewoon het verhaal. De politiek heeft een buitengewoon eurosceptisch verhaal gehouden en ja dan mag je natuurlijk niet verwachten dat burgers vervolgens gaan zeggen van goh ik vind het allemaal prachtig. Burgers zijn eigenlijk heel verstandig.

Aan de andere kant is het natuurlijk zo dat de voor campagne eigenlijk nooit echt van de grond is gekomen. De politiek zelf is al heel eurosceptisch en daarnaast ook die voorcampagne die maar niet van de grond wilde komen, dat samen heeft toch wel geleid tot het Nee.

Je kunt naar een aantal elementen kijken, los van laten we zeggen de meer specifieke opvattingen van burgers, superstaat, bezwaren tegen de uitbreiding en natuurlijk de onbetaalde rekening van de euro

die ook werd gepresenteerd. Maar als je meer specifiek naar het Nee gaat kijken vanuit, niet zozeer Europese opvattingen of de inhoud van het Verdrag maar meer de politieke situatie van Nederland op dat moment denk ik dat je een drietal elementen in de gaten moet houden. Ten eerste dus de euroscepsis die vanuit de politieke elite zelf enthousiast was uitgestrooid over de bevolking, 2^e element wat heel terecht o.a. door het Sociaal Planbureau in onderzoek naar het Nee is geconstateerd is de post-Fortuijn situatie, Nederland toch een redelijk onstabiel politiek klimaat in de zin van ja dat burgers wantrouwen hebben ten opzichte van de politieke elite, makkelijk beïnvloedbaar zijn etc. en dat in combinatie met een referendumcampagne die in alle opzichten fout is gegaan. Eind vorig jaar hebben we hier iemand uit Ierland op bezoek gehad en die heeft de vergelijking gemaakt tussen de Ierse referendumcampagne inzake Nice en de Nederlandse referendumcampagne en hij zegt: jullie hebben alle beginnersfouten gemaakt in de zin van jullie hadden jullie verhaal niet op orde, jullie hadden informatie niet op orde, jullie begonnen te laat. Er was tegenspraak tussen, er werden de verkeerde argumenten gebruikt etc.

Nou, als je die drie elementen bij elkaar pakt, dan kun je alleen maar concluderen dat er in NL op dat moment een politieke sfeer heerste die zich natuurlijk rondom dat referendum toespitste op Europa, dat is eigenlijk bijna toevallig. Maar een politieke sfeer heerste die zich toespitste op de Europese Grondwet waarin degene die als eerste als het ware de toon wisten te zetten voor de campagne, die als eerste zijn argumenten op orde had en dat geloofwaardig over wist te brengen naar de bevolking de slag had gewonnen. Nou dat is de SP, Harry van Bommel, Jan Marijnissen en de Christen Unie met Andre Rouvoet perfect gelukt. Het is een klimaat waarin politiek ondernemerschap wordt beloond. Degene die het handigste is in politiek ondernemerschap en met oneliners als het ware het kader weet te formuleren/te zetten en dan is het een superstaat, we hebben er geen greep op, dat soort begrippen, nou dan ben je klaar. Als je dan tegenover je een kamp aantreft in politieke zin de meerderheid vertegenwoordigt maar zijn argumenten niet op orde heeft, verkeerde argumenten hanteert, te laat begint, onderling ruzie heeft over wie verantwoordelijkheid heeft etc. en dan ook nog eens keer met de verkeerde samenvatting komt, ja... dan heb je de slag verloren. Maar het politieke klimaat van dat moment heeft er natuurlijk ook wel wat mee te maken. En ik wil niet zeggen dat dat ingrijpend veranderd is, nogmaals het is niet voor niets dat men besloten heeft geen 2^e referendum te houden.

Hoe moet het nu verder? Moet de politiek nu gaan veranderen in Nederland? Moeten ze opener zijn over Europa naar de burgers toe en niet alleen de negatieve kanten belichten of spelen er meer dingen mee zoals het onderwijs en de media?

Het is een lastig onderwerp. Ik vind dat we het allemaal niet moeten overdrijven. Het feit dat 62% tegen stemde, het kwam hard aan, terwijl ze toch gewaarschuwd waren. Het zegt zoveel over het zelfbeeld van politici en hoever ze van de werkelijkheid afstaan, maar goed dat daargelaten. Toen

kwam het op dat moment hard aan en Nederland zat in een lastige positie Europees gezien. Maar we moeten het ook niet overdrijven, de wereld vergaat niet als zo'n Europees verdrag niet tot stand komt. Dat is 1. Tweede, wat burgers nou eigenlijk echt vinden van Europa, of de interpretatie die de politiek eraan heeft gegeven of dat nou echt weerspiegelt wat burgers bezighoudt als het gaat om Europese integratie weten we niet. Uit die onderzoeken bleek een heel tegenstrijdig beeld, aan de ene kant op grond van dingen die niets met het verdrag te maken hadden, niets met de Europese integratie te maken hebben werden dingen naar voren gebracht waarvan je kan zeggen complete onzin maar laten we het maar serieus nemen als diezelfde burger daar vervolgens mee kan worden afgekocht, geen vlag etc. dan zijn we klaar. Maar diezelfde burger die zoveel bezwaren had tegen Europese integratie wil op andere terreinen juist meer Europese integratie. Die burger die zijn politici niet vertrouwd wilde volgens de regering eigenlijk toch dat diezelfde politici via een versterkte rol van het nationale parlement meer greep zouden krijgen op Europese integratie. Daar is op zijn minst een spanning tussen want die burger vertrouwd die politici niet.

Wat burgers nou echt willen, weten we gewoon niet. Hoe belangrijk Europa voor de burger is weten we ook niet. Persoonlijk denk ik, ik kan een heel ingewikkeld verhaal houden over de Europeanisering binnen Nederland, Europees beleid in binnenland dat soort verhalen en natuurlijk de euro zal ongetwijfeld indruk hebben gemaakt op burgers in de zin van Europa komt dichtbij. En in abstracte termen zullen burgers ook wel beseffen dat Europa steeds belangrijker wordt. Maar als het gaat om het dagelijkse leven en je denkt aan dingen als sociale zekerheid, werk, inkomen, ziektekostenverzekering, straks mobiliteit en rekeningrijden, allemaal dingen die voor burgers buitengewoon belangrijk zijn in meest directe levenssfeer, hoe het met de belastingen gaat, natuurlijk dat is allemaal Europees ingekaderd maar heeft niet in directe zin herkenbaar wat met Europa te maken en dat zijn dingen die veel belangrijker zijn voor burgers. En in dat hele tableau van onderwerpen is er ook iets Europees, maar dat staat op grote afstand. Dus om maar even aan te geven hoe belangrijk Europa voor burgers is, ik heb er wel mijn vraagtekens en kanttekeningen bij.

Dat laat onverlet dat NL gewoon als politiek en bestuurlijk systeem onlosmakelijk verbonden is met het Europese integratieproces. Dat zoals we de grondwet hebben gehad en dat referendum hebben gedaan, wat we niet meer zullen doen, we ongetwijfeld in de toekomst weer met belangrijke Europese beslissingen van doen krijgen. Misschien niet zo dramatisch als de GW maar wel met een mogelijkerwijs groot symbool of signaalwerking, de toetreding van Turkije etc. Daar zul je de burgers toch op moeten voorbereiden, ze duidelijk moeten maken dat zelfs ten aanzien van die vraagstukken waarvan zij het gevoel hebben dat die nog in handen zijn van nationale politici dat daar toch ook die Europese schil omheen zit en dan heeft de Nederlandse politiek, maar dat geldt ook voor een aantal andere lidstaten, heeft gewoon een hoop achterstallig onderhoud (wat Ben Bot ooit zo noemde).

Welke lijnen kun je daar nou mee volgen, om burgers meer te betrekken bij, je moet het ook niet overdrijven, om maar even aan te geven de communicatiestrategie van Frans Timmermans, roadshows, bij de sportclub over Europa. Voor mij is de kern van het verhaal dat als we Europa dichter bij de burgers willen brengen, dat je dan niet bij die burger moet beginnen maar bij de politiek, dat politiek gewoon veel eerder en veel duidelijk moet aangeven waar Nederland staat in Europa, wat het Nederlandse belang is bij Europese integratie, op welke punten wij geen belang hebben bij Europese integratie en dat moet veel meer inzet zijn van politiek debat. Of dat lukt, ik ben daar buitengewoon sceptisch over. Europa loont niet in de politiek, een positief verhaal over Europa belooft zeker niet in de politiek, zeker in het politieke spectrum met links en rechts anti-Europese eurosceptische partijen. Een negatief verhaal over Europese integratie belooft veel meer, dus wat de WRR in dat bekende rapport Europa in NL perverse prikkels heeft genoemd in dat politieke systeem, nou die blijven gewoon werken. Dat even ten aanzien van de mindset van politici die heel sterk naar binnen is gericht en toch dat Brusselsbashing dat een soort reflex blijft die aanwezig blijft. Dat is 1.

Kun je dat veranderen door allerlei procedurele aanpassingen van het parlementaire werk, dan kom je bij die gemengde commissie subsidiariteitstoets, ik denk het niet, ik denk dat die eerder de negatieve reflex versterkt omdat subsidiariteit in Nederlandse opvattingen als een heel defensief begrip wordt gehanteerd. En daarnaast, wil het echt goed werken, dan wordt verondersteld dat je je als politicus heel goed moet verdiepen in wat er speelt op Europees niveau en ik zie dus om die 1^e redenen dus niet waarom ze die discipline zullen opbrengen, bereid zullen zijn om daar echt heel veel tijd en energie in te steken. Dan heb je nog het ambtelijke circuit, je hebt de politiek de 1^e kamer 2^e kamer, het ambtelijke circuit, je kunt voor een deel burgers meer bij Europa betrekken door als ambtenaren, als overheid, scherp in de gaten te houden wat op Europees niveau speelt, eerder naar het politieke niveau te tillen. Ik zie daar ook niet zo heel veel in, omdat ambtenaren toch altijd een zekere neiging zullen houden om alles zo lang mogelijk onder de pet te houden, omdat op het moment dat het politiek wordt, het alleen maar lastig wordt.

Wat denk ik wel erg belangrijk is, maar dat is een lange termijn investering, is scholing. Mij valt op (geef op universiteit les) dat studenten over het algemeen niet heel veel over Europa weten, op middelbare scholen, daar komt nu verandering in omdat nu lesmateriaal wordt aangeboden, maar tot nu toe was het zo dat Europa toch een ondergeschoven kind was als het ging maatschappijleer (wel belangrijk, maar docenten moesten zelf lesmateriaal ontwikkelen). Daar is een behoorlijke inhaalslag te maken, en dan zie ik het vooral als een investering in wat normaal zou moeten zijn, namelijk dat mensen beseffen dat ze deel zijn van de Europese samenleving. En dan kun je op een langere termijn wellicht verwachten dat mensen op een evenwichtige manier kijken tegen het Europese integratieproces. Ik ben niet tegen politisering, maar het moet wel op basis van goede informatie etc. gebeuren.

Media, je merkt in het Haagse dat er een zekere neiging bestaat om de media de schuld ervan te geven, maar dat is gewoon onzin, de politici hebben de schuld. Media hebben wel degelijk een inhaalslag gemaakt vind ik. Het feit dat we nu een programma hebben als In Europa en de NRC die op donderdag een Europa pagina heeft, FD doet er meer aan, andere kranten ook wel, maar het grote punt is en blijft en dat hoor ik ook van journalisten dat er voor de media 2 elementen moeten zijn en daar bij beiden kun je zo je vraagtekens plaatsen. Er moet vraag naar zijn. Nou, ik geloof niet dat burgers zo verschrikkelijk geïnteresseerd zijn in Europa. Behalve op momenten dat er echt gedonder is en dan zie je dus ook dat de media zich er massaal op storten en terecht. Zeker in de binnenlandse politieke context is er niet zo vaak gedonder over Europa en dat heeft ook te maken met het politieke systeem Europa. De EU is een politiek systeem op afstand van burgers, van de nationale politiek. Het is een buitengewoon ingewikkeld systeem, ga het maar eens een keer uitleggen en 1 van de meest vervelende dingen in de zin van wat interessant is voor de media, namelijk dat de machtsvraag, van dat de Europese regering krijgt ruzie met het EP en wordt naar huis gestuurd en je krijgt Europese verkiezingen, nou daar gaat het toch in wezen toch om de nationale context, daar draaien NOVA, Buitenhof etc. omheen. Die machtsvraag speelt niet op Europees niveau, want we hebben geen Europese regering, we hebben wel verkiezingen voor een EP, maar dat zijn eigenlijk een soort schijnverkiezingen want de machtsvorming gebeurt niet door dat EP, niet door de EC, maar door de Europese Raad en daar zit iemand in die nationaal wordt gekozen. Het aantrekkelijk maken van Europa als media event is een heel moeilijke exercitie en is alleen maar interessant voor zover daar wat uitkomt voor toch weer die elite die altijd zich met Europa bezig houdt. Dus dat mag je de media ook niet verwijten, dat is eigen aan de manier waarop de EU is ingericht en als je dat combineert met het feit dat burgers nu fond er eigenlijk niet zo in geïnteresseerd zijn, heb je een probleem.

Ik zag best wel het risico van een tweede referendum in, maar ik was niet zo bevreesd voor een 2^e referendum, ik was toch eigenlijk wel voor omdat ik vond dat met het 1^e referendum in feite zo'n hypotheek op de toekomst was genomen dat je wel een 2^e referendum moest organiseren zeker als je na dat 1^e referendum had beweerd dat je de burgers serieus wilde nemen. Nou de beste manier om de burger voor eens en voor altijd het gevoel te geven dat hij niet serieus wordt genomen is dan zeggen: wij zullen wel voor jou beslissen dat het een ander verdrag is, dus er is geen 2^e referendum nodig. Ik heb het ook wel eens tegen Frans Timmermans gezegd, ik zie best jouw spagaat, jouw problemen en je moet er inderdaad niet aan denken dat een 2^e referendum tot een Nee leidt maar je neemt ten aanzien van die andere inzet die je hebt, namelijk het herstellen van de vertrouwensrelatie met de burger, een enorm risico door dat 2^e referendum niet te organiseren. Maar we hebben toch goed geluisterd? Laat de burger dat dan zelf beslissen. En dat in combinatie met het punt wat jij terecht maakt, namelijk uit dat 1^e referendum kun je wat betreft de manier waarop je het hebt aangepakt lessen trekken die er voor kunnen zorgen dat je kans op succes de 2^e keer veel groter maakt. En ik denk dat Nederlandse burgers in die zin best gevoelig zijn voor een argument van jongens, we hebben nu hard onderhandeld, er is

een resultaat wat te verdedigen valt, dit moeten we gewoon accepteren. Ik denk dat de burgers die boodschap ook willen horen.

Er is gezegd dat Nice niet toereikend meer was voor een Unie van 27 en dat er daarom een nieuw verdrag moest komen. Is het Verdrag van Lissabon wel toereikend?

Kunnen we hiermee de toekomst tegemoet? Dat is in feite een onmogelijke vraag. In de zin dat niemand weet wat er op ons afkomt. Als we nu tegen elkaar zeggen van de euro gaat de komende jaren, dit zijn geen onzinnige veronderstellingen het tekent zich al af, de euro gaat de komende jaren onder grote druk staan vanwege het feit dat de inflatie in Europa sterk gaat stijgen. Je ook zult zien dat er grote inflatieverschillen tussen de lidstaten zullen zijn. Is de EU op grond van Lissabon klaar om die moeilijke periode die we tegemoet gaan, op het gebied van monetair beleid om die goed op te pakken, ik weet het niet. Als ik naar de Franse president luister nee want dan moet er een soort Europese regering, gouvernement economie komen, nou dat is er niet. Als ik naar de heer Wellink luister, ja want dan hoeft er niks te veranderen. Als deze kredietcrisis, wat redelijk waarschijnlijk is, zich verdiept die we nu hebben rondom de Amerikaanse subprimes en dat soort dingen en naar Europa overslaat wat we natuurlijk eigenlijk zien gebeuren, dan denk ik dat er op Europees niveau maatregelen nodig zijn om ervoor te zorgen dat er veel beter toezicht komt op banken etc. Dat doen we allemaal nationaal. Het verdrag van Lissabon laat dat zo. Als de grote uitdagingen voor de EU op het gebied van externe betrekkingen liggen, kun je 1 ding concluderen op het gebied van buitenlands beleid, veiligheidsbeleid defensie beleid, is het nog steeds een tamelijk losse toestand met heel weinig slagvaardigheid op Europees niveau. Als energie een belangrijke kwestie is en je ziet dat iedereen bilateraal te werk gaat en overeenkomsten sluit met Rusland, pijpleidingen aanlegt etc. er geen enkele solidariteit is, heb je problemen. Nou, het verdrag van Lissabon schiet op dat punt tekort. Het verdrag van Lissabon moet je wel plaatsen in een internationale context die voortdurend op die EU inspeelt, dan heb ik het nog niet eens over verdere uitbreiding. Dan kun je gemakkelijk tot de conclusie komen dat het verdrag van Lissabon niet voldoende is.

Daartegenover staat, dan praat ik even als de wetenschapper, je kunt verdragen sluiten zoveel als je wilt en ze inrichten zo mooi als je wilt, maar als de lidstaten het gewoon niet met elkaar eens kunnen worden over de noodzaak om tot een bepaald beleid te komen, ook al staat dat allemaal in het verdrag, dan gebeurt dat gewoon niet. Ik ben geneigd te zeggen, het is goed dat het verdrag van Lissabon tot stand is gekomen, dat is wat we nodig hadden om uit de politieke crisis rondom de Europese Grondwet te komen, weer enig vertrouwen tussen de lidstaten te creëren maar als ik kijk naar de politieke situatie in de lidstaten, kijk naar volstrekte chaos in Italië, kijk naar België, het Verenigd Koninkrijk waar Brown natuurlijk op alle punten op de rem zal staan opdat de opvolging nog meer anti-Europees zal zijn. Je hebt de hyperventilerende Franse president die straks waarschijnlijk als een

soort olifant door de porseleinkast zal gaan. Duitse bondskanselier die zo compromis politiek moet voeren, binnenlandse politiek, dat die natuurlijk ook het leiderschap op Europees niveau niet kan uitoefenen. En je plaatst dat in een wat bredere context, dan kun je toch wel je twijfels hebben over de vraag niet zozeer of Lissabon voldoende is maar of de EU in staat zal zijn om dat allemaal aan te pakken met of zonder nieuw verdrag.

Een nieuw verdrag na Lissabon zal er niet zo meer komen voorlopig, want daar heeft niemand meer zin in. Je kunt het ook anders formuleren. Ik hoor nu Nederlandse beleidsmakers, politici, ook in Europa hoor ik mensen roepen: Met Lissabon zijn we klaar voor de toekomst. We kunnen met dit verdrag met 27 lidstaten uit de voeten. Maar toen het een beetje moeilijk ging met de Europese Grodwet en in Nederland dat ding was weggestemd en o.a. wij zeiden ja je hebt wel een nieuw verdrag nodig toen hoorde je diezelfde politici, diezelfde beleidsmakers hier in het Haagse zeggen: ja, onzin, met Nice kunnen we ook heel goed uit de voeten. Kortom dat begrip absorptiecapaciteit, besluitvormingsvermogen van de EU wat in deze discussie natuurlijk vaak wordt gehanteerd, is een zo duister begrip en daar is ook wetenschappelijk zo weinig over te zeggen dat je eigenlijk tot de conclusie moet komen, het wordt vaak alleen op een politieke manier gebruikt. Als het je uitkomt zeg je ik kan met Nice uit de voeten, als het je niet uitkomt zeg je ik heb een nieuw verdrag nodig en vervolgens zeg je als dat nieuwe verdrag er is: nu kunnen we weer de toekomst tegemoet. Terwijl ik nu al kan voorspellen dat over een aantal jaar mensen zullen zeggen: er moet toch echt weer wat gebeuren en dat merk je nu natuurlijk doordat de Fransen met dat comité van wijze mannen/vrouwen eigenlijk al een signaal hebben gegeven van dit voldoet ook eigenlijk al niet, kijkend naar ontwikkelingen, de Turken komen erbij en dat willen we niet, we moeten toch iets doen aan die grenzen etc. Je kunt zeggen ja we zijn klaar voor de toekomst, je kunt ook zeggen nee we zijn niet klaar voor de toekomst (heel onbevredigend voor jou wat ik nu allemaal uitleg). En je kunt zeggen van het doet er eigenlijk niet zo veel toe.

Je moet een heel duidelijk onderscheid maken tussen wat er formeel allemaal geregeld wordt en de uitwerking daarvan. Laat ik het even toespitsen op een punt dat de afgelopen jaren cruciaal is geweest, Europa moet in die zin democratischer worden dat de betrokkenheid van burgers wordt versterkt en dat daardoor ook het draagvlak voor Europese integratie binnen de lidstaten bij de bevolking en daarmee de legitimiteit van de Europese integratie wordt versterkt. Als je dat formeel bekijkt kun je zeggen dat het Verdrag van Lissabon versterkt het EP op tal van terreinen en daarnaast krijgen nationale parlementen meer te zeggen. Dus Europa is democratischer geworden, ja op papier wel. Maar of dat ook tot gevolg zal hebben, door deze procedurele veranderingen, dat de burger zich meer betrokken voelt bij en dat het wantrouwen ten aanzien van, dat hangt van heel andere factoren af. Dat ligt niet aan het verdrag.

Appendix 2

Interview with Daan Huisinga, acting clerk of the House of Representatives Committee on European Affairs

Ik zal even beschrijven wat nou de discussie is, over de Kamer en Europa. Die wordt vaak een beetje in problematische termen gezet: De Kamer doet het niet goed, want de Kamer doet te weinig en is te laat. Daar kunnen we even doorheen lopen: wat is het probleem? Wat wordt er nu inmiddels allemaal aan gedaan?

(Parlement aan Zet)

Vanaf eind jaren '90, EU ontwikkelt zich steeds verder voort en als Kamer, controleur van de regering en medewetgever, hobbelen we daar achteraan. Het is onvermijdelijk dat je altijd iets daar achteraan loopt (achter de Europese ontwikkelingen, Europa wordt steeds groter). Je moet niet te snel roepen: De Kamer loopt achter de feiten aan. Dat is 1, maar dat gezegd hebbende, is het zo dat we er niet alleen enigszins achteraan liepen, maar we raakten op afstand. En dat heeft ermee te maken dat Europa gewoon steeds belangrijker is. Eind jaren '90 heeft de Commissie Europese Zaken, de Kamer commissie die over Europa gaat, die heeft zijn eigen activiteiten geëvalueerd en daar zijn allemaal conclusies getrokken, daar hoef ik verder niet op in te gaan, maar daar is later op voortgebouwd door het rapport Van Baalen Op Tijd is Te Laet (zie lijst). Zeer lezerswaardig, want het is heel politiek. Daar staan dingen in: als kamerlid kun je niet scoren met Europa en een paar van dat soort inzichten waarom het zo lastig is en er staan een paar concrete adviezen. Nou, 1 van die adviezen was om iemand in Europa neer te zetten, nou dat is daarna uitgevoerd, andere adviezen als betere informatievoorziening, deels is dat allemaal overgenomen maar het is toen toch allemaal weer een beetje op een laag pitje gekomen.

Volgende stap is geweest, toen kreeg je het grondwettelijke verdrag, daar stond een rol voor nationale parlementen en toen is de kamer zelf nogal voortvarend ermee aan de slag gegaan. Er kwam iets groots aan uit Europa en toen heeft de Kamer gezegd: daar gaan we op inspelen. Een van die aspecten daarvan is de Commissie Subsidiariteit. In de Europese Grondwet zou de kamer extra rechten en mogelijkheden krijgen om Europese wetgeving te toetsen op subsidiariteit. Daar was de kamer mee bezig, ze hebben toen op een gegeven moment bij buitenlandse zaken aangeklopt met het idee: kunnen jullie iemand leveren die voor ons eens een keer alles op een rijtje zet en een soort aanvalsplan gaat maken, daar komt het op neer, een projectleider EU-ondersteuning. Nou dat was mijn voorganger en die heeft Parlement aan Zet (PaZ) geschreven. En PaZ kan je lezen als een soort gereedschapskist van alle rapporten met al die wijze adviezen die er op tafel lagen. PaZ, daar staan allerlei suggesties in om die betrokkenheid te vergroten. Nou, waar moet je dan aan denken?

Lijst: in begin meer praktische voorstellen (hoorzitting, info vergaring etc.), dit zijn staatsrechtelijke veranderingen (schiftingscommissie, dat is hogere politiek, PaZ bemoeit zich daar niet mee, dubbelmandaat, behandelingsvoorbehoud, moet allemaal wettelijk geregeld, daar gaan wij niet over, dat is aan de politiek). Samenvatting PaZ. Essentie is dat je eigenlijk als je een Europees wetgevingstraject hebt, dat zijn vaak meerdere jaren, vier jaar is niet ongebruikelijk, dat je als parlement gedurende die hele behandeling, dus een voorstel komt uit, dan ga je de commissie al om een brief vragen, daarvoor heb je vaak al een groenboek en dan ga je al naar de kabinetsreacties kijken, in al die stadia ga je als kamer op het vinkentouw zitten. Voortdurend ga je kijken wat gebeurt er in Brussel, moeten we daarop reageren, kunnen we iets beïnvloeden, is er iets te controleren en op welke manier gaan we dat doen, gaan we een hoorzitting doen, gaan we extra brief vragen, maar met het idee dat je voortdurend de inzet van de regering in Europa gaat controleren zodat je als er eenmaal iets vastgesteld is in Europa, niet verrast wordt als Kamer. Dat gebeurde in het verleden, na al die jaren kwam er iets uit Europa waarvan de Kamer zei: wat gebeurd ons nu? Als het ding namelijk vastgesteld is in Europa, dan komt de kamer opnieuw in actie want dan ben je als kamer medewetgever, dan komt de regering en die zegt: dit is Europese wetgeving en die moet worden omgezet in nationale wetgeving. Als Kamer doe je dat samen met de regering en als je dan nog dingen wil dan ben je te laat.

Op Tijd is Te Laat, vandaar die titel, je moet helemaal terug naar het begin. In Brussel gebeurt er veel, omdat die Unie steeds groter wordt. Er is überhaupt al een beweging gaande waarbij je, als je iets wil veranderen, je heel erg in het begin moet gaan zitten. Want in die standaard vergaderingen, Raadsvergadering, vergadering van Raden van Ministers, daar zitten zoveel lidstaten, als iedereen 2 minuten spreekt dan ben je al een uur verder. Heel veel van wat er in die vergaderingen wordt gegooid zijn meer hamerstukken, maar het echte werk gebeurt in het voortraject. Daar moet je dus met de kamer ook gaan zitten. PaZ komt met voorstellen die die kant uitgaan.

Toen was de grote vraag, hoe ga je dat dan uitvoeren. Daar was toch vooral in eerste instantie de roep om meer mensen. Je kunt meer hoorzittingen organiseren, eigen informatie vergaren, maar dit moet uitgevoerd worden, en dus heb je meer mensen nodig. Daar hebben wij het volgende voor bedacht (organogram) oude staf Commissie EU-zaken: 1 griffier en 4 adjunctgriffiers, en we hadden iemand, na het rapport van Baalen, in Brussel. Die adjunctgriffiers ondersteunden zeg maar de griffier en de commissie EU-zaken en deden ook wat voor de vakcommissies. Je weet het werk van de kamer is verdeeld in commissies en elke ministerie heeft een commissie, of elke commissie gaat over een ministerie en die adjuncts die hadden al een aantal commissies onder hun hoede, maar die werkten toch vooral voor de Commissie EU zaken. Wat we zijn gaan doen, in plaats van een Europa bureautje op te richten, die allerlei mensen gaat lastig vallen van je moet Europa zo belangrijk vinden want dat werkt niet hè dan ben je de vijand, dus wij hebben eigenlijk gezegd, u krijgt een commissie adviseur.

Vaste commissie justitie krijgt adviseur Halma, BZK, we hebben ze geclusterd, dit is de tweede/derde pijler: justitie, BuZa, dit is VROM, verkeer en waterstaat dus een beetje ruimtelijk, dit is landbouw, ontwikkelingssamenwerking, volksgezondheid, zitten toch veel raakvlakken aan en hier heb je een hele Lissabon cluster, economische zaken, sociale zaken, OCW, en WWI dat is een algemene commissie, daar hoef je verder niet op in te gaan, dat is een beetje een economisch cluster. En wat zij doen is gevraagd en ongevraagd deze commissies van informatie voorzien over Europa en hoe dat aan te pakken. In de essentie, zij duwen eigenlijk Europa in die vakcommissie, waarbij heel veel van die vakcommissies vooral een binnenlandse oriëntatie hebben, zeggen zij: jongens er komt iets aan uit Brussel, let op! En daarbij hebben ze eigenlijk vier taken (zie email). Versterken van informatiegaring, je ziet in alle rapporten er komt te weinig informatie en regering komt te laat, nou wat we doen is die informatie van de regering verbeteren door er bovenop te zitten en wat die adviseurs doen is gewoon zelf informatie halen, eigen kanalen, eigen mensen. Dat is 1. 2, al die nieuwe voorstellen prioriteren, dus voor zo'n commissie gaan zeggen jongens dit is klein, laat maar zitten maar dit is groot daar moet je iets mee, jullie hebben het druk, dat weten we, maar hier moeten jullie in ieder geval iets mee doen. 3, beïnvloedingsmomenten, wanneer moeten zij nou in het geweer komen, er is een raad van ministers dat is belangrijk, maar daar zijn Europa-overleggen voor, maar op een gegeven moment is ook de lezing in het EP en stel je voor je hebt een 2^e lezing in het EP, althans die begint, en in de 1^e lezing zijn er 100 amendementen op geweest, dan kun je als kamer zeggen goh minister het beestje is van kleur veranderd, het is een heel ander voorstel nu, kunt u aangeven wat dat betekent voor de Nederlandse positie, denkt u er nu heel anders over? Dat proberen wij dus bij te houden, en tegen zo'n commissie zeggen let op, er gebeurt iets. En 4, op welke manier ga je nu iets doen, ga je de minister op het matje roepen en met elkaar in de zaal zitten of ga je als commissie naar Europa (naar Brussel) toe om met de commissaris te praten, te zeggen hoe bezorgd je bent en dat dingen echt anders moeten of ga je een rapporteur aanstellen (PaZ).

Die mogelijkheden zijn er en we hebben heel veel dingen die kunnen en dat gebeurt ook (zie Kamerbode, blaadje van de Kamer). We hebben nu voor het eerst een rapporteur, een meneer van de SP, aangesteld op een Europees dossier en daar zijn we dus nu mee aan het experimenteren. Je kunt de commissie ambtenaar die het voorstel heeft geschreven gewoon hier uitnodigen, vertelt u maar wat is de achtergrond, waarom heeft u dit geschreven, dat gaat heel gemakkelijk en zo krijgt ook voor de leden die anonieme bureaucratie in Brussel een gezicht, het is gewoon een man/vrouw die dit geschreven heeft. Zo zijn er allerlei trucs en manieren om het wat te laten leven. De laatste manier waarop we ook werken is om tegen clubs rond het Binnenhof te zeggen: kom met je mening, laat weten wat je ervan vindt, schrijf een brief aan de vaste commissie, vraag een gesprek aan. Europa leeft niet alleen te weinig bij de leden, maar ook in de maatschappij. Bedrijfsleven houdt het wel in de gaten, wat daar dan ook de oorzaak van moge zijn, maar vaak gaan ze rechtstreeks naar de organisatie in Brussel en niet meer langs de kamer. Dat is misschien omdat de kamer er te weinig aan deed. Maar

wat wij nu proberen te doen is zeggen joh wij hebben hier een commissie adviseur zitten, kom langs vertel wat u ervan vindt, kom met informatie, want een van de belangrijke functies van de minister is ook info aandragen en dat ze het voor parlementsleden ook duidelijk maken, het zijn vaak technische voorstellen, maar als je opeens een opgewonden lobbyist hebt die zegt waarom dit goed of slecht is, dan wordt het voor een lid toegankelijker (wanneer is een kalf een koe, kleur van het vlees, sector). Het is heel belangrijk, want die leden die hebben fractiemedewerkers, persoonlijk medewerker, het zijn vaak jonge mensen, ook geen specialisten en die hebben vaak die kring daaromheen nodig. Lobbyisten die weten wel waar ze het over hebben, maar je moet wel meerdere lobbyisten hebben uit verschillende hoeken, maar dat gebeurt op Europees gebied weinig terwijl je dat wel nodig hebt. Terwijl dat in het EP wel gebeurt. Maar dan gaat het voor leden ook leven. Wij zijn geen lobbyisten, maar in zekere zin doen wij natuurlijk ook aan mee, je moet hiernaartoe komen, we proberen al die platgeslagen Europese onderwerpen een beetje tot leven te brengen.

Wat is er al gebeurd en waar wordt nog aan gewerkt?

Richtinggevende Europa debatten, daar hebben we nog moeite mee, het gebeurt wel, maar het is nogal abstract. Nou, vergrijzing bijvoorbeeld, daar kun je een debat over organiseren, maar voor veel leden is het nou we zitten gezellig met elkaar te bomen, maar het is nogal ongrijpbaar en dat is altijd het probleem, en als het te technisch wordt is het te technisch, je moet er een beetje tussenin zitten. Maar het idee hier is heel duidelijk, is dat je over bepaalde maatschappelijke dingen gaat nadenken, wat kunnen we hiermee, wat is het probleem, en wat voor instrumenten willen we inzetten om hier iets aan te doen. En kunnen we dat nationaal af of zien we daar een rol voor Europa in. Dat is het idee. Het gebeurt wel, bijvoorbeeld afgelopen week is er uitgebreid gesproken over staatsfondsen, je hebt landen in China en Midden-Oosten en die zijn rijk. Als de staat China een bank koopt, is dat nog gevoeliger dan bij ABN-AMRO, het is geen democratie, je weet niet precies wat ze willen, misschien gaan ze het wel politiek gebruiken. En daar komen dan ook Europese aspecten aan bod.

Hoorzittingen gebeuren regelmatig, overleg over consultatiedocumenten dat doen we ook veel (veel meer dan voorheen), appreciatie werkprogramma dat gebeurt, eurocommissarissen betrekken bij het debat gebeurt ook regelmatig, subsidiariteitstoets dat is inmiddels ingevoerd, Europese wetgeving behandelen alsof het nationale zijn, dat moeten we nog doen, dat staat op ons actielijstje, we zoeken nog naar een gelegenheid, dat gaat ongetwijfeld gebeuren maar zo ver zijn we nog niet, hoorzittingen, technische briefings, extern advies, dat hebben we ook gedaan, expertise van MEP invoeren dat gebeurt ook, die mogelijkheden voor Europarlementariërs om hier aan debatten deel te nemen is ook verruimd, rapporteurs daar hebben we t over gehad, dan binnen puntje vijf, hoe fracties dat doen dat is niet aan ons, daar gaan we niet over, reisbudget, vaker werkbezoeken, vorig jaar zijn er geloof ik drie commissies naar Brussel gegaan, nu zijn het er al 9, dus daar zijn we enorm aan het sleuren, die

gezamenlijk site daar hebben we eigenlijk vanaf gezien. De site van de Eerste Kamer is heel arbeidsintensief en daar moeten we dan weer een extra iemand voor inhuren en daar heb ik geen zin in, dat kost weer extra geld, dus we kijken nu naar mogelijkheden om gewoon een eigen site te gaan maken, maar nadeel van een site is dat je die moet onderhouden, maar we hebben we de intranetsite, de site van de kamer zelf, en daar hebben we een hele goede Europa hoek op, dus dat loopt ook ,maar is dus niet publiek. En de ondersteuning dat is gebeurd. Dus je kan wel zeggen dat een groot gedeelte hiervan nu in uitvoering is. De fracties dat is aan hen, en de site dat is plus-min, daar is iets aan gedaan maar nog niet op die manier uitgevoerd, en richting geven aan die Europa debatten dat blijft gewoon lastig. Dit gaat gewoon gebeuren, kwestie van tijd.

Zou er nog veel meer moeten gebeuren of is dit voldoende?

Dit gaat gewoon lopen, dit gaan we doen, alleen rol van de fracties hebben we niet in de hand, zelfde geldt voor samenwerking met EP, maar wat we wel doen is voorlichting geven aan de fracties, maar die moeten het dan zelf doen. Het voorwaardenscheppende geheel, dus de kamer in staat stellen om, daar zijn we echt al heel ver in. Of kamerleden het ook echt zelf oppakken, dat is een tweede. De gemiddelde reflex van een kamerlid is toch wel heel sterk gericht op eigen land. Dat kun je ze ook niet kwalijk nemen, zo zijn ze ook geconditioneerd. Er zijn absoluut uitzonderingen en ik denk dat we kunnen bijdragen om dat te veranderen. Als de buitenwereld, pers, publiek, meer aandacht gaat vragen voor Europa, dan gaan die leden wel mee. Als ze dat niet doen, dan varen ze ook een beetje tegen de stroom in. Je hebt maar zoveel tijd in een dag en als mensen roepen de problemen in mijn wijk zijn groot, dan ga je toch vooral daarnaar kijken. Maar goed, een mogelijkheid is ook om duidelijk te maken aan de leden, natuurlijk blijf naar die wijk kijken, maar realiseer je ook dat een gedeelte van de oplossing voor problemen in die wijk ook via Europa kan komen. Milieu is een beter voorbeeld. Je kunt wel degelijk je ogen houden op de dingen die de mensen bezig houden en tegelijkertijd Europa daarbij als instrument betrekken.

Nu kan het natuurlijk ook door het introduceren van nieuwe mechanismen en werkwijzen, daar heb ik ook iets voor uitgeprint, de motie Ten Broeke. Hij heeft het presidium, dat is de leiding van de kamer daar zitten alle partijen ook in, gevraagd om meer te doen aan nieuwe werkwijzen/mechanismen te bedenken om de kamer meer te betrekken bij Europa. Hier vind je het besluit van het presidium, en een van de zaken die daar instaan is dit verhaal: het schiftingscommissie behandelingsvoorbehoud. Het mooie daarvan is en dat is nu actueel, we zijn bezig met goedkeuring van het nieuwe verdrag, en 1 van de aspecten die je daarbij mee kan nemen is dit. Je zou tegen de regering kunnen zeggen: we gaan dit verdrag goedkeuren, maar dan willen wij als kamer een behandelingsvoorbehoud bij Europese dossiers. Ligt gevoelig en terecht, want als je dat bij alle dossiers zou gaan doen (behandelingsvoorbehoud = de kamer zegt tegen de regering dat ze niet mogen handelen in Brussel

zonder dat ze daar toestemming voor hebben gegeven) dan moet de regering met de pet in de hand naar de kamer, en als kamer wordt je dan ook overladen met al die dossiers en moet je overal iets van vinden. Daar wordt nu naar gekeken en over nagedacht. Maar dat het een effectief mechanisme is om de kamer te betrekken bij Europese regelgeving, dat is natuurlijk volslagen duidelijk. Want als de regering jou nodig heeft om iets te doen in Brussel, dan zal de regering vanaf moment 0 zorgen dat je weet waar het over gaat, dat je alle informatie nodig hebt om een besluit te nemen en zou jou voortdurend daarbij houden, jongens we zijn nu aan t onderhandelen, nu willen we van jullie iets hebben. Eigenlijk zou het heel veel van die problemen die we nu hebben in de kamer oplossen, in landen waar dit bestaat zie je dat het parlement betrokken is. Heeft ook nadelen, want je gaat de bewegingsvrijheid van de regering beknotten. En de regering zegt ook terecht, heel veel van de dingen die jullie willen krijgen, kunnen jullie al. Jullie beschikken over een motie, Europa overleg, minister naar Brussel sturen. Je kunt natuurlijk met een motie naar een minister gaan, en als de minister zich daar niet aan houdt en hij komt terug uit Brussel kun je hem ter verantwoording roepen en als hij zich er niet aan gehouden heeft kun je desnoods een motie van afvoering gebruiken, een extreem geval, maar het kan dus. Er is ook nog een ‘happy compromise’ mogelijk waarbij je als kamer zou kunnen laten aangeven wat belangrijk is, wat zijn de grote dossiers, en op die dossiers zou de kamer dan een behandelingsvoorbehoud kunnen leggen.

Dat zou het ultieme wapen zijn, het ligt gevoelig een aantal partijen zijn er minder ‘happy’ mee, die zijn bang dat het het verloop van de zaken in Brussel belemmert. Ze zeggen ook jongens het is toch een beetje een vlucht naar voren, want de essentie blijft toch dat jullie gewoon te weinig betrokken zijn en dan kun je wel de parlementaire variant van een atoombom inzetten, maar moet dat nou? Los je er problemen mee op? Ik denk als je heel eerlijk bent, ja je lost de problemen grotendeels op, maar het levert ook nieuwe problemen op en die liggen dan minder bij de kamer maar bij de regering. Maar dat is een discussie die nu gaat lopen, bijvoorbeeld het lid Ten Broeke, die heeft al gezegd dat hij bij behandeling van goedkeuring van het parlement, dat hij op dit punt een amendement wil indienen.