

# Terms of Reference

## Evaluation of the national coordination of Dutch EU policy, 2015-2020

IOB,<sup>1</sup> August 2020



---

<sup>1</sup> IOB is the Policy and Operations Evaluation Department of the Ministry of Foreign Affairs of the Netherlands. Website: <https://english.iob-evaluatie.nl/>.

## Table of Contents

List of abbreviations.....	3
Management summary.....	4
1. Relevance and objective of the evaluation.....	6
2. Background on national coordination from a theoretical and practical point of view .....	7
2.1 Theoretical background .....	7
2.2 Description of actors involved and administrative coordination processes in the Netherlands.....	9
2.3 Purposes of the Dutch coordination system.....	12
2.4 Contextual changes and dilemmas in the Dutch national coordination mechanism .....	14
2.5 Hypotheses derived from IOB's preliminary research.....	15
2.6 Previously given recommendations on improving national coordination since 2003.....	16
3. Evaluation questions.....	18
3.1 General questions .....	19
3.2 Effectiveness .....	19
3.3 Relevance .....	20
3.4 Efficiency .....	20
4. Methodological approach.....	21
4.1 Research phase .....	21
4.2 Reporting / output .....	24
5. Limitations.....	25
6. Organisation and planning.....	26
6.1 Organisation.....	26
6.2 Planning.....	27
Annex 1 Hypotheses.....	28
Annex 2 Country selection criteria.....	32
Annex 3 Summary of advice in reports to the Dutch government on the legitimation and organisation of Dutch EU policy.....	35
 Figure 1 Results chain of the Dutch national coordination mechanism on EU policy positions.....	7
Figure 2 Coordination Scale Metcalfe (1994). ....	9
Figure 3 National coordination mechanism on EU policy positions in the Netherlands. ....	9
Figure 4 Results chain of the Dutch national coordination mechanism on EU policy positions.....	13
Figure 5 Dimensions of scope and (de)centralised coordination system EU policy.....	32

## List of abbreviations

<b>Abbreviation</b>	<b>Full description</b>
BNC	Beoordeling Nieuwe Commissievoorstellen (Assessment of New Commission Proposals)
CETA	Comprehensive Economic and Trade Agreement
CoCo	Coordination Commission for European Integration and Association Problems
COM	(European) Commission
Coreper	Committee of Permanent Representatives
DG	Director(ate)-General
DIE	Directorate for European Integration
EP	European Parliament
EU	European Union
HACEU	EU High Administrative Commission
IOB	Policy and Operations Evaluation Department
IPO	Association of Provinces of the Netherlands
MCEU	Ministerial Commission for the European Union
MEP	Member of the European Parliament
MFA	Ministry of Foreign Affairs
PERMREP	Permanent Representation
PERMREP-I	Permanent Representation – Instruction consultation
REIA	Council for European and International Affairs
SG	Secretary-General
ToR	Terms of Reference
VNG	Association of Netherlands Municipalities

## Management summary

How does the Netherlands arrive at national positions for negotiations on new European Union (EU) policy and legislation? This is the research problem at the basis of the current evaluation.

Ideally, EU policy outcomes match with national preferences, which may implicate either a desire to maximise fit with existing arrangements and legislation, or a wish for policy change. All 27 EU Member States coordinate EU ‘instructions’ or ‘mandates’ by translating preferences into negotiation positions. All governments consider coordination to be a relevant precondition for effective EU influence, but there is significant variation in the design of coordination mechanisms. While some of these are relatively centralised, others are rather decentralised. And while some cover a broad range of EU policy issues, others have a narrower focus.

The central question of this evaluation is: To what extent has the Dutch national coordination mechanism on EU policy been relevant, effective – that is, resulted in coherent policy positions that have been reached through inclusive deliberation – and efficient? Which factors explain the strengths and weaknesses of the mechanism, which lessons can be learned from a comparative analysis, and which recommendations can be given to improve the system if necessary?

This study does not aim to establish a causal relationship between the functioning of the Dutch coordination system on the one hand, and EU policy outcomes on the other hand. This is not possible, since the coordination mechanism is only one of many factors influencing the Netherlands’ effectiveness in EU policy negotiations. These other factors will be explored in a future IOB evaluation on the Netherlands’ effectiveness in influencing EU policy and decision-making. These two evaluations – the current evaluation on national coordination, and the future evaluation on influencing EU policy – constitute the building blocks for IOB’s policy review of Article 3 of the Ministry of Foreign Affairs’ budget, which deals with Effective European Cooperation.

The Dutch EU coordination system can be characterised as comprehensive and is essentially a decentralised ‘polder model’.<sup>2</sup> Representatives from relevant ministries meet (bi-)weekly in a myriad of inter-ministerial committees, which are chaired by the Ministry of Foreign Affairs and, in the final stages, by the Prime Minister. In close consultation with a variety of stakeholders – including regional government actors – they aim to develop a coherent policy position and negotiation tactics (‘mandate’). When compared with other Member States, the Dutch system lacks a single strong coordination authority, and both Chambers of national Parliament have become more involved over the years.

What are the challenges and dilemmas confronting the Dutch government in the coordination of national EU policy positions, in view of a changing domestic and EU-level context? How do line ministries, the Dutch Permanent Representation to the EU, members of the national and European Parliament, and other stakeholders perceive the relevance, effectiveness, relevance, and efficiency of the Dutch EU coordination mechanism? This assessment is made using in-depth case studies representing both legislative and non-legislative EU dossiers, on the basis of desk research, interviews, a survey, and an academic literature review. Comparative research will be carried out by academics from Denmark, France, Germany, and Spain, resulting in short research papers and a conference to discuss the first results.

---

<sup>2</sup> In this evaluation, ‘polder model’ refers to consensus decision-making involving extensive deliberations amongst pluriformous state and non-state actors that often hold very different perspectives on EU policy issues.

The final IOB report and lessons-learned document will be delivered in the second quarter of 2021, with the purpose of informing decision-makers about potential avenues for the future development of the Dutch mechanism for coordinating national EU policy positions.

## **1. Relevance and objective of the evaluation**

Brexit, the emergence of new alliances such as the Hanse coalition, the widening scope of policy domains with an EU dimension ('Europeanisation'), and the migrant and COVID-19 crises... These events are all very different in nature, but they have one thing in common: they have put enormous pressure on the coordination mechanism used in the Netherlands to arrive at national positions on new European Union (EU) policy and legislation, creating both challenges and opportunities simultaneously. This mechanism is a dynamic governance structure for the deliberation of policy preferences of ministries, parliament, and other actors. It is considered to be essential for effectively influencing EU policy and legislation, as it codetermines which input and whose voices are heard in Brussels. How has the system performed in the recent past? And is it fit for the future?

Observers of the Dutch coordination system suggest these are highly relevant questions in view of the 'geopolitical' Von der Leyen European Commission. This is eager to implement its policy agenda, including a number of large, innovative and potentially ground-breaking policy packages such as the Green Deal, innovative budgetary instruments, and external policies. As the European Commission and, in the second half of 2020, the German EU Presidency pick up speed with even more vigour, it is indeed in the interest of the Netherlands to have a system in place that helps it to effectively influence EU policy and legislation.

This evaluation aims to: 1) explore the strengths and weaknesses of the Dutch EU coordination mechanism; 2) draw lessons from a comparative study exploring coordination practices in other EU Member States; and 3) formulate lessons and recommendations.

This evaluation forms a building block for IOB's overall policy review of Article 3 on Effective European cooperation of the Ministry of Foreign Affairs' budget (see box 1 below). The aim is to finalise this evaluation in the second quarter of 2021. The policy review will be published in 2022.

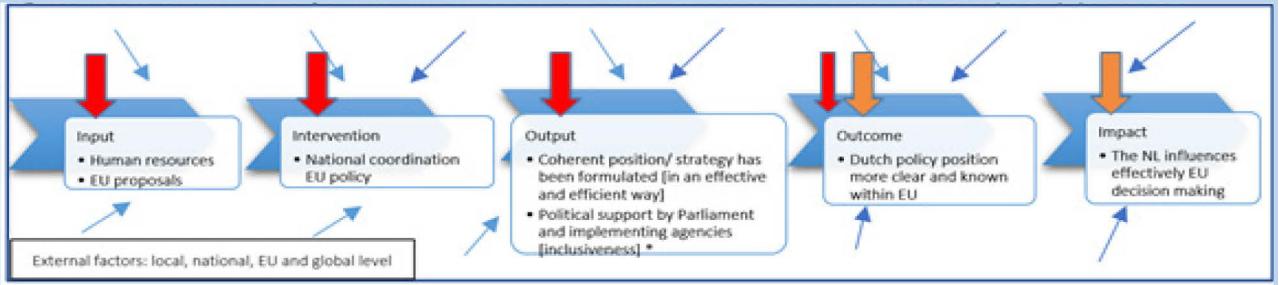
### **Box 1 Interrelation between two evaluations of Article 3 of the Ministry of Foreign Affairs' budget**

Article 3 of the Ministry of Foreign Affairs' budget deals with the issue of Effective European cooperation. The policy pertaining to this article will be examined on the basis of two evaluations: i) the current evaluation of the national coordination system for Dutch EU policy positions; and ii) an evaluation of the effectiveness of the Netherlands in influencing European policy and decision-making (expected to start at the beginning of 2021). Both studies have been identified as building blocks for the policy review (*beleidsdoorlichting*) on Effective European Cooperation, to be finalised by IOB in 2022.

Both evaluations deal with the Netherlands' actions at three stages of the EU policy cycle: agenda-setting, policy formulation, and decision-making, for both legislative and non-legislative activities. How do these evaluations relate to each other?

The current **evaluation of the national coordination mechanism** looks into the result levels *input*, *intervention* and *output*, as indicated with red arrows in Figure 1 (see par. 2.3 for a description of these result levels).

**Figure 1 Results chain of the Dutch national coordination mechanism on EU policy positions**



The second **evaluation of the Dutch effectiveness in lobbying and influencing EU policy and decision-making** will mainly look at the result levels *outcome* and *impact* – illustrated by the orange arrows.

Please note that the current evaluation will consider the extent to which the timing and nature of the Dutch position have helped Dutch EU negotiators to lobby and influence (see also sections 3 and 4 of these ToR).

## **2. Background on national coordination from a theoretical and practical point of view**

This section elaborates on the Dutch national coordination mechanism from three points of view. First, par. 2.1 presents a selection of typologies – derived from international academic literature – to conceptualise the differences in national coordination mechanisms between EU Member States, including the Netherlands. Second, par. 2.2 describes the current national coordination mechanism in the Netherlands, including the administrative coordination processes and main actors involved. Par. 2.3 presents the main objective of coordination. Par. 2.4 focuses on changes that have taken place in the last couple of years which have affected the coordination mechanism. Par. 2.5 presents hypotheses derived from observations shared with IOB by Dutch EU policy practitioners and experts. These will be integrated into this evaluation. Finally, par. 2.6 provides a historical overview of the recommendations presented in earlier advisory reports on the improvement of the Dutch national coordination mechanism.

### **2.1 Theoretical background**

In the literature on the EU, systems for the coordination of EU-policy positions within Member States are typically classified according to a typology consisting of two dimensions: the scope of the

coordination ambition, which can be either selective or comprehensive on the EU domains covered; and the extent to which decision-making is centralised or decentralised (see Annex 2).<sup>3</sup>

In this typology, **the Netherlands** is generally placed in the category of **comprehensive, decentralised coordinating systems**, alongside, for example, Germany (see also Annex 2). The Netherlands has an explicit and wide-ranging coordination ambition; hence the comprehensiveness. The system of inter-ministerial committees – most of them chaired by the Ministry of Foreign Affairs – aims to ensure that for every meeting of the Council of Ministers of the EU, a position to be voiced by the Dutch delegation is defined at an early stage, and in consultation with a range of actors, including central and regional government levels and Parliament. The Dutch EU coordination system is considered to be decentralised because there is no clearly defined central arbitration mechanism in place in case ministers are not able to reach agreement. The Prime Minister is only *primus inter pares*, and his General Affairs ministry has no conflict resolution competencies, contrary to its counterparts in other Member States. Occasionally, a lead department may pursue a negotiating tactic or substantive policy line within a particular Council formation that conflicts with objectives that the Netherlands is pursuing in parallel negotiations in other policy domains.

In addition to this typology, the coordination ladder by Metcalfe (1994) is useful for determining the degree of centralisation in more detail, see Figure 2 below. This scale ranges from autonomous policy-making by individual ministries, to ‘avoiding divergence’, ‘searching for common agreement’, ‘arbitration’, ‘setting central priorities’, and, finally, ‘having a central government strategy’.<sup>4</sup>

The Netherlands’ central government structure is characterised by relatively autonomous line departments with much discretion. After struggles with the Economic Affairs Ministry,<sup>5</sup> the Dutch Ministry of Foreign Affairs (MFA) was appointed as the authority in charge of *informing* the line departments about new EU proposals. However, since the 2006 Barroso initiative – which was meant to involve national parliaments in the process of EU policy-making – both Chambers of Parliament and the line departments receive proposals independently. The Foreign Ministry is in charge of a system of continuous inter-ministerial *consultation* in which national positions for EU negotiations are shaped. Initially, the MFA also coordinated all EU-related correspondence with Parliament, but this task has gradually become limited to appreciations of new EU policy proposals and letters on general EU policy, such as the annual State of the Union. With the growth of EU policy areas, line ministries are in charge of parliamentary EU information in their domains, such as annotated draft Council agendas. As the coordinating authority, the MFA attempts to *avoid disagreement* and, in some instances, seeks *positive coordination*. This was the case in the setting of Dutch priorities for the 2019-2024 EU legislature.<sup>6</sup> However, neither the MFA nor the Cabinet Office has the formal authority to enforce agreements, or to make ministries follow certain priorities or particular EU positions. In practice, it is political agreement under the Cabinet Agreement and within the current, four-party government coalition – which maintains a careful balance due to fundamental differences regarding the EU – that keeps the ranks closed.

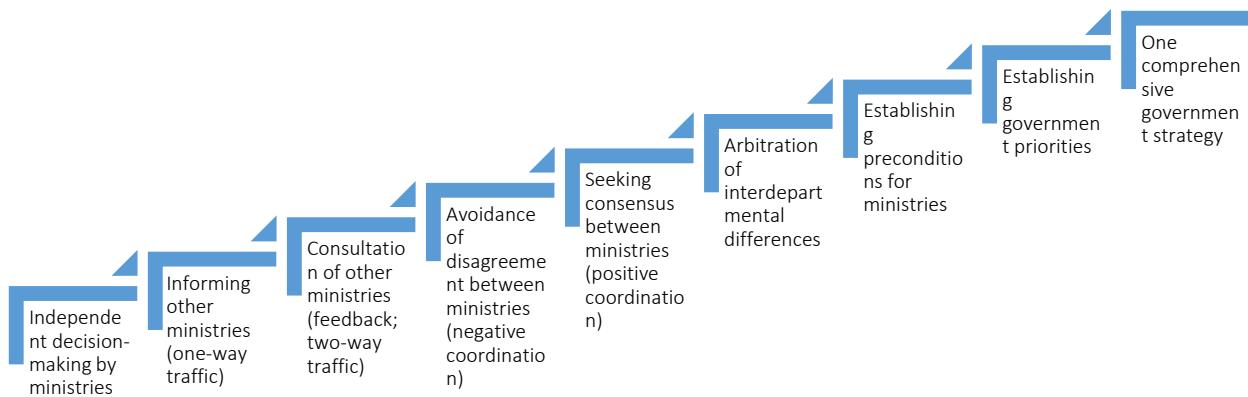
Figure 2      Coordination Scale Metcalfe (1994)

<sup>3</sup> Kassim, H., Peters, B.G. and Wright, V. (eds.) (2000). *The National Co-ordination of EU Policy: The Domestic Level*. Oxford: Oxford University Press. Note that this literature stems from a time when the traditional *méthode communautaire* was much more predominant and hence focuses on the Member States’ coordination for the Council in its role as legislator.

<sup>4</sup> L. Metcalfe (1994) International policy co-ordination and public management reform, in: *International Review of Administrative Sciences*, pp. 271-290.

<sup>5</sup> See i.a. Hans Labohm (1997): De Waterdragers van het Europabeleid, een terugblik op 40 jaar DGES, Den Haag: SDU.

<sup>6</sup> These priorities were laid down in a series of papers dealing with migration, security, a strong and sustainable economy that offers protection, climate policy, and protecting values and interests abroad. These papers are published on [www.government.nl](http://www.government.nl).

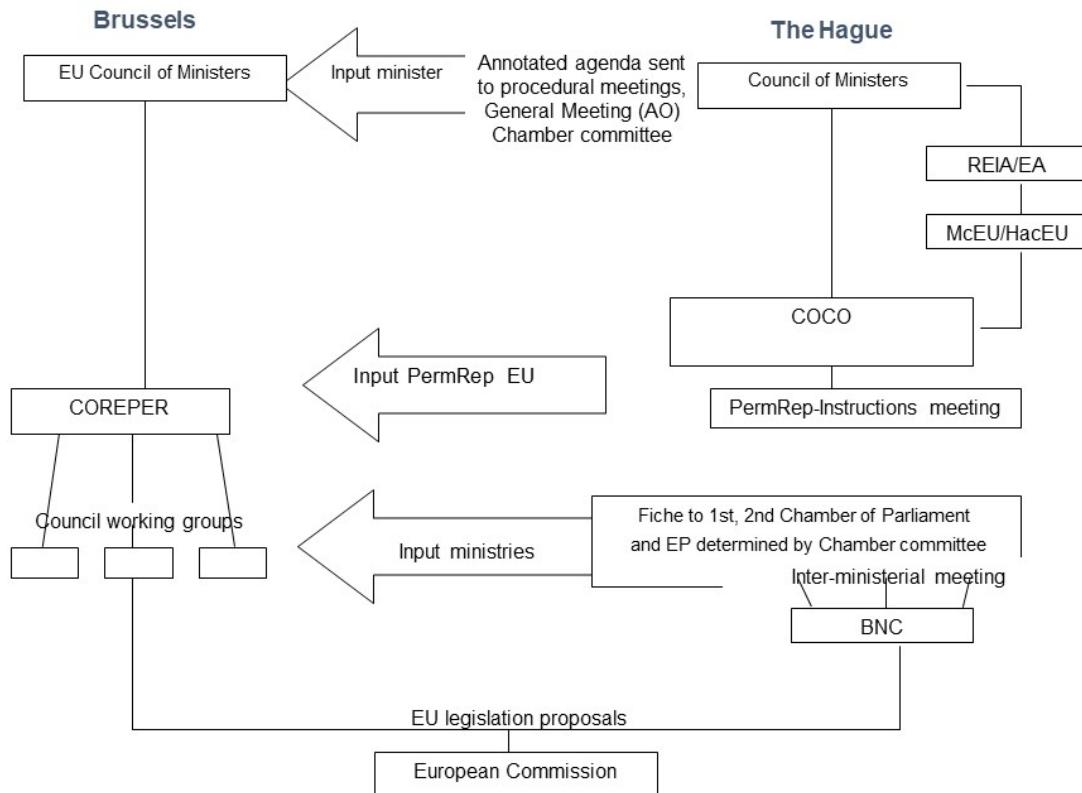


*Source: Metcalfe (1994).*

## 2.2 Description of actors involved and administrative coordination processes in the Netherlands

The Dutch coordination mechanism focuses on the traditional legislative procedure, from the first European Commission (EC) proposal to the final Council of Ministers decision. For new legislative proposals and communications from the Commission, there is a basic structure in place, characterised by a myriad of inter-ministerial committees, as demonstrated in Figure 3 below.

### *National coordination mechanism on EU policy positions in the Netherlands*



Formally, the process starts once the European Commission has submitted a new policy proposal to EU Member States. However, there are two important caveats here. Firstly, the bulk of new EU policy does not start with a formal Commission (COM) proposal. For example, the European Parliament has extraordinary legislative competence to impose the EU's Election Act (2015/2035/INL). Also, ad hoc inter-ministerial coordination takes place to define the Dutch position on initiatives from one or

multiple Member States, such as the Franco-German reform package during the COVID-19 crisis. When proposals for new initiatives are highly political, there is more high-level political and administrative steering than in other cases. This evaluation will examine when the coordination chain is followed and when this is not the case, and how other, parallel or more informal forms of EU coordination relate to formal mechanisms.

Secondly, the agenda-setting stages in which the European Commission tests the water for new initiatives by means of consultations, work programmes or impact assessments, are not subject to formal coordination of a Dutch position. However, since national experts are consulted through the inter-service consultations of the Commission's Directorates-General (DGs), it is relevant to know which Dutch government representatives are invited where, and which positions are taken at this stage. Whether other Member States start coordinating efforts earlier, and to what extent and how they include non-COM proposals in these efforts, are questions for further comparative research. The country studies envisaged for this evaluation are meant to shed light on these questions.

The MFA used to be in charge of informing all stakeholders on new EU proposals. However, as mentioned before, since 2006, all COM proposals, policy documents and other (legislative) documents are received directly in the 'EU mail boxes' at the line ministries and in both Chambers of Parliament. The parliamentary mail box is filtered because it contains many technical notifications, proposals for refit or redress of existing policies, and translations into the 24 official EU languages. New policy proposals are tabled for discussion in the inter-ministerial Working Group 'Assessment of New Commission Proposals', known by its Dutch acronym BNC (*Beoordeling Nieuwe Commissievoorstellen*).<sup>7</sup>

#### *BNC committee*

The BNC committee is an interdepartmental working group chaired by the department of European Integration (DIE) at the Ministry of Foreign Affairs. Its aim is to assess new Commission proposals. Next to civil servants representing all line departments, two umbrella organisations of decentralised governments also have a seat in the working group: the Association of Netherlands Municipalities (VNG) and the Association of Provinces of the Netherlands (IPO). The BNC committee meets every week and all incoming Commission proposals are tabled. It decides which department is primarily responsible for the policy proposal, and assesses the consequences of the EC's proposal for Dutch policy and legislation. Ultimately, after inter-ministerial consultations, the working group is responsible for drafting the initial Dutch position on the proposal.

For most EU proposals, a negotiating position is set out in a draft explanatory memorandum – a so-called (BNC) *fiche* – in which a summary of the proposal is given and a first appraisal is sketched. Most *fiches* on new EU proposals, as well as negotiating positions for Cabinet Ministers in EU Council of Ministers meetings and for European Council meetings, are tabled before Cabinet for formal approval. For some EU proposals, no *fiche* is made – this decision is left to the discretion of the BNC committee and part of this study is to assess how this selection takes place. In this case, Parliament may be informed by a Cabinet letter. Note that the *fiche* procedure has been formalised in parliamentary letters and is annually updated.<sup>8</sup>

Once approved, the BNC *fiche* serves as the basis of Dutch action in Council working groups. The main text – excluding the negotiation tactics – is sent to the relevant standing committees in the First and

---

<sup>7</sup> Considering the relevance of this sorting mechanism for the subsequent coordination process, the criteria according to which EU proposals make it into the agenda of the BNC and its assessment, which proposals are translated into a *fiche*, will be a topic of further investigation in this study.

<sup>8</sup> The letter for 2020 can be found here: <https://www.tweedekamer.nl/downloads/document?id=e3897d11-c429-41b9-81d9-bf66ccbcd283&title=Verslag%20van%20een%20algemeen%20overleg%2C%20gehouden%20op%2015%20januari%202020%2C%20over%20EU-informatievoorziening.pdf>.

Second Chamber (States General) in order to ensure parliamentary support. With the *fiche* procedure, Parliament formally approves all negotiating positions for the Dutch government. Standing committees in the Second and First Chamber of Parliament table the BNC *fiches*. Most *fiches* are tabled for silent approval, but some are selected for further examination. For example, upon the request of the standing committee on Finance, the *fiche* on the EU Green Deal Investment Plan was further discussed with the Minister of Finance in a written procedure.<sup>9</sup>

A copy of the *fiche* is sent to the 29 Dutch Members of the European Parliament (MEPs). In contrast to national Parliament, the MEPs receive the Dutch negotiation position for information purposes only. Having a direct democratic mandate by Dutch voters in the EP elections, they have no formal role in the government's EU policy. The extent of MEPs' involvement varies across Member States; an issue that this evaluation will shed light on.

*Fiches* are also registered and available online.<sup>10</sup> According to respondents interviewed for this evaluation, this high level of openness and transparency is a key feature of the Dutch coordination system.

#### *Instruction for the Committee of Permanent Representatives to the EU*

The instruction for the (deputy) Permanent Representative to the EU and Dutch diplomats who represent the Netherlands in meetings of the Committee of (Deputy) Permanent Representatives (Coreper) is determined in the weekly interdepartmental PERMREP-instruction consultation (PERMREP-I), chaired by the MFA. All Dutch ministries have representatives at the Permanent Representation of the Kingdom of the Netherlands to the European Union (PERMREP) in Brussels. These civil servants maintain contacts with EU institutions and act as negotiators on behalf of the Netherlands at working group level; support the (Deputy) Permanent Representative in the negotiations at Coreper; and assist the members of the Council in its different formations in deliberations.

#### *Coordination Commission for European Integration and Association Problems*

The CoCo is an administrative portal of the Dutch Council of Ministers aimed at coordinating European affairs. It comprises officials from different departments and is chaired by the MFA's Director-General for European Cooperation. The CoCo coordinates the adoption of BNC *fiches* and Dutch Cabinet positions for EU Councils of Ministers on various dossiers, and it prepares decision-making for the Dutch Council of Ministers. In contrast to the *fiches* for Council working groups, CoCo conclusions are not shared with stakeholders and Parliament. The responsible ministry informs the relevant standing committees in both Chambers of Parliament by means of an annotated agenda. Depending on the procedure followed by the standing committee, EU Councils of Ministers are prepared through oral debates with the responsible minister or by means of written procedures. Both may lead to resolutions to be voted upon in Parliament's plenary. The formal constitutional 'rule of confidence' in Dutch politics makes it clear that ministers should follow parliamentary resolutions once they have been formalised by a majority vote. However, ministers may not be able or willing to adhere, for example if they risk being outvoted in the EU Council of Ministers. This is one dilemma facing the coordinators which will be revisited in this study. Depending on the frequency of Council meetings (every month for the Foreign General Affairs, Agriculture, or Economic and Financial Affairs Councils, or less frequently for most other Council compositions), the relevant standing committees are kept informed about ongoing negotiations. The proceedings of all European Council and EU Council of Ministers meetings are reported to Parliament. As a rule of thumb, these documents are tabled for silent

<sup>9</sup> [https://www.tweede kamer.nl/debat\\_en\\_vergadering/commissievergaderingen/details?id=2020A00865](https://www.tweede kamer.nl/debat_en_vergadering/commissievergaderingen/details?id=2020A00865).

<sup>10</sup> [https://www.eerste kamer.nl/eu/kamerstukdossier/nieuwe\\_commissievoorstellen\\_en](https://www.eerste kamer.nl/eu/kamerstukdossier/nieuwe_commissievoorstellen_en).

approval in parliamentary meetings for subsequent EU Councils and do not generally lead to parliamentary debate.

#### *Council for European and International Affairs*

The Council for European and International Affairs (REIA) is a structural sub-council of the Dutch Council of Ministers. It is chaired by the Prime Minister and, in principle, attended by the Ministers and Secretaries of State of the line ministries. Dossiers that are perceived to be more complex and technical are first discussed in REIA (in its European Affairs composition) before proceeding to Cabinet.

#### *EU High Administrative Commission*

The EU High Administrative Commission (HACEU) convenes for irregular, ‘horizontal’ dossiers such as Brexit, the social pillar, and the European Semester. It is an inter-departmental working group chaired by the SG of the Ministry of General Affairs and is made up by senior civil servants ((deputy-)directors) from the ministries of Foreign Affairs, Finance, Economic Affairs and Climate, and Agriculture, Nature and Food Quality. HACEU is the official portal of the Ministerial Commission for the European Union (MCEU).

#### *Ministerial Commission for the European Union*

The Ministerial Commission for the European Union (MCEU) is chaired by the Prime Minister and attended by the ministers of the ministries of Foreign Affairs, Finance, Economic Affairs and Climate, and Agriculture, Nature and Food Quality. The MCEU was an innovation put in place during the Dutch EU 2016 Council Presidency, and retained as a best practice for discussions on the strategic European agenda, the preparation of the European Council, and the preparation of the Economic and Financial Affairs Council, including the international financial institutions and the G20.

Reflecting on the above, note that coordination does not take place between the phase of formulating the Dutch position for the first time in the *fiche*, and the phase in which discussion takes place at the level of the PERMREP in preparation of the Council of Ministers. In between these two phases, years may go by without coordination, whereas political, economic and societal changes may affect the negotiations and the positions of other stakeholders may change. It is the relevant line ministry alone that provides input for EU negotiations – including those involving the European Parliament – without any interference from the MFA. This ‘void’ within the coordination system will be examined in this evaluation.

#### **2.3 Purposes of the Dutch coordination system**

Although a lot has been written about the Dutch national coordination mechanism, we have not found any recent government documents formalising the national coordination objective, structure and rules of procedure. Nonetheless, based on conversations with respondents, IOB drafted a working definition for the time being.

---

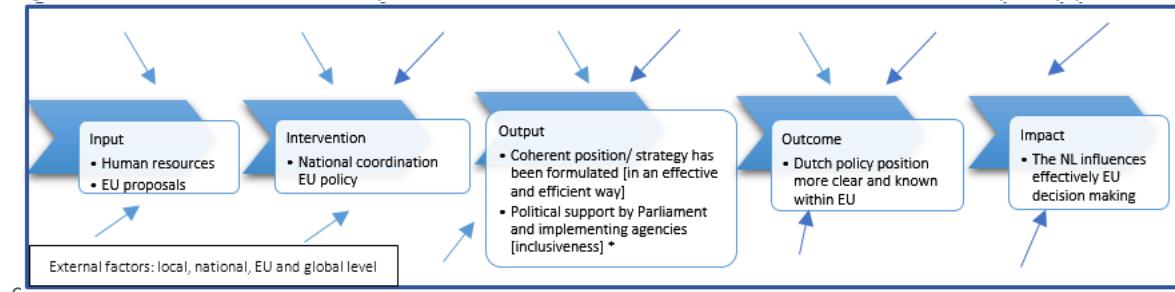
#### **Objective of the Dutch national coordination mechanism (working definition by IOB)**

The national coordination mechanism aims at developing, in mutual agreement (inclusiveness), both, cross-departmentally with regional levels of government (municipalities and provinces), and with national Parliament, a coherent policy position and negotiation tactics ('mandate'), which enables representatives of the Dutch government to reach favoured policy outcomes for the Netherlands in negotiations in the framework of the European Union.

---

This definition entails several result levels that are relevant to distinguish, because these illustrate to what extent certain effects can (or cannot) be attributed to having a coherent position; see Figure 4 below.

*Figure 4 Results chain of the Dutch national coordination mechanism on EU policy positions*



Source: IOB. This results chain shows the extent to which effectiveness and efficiency of the national coordination process can be affected by external factors (at local, national, European or global level). Each step further in the results chain equals less control by the national government.

IOB identifies two key objectives from the literature and the preliminary interviews carried out for this evaluation:

- 1) *Coherence: Formulating a coherent policy position to use as a mandate in EU policy negotiations ('speaking with one voice'), within and between dossiers, and developing coherent negotiation tactics.*
- 2) *Inclusiveness: Developing a policy position together, and in mutual agreement, with a variety of stakeholders.*

Ad 1) *Coherence* has two aspects: coherence within a dossier, and coherence across dossiers.

First, individual national EU policy positions need to be coherent, well argued, and (therefore) usable for Dutch officials in EU negotiations. There should be no conflicting views within the Dutch mandate, as these could be easily exploited by negotiating partners. Arriving at a coherent position necessitates coordination between all relevant stakeholders. Second and subsequently, all national EU policy positions together must be coherent. This implies that positions in different policy dossiers should support, rather than contradict each other. As dossiers are discussed within 'silos' of experts involving civil servants from different ministries – both domestically and at the level of Council working groups – inter-ministerial coherence is essential throughout the process.

Based on preliminary interviews and documents,<sup>11</sup> IOB's working assumption is that a coherent position – allowing the government 'to speak with one voice' – supports the Netherlands in its efforts to influence EU negotiations towards favoured policy outcomes. However, effective influencing demands not only a coherent position, but also one that is *adaptable* to changing circumstances. Why is this the case? First, EU negotiations may take months, if not years, and in the meantime, the positions of those actors relevant to the decision-making process – amongst which the other Member States and the European Parliament – may shift. EU proposals may change in response to this. For the Dutch position to maintain its relevance, the government thus needs to have a strategy in place that enables it to (quickly) adapt its position and negotiation strategy in the course of the negotiation process. This evaluation will study the extent to which this is the case.

<sup>11</sup> Including documentation published by the Expertise Centre on European Law (ECER), see on <https://ecer.minbuza.nl/ecer/eu-essentieel/haags-afstemmingsoverleg.html>.

Second, during the EU negotiation process, linkages and trade-offs may need to be made between unrelated dossiers. For example, if the Dutch position is an outlier in one particular case, this may have to be traded for gains in a different policy dossier considered more important or salient. It is only at the level of the Permanent Representative's instructions that this happens. How and by whom is this final call made, given the relatively 'weak' coordination model in which no actor, formally, has the final say? Moreover, how is Parliament involved in this balancing act, considering that EU dossiers are discussed in separate parliamentary committees? This evaluation will take these questions on board.

Ad 2) *Inclusiveness* implies the involvement of Parliament in the coordination process, as well as the engagement of regional levels of government which are responsible for the implementation of EU policy and legislation in practice. Inclusiveness is needed for two reasons. First, it contributes to the legitimacy of, and public support for EU policy. Second, involving stakeholders and experts decreases the chance of a so-called 'misfit' with existing policies, as well as facilitating the application and enforcement of new EU legislation 'on the ground'. Note that inclusivity may take on different forms across policy domains, depending on the substance of the policy issue and the number of relevant actors.

While an inclusive coordination process is meant to produce the positive results outlined above, a high level of inclusiveness may have downsides. First, it may slow down the reaction time to EU-level amendments considerably; involving all relevant stakeholders in updated negotiating positions takes time. Inversely, speed and flexibility – which are needed to maximise impact in EU negotiations – may prevail over the objective of having an inclusive process, thus obstructing inclusivity. Second, the objective of inclusiveness may make it difficult to achieve coherent national positions if contrasting demands have to be met during the coordination process. Eventually, because of the line departments' high autonomy levels, sectoral preferences may come to dominate other interests.

Incoherence and conflicts of interests may emerge rather late within the process, which makes it even more crucial to understand who makes the final call on the position to be taken in EU negotiations – is it Parliament, the Prime Minister, a sectoral Cabinet minister, or the Dutch Permanent Representative to the EU? These issues will be examined in this evaluation.

#### 2.4 Contextual changes and dilemmas in the Dutch national coordination mechanism

The coordination mechanism is (in)directly affected by ongoing political dynamics within, both, the Netherlands, and the European Union. This evaluation will take a number of contextual variables as a given and describe their potential impact on the coordination system. This section briefly discusses four relevant developments.

##### *Increasingly complex playing field*

In terms of policy content, the EU itself has witnessed processes of deeper policy alignment in some fields (e.g. financial sector, social policy), differentiated integration across fields (e.g. monetary policy), yet at the same time disengagement (e.g. Brexit). This variation in scope, speed and actors has made the EU playing field a more complex one to navigate for national governments than in the early days of economic integration. Because negotiating positions for all these dossiers differ, the Netherlands could aim for more EU-level cooperation in some fields and be reluctant in others.

This evaluation examines coordination for both traditional (legislative) dossiers and 'new', non-traditional policy instruments. As explained above, not all proposals pass the coordination chain and even when they do so, sectoral policy differences or inconsistencies may survive for a long time because of departmental autonomy; only at the level of the Permanent Representative do dossiers that are dealt with in separate Council formations come together. How and when a balance of Dutch preferences and interests in different dossiers and sectors is coordinated in the interplay between line ministries, the coordinating MFA, and other stakeholders, is unclear and subject to examination.

### *Increasingly varied coalition formation*

Partly due to Brexit, but also due to political developments within Member States, the coalition patterns in the EU are evolving. This has led to new allies and alliances (e.g. the Hanse coalition) and a reconsideration of old patterns (e.g. the Benelux). Alliances in one policy dossier may coincide with opposition by the same partners in other dossiers, with potential consequences for coordination. In the absence of an arbitration mechanism or a strong Dutch coordinating actor, it is unclear which actor(s) take(s) up the role of weighing different interests and shaping package deals with other Member States across sectors, and how this is done.

### *Legitimacy and public support no longer guaranteed*

European integration has politicised rapidly in the Netherlands since the 1990s, leading to legitimacy questions. Part of the solution has been to give competencies in EU policy to the Dutch Parliament and the European Parliament, increasing the number of potential veto points. The role of the national Parliament will be taken up in this study, as it holds formal competences in agreeing negotiating positions for the Council of Ministers. The question is if and to what extent the coordination system could integrate the second legislative actor in the EU: the European Parliament. The 29 Dutch Members of the European Parliament do receive negotiating instructions, but they hold a personal democratic mandate since they were elected through direct EP elections in the Member States. Which role, then, may MEPs play in the coordination of national positions? And could we learn something from other Member States' 'ways of doing things' in this regard? To gain insight into these questions, we study the way in which the Dutch government informs and involves Dutch MEPs in its coordination effort, and we compare these Dutch practices to 'ways of doing' in other Member States.

### *More frequent high level and crisis politics*

The Treaty of Lisbon has generated an increasingly powerful European Parliament and a more politicised Commission. Brexit has given rise to changes in power relations between big and small Member States, while the Commission has voiced geopolitical ambitions, for example in the areas of defence and international trade. However, Member States are often deeply divided on these issues. These developments at a European level also put pressure on the Dutch coordination mechanism. Dutch positions sometimes need to be formulated rapidly (e.g. COVID-19 crisis response actions), and coordination may involve inexperienced actors or create growing political pressure on the national political system (e.g. the Comprehensive Economic and Trade Agreement between the EU and Canada (CETA)). For the coordination mechanism to yield national positions that are both coherent and inclusive, it needs to be robust enough to withstand these pressures, either by resisting or accommodating them. This evaluation will examine to what extent this is the case.

## **2.5 Hypotheses derived from IOB's preliminary research**

IOB has held a preliminary round of interviews with respondents involved in the Dutch EU policy coordination mechanism. These respondents are all participants in, or observers of Dutch EU coordination, from either the MFA, line ministries, the Netherlands' Permanent Representation to the EU, or think tanks focused on EU matters. Respondents were remarkably consistent in their observations regarding the opportunities and limitations inherent in the current Dutch system. IOB has reformulated these observations into hypotheses to be tested in this evaluation (see Annex I). We have grouped these hypotheses into five thematic themes and briefly introduce these below.

### *EU channels used for policy shaping*

A first set of hypotheses concerns the EU channels used for policy shaping in the coordination process. The Dutch EU coordination model is formally directed at the Council stages of EU decision-making. However, also the earlier Commission-led phases and the EP's role in the co-decision procedure present opportunities for coordination. Although line departments have their own networks within the DGs of the Commission, make use of consultations, and have seconded national experts, it seems

that input into the phases of drafting a national position may be improved by making the input provision less ad hoc and more coordinated. The lobbying sheets for the new EU legislative term seem to be exemplary in this regard. In addition, it seems that, in the course of EU negotiations where the Council deals with EP committees, the government solely exchanges information with the 29 Dutch MEPs (whilst respecting their democratic mandate). Other Member States involve their MEPs more actively. This raises the question of whether the Dutch government could maybe make better use of opportunities to influence EU decision-making through the EP.

#### *Relevance, functioning and staffing of coordination committees*

A second set of hypotheses relates to the relevance, functioning and staffing of coordination committees. Given that the grander EU policy choices are made at high-administrative levels, questions have been posed regarding the relevance of the myriad of committees that make up the coordination structure. Also, the seniority level of representation in the regular coordination forums is said to have decreased; ministries send more junior representatives to EU coordination committees. This applies, for example, to the weekly meeting charged with the preparation of instructions for the Permanent Representative, which is crucial for the trade-off between line ministries' dossiers. The question is whether the weight of matters to be decided upon is always matched by the weight of individuals in committees.

#### *Involvement of stakeholders*

A third set of hypotheses concerns the involvement of stakeholders in the coordination system. This has received both praise and criticism. Municipalities and provinces have a standing representation in the BNC working group. However, this does not apply to other stakeholders not belonging to the central government, such as actors responsible for application and enforcement 'on the ground'. Thus, while the former provides formal input into the appraisal of new Commission proposals, this does not apply to the latter. Increasing the number of stakeholders formally involved in assessing Commission proposals and formulating negotiating instructions – for example by including inspections and other implementation authorities – could be considered. This may help to avoid agreeing with EU proposals that are hard to implement or that can only be implemented 'on the ground' at a very high cost.

#### *Role played by the MFA and the embassies*

A fourth set of hypotheses relates to the role played by the MFA and the embassies in the coordination system. The Ministry's coordinating role may diminish its ability to bring diplomatic expertise and knowledge from the EU embassies into the coordination chain, both of which could be valuable for gaining insights into the feasibility of Dutch policy positions. It could also limit the Ministry's efforts to bring in its own (geopolitical) policy interests.

#### *Role played by the Dutch Parliament*

Finally, a fifth set of hypotheses concerns the role played by the Dutch Parliament in the EU coordination process. Parliamentary involvement is strong. Standing committees in both chambers of parliament may table new EU proposals, BNC *fiches*, negotiating lines for the Council of Ministers, and EU implementing acts. In addition, ever more frequently, European Council debates are prepared in plenary debates. On the one hand, this active parliamentary EU scrutiny – most recently re-designed in 2014 to incorporate the innovations brought by the Lisbon Treaty – has made particularly the House of Representatives a forerunner in the EU's 'multilevel parliamentary field'. On the other hand, it is questioned domestically whether the increasing amount of EU correspondence effectively improves the coordination process.

### **2.6 Previously given recommendations on improving national coordination since 2003**

The current evaluation is not the first one to examine the Dutch coordination system and to explore recommendations for improvement. This paragraph presents a brief overview of the recommendations presented in five (advisory) reports since 2003 (for details on these reports, see

Annex 3). This is relevant, since it allows us to verify the extent to which these recommendations may still be valid in view of the hypotheses formulated in Annex 1 and recapped in section 2.5. Some reports provided similar recommendations on the desired input or involvement of stakeholders, which can be summarised as follows:

*List of involved stakeholders*

**1. Parliament**

- a. Have more parliamentary debates on the EU.
- b. Integrate EU issues into national policy debates.
- c. Implement a subsidiarity check for new EU proposals.
- d. Establish a parliamentary centre of expertise on EU affairs.

**2. Prime Minister**

- a. Strengthen the Prime Minister's role in EU coordination.

**3. Central government administration**

- a. Integrate EU policy more systematically into national policy.
- b. Devise a long-term and clear government strategy on EU policy.

**4. Capacity**

- a. Strengthen EU capacity at the administration by giving training and organising secondments.

**5. Decentral government, civil society and citizens**

- a. Engage citizens more in EU debates.
- b. Hold more frequent consultations with civil society and local government.

The analysis of the Council of State (2005) is in line with that presented in its earlier annual 2005 report, namely, the report of the *Gemengde Commissie 'Sturing EU-aangelegenheden'*, chaired by Van Voorst tot Voorst, for the so-called '*Andere Overheid*' programme. Both reports recommend a more proactive approach and strategic determination of positions on Dutch EU policy. However, there are differences: whereas '*Sturing EU-aangelegenheden*' provides solutions to optimise and make better use of existing mechanisms for EU policy coordination, the Council of State – like the *Raad voor Openbaar Bestuur* – recommends a further adjustment of the functioning of the relevant state institutions.

It should be noted that these advisory reports go back a decade or two, during which Dutch EU policy has become increasingly polarised and politicised, culminating in two EU referendums (the first on the Constitutional Treaty in 2005 and the second on the Association Agreement for Ukraine in 2016), as well as a rise in political Euroscepticism. Taking into account this particularly volatile context, this evaluation will elaborate on the extent to which these recommendations have been followed. A brief assessment follows below:

**1. Parliament**

In previous years, both Chambers of the Dutch Parliament have made use of the new competencies granted to them by the Lisbon Treaty, leading to more parliamentary debate and a systematic set of EU working methods to conduct the subsidiarity check. The parliamentary centre of expertise on EU affairs (composed of EU staff) was founded – with the help from the MFA – in 2006, under the EU registry. In line with the decentralised system of integrating EU affairs into standing committees,<sup>12</sup> the previously existing group of eight parliamentary EU advisors was integrated within the standing committee staff by means of the establishment of a separate Service for Analysis and Research (DAO) in 2018.

---

<sup>12</sup> Hogenauer, A., (2015), The Dutch Parliament and EU affairs: decentralising EU scrutiny – [https://link.springer.com/chapter/10.1007/978-1-349-28913-1\\_12](https://link.springer.com/chapter/10.1007/978-1-349-28913-1_12).

## *2. Role of the Prime Minister*

In 2006, partly because of his stronger position in the European Council,<sup>13</sup> the role of the Prime Minister was strengthened by reinforcing his agenda-setting power: since then, the PM may table issues on the agenda of the weekly Cabinet meeting without first consulting his fellow ministers.

## *3. Central government*

Whether EU policy has become more integrated into national policy (in line with the recommendations provided by the various reports referred to in the current paragraph) is difficult to assess. One could hypothesise that the increased Europeanisation of many policy areas has resulted in increased integration, however, research suggests that EU affairs remain the domain of a limited number of civil servants.<sup>14</sup> Efforts at creating a central EU strategy have been undertaken with the government's annual State of the Union policy document to Parliament, as well as with the government's position papers for the new EU legislature in 2019.

## *4. EU training and secondments*

A lot of EU training is offered, for example as part of the '*Rijkstrainee*' programme and the '*Algemene Bestuursdienst*'. This evaluation will assess whether EU knowledge and experience, coordination skills and the individual's ability to rise above matters and reflect on these – strategic overviews – are considered to be relevant in the EU coordination process. Generally, respondents have indicated that the number of Dutch staff in the EU institutions has decreased.

## *5. Involvement of citizens, private sector, and civil society in EU debates*

Rather than studying the involvement of societal actors in EU debates, this evaluation will examine to what extent these actors are involved in the coordination process.

## **3. Evaluation questions**

IOB has formulated the following central evaluation question:

*To what extent has the Dutch coordination mechanism on EU policy been relevant, effective – coherent and inclusive – and efficient for formulating national EU policy positions? What explains the strengths and weaknesses of the system, which lessons can be learned, and which recommendations can be given to improve the system?*

Below we elaborate on the elements of relevance, effectiveness and efficiency, and we formulate specific evaluation questions pertaining to each of these elements. In addition, we pose general questions that cannot be categorised as belonging to either element.<sup>15</sup> Together, these questions should allow IOB not only to study the central evaluation question, but also to test the hypotheses formulated in Annex I of these ToR.

---

<sup>13</sup> Nederlof, D. B. (2020). Membership of the European Council in a constitutional and historical perspective. Zutphen: Europa Law Publishing.

<sup>14</sup> Mastenbroek, E. en Princen, S.B.M. (2010), Time for EU matters: The Europeanization of Dutch central government. *Public Administration*, 88: 154–169. doi:10.1111/j.1467-9299.2010.01797; Berg, C.F. van den, S.B.M Princen, en E. Mastenbroek (2016) Aan de knoppen maar uit de pas? Euroscépsis en euro-enthousiasme onder Nederlandse ambtenaren *Res Publica*, vol. 58, no. 4: 397-422.

<sup>15</sup> These questions are reminiscent of the questions pertaining to the so-called 5 Capabilities – or 5Cs – model (see e.g. ECDPM, 2011, *Bringing the invisible into perspective. Reference document for using the 5Cs framework to plan, monitor and evaluate capacity and results of capacity development processes*). According to the model, every organisation or system must have five basic capabilities if it is to achieve its objectives: the capability to act and commit; to deliver on objectives; to adapt and self-renew; to relate to external stakeholders; and to achieve coherence. The 5Cs model is traditionally used to evaluate interventions in the area of development cooperation, but it also lends itself to evaluations of political and diplomatic interventions. We have chosen not to use the framework explicitly in these ToR, but – as mentioned – the elements inherent in it are reflected in the evaluation questions posed in this section and we may make explicit reference to the framework in the final report.

### 3.1 General questions

The following general questions deal with aspects that are relevant to more than one of the categories discussed below (sections 3.2-3.4):

- Which EU ‘products’ does the coordination system cover? To what extent does it cover not just legislative acts, but also acts such as European Council acts, non-traditional governance instruments (e.g. soft law), binding acts from other EU actors (e.g. agencies, the ECB), and delegated and implemented acts?
- How has the division of roles within the coordination system evolved?
- How has the coordinating role of the Ministry of Foreign Affairs within the coordination system evolved?
- To what extent has there been a clear political strategy outlining a view and priority setting on EU policy?
- To what extent do civil servants involved in the coordination system have sufficient EU and strategic knowledge and expertise?
- Do civil servants have a mandate to negotiate and make compromises on behalf of their minister?
- To what extent does the coordination system take account of the need to examine, and find compromises with, other Member States’ positions?

### 3.2 Effectiveness

Effectiveness relates to the extent to which policy objectives are achieved, taking into account their relative importance.<sup>16</sup> Section 2.3 (p.10) has previously outlined two key objectives of the Dutch coordination system:

- *Coherence*. Through the coordination mechanism, the government aims to arrive at a coherent policy position to use as a mandate in EU policy negotiations ('speaking with one voice'). This position should not only be internally coherent; it must also be compatible with, supportive of, and supported by other Dutch policy positions in, both, the same and other policy domains.<sup>17</sup>
- *Inclusiveness*. Depending on the nature of the policy issue, the policy position must be developed together, and in mutual agreement, with a variety of stakeholders: other line ministries, regional government levels (provinces and municipalities), national Parliament, and NGOs. Citizens are considered to be represented by Parliament. Note: inclusiveness thus deals with the process of developing a national position. It does not necessarily mean that the interests of all actors involved are reflected in the position.

### Evaluation questions

- To what extent are national positions on EU policy coherent?
- What is the degree of involvement of Parliament, ministerial actors in The Hague, the Dutch Permanent Representation to the EU, bilateral Dutch EU embassies, decentralised actors (provinces and municipalities), implementing bodies, and societal actors in the coordination process?
- To what extent does stakeholder involvement address implementation issues?
- How do the objectives of inclusiveness and coherence interrelate/affect each other?

---

<sup>16</sup> OECD/DAC Network on Development Evaluation, 2019, *Better Criteria for Better Evaluation. Revised Evaluation Criteria Definitions and Principles for Use*, p. 9.

<sup>17</sup> On the notion of coherence, see *ibid*, p. 8.

### 3.3 Relevance

Relevance concerns whether the intervention ‘is doing the right things’, and it relates to the responsiveness of interventions and their adaptability to changing circumstances.<sup>18</sup> In this study, these aspects imply the following:

- *Responsiveness.* This refers to the extent to which the coordination system’s objectives and design are sensitive to the needs, policies and priorities of the stakeholders involved and how differences and trade-offs are dealt with.
- *Adaptability.* This concerns the degree to which the design of the coordination system, EU policy positions, and negotiation strategy and tactics are still appropriate or realistic in changed circumstances.

### Evaluation questions

- How are divergent stakeholder interests weighed in deliberations, and how does the final decision on a national policy position come about?
- How do stakeholders perceive the legitimacy of national EU policy positions?
- To what extent does the Dutch government have the capability to adapt and self-renew its overall (negotiation) strategy – if existent –, operational functioning, and national positions to changing circumstances?
- How do adaptability and inclusiveness interrelate?

### 3.4 Efficiency

Efficiency concerns the question of how well resources are used.<sup>19</sup> In this evaluation, we aim to study efficiency in terms of timeliness and, where possible, in terms of organisational efficiency.<sup>20</sup> Timeliness refers to delivery – i.e. the determination of the Dutch position – within the intended timeframe, or a timeframe reasonably adjusted to the demands of the evolving context.<sup>21</sup> Organisational efficiency concerns the relationship between organisational inputs and outputs. It basically deals with the question of how well the coordination process is managed.<sup>22</sup>

More specifically, we consider these as follows:

- *Timeliness.* IOB studies timeliness in relation to the EU policy cycle, with a focus on how fast national policy positions on EU policy issues are agreed upon, and when in the policy cycle they are put forward. As a rule, effective lobbying and influencing requires the government’s early engagement in the EU’s policy cycle. IOB does not use fixed benchmarks to measure timeliness, but has chosen to determine this on the basis of respondents’ perceptions (see further section 4 on Methodology).
- *Organisational efficiency.* This relates to the design and functioning of the Dutch coordination mechanism, with a particular focus on the organisational set-up, the procedures in place, and the (formal and informal) channels used to deliberate and communicate (negotiation) strategy and positions.

---

<sup>18</sup> Ibid., p. 7.

<sup>19</sup> Ibid., p. 10.

<sup>20</sup> See further Section 4 on Methodology.

<sup>21</sup> Ibid., p. 10.

<sup>22</sup> We thus deviate from the OECD definition of efficiency, which includes economic efficiency (and not organisational efficiency). In the context of this study, it is not possible to study efficiency in terms of cost effectiveness, since it is not feasible to gather precise data on inputs and because it is impossible to quantify outputs. This is why we have chosen to focus on organisational efficiency instead.

### **Evaluation questions**

- To what extent has the coordination process been timely, that is, to which extent has the coordination process supported Dutch EU negotiators in their lobby and influence in the EU?
- To what extent have the organisational set-up, the procedures in place, and the (formal and informal) channels used to deliberate and communicate positions and strategy between government officials been efficient?

Note once again that this study does not aim to establish a causal relationship between the functioning of the Dutch coordination system on the one hand, and EU policy outcomes on the other hand. This is not possible, since the coordination mechanism is only one of many factors influencing the Netherlands' effectiveness in EU policy negotiations. As explained in section 1 of these ToR, these other factors will be explored in IOB's evaluation on EU cooperation, which the current study aims to supplement.

## **4. Methodological approach**

This section explains the main methods that IOB will use to collect, analyse, and report information in the framework of this evaluation.

### **4.1 Research phase**

#### *Effectiveness and relevance: in-depth case studies*

IOB will examine the coordination mechanism's effectiveness, relevance, and timeliness through in-depth case studies,<sup>23</sup> for which we have selected several EU legislative and non-legislative dossiers. This selection has been based on a number of criteria, which are presented in Box 2 below. These criteria ensure a diverse selection of dossiers.

#### **Box 2. Criteria for the selection of case studies**

1. A high degree of salience (i.e. perceived political relevance)
2. Involvement of multiple ministries
3. Clear oversight of the full coordination process, from beginning to end
4. Variety in legislative vs. non-legislative proposals
5. Variety in technical vs. non-technical proposals
6. Variety in source: European Commission proposals vs. other proposals
7. Variety in themes matching the Netherlands' EU priorities: migration, internal security, climate\*

\*The Netherlands has identified five central themes which should be given priority in the EU: migration, security, a strong and sustainable economy, climate policy and protecting values and interests abroad. Next to these five priorities, the Netherlands considers that EU governance and the functioning of the EU should be embedded in the Strategic Agenda, to chart the course towards a future-proof, effective and robust European Union. During preliminary interviews with inter-ministerial policy makers and experts, the EU's climate, migration, and geopolitical policies were put forward and will therefore be focused on in this study.

Brexit will not be covered in the current evaluation. The MFA has promised an evaluation of the Brexit law and the broader state of affairs related to Brexit.<sup>24</sup> The authority responsible for conducting this evaluation has not yet been confirmed.

<sup>23</sup> We will examine the coordination mechanism's organisational efficiency where possible, meaning that this efficiency aspect may not come back for all the individual case studies.

<sup>24</sup> EK 2018/2019, *Verslag van de plenaire vergadering van dinsdag 19 maart 2019*.

IOB conducted a pilot phase to get to grips with the practical implications of carrying out case studies, enabling us to undertake a realistic planning and refine the research design. After completion of this phase, the following dossiers have been selected as in-depth case studies:

- Eurodac;<sup>25</sup>
- the EU-Turkey agreement;<sup>26</sup>
- the EU's cyber sanction regime;<sup>27</sup>
- cross-border military transport;<sup>28</sup>
- the Election Act;<sup>29</sup> and
- CO<sub>2</sub> emission reductions for passenger cars.<sup>30</sup>

In addition, the six inter-ministerial policy notes on the Netherlands' priorities for the EU in the period 2019-2024, drafted by the government in anticipation of the Von der Leyen Commission's working programme, will also be incorporated in the evaluation.

With this selection of dossiers, we have selected case studies that meet the criteria listed in Box 2 above and that are feasible to evaluate.

#### **Desk research**

Much information about the effectiveness of the coordination mechanism will be derived from relevant national and EU policy documents, reports of coordination committees' meetings (such as the CoCo, PermRep instructions, REIA etc.), diplomatic communication sent through the MFA's internal messaging system (*Berichtenverkeer*), and Parliamentary documents.

#### **Semi-structured interviews**

Semi-structured interviews will be held with, amongst others, officials at the MFA, Dutch bilateral embassies in the EU, relevant line ministries, the Permanent Representation to the European Union (more specifically: the (deputy) Permanent Representative and officials from line ministries, the MFA, and the EP department), decentralised governments, and implementing agencies; staff and Members of Parliament; Members of the European Parliament; and EU researchers in academia, think tanks and applied research institutes. IOB will also approach EU officials, as well as officials of the ministries of Foreign Affairs and the Permanent Representations of the countries that have been selected for the country assessments (see further below). These respondents will add a 'non-Dutch' perspective on i) the way the Netherlands has organised its coordination mechanism, and ii) the mechanism's perceived level of effectiveness.

A detailed list with questions will be designed before conducting the interviews.

#### ***Efficiency: mostly desk research and additional interviews***

In addition to effectiveness and relevance, this evaluation aims at examining the timeliness of the coordination mechanism for each of the in-depth case studies. Where possible, IOB will examine organisational efficiency as well.

---

<sup>25</sup> Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), COM (2016) 270 (currently on hold).

<sup>26</sup> European Council, EU-Turkey statement, 18 March 2016.

<sup>27</sup> Consisting of two pieces of legislation: Council Regulation (EU) 2019/796 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States; and Council Decision (CFSP) 2019/797 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States.

<sup>28</sup> PESCO project on military mobility led by the Netherlands.

<sup>29</sup> European Parliament resolution of 11 November 2015 on the reform of the electoral law of the European Union (2015/2035(INL)).

<sup>30</sup> Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO<sub>2</sub> emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (recast).

### Timeliness

Timeliness concerns the degree to which policy positions and negotiation tactics were established in a timely manner, in relation to EU negotiations. To answer this question, we will make use of a questionnaire to be completed by EU negotiators. The EU negotiators who will take part in this research are supposed to have been active for at least one year in the period 2015-2020. Moreover, the group of EU negotiators should be diverse, meaning that they should not only be staff of the Ministry of Foreign Affairs, but also work for line ministries, or even the European Parliament. In addition to this questionnaire, semi-structured interviews will help to fill in the missing information gaps.

### Organisational efficiency

The organisational efficiency of the coordination system will be studied by means of a network analysis (reconstruction of all actors and institutions involved) for each in-depth case study, followed by a meta-analysis. First, we will provide a complete overview of all the formal administrative meeting structures (in this paragraph called *network*) that may be used. Second, for the dossiers studied, we will determine which part of the network has actually been used.<sup>31</sup> Third, we will examine the balance between the workload of DIE staff members for activities carried out in the area of parliamentary accountability (i.e. answering parliamentary questions) and its core business, and to what extent this workload has changed over time during the evaluation period.

### Country assessments

All EU Member States coordinate their national positions on EU policy and legislation, resulting in instructions or mandates to be used in the context of EU negotiations. The design of domestic coordination mechanisms, however, varies across states and depends on factors such as administrative traditions, political culture, and policy styles.<sup>32</sup> In addition, the importance that Member States attach to coherence and inclusiveness, and to the act of coordination during all phases of the policy cycle, varies. Insights into the functioning of coordination mechanisms in other Member States are relevant for two reasons. First, they provide an international perspective on the Dutch coordination mechanism, which is useful since the desk research and semi-structured interviews planned by IOB are limited to providing insights into Dutch perspectives. Second, we could draw lessons from studying ‘ways of doing things’ in other Member States that may be useful for the future development of the Dutch coordination mechanism.

National coordination mechanisms have been at the centre of academic research for decades. However, most recent articles analyse only the determinants explaining why central governments organised coordination processes in the way they did. Less research is available on how governments deal with the bottlenecks that occur in coordination processes.

To collect the missing data, it is necessary to conduct primary research. IOB will contract academic experts on national coordination in four Member States (see below), to conduct primary research on the experiences that the respective governments have with coordination, and more specifically with the bottlenecks related to coordination – preferably the same types of bottlenecks that the Netherlands has been confronted with. A specific Terms of Reference will be written for these country studies, including the evaluation questions that need to be answered for each country’s coordination mechanism. In addition, the researchers will be asked to reflect on the main differences between the Dutch coordination mechanism and the Danish, French, German, and Spanish mechanisms. Each researcher will produce a short paper, based on an annotated table of contents, with the final analysis and potential lessons learned.

<sup>31</sup> The evaluation questions on efficiency will be based on a reconstruction of the formal and informal administrative meeting structures and a perception study- given the lack of benchmarks. Latter will be based on a survey to quantify results as much as possible.

<sup>32</sup> Kassim, 2000, Obholzer, 2011.

Based on a set of criteria – which are outlined in Annex 2 –<sup>33</sup> IOB has selected the following countries for conducting primary research:

- *Denmark.* In comparative studies, Denmark is often regarded as exemplary when it comes to EU policy coordination, in particular given the active role of the Danish parliament and the system of coordination committees. In addition, it shares certain characteristics with the Netherlands, such as the importance of transparency, the comprehensive nature of its coordination system, and its membership of the Frugal Four.
- *France.* Unlike the Netherlands, where the Ministry of Foreign Affairs coordinates the national EU policy position, France organises the domestic coordination of policy positions centrally and through a separate authority. Additionally, France is a large Member State and, like the Netherlands, applies a comprehensive approach to its coordination system.
- *Germany.* Germany has been selected for study, amongst others, because it is a large Member State and an important ally of the Netherlands in many policy dossiers. Besides, its coordination system shares the comprehensiveness of the Dutch system.
- *Spain.* Spain is interesting because it has a selective coordination system that is reputed for being well organised. In addition, like the Netherlands and unlike the other Member States, it has a regional directorate dealing with bilateral issues in European countries, including EU Member States.

IOB evaluations aim not only to assess past performance, but also to present the MFA with learning opportunities. Therefore, the interest of the MFA's Directorate for European Integration (DIE) in drawing lessons from the coordination systems in Denmark, France, Germany and Spain is an added reason to focus on these four countries.

#### **Questionnaire**

To determine the extent to which the Dutch coordination system is similar to or different from that of other countries, a short questionnaire will be sent to all Dutch embassies and a number of think tanks in the EU. Topics to be addressed concern, amongst others, the use of BNC *fiches*, and the presence or absence of an EU strategy that may direct the coordination process.

#### **4.2 Reporting / output**

IOB foresees four products:

- 1) an evaluation report on the coordination of Dutch EU-policy positions;
- 2) four research papers on the Danish, French, German, and Spanish experiences concerning the national coordination of EU policy positions;
- 3) a conference (see below) where IOB, practitioners, and the researchers involved in the country assessments are brought together to discuss the main findings of (1) and (2), and exchange knowledge and experiences; and
- 4) based on the abovementioned products, a document for Dutch practitioners from all ministries with the most important lessons and recommendations for the future development of the Dutch coordination system.

---

<sup>33</sup> Since the publication of Gärtner, Horner and Obholzer in 2011, changes in the EU countries may have taken place on the dimensions of scope and degree of (de-)centralisations. A check is needed to verify whether the typology is still in line with the current situation. If changes have taken place, IOB may need to revise the final choice of countries.

### *Conference*

The conference aims at providing the participants with the opportunity to discuss and reflect on, both, IOB's main findings on the Dutch coordination mechanism, and the researchers' findings on coordination in Denmark, France, Germany, and Spain. Expected time period: December 2020 or Q1 of 2021.

Due to possible health concerns and associated travel restrictions related to the COVID-19 crisis, IOB may have to opt for an alternative to this conference, for example an online event.

### *Reporting / publication*

All reports will be published on IOB's website. The final IOB evaluation report (1) and lessons document (4) will be considered IOB products and will be sent to Parliament, together with a policy response from the Ministry of Foreign Affairs.

The recommendations that IOB aims to provide will target both civil servants working at the Ministry's DIE and other actors partaking in the coordination mechanism outside the Ministry.

To maximise their validity, IOB will discuss its draft recommendations with these various actors involved in the coordination mechanism – at the MFA, line ministries, members of the Second Chamber of the States General, and Dutch MEPs.

## 5. Limitations

The following limitations apply to this evaluation:

- *Time period.* This evaluation studies the Dutch coordination mechanism for the period 2015-2020. Recent developments will be taken on board as much as possible. However, IOB cannot guarantee developments implemented towards the very end of the research process will be included in the final report.
- *Thematic areas.* The EU dossiers that will be looked into will not be fully representative of the Netherlands' priorities for the EU in 2019-2024. Therefore, the conclusions do not speak for all the cases in which coordination took place. However, since the cases have been selected, amongst others, for their substantive diversity, this evaluation's conclusions will be based on insights into coordination in very diverse policy areas. In addition, next to the dossiers that will be studied as in-depth case studies, IOB may use additional dossiers to further broaden the evidence base.
- *Countries.* Similar considerations apply to the countries selected for study. For feasibility reasons, this selection has been limited to Denmark, France, Germany, and Spain. These four countries appear to be the most relevant ones for comparative analysis. Potentially relevant insights into the experiences with coordination on the part of other EU Member States will not be included.
- *Scope.* This evaluation studies the performance of the coordination mechanism as such, comprising also questions regarding the extent to which negotiators consider the coordination of positions and negotiation tactics to be enabling for effectively influencing EU decision-making. It does not take into account the entire process from coordinating Dutch policy positions to effectively influencing EU policy.
- *Efficiency.* Despite attempts to formulate benchmarks for measuring the efficiency of the coordination process, we have not succeeded in doing so. Therefore, we need to rely on the

perceptions of respondents in this regard. As is the case for effectiveness and relevance, triangulation should help us to maximise the validity of our findings in this regard.

- *COVID-19*. A final limitation relates to the COVID-19 crisis. The consequences thereof have affected the work of the team in spring 2020. They may also affect the research planned after finalisation of these Terms of Reference, in particular the (physical) interviews planned in the summer of 2020 and the conference foreseen for December 2020. For reasons of unpredictability, it is not possible to anticipate the exact effects at the moment of writing. To mitigate these effects if and when they arise, the team will be flexible and adapt the methodology and outputs to what is possible in the given context.

## 6. Organisation and planning

### 6.1 Organisation

#### *IOB team*

The evaluation team consists of Rafaëla Feddes, Josine Polak, Jantinus Smullenbroek, Anne Bakker, and Anouk Pietersen (intern) of IOB. Long-term EU expert Mendeltje van Keulen – seconded by The Hague University of Applied Sciences – has been added to the IOB team. Together they will be responsible for the conduct of this evaluation, for quality control regarding the research papers, for the organisation of the conference, and for writing the final report and lessons-learned document.

The IOB team will invest in regularly updating DIE with information about the process and, if possible, about draft results.

Rafaëla Feddes is the contact person for the overall research process.

#### *Academic researchers*

The IOB team will be responsible for contracting and managing the researchers that are invited to author the four country assessment papers. Further information on the country assessments can be found in the Framework Terms of Reference *Four studies on the domestic coordination of national EU policy positions in Denmark, France, Germany and Spain, 2015-2020*, to be published on IOB's website.

#### *IOB peer review team*

The principal task of the IOB peer review team is to advise the evaluation team and its chair on methodological challenges and potential risks, with the purpose of enhancing the evaluation's quality. Members of the IOB peer review team are Johanneke de Hoogh, Marit van Zomeren, and IOB director Wendy Asbeek Brusse. The peer review team is chaired by Arjan Schuthof, head of the IOB Foreign Affairs research section.

#### *Reference Group*

The principal task of the external members of the so-called Reference Group is to advise the research team on the evaluation's quality. For this evaluation, the members of the reference group are:

- prof. dr. Peter Bursens (University of Antwerp)
- Mark Frequin (Ministry of Health, Welfare and Sport; formerly DG at various ministries)
- Cas van der Horst (Ministry of Foreign Affairs/DIE).
- Michael Stibbe (Ministry of General Affairs)
- Gijs de Vries (London School of Economics; former Secretary of State and MEP)

The Reference Group is chaired by Arjan Schuthof, from IOB .

*Director IOB*

The Director of IOB will approve the evaluation report and the final lessons-learned document.

**6.2 Planning**

This evaluation will be performed in Q3 2020 – Q2 2021. The conference is due to take place in December 2020 or in Q1 of 2021 (tentatively). The research papers on Denmark, France, Germany and Spain are expected to be submitted by the end of November. The final lessons-learned document will be presented in Q2 of 2021.

## Annex 1 Hypotheses

IOB conducted a number of preliminary interviews with officials involved in the system. These officials appeared to share several observations on inherent challenges influencing the system's continued relevance, efficiency, and effectiveness. In order for these issues to be carefully considered, they have been transformed into hypotheses (H) to be tested and incorporated in the set of evaluation questions.

*H. 1: The comprehensive nature of the Dutch EU coordination system, i.e. including all stakeholders at an early stage and keeping Parliament involved during the negotiations, is hard to sustain in view of the growing number of EU policy areas. It limits the system's effectiveness.*

*H. 2: The Dutch 'polder model' of extensive deliberations amongst the most relevant stakeholders limits the strategic capacity of the Netherlands. The Dutch government should engage earlier in the EU policy cycle, and it should not only react to proposals, but also act more proactively in the EU policy context.*

*H. 3: The process of drafting the six inter-ministerial policy position papers targeting the 2019 European Commission agenda, coordinated by the Ministry of Foreign Affairs, was inclusive and contributed to policy coherence and consistency. This pilot has therefore proven valuable.*

*Ad. H.1-H.3.* For the purpose of this document, we define *strategic capacity* as forward-thinking capacity with a view of effective EU policy influencing. Many respondents stress the need to make choices and set priorities in Dutch EU policy. This should be done more specifically than is currently the case in the government's annual State of the European Union policy brief, which comprises all ministries. Setting priorities requires more than merely outlining rather broad and abstract notions on 'what the EU should do'. The question is: which policy preferences should the Netherlands pursue within the EU, and which should it not pursue? And what does this priority-setting imply? Does it mean that certain EU policies should not be followed or negotiated from a Dutch perspective at all?

On the one hand, there are many **opportunities** to shape the EU agenda, and to translate Dutch preferences into EU policy and legislation. The practice of publishing BNC *fiches* on all new EU proposals, including the views of many stakeholders, and the tabling of these *fiches* in national Parliament within six weeks after the publication of new EU proposals, allows other Member States the opportunity to be informed about the Dutch initial policy position early on in the negotiation process. Whereas some observers consider this to be a weak point of the Dutch coordination system, others see it as an opportunity for *shaping* the views of those Member States that have not yet formulated a position at this early stage of the Council negotiations.

On the other hand, there are inherent **limitations** to developing more strategic capacity. The EU playing field has become increasingly complex and government capacity has been limited (e.g. compared to previous government terms, recent cabinets have been smaller, and there have been administrative budget cuts in government departments). In addition, the Dutch inter-ministerial system lacks a dominant authority responsible for setting and managing choices, meaning that coordination capacity is relatively low. National parliament is considered a relatively strong legislative, but the parliamentary organisation of relatively independent standing committees mean that negotiating mandates are often formulated and pursued in 'silos'. The formulation of six Government Papers in 2019 for the EU-institutional period 2019-2024 (Von der Leyen Commission) stands out as a positive example of what the coordination system may achieve. These papers were shared with Parliament. This exercise has proven valuable for sharing common preferences at the national level, as well as for acquainting EU negotiators with the Dutch preferences, which may be helpful in shaping the new Commission's strategic planning.

*H. 4: The Dutch EU coordination system suffers from a lack of seniority. In the past ten years, coordination committees were staffed with ministerial civil servants with an increasingly lower scale. There is a lack of EU knowledge more broadly in the administration, which makes this particular procedure the domain of a limited group of specialists, who rotate between international departments and the Permanent Representation to the EU.*

*H. 5: The involvement of the Dutch bilateral embassies in the EU – the eyes and ears of the Netherlands' potential coalition partners – is not structurally integrated into the coordination mechanism. Embassies, however, can provide relevant input and may signal pitfalls in the negotiating mandates at an early stage. The MFA does not yet have the capacity to play a coordinating role here.*

*Ad. H.4-H.5.* An issue brought up by many respondents is how to ‘use’ Dutch embassies in EU Member States in the coordination of Dutch EU policy. There is limited capacity at the coordinating department DIE to ‘steer’ the embassies. There are some (possible) positives, though. The Dutch embassy to Greece in Athens is considered to be a good example of a focused mission, and the 2018-2019 work plan set up by DIE/DEU is an interesting development. It stimulates each EU embassy to focus on a maximum of three dossiers with the ultimate goal of contributing to more effective influencing of Member States and EU decision-making. How does it work, how is it perceived, and which are the pros and cons for the national coordination mechanism?

In addition, the cooperation between the Multi-annual Financial Framework team at the Ministry and bilateral embassies seems to be a good example of coordination. How exactly do respondents regard the involvement of embassies in the coordination process, also in comparison with other Member States’ practices in this regard?

*H. 6: The European Parliament, currently co-legislator on most EU dossiers, is not sufficiently integrated in the current, Council-focused coordination system. Overall there is insufficient attention to the EP in mandates, insufficient knowledge of the EP in line ministries, and limited use of the expertise and network of the 29 Dutch MEPs.*

*Ad H.6.* The Dutch coordination system is focused on negotiating positions within the Council of Ministers’ structures, and coordination starts with the receipt of an EU proposal. As such, it has not been adaptive to recent developments that have taken place within the EU. The European decision-making process has changed as a result of successive treaty changes; not everything revolves around the interaction between the European Commission and the Council of Ministers, and the European Parliament has become a fully-fledged co-legislator in most policy areas. The Netherlands’ actions, however, do not reflect this. Many staff members of ministries are not yet familiar with the role and functioning of the European Parliament (although there was a ‘revival’ after the 2016 Dutch EU Presidency). Also, the Netherlands does not resort to the Dutch MEPs to the extent that other Member States resort to theirs; the Dutch government informs Dutch MEPs, whilst other Member States also send voting lists, and some (such as France and Germany) may have overviews of trilogues and MEPs involved in these.

In addition, with the EU’s expansion from six to 27 Member States, it is more important to have an early agenda, come up with non-papers, and co-write with the European Commission, in order to maximise chances of effective policy influencing. However, the current coordination structure does not institutionalise this; timing and types of involvement are matters of discretion of line ministries and experts.

*H. 7: The fact that the Minister of Foreign Affairs no longer chairs Coordination Commission meetings decreases the seniority of participants overall and has decreased the political clout of the MFA in EU coordination structures.*

*H. 8: The limited substantive knowledge of the MFA and the increased presence of EU departments at line ministries detract from the MFA being an attractive partner to line ministries, stimulating their acting independently.*

*H. 9: Because of its formal position as chair of inter-ministerial coordination committees, the foreign and diplomatic expertise of the MFA risks becoming less relevant than is warranted in view of EU developments – notably the more geopolitical outlook of the EU.*

*Ad. H.7-H.9.* In the past, the then still existing Secretary of State for European Affairs chaired the Coordination Commission, imbuing EU coordination with a certain political relevance. This political relevance is currently lacking, because the Minister of Foreign Affairs has not assumed this chairing role. In addition, many departments are responsible for ‘their’ international policy domains, for example international migration (Ministry of Justice and Security), where the MFA is not able to influence the policy. There are many cross-cutting connections as a result of the intermingling between ‘national’ and ‘EU’ policies for migration, climate, economy, EU external relations and foreign affairs, digital single market, environment, transport/infrastructure, and social affairs. Examples are CETA, the government’s China strategy, and economic security. The MFA is not always at the lead in the coordination of national positions. An example could be found in the area of monetary policy and financial issues, where the Ministry of Finance plays an important role in the Hanseatic League. The League functions well and has received praise in this regard, but it has been downplayed by the MFA.

Another inherent challenge of the Dutch coordination system is that the MFA has two roles to play, which do not always go hand in hand. In its role as a participant, the Ministry should bring forward the geopolitical interests of the Netherlands, while in its role as a chair, it should be neutral and facilitate the coordination process. There is a tension between both these roles.

*H. 10: The strengthened involvement of the Dutch Parliament in EU coordination since 2006 does not contribute to effective coordination.*

*H. 11: Due to administrative fragmentation, political volatility, and increasing Euroscepticism, Dutch EU policy coordination focuses on reaching consensus in The Hague. This detracts from the time and energy used to examine the positions of other Member States and find compromises with the other EU capitals.*

*H. 12: Instead of increasing the legitimacy of negotiations, the practice (since 2018) to provide Parliament with quarterly overviews of ongoing legislative dossiers adds to bureaucracy and divergence.*

*Ad. H.10-H.12.* The coordinating department of the MFA signals a tension between ensuring the democratic legitimacy of an EU position (i.e. a position enjoying the support of a critical Parliament coalition) on the one hand, and diplomatic flexibility and strategic acting on the other hand. Three factors explain this tension. First, the process of arriving at a democratically legitimate position has slowed down due to an increasing number of coalition parties being part of the Dutch government: from two in earlier cabinets, up to four in the current cabinet. Second, the government needs to stick to Parliamentary resolutions in EU negotiations. And third, due to increasing Euroscepticism of political parties, Parliament resolutions are often limited to drawing ‘red lines’ instead of being geared towards problem-solving. The effect of this focus on ‘red lines’ on the Netherlands’ reputation in the EU is difficult to assess. On the one hand, it may be a strength in negotiations (following the ‘vinculo

*externo*' argument). On the other hand, the strong role of the Dutch Parliament reduces the Dutch government's flexibility and strategic acting in EU negotiations; Member-State governments with a smaller role for parliament have more leeway to act in EU negotiations (see e.g. France, which has a smaller role for parliament and a government paying a lot of attention to strategy).

The Clingendael report (2019), requested by the Chamber of Parliament (Tweede Kamer), characterises Dutch EU policy as 'effective but requiring more empathy. In the parliamentary debate, there was little self-reflection on the aforementioned red lines which are often attached to the Dutch EU position by MPs themselves. For example, the quest by the Chamber of Parliament and the Minister for more EU transparency<sup>34</sup> shows a sole focus on the national perspective rather than the inclusion of broader considerations including other Member States' concerns. This hampers strategic thinking and proactive involvement in shaping EU-27 compromises. This being said, the Netherlands has not issued many vetoes on EU proposals; the only ones being those regarding for example the possible EU accession of Albania, and the ICTY.

Since their introduction in 1991, BNC *fiches* have played the important role of informing Parliament about new EU proposals. Note that in addition to the Netherlands, only the UK uses such *fiches*. Since 2006, the Chamber receives all EU proposals itself and, since 2015, has put them on the agenda of procedural meetings in the so-called 'list of new proposals.' This seems to have reduced the usefulness of *fiches*.

The role of the MFA is mainly to monitor the coordination process (e.g. by setting stricter deadlines for instructions) and to provide added value by presenting the Parliament with factual overviews of EU legislative activities. The Parliament wants more and more of such overviews, such as work programmes per committee and priorities per parliamentary committee. In addition, since 2018, all line ministries are expected to provide parliamentary standing committees with quarterly summaries for legislative dossiers. This overview should ensure better coordination, but in practice it creates further bureaucracy and divergence.

*H. 13: Implementing actors are not sufficiently taken on board in the coordination mechanism, which may lead to implementation problems down the road. The list of stakeholders at the stage of formulating the fiche does not involve all relevant actors (including regional actors, implementing authorities and inspections). This reduces the chance of foreseeing and preventing, both, 'misfit' between EU legislation and Dutch preferences, and application and enforcement problems.*

*Ad. H.13.* Only when application and/or enforcement problems arise (e.g. those in the areas of nitrogen deposition and pulse fishing), does the 'downstream' process come into the picture. Regulation 2018/724 establishing a single digital gateway is an example of a legislative act where implementation issues could have been taken on board in an earlier stage during the negotiations.<sup>35</sup> The process was coordinated by the Ministry of Economic Affairs, but the regulation needs to be implemented by regional authorities and is coordinated by the Ministry of the Interior. Another example is Directive 2019/882 for the accessibility of products and services for disabled persons. In both dossiers, stakeholders continue to be concerned about the practical implications.<sup>36</sup>

---

<sup>34</sup> <https://www.tweedekamer.nl/nieuws/kamernieuws/transparantiecoalitie-breidt-zich-uit>.

<sup>35</sup> <https://www.digitaleoverheid.nl/overzicht-van-alle-onderwerpen/internationaal/single-digitale-gateway/>.

<sup>36</sup> [https://www.bjutijdschriften.nl/tijdschrift/henr/2017/2/HenR\\_2468-9335\\_2017\\_001\\_002\\_002/fullscreen](https://www.bjutijdschriften.nl/tijdschrift/henr/2017/2/HenR_2468-9335_2017_001_002_002/fullscreen).

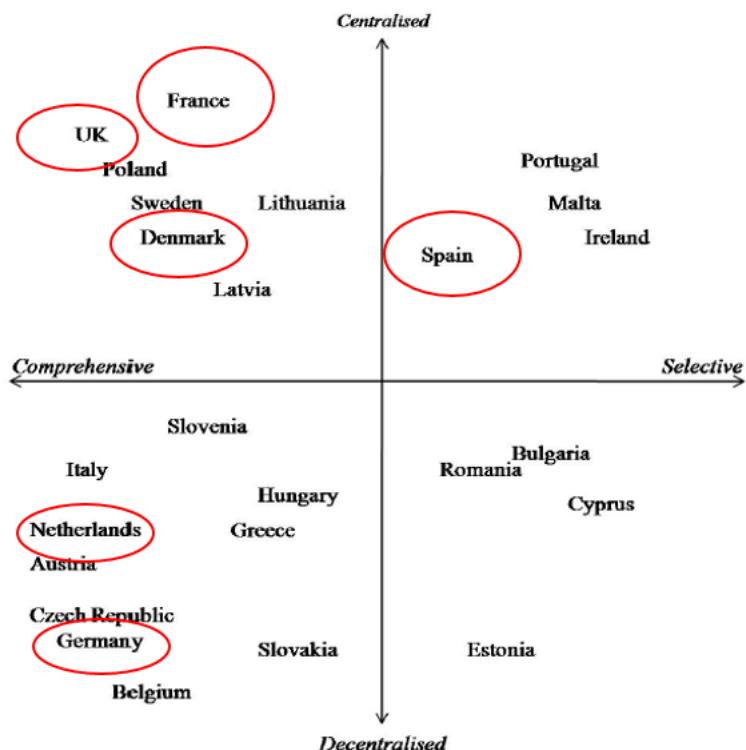
## Annex 2: Country selection criteria

As described in Section 4 of these Terms of Reference, IOB will commission primary research on EU Member States' experiences with the domestic coordination of national EU policy positions. For feasibility reasons, we have selected four Member States for study. This selection has been based on several criteria, outlined below, and in order of relevance.

### 1) Dimensions of scope (*comprehensive / selective*) and (*de*)centralised coordination systems

Explanation: Academic studies categorise EU Member States' coordination mechanisms on the basis of two dimensions: scope in terms of EU policy domains covered (*comprehensive or selective*), and the degree of (*de-*) centralisation.<sup>37</sup> There are four basic coordination types: comprehensive centralisers, selective centralisers, comprehensive decentralisers, and selective decentralisers.

Figure 5      Dimensions of scope and (*de*)centralised coordination system EU policy



Source: Gärtner, L., Horner, J. and Obholzer, L. (2011) *National coordination of EU policy: a comparative evaluation of the twelve "new" Member States*. *Journal of Contemporary European research*. Volume 7, Issue 1, pp. 77-100.  
Red circles reflect the preferred countries by DIE/DEU.

The Netherlands is considered to be a comprehensive decentraliser. It is regarded as *comprehensive* because the coordination mechanism covers a broad range of policy areas, in contrast to what is the case for many other – mostly smaller – countries (such as Cyprus, which focuses on only a few policy

<sup>37</sup> Since the publication of Gärtner, Horner and Obholzer in 2011, changes may have taken place in the dimensions of scope and the degree of (*de-*)centralisations. A check is needed to verify whether the typology is in line with the current situation.

areas relevant to the national interest). Moreover, the Netherlands has been investing in an *inclusive* coordination mechanism (meaning, consulting stakeholders outside national government).

Moreover, the Netherlands has a rather *decentralised* coordination mechanism. There is neither a clear arbitration mechanism nor a specific authority that stands above other actors and that is responsible for devising an overall strategy or making the final decision. Line ministries are in direct contact with the PermRep; there is no central body in between. Another aspect typical for decentralised systems is the relatively large degree of discretion for individual civil servants when it comes to formulating mandates and negotiating in Brussels. In the Netherlands, however, civil servants' room for manoeuvre is curbed because of the role played by Parliament in the coordination process (see Section 2 of these Terms of Reference).

### *2) Size of the country based on the scale of its economy (GDP)*

The GDPs for countries have been taken from the World Bank database, for the (most recent) year 2018.<sup>38</sup>

- a. Big state (> 500 mln GDP),
- b. Mid-sized state (>100 mln-<500 mln GDP)
- c. Small state (<100 mln GDP)

Small countries are bound to be selective due to capacity limitations. In terms of GDP, the Netherlands is a big state. For the purpose of comparing and learning, countries in similar categories seem to be most relevant.

### *3) Preferences held by DIE/DEU*

DIE and DEU have indicated a preference for Germany, Denmark, the United Kingdom, France, and Spain. These departments indicate these countries could present useful learning opportunities, because they share certain characteristics with the Netherlands (such as transparency and comprehensiveness); there are specific differences (such as the presence of an arbitrary mechanism); or the country is an important ally of the Netherlands within the EU.

*Country criteria matrix*

Country	.1. [DE]CEN/SCOPE	.2. SIZE (millions)	.3. DIE / DEU
AUS	DECEN/COM	455,285 (Middle)	-
BEL	DECEN/COM	542,761 (Big)	-
BUL	DECEN/SEL	65,132 (Small)	-
CRO		60,971 (Small)	-
CYP	DECEN/SEL	24,961 (Small)	-
CZL	DECEN/COM	245,225 (Middle)	-
DEN	CENT/COM	355,675 (Middle)	X
EST	DECEN/SEL	30,732 (Small)	-
FIN		276,743 (Small)	-
FRA	CENT/COM	2,777,535 (Big)	X
GER	DECEN/COM	3,947,620 (Big)	X
GRE	DECEN/COM	218,031 (Middle)	-
HUN	DECEN/COM*	157,882 (Middle)	-
IRE	CENT/SEL	382,487 (Middle)	-
ITA	DECEN/COM	2,083,864 (Big)	-
LAT	CENT/COM	34,409 (Small)	-
LIT	DECEN/COM*	53,429 (Small)	-
LUX		70,885 (Small)	-
MAL	CENT/SEL	14,553 (Small)	-

<sup>38</sup> World Bank, GDP per country, <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD>. Accessed on 7 May 2020.

Country	1. [DE]CEN/SCOPE	2. SIZE (millions)	3. DIE/ DEU
NED	DECEN/COM	913,658 (Big)	-
POL	CENT/COM*	585,663 (Big)	-
POR	CENT/SEL	240,674 (Middle)	-
ROM	DECEN/SEL	239,552 (Middle)	-
SLOVAKIA	DECEN/COM	105,904 (Middle)	-
SLOVENIA	DECEN/COM	54,007 (Small)	-
SP	CENT/SEL	1,419,041 (Big)	X
SWE	CENT/COM	556,086 (Big)	-
UK	CENT/COM	2,855,296 (Big)	X

\*Coordination mechanism has undergone changes in recent years.

### Annex 3 Summary of advisory reports to the Dutch government on organisation of EU policy

	Raad voor Maatschappelijke Ontwikkeling, November 2003	Raad voor het Openbaar bestuur December 2004	Gemengde Commissie 'Van Voorst tot Voorst' / PAO Juni 2005	Raad van State September 2005 <sup>39</sup>	Alv Briefadvies December 2005
Parliament		Subsidiarity check on new Commission proposals.		Subsidiarity check on new Commission proposals.	Subsidiarity check and critical scrutiny of new Commission proposals.
	Regular parliamentary debates.	Parliamentary debates on new Commission working programmes.	Annual parliamentary debate on State of the Union.		Regular parliamentary debates.
		Need for EU expertise centre to support both Chambers.		Parliamentary EU expertise centre.	Parliamentary EU expertise centre.
	National referendum on the Constitution.				Bringing EU back into political debate, placing fundamental questions on integration on the domestic agenda. More political contestation of EU.
				Parliamentarians need to actively collect information and positions (don't wait for BNC).	
				'Integration' of EU into national dossiers.	
				Assigning rapporteur for 'grand' dossiers.	
				Regular contacts with MEPs.	
Cabinet's strategy / vision		Develop strategic (long-term & coherent) vision on EU development, incl. priorities of government and boundaries for administrative coordination processes.		More strategic vision in terms of policy content.	

<sup>39</sup> Raad van State (2005) *Adviesaanvraag over de gevolgen van de Europese arrangementen voor de positie en het functioneren van de nationale staatsinstellingen en hun onderlinge verhouding*.

	Promoting the EU as community of values.				
			Special section on the EU in coalition agreement ( <i>regeerakkoord</i> ).		
Prime Minister		Make ministry of General Affairs responsible for central steering and monitoring subsidiary model.	PM more competences in terms of agenda-setting and strategy.	Strengthening the role of the PM in terms of agenda-setting and coordination.	
Deputy Minister for EU affairs	Moving deputy Minister for EU affairs & staff to Ministry of the Interior.	Moving deputy Minister for EU affairs & staff to Ministry of General Affairs.		Secured mandate Minister for EU affairs.	
Central administration		Subsidiary coordination model: Line ministries responsible for integration and coordination of EU aspects into dossiers, enhance interdepartmental coordination.	Better coordination within inter-ministerial dossier or case teams.	'Integration' of EU into national coordination.	'Integration' of EU into national policy making.
			Each ministry introduces DG for EU affairs, represented in CocoHan.		
			Electronic bulletin board for monitoring progress in EU dossiers / negotiations.		
		Enhance political steering on national EU coordination in all stages of decision-making.			
		Setting priorities between dossiers.			
	EU budget reference on individual tax papers.		Regular input of legal expertise, attention for implementation and enforcement in an early stage.		

		Do not create new meeting structures.			
		Providing impact studies and power grid analyses for negotiations to Cabinet and Parliament.			
		Working with dossier or case teams.			
		Setting framework instructions for negotiations.			
		Regular exchange with civil society.			
<b>Capacity</b>			EU courses and training; secondments.	EU personnel policy, incl. Secondments.	
<b>Local and regional governments</b>	Enhancing cross-border contacts.	Regular consultation.	Regular consultation with civil society and Permanent Representation.		
<b>Media</b>	More regular attention, portraying political contestation within the EU.				
<b>Civil society</b>			Regular consultation with central administration.	More active participation and involvement through direct initiatives (public hearings).	Educational and cultural institutions to be more active in EU debates.
<b>Citizens</b>	Active engagement and involvement by bottom-up activities, emphasising EU's relevance in daily life.			'Citizens, actively participating and involved' - to be enhanced by government as well as private initiatives.	Restored confidence and identification in /with national & EU politics.