

The Netherlands

Still standing?



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Bachelor thesis International Development

Wageningen University, 2013

The Netherlands

THE NETHERLANDS STILL STANDING?

THE ROLE OF THE NETHERLANDS IN EUROPEAN INSTITUTIONAL CHANGES

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19-07-2013

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SUMMARY

Aim of the research:

The aim of the research is to create a picture of the role the Netherlands has had on the development of EU institutions. This, through looking at the Dutch role in two different bargaining rounds preceding two important European treaties: the Rome treaty on the European Economic Community from 1957 and the Lisbon treaty amending the treaty on the European Union and the treaty on the Functioning of the European Union from 2007.

Main question of the research:

What has been the role of the Netherlands in European institutional changes?

Main findings:

The Dutch role in European institutional change is more positive than one might expect. In both treaties the Netherlands played a forerunner role. The Netherlands is one of the six architects of the institutional structure of the EU. The Dutch demands in the negotiations on the Rome treaty laid the foundation for a combination of supranational and intergovernmental European institutions. In the Lisbon treaty, the Netherlands achieved all of its goals, though those goals were not ambitious. They could have tried to get more out of their strong negotiation position.

PREFACE

Dear reader,

In front of you lies my thesis on the role of the Netherlands in the European Union for the Bachelor International Development Studies. I have really enjoyed writing this report, especially since I got the chance to write about a subject that interests me very much: the EU. This might also explain why the report has become quite a pack of paper: after all, it would be a shame to not write about all the interesting anecdotes I came across during my research. I hope you will enjoy reading this report. Perhaps, the outcomes of this research will even show you that the role of the Netherlands has not been too bad over the years.

Before you will start reading, I would like to use this opportunity to thank a few people. First of all, my supervisors Prof. Dr. Mr. Bernd van der Meulen and Dr. Gerard Breeman. Thank you for helping me to limit the topic and for giving me useful directions during the process of writing. Second of all, I would like to thank the people who read the report while it was still a work in progress, thank you for your helpful comments. Finally, Wageningen University and its staff, thank you for educating me the last three years.

Enjoy reading!

Anneloes

Wageningen, 19th of July 2013.

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ABBREVIATIONS

EC	European Community
ECSC	European Coal and Steel Community
EEC	European Economic Community
EU	European Union
EURATOM	European Atomic Energy Community
SEA	Single European Act
TEC	Treaty establishing the European Community
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union

INTRODUCTION

For over sixty years, the European Union has played an important role in national political landscapes all over Europe. Sixty years ago, it was a project that was one of its kind; today, it still is. The EU contains both supranational as well as intergovernmental features. On the one hand, the EU is being governed by supranational community institutions. These institutions can take decisions in EU policy areas, without the unanimity of the member states. In order to enable the institution to do this, the people who work there, for example in the European Commission, have to declare that they will act in the benefits of the EU (Bache, 2011). They are expected not to represent their country of birth. Intergovernmental European institutions on the other hand, for example the Council of the European Union, exist of people who represent the EU member states and their interests.

This combination of intergovernmental and supranational institutions in the EU brings tension with it. For example, the Commission can take decisions that reflect the interests of the community at large and not necessarily the interests of a single member state. When such an event takes place, this can be hard to deal with in national politics of that particular member state. Since the beginning of the EU it has been the question for member states whether or not to hand over power to supranational bodies. There were good reasons for handing over sovereignty though. After the Second World War, the six founding fathers of the EU: France, West-Germany, Italy and the Benelux countries came together. The idea was to prevent war like that from ever happening again. Nowadays, the goal of the European Union still is to increase peace, European values and the prosperity of the European peoples (Europa, 2013). The pursuit of these goals already started in 1951, with the creation of the European Coal and Steel Community and continued in 1957 with the European Economic Community and EURATOM. The institutions created by treaties were merged together in 1967 in the so-called Merger treaty (Bache, 2011).

All these treaties had the combination of supranational and intergovernmental institutions within them. They are the essence of the way we know the EU today. Though, they could not have developed the way they did, without the architects of the treaties: the member states. At this moment of writing there are 28 EU member states, but at the moment of drafting the first European treaties, only six countries were involved. The Netherlands was and is one of them.

Throughout the years the position of the Netherlands has mostly been pro-European. The Dutch are often seen to be trying to prevent more power going to larger states, such as France and Germany (Steinmetz & Wivel, 2010). In order to attain this goal, the Netherlands frequently takes a supranational approach towards European institutions. This can for example be seen in the fact that the Netherlands in the process of drafting the Rome treaty tried to give more power to the supranational European Commission. On the other hand they tried to keep power away from the intergovernmental Council of Ministers (S01058, 1956).

In negotiations the Netherlands often focus on trade rules and regulations, since international trade is of key importance for the Dutch economy. The Netherlands has an open economy. International and regional laws can benefit the trade position of the Netherlands and thereby the Dutch economy. This explains that since early in the development of the European Community the Netherlands has been eager to start economic integration in Europe. The Plan Beyen in 1952 introduced the idea of economic integration preceding political integration. The founder of this plan was one of the Dutch of Foreign Affairs, Johan Willem Beyen (European Commission, n.d.). He lobbied for political integration that would follow economic integration (Betlem, N., Harryvan A., 2004). For the Netherlands it was of key importance that the political structure of a new community would be drafted after economic solutions were found. This same idea was the basis of the Spaak committee drafting the Rome treaty in the 1950's: the negotiations started by

solving economic problems (CVCE, 2012). The committee was set up to make a draft of a common market for the participating six countries. In the committee, possible economic measures for the common market were discussed before the institutional framework was developed.

The positive attitude of the Netherlands towards European integration underwent a drastic stop in 2005. In that year, different member states held referenda on a possible European constitution. The referenda were held to get a clear picture of what the European population thought of this constitution. The citizens of France and the Netherlands rejected this European constitution. The rejection of the French and the Dutch showed that the citizens of EU countries did not agree with the path their nation's governments had chosen. After the failure to launch the Constitutional treaty, nothing happened for a few years. Then, in 2007, the most recent European treaty was drafted and signed: the Lisbon treaty. This treaty is considered to contain the most important parts of the Constitutional treaty, though without some important symbols (Bache, 2011).

This critical views of the Dutch citizens expressed in the referendum remained alive the years after the Constitutional Treaty. The national election rounds in 2012 in the Netherlands evolved around the tension of losing autonomy to EU institutions. A critical voice in those elections was represented by multiple parties. For example by the Freedom Party, who argued for the Netherlands to quit the EU and get back the sovereignty it had lost over the years (EuropaNu, 2013). Beside the radical views of the Freedom Party, the Socialist Party also raised its voice. They argued that more sovereignty handed over to the EU should be prevented. Even though these parties did not win the elections, the Dutch debate around the EU in 2012 did show that it is a relevant and alive topic in Dutch politics and the Netherlands.

The largest party in Dutch parliament at the moment of writing, the liberal VVD, is pro-European in a way. It sees the EU as something that brought more prosperity to the Netherlands as a trading country. Simultaneously, this party considers the EU to have quite some flaws. For example, the EU is not very efficient in their eyes. The European Parliament and the European Commission should stop trying to expand their tasks and start handling their current responsibilities better (VVD, 2013). The VVD argue for a stronger subsidiarity principle. In this principle, the matters that can be dealt with at national level will not be handed over to the EU's responsibilities (EuropaNu, 2013).

As the Dutch report on the public opinion about Europe 'Europese Verkenning 8' (2010) shows, Dutch public opinion on the European Union has become slightly more negative than the years before. This is also due to the fact that in the previous elections in 2009, several Dutch political parties also campaigned fairly critical on the EU. Other research shows that Dutch citizens appreciate their local and national governments more than they do the EU (Creusen et al., 2010). As shown, handing over sovereignty has been a relevant topic in Dutch politics. The handing over of state sovereignty to the EU implies that the EU gets more power to act. This power lies within the institutional framework of the EU, since that is where EU decision making takes place.

Research aim and research question:

The standpoints of the Dutch biggest political party together with the critical attitudes of other parties show what kind of stand the Netherlands wants to take in the EU: a critical one. It would be interesting to find out what actual stand the Netherlands have taken in the past. The Netherlands is known as a founding father of the EU, but is it upholding that reputation; are the Netherlands still standing today?

The aim of this research is to create a picture of the role the Netherlands has had on the development of EU institutions. Therefore the following research question will be answered.

- *What has been the role of the Netherlands in European institutional changes?*

The drafting of a treaty is the place where decisions are made through unanimity and negotiation. This means that the process of drafting a treaty shows the standpoints of the member states. The treaty shows whether or not they got what they wanted. Since the debates in the Dutch political arena often evolved around the sovereignty question, this research looks at the institutional architecture of the EU. When a country hands over sovereignty to the EU, it means the EU gains power to act.

Decision making power in the EU lies within the institutional framework, therefore this research will look at the developments of the European institutions over the years. The main emphasis will be on the role of the Netherlands in these developments. The role of Netherlands will be discussed, since it is one of the founding fathers of the EU and is often considered as an active player in the European field.

The Dutch role will be discovered through looking at the position of the Netherlands in two different bargaining rounds preceding the draft of a treaty. What did the Netherlands want, considering institutional changes in those rounds? After that, the actual institutional changes the relevant treaty brought will be considered. Those two facts combined will lead to an analysis of the Dutch influence on institutional changes.

The treaties will be looked at, since in a treaty bargaining round, unanimity is key. Every country, no matter what size it has, has the right to veto when drafting a treaty. The reason for looking at the treaties is that within the treaties large institutional changes take place. Treaties have often changed the institutional set-up of the European Union.

For this research it is chosen to look at EU institutional changes from a historical perspective. Historical processes can clarify situations and relations as they are today. Looking at the influence of the Netherlands on EU institutional changes in two different time periods, may show changes in influence over time.

The report starts with a theoretical framework and research design in chapter one. Then the findings will be showed in chapter two. After the answering of the sub questions, a discussion of the findings will take place, wherein interpretations and implications of the findings are being presented.

CHAPTER 1 RESEARCH DESIGN

This chapter shows the design of this research. First of all, the research question and the sub questions are being presented and explained. Then, a framework that elaborates on certain used concepts and theories is being discussed. Finally, the methodology and case selection conclude this chapter.

RESEARCH QUESTIONS

The question this research aims to answer is:

- What has been the role of the Netherlands in European institutional changes?

In order to answer this question, the following sub questions have to be answered:

- What institutional changes did the Netherlands want?
- What institutional changes did the Netherlands get?

The main question focusses on the role of the Netherlands in European institutional change throughout the years. In order to discover the answer to the question, two different treaties are being examined. The answer to the first sub question consist of an explanation of what institutional changes the Netherlands was aiming at in the process of designing the treaties; then the second part focusses on actual institutional changes in the treaties; lastly, the role of the Netherlands is derived from those previous facts.

The first treaty is the treaty of Rome on the establishment of a European Economic Community (TEEC), that was signed in 1957 and the second one is the Lisbon treaty amending the treaty on the European Union (TEU) and the treaty on the Functioning of the European Union (TFEU) signed in 2007. The role of the Netherlands will be determined through looking at what changes the Dutch wanted before the two treaties and what changes the treaties eventually brought them.

FRAMEWORK

In order to be able to answer the main question, this framework clarifies different concepts used in this research. Relevant concepts for this research are EU institutions and treaties. As this research focusses on the influence of the Netherlands on changing EU institutions through different EU treaties, the most important EU institutions and treaties are being shortly introduced in this framework. When determining a states' role or influence, it is necessary for there to be a theory or direction from which the states' role can be looked at. Therefore, a theory on small state influence concludes this framework.

EU INSTITUTIONS AND TREATIES

This research looks at the most relevant EU institutions and how the Netherlands has influenced these institutions through two the negotiation processes preceding treaties. Although the EU consists of multiple important bodies, the focus in this research is on four of them. These four are: the European Council; the Council of the European Union; the European Parliament; and the European Commission. These particular bodies have been chosen, because they represent the agenda setting and the daily decision making in the EU (Bache, 2011).

The European Council is the main agenda setting institution in the EU. It is considered an intergovernmental body, since the member states are the main actors within it. At the moment

of writing the European Council consists of: the heads of states of all EU member states; Herman van Rompuy, the President of the European Council; José Manuel Barroso, the President of the European Commission; and Lady Catherine Ashton, the High Representative for Foreign Affairs and Security Policy (Bache, 2011).

The Council of the European Union, better known as the Council of Ministers, consists of Ministers of the member states. The Council meetings are based on the specific portfolios of the Ministers. For example, there is a Council on Economic and Financial affairs, wherein Ministers of Economic and Financial affairs of all the member states meet and discuss matters of Economic and Financial importance. The Council has the power of decision making and is often considered an intergovernmental body, since national stakes are being represented by Ministers of the member states (Bache, 2011). The Council has to agree on the annual budget draft of the Commission in order for it to enter into force.

The European Parliament is different of the other institutions in the way that it is being directly elected by EU citizens. These elections take place once every five years. Since the Lisbon Treaty the EP will consist of 751 seats for the members of the EP, MEPs. The number of seats is divided among member states based on state size. The EP has co- decision making power and just like the Council, the EPs agreement on the annual budget draft of the Commission is necessary (Bache, 2011).

The European Commission is a decision making body which main tasks consists of commencing legislation and formulating the annual budget. The European Commission consists of 27 commissioners, one commissioner per member state, that all have their own portfolios. European Commissioners are expected to act in the interest of the EU at large, not in the interest of their country of origin. The Commission is also known as the Guardian of the treaties, since it is the main controlling body and checks whether or not the treaties are lived up to. The Commission is considered a supranational body of the EU, since the common interests should be represented there (Bache, 2011).

In the more than sixty years that the EU now exists, multiple treaties have been drafted and signed. The treaties are, referring from Bache (2011: pp. 226):

- The treaty of Paris: the treaty that established the European Coal and Steel Community in 1951
- The treaty Establishing the European Atomic Energy Community in 1957
- The treaty Establishing the European Economic community in 1957
- The treaty Establishing a Single Council and a Single Commission on the European Communities, also known as the Merger treaty, in 1965
- The treaty Amending Certain Budgetary Provisions of the treaties in 1970
- The treaty Amending Certain Financial Provisions of the Treaty in 1975
- The Single European Act: the foundation for the completion of a single market in 1985
- The treaty on the European Union, established the EU and the three pillar structure in 1992
- The treaty of Amsterdam: brought some changes to the TEU in 1997
- The treaty of Nice: brought more changes to the TEU in 2001
- The Treaty on the Functioning of the European Union in 2007

This report only goes into detail on two important European Treaties. These are respectively the Rome Treaty on the EEC, which entered into force in 1958, and the Lisbon Treaty on the TFEU, which entered into force in 2009. Within those two treaties only the institutional changes the treaty brought, are being assessed. These treaties were chosen to discuss for a few reasons. Firstly, the Rome treaty established the European Community or TEC which was amended few times, though it is still in force. Most recently it was amended to the TFEU in the Lisbon treaty. Thus, the treaty is still at the foundation of the EU architecture today. The Lisbon treaty is being considered since it is the most recent treaty and because it amended the TEC to the TFEU.

THEORY OF STATE INFLUENCE

When looking at the role of a state in negotiations, it is important to know how to define this role. There are lots of roles possible, but in order to analyse the role of the Netherlands it is beneficial to use one theory. Small state theory is elaborated on here, starting with Robert Keohane's theory on state influence. Then different roles a small state can play are being discussed and explained

Keohane has developed a theory upon state influence wherein he compares states to systems (2006). There are different sorts of states in the world political arena. Those different kinds of states can be compared to systems. Just like systems, a state has a certain amount of influence on its surroundings.

A state with great power can be considered a system determining state; this state is on its own able to change the system; a state able to change the world system by its actions or policies. Besides those system determining states, there are system influencing states. These states do not have the power to change the system on their own, but when they work together with another state or other states, they can still influence the system. Then there are system affecting states. These states are not big enough to be able to influence the system, but they can affect it when they are parts of alliances or small groups of other states. Then they can exert influence within those groups, since they are one of a few and this whole group then can influence the bigger system by their unified goals and policies. Lastly, there are the system ineffectual states. These states are also being compared to small states by Keohane. These states do not have the power to influence or affect the system. Being part of big groups is the only chance for these small states to have a say in world or regional politics. Since big groups exist of a lot of members, the chance that a small state can actually influence the groups' policy or goal is limited (Keohane, 2006).

Keohane's theory serves as a framework when looking at the role of the Netherlands in EU institutional changes. In the discussion, the Netherlands is being placed in Keohane's theory, in order to see what kind of state influence the Netherlands has had.

Keohane's theory shows that a small state cannot have a lot of influence in the world system. Thus, the future for a state such as the Netherlands does not look promising, since the Netherlands defines itself as a small state (S00845, 1956; HTK 27-06-2007). This entails that, according to Keohane, the Netherlands would be a system in affecting state that cannot exert influence in world or regional politics. Though, Steinmetz and Wivel (2010) argue that there are still opportunities for a state such as the Netherlands. Small states have certain strategies they can implement in order for them to be able to exert more influence than thought was possible.

Table 1 shows different roles and the characteristics of those roles. First of all, a strategy can be to have a forerunner reputation. This can be achieved through three different factors, namely persistent activism to promote an issue, expertise and knowledge and successful national policies (Jakobsen, 2009). The second role a small state can play is the role of being an honest broker or mediator. Small states can choose to act as a mediator between other member states (Steinmetz & Wivel, 2010). This only is effective when the state is considered as neutral in the issue and as fighting for the common interest (Jakobsen, 2009). They should look for opportunities to build consensus around issues that do not conflict with any other big European issues introduced by a big member state (Wivel, 2005). Third, as Keohane's theory already noted, a small state can build coalitions with other states and develop common goals. When building coalitions, a small state will benefit when it is considered a neutral actor (Jakobsen, 2009). Fourth, a small state can choose to specialize. Since small states have a lack of resources compared to bigger states, they have to focus on one particular area of their interest, so that they can put in all their resources in that area (Wivel, 2005) When a small state chooses to focus on one or a few spear points, their chances of influencing those specific areas increase. This due to their knowledge about those particular subjects. Fifth, the structure of the EU offers small states certain possibilities. Within the EU there are certain norms and values. Example of this is that

there is a consensus culture in the EU. It is important that all countries agree on an issue: In 2005 eighty one per cent of all the decisions in the EU were made by consensus (Heisenberg, 2005). This shows that even though a state is small, their approval of a decision is still often sought. More importantly, in the process of drafting a new treaty, every state has veto power and the right to use it. Finally, a strategy for a small state can be the delivering of convincing arguments. These kinds of arguments consist of three factors according to Jakobsen (2009), being that they have an innovative aspect; they represent shared EU norms; and they facilitate consensus and coalition building.

As all of the above shows, a small state such as the Netherlands has fewer capabilities to influence EU decision making in comparison to a larger state. Though, since the EU has a consensus culture and there are certain small state strategies, the chances are still reasonable for the Netherlands to influence EU decision making.

<i>Roles</i>	<i>Characteristics</i>
Forerunner	<ul style="list-style-type: none"> • Persistent activism • Expertise and knowledge • Successful national policies
Mediator	<ul style="list-style-type: none"> • State should be considered neutral • Fighting for the common interest
Coalition-builder	<ul style="list-style-type: none"> • State should be considered neutral • Develop common goals
Specializer	<ul style="list-style-type: none"> • Focus on one particular area of interest • Put all of their resources in that area
State that uses its veto power	<ul style="list-style-type: none"> • Using of or threatening with veto power
Convincing arguments	<ul style="list-style-type: none"> • Innovative aspect • Represent shared EU norms • Facilitate consensus & coalition building

Table 1: Roles and characteristics of a small state.

METHODOLOGY & CASE SELECTION

The framework showed what concepts are important for this report. This chapter shows how those concepts are used in the research and gives an explanation of the case selection and an elaboration on the methods used to process the available literature follows in this chapter.

Only two treaties are being considered in this research. The EU is based on more than just those treaties though. The two treaties that are being discussed are selected, since they both lay at the foundation of the EU. The treaty of Rome, or the treaty on the European Community (TEC), is the oldest European treaty that is still in effect.

The treaty of Rome aimed at creating a common market for the member states. Most institutions were founded in that treaty, though not in their current forms. To discover the Dutch standpoints in this specific time period, weekly reports of the Dutch Delegation in the Intergovernmental commission set by the Messina Conference to the Dutch Ministry of Foreign Affairs have been assessed. Every week from July 1955 onwards, the Dutch delegation sent progress reports of the committee's activities to the Dutch Minister of Foreign Affairs. The last reports were sent in 1957 when the treaty was established. Besides those reports, memoranda

and personal letters of the head of the delegation to the Minister or to the Secretary of State were also considered. Appendix I shows the list of the used reports, memoranda and letters. Besides these documents, Dutch parliamentary letters have been considered as well, as a way to see whether or not what the Dutch parliament discussed resembles the content of the weekly reports of the Dutch delegation. In order to go through all the literature, the previous mentioned documents were read based on some key words. Since the research focusses on institutional changes, the weekly reports of the Dutch delegation at the time of the Rome treaty were filtered using key words such as 'institutional set up', 'supranational approach', 'institutions', 'commission', 'council', 'assembly' and 'intergovernmental approach'.

The Lisbon treaty is the most recent European treaty and amended the TEU and the TFEU, which was previously known as the TEC. The Lisbon treaty has brought quite some modifications to previous EU treaties, since it changed the institutional architecture of the EU. The desired institutional changes by the Netherlands are derived from the parliamentary letters and papers of the Dutch government. The letters start in March 2007 till December that same year. The literature on the Lisbon treaty was filtered through words such as 'constitution', 'reform treaty', 'amendment treaty', 'institutions', 'institutional balance', 'council' and 'high representative'.

Through looking at the bargaining rounds preceding the eventual treaty draft, the Dutch role in the negotiations can be found. Different kind of questions can be asked in order to find out how the Netherlands behaved during the negotiations: Did the Netherlands give up on for them important standpoints quickly? Did they get something back in return? Did their opinion differ a lot from the opinion of the other member states?

Institutional changes in this research are all changes that entail a change in power between the four institutions or between member states within the institutions. The Rome treaty did not change the institutions but established them, the report considers those as changes as well.

CHAPTER 2: FINDINGS

This chapter shows the results of the literature research. The findings are built up in chronological order: first the role of the Netherlands in the treaty of Rome is discussed and then the role of the Netherlands in the Lisbon treaty is elaborated on. Both cases are divided into the two sub questions. First, what the Netherlands wanted leading up to the relevant treaty. Second, what the Netherlands got in the actual treaty. And last, the main question is being answered: what was the role of the Netherlands in the institutional changes in the two treaties?

THE TREATY OF ROME

Rome, March 1957: The treaty on the European Economic Community was signed by 'the six': West-Germany, France, Italy, Belgium, Luxembourg and the Netherlands. The treaty did not just come into being; almost two years of negotiating between the member states preceded the final draft of the treaty. These negotiations took place in Brussels and were led by the Minister of Foreign Affairs of Belgium, Paul-Henri Spaak.

On the 18th of July 1955, the so-called Spaak Committee met for the first time.

This committee existed of delegations of seven countries, namely West-Germany, to be called Germany after this, France, Italy, Belgium, Luxembourg, the Netherlands and the United Kingdom. The UK was represented at the first meetings, though the other states from the beginning on knew that the probability of the UK participating in the actual outcome was not high. Besides the state delegations, the meetings were sometimes attended by representatives of the European Coal and Steel Community, the Organisation for European Economic Cooperation, the General Agreement on Tariffs and Trade and the Conference of European of Transport (S00825, 1955). Respectively the ECSC, the OEEC, the GATT and the CEMT. These organisations were present, since their interests were also at stake when the six would succeed in creating a common market. During the negotiations the organisations had the chance to give their opinions on the matters. Though, these opinions were in the most cases not binding for the six.

The Spaak committee was set up with the purpose of it being a study committee. The eventual report should therefore not make notice of national views. The goal of the committee was to draft proposals on how to establish the common market and a customs union. In the end, Ministers of the six countries would discuss those proposals. This goal of the committee should enable the delegations to discuss expert opinions, not national ones. Though, the weekly reports show that every delegation was still representing its own country and its views.

The last meeting of the Spaak Committee was on the 23rd of April 1956. After that meeting the Spaak report on the Common Market and EURATOM was sent to the national governments. After the Ministers of Foreign Affairs of the six got together, the Inter-Governmental Conference for the establishment of the Common market and EURATOM was set up. Therein the so-called treaties of Rome were drafted. These treaties were signed on the 25th of March 1957.

In the Dutch delegation itself, there were multiple important persons. Most notably though, were the first representatives of the Netherlands. In the Spaak committee the first representative of the Netherlands was Gerard Marius Verriijn Stuart. The first representative of the Netherlands in the IGC and second representative of the Netherlands in the Spaak committee was Hans Linthorst Homan. Linthorst Homan is the one who wrote almost all weekly reports and therefore he is being quoted multiple times in this chapter. To get an idea of the nature of the letters of the delegation, an interesting quote of Linthorst Homan: *'The case now is, that the Netherlands argues, when it concerns financial contributions, that they cannot go higher than 6.5 %. The other delegations consider this inconsequent. They are obviously not right, and our delegation will continue the battle with our heads held high, though this confidential report allows*

us to point out the difficult situation, so that one knows what kind of argumentation Minister Luns can expect later on.' (S00860, 1957: pp.2) ¹. The quotes show the confidential nature of the letters of the delegation, as well as the difficult situations the delegation faced when having to cling to the Dutch opinions. Also, the reports prepare the Dutch minister on what kind of opposition he can expect when the Ministers of the six countries would get together and discuss the results of the IGC.



Table 2: Time table: the process of drafting the treaty.

¹Original quote: 'Nu is het echter zo, dat Nederland zodra het op de financiële bijdragen aankomt argumenteert met overigens juist cijfers, dat het niet hoger kan gaan dan 6.5%. De andere delegaties achten di t inconsequent. Zij hebben uiteraard ongelijk - en onze delegatie zet de strijd opgewekt voort - doch in di t vertrouwelijke verslag moge op deze moeilijke situatie worden gewezen, opdat men wete voor welke argumentatie vermoedelijk Minister Luns straks zal worden gesteld'

WHAT DID THE NETHERLANDS WANT?

The position of the Netherlands in the drafting of the treaty of Rome follows. This position is divided into two periods of time. First, the position of the Netherlands in the Spaak committee is discussed. Second, the position of the Netherlands in the IGC on the common market is considered. At the end, a summary of the institutional views of the Netherlands, presented in a table, concludes this chapter.

The Spaak committee (July 1955 till April 1956):

In a personal letter of Linthorst Homan to the Dutch Secretary of State, the primary Dutch goal in the meetings are elaborated on. This goal was to realize the common market with low external tariffs and with free movement of people, capital, services and goods (S00826, 1955; S01060, 1955). This fits with the objective of the committee.

The Dutch delegation considered the other countries as willing to draft a good report. With the exception of the UK: they acted more reserved than the other represented countries (S00825, 1955). As the report states: *'Multiple delegations made the impression that they were willing to work hard. Only the English delegation held back largely and limited itself to pointing out the dangers of duplication of the work of other international organisations'* (S00825, 1955: pp. 2)². This reserved attitude of the UK fits with the fact that they left the Committee few months later. The other five states all wanted to achieve the objective of the committee, though the desired means to reach that goal differed per country.

Soon after the start of the committee, the Dutch delegation was afraid of the position of France and Luxembourg regarding the issue of institutions. It was expected that these countries would not want a supranational approach (S01060, 1955). Unlike the Netherlands, who were in favour of supranational institutions. The Dutch representative Linthorst Homan argued in a note to the Secretary of State, that there were two approaches the Netherlands could choose to take concerning the common market. The first one being a supranational approach and the second one being an intergovernmental approach. Deriving from Minister Beyen's views, Linthorst Homan thought that the Netherlands would choose a supranational approach. He also argued that, since the treaty would be less detailed than the ECSC treaty, more responsibilities would have to lay with bodies such as a Parliament and a Council of Ministers (S01060, 1955).

Besides the disagreement between France and the Netherlands on the issue of supranationality, The Netherlands was opposed to mainly France when it concerned harmonisation and protection issues. The Netherlands wanted to avoid a protectionist common market coming into existence, while France argued that strong European protectionism would be desirable for the six (S00826, 1955). This protectionist attitude mainly concerned the external tariffs of the desired customs union. The Netherlands argued for tariffs as low as possible, like all the other countries did as well. France though, wanted the tariffs to be high. The Netherlands argued they wanted the tariffs to be the same as the Benelux customs union's rates, though the other states did not seem to agree with that (S00829, 1955). Another issue, was that the Netherlands perceived harmonisation as taking place after free movement. France, on the contrary argued that harmonisation should take place before free movement (S00827, 1955).

Early on in the negotiations, the Netherlands argued for there to be a possibility of safeguard clauses (S00830, 1955). The other countries agreed with the Netherlands on this without further discussions.

During the negotiations the biggest differences the Netherlands had with another country would remain to be with France.

² Original quote: *'Verschillende delegaties wekten de indruk tot constructieve arbeid bereid te zijn. Alleen the Engelse delegatie hield zich grotendeels afzijdig en beperkte zich ertoe van tijd tot tijd te wijzen op het gevaar van duplicatie met het werk van andere internationale organisaties'*

Institutions:

In September 1955, the first dialogues on institutional matters started. Those consisted of mainly general views of the delegations on how the institutional architecture of the common market should look like. The Netherlands argued for a few desirable institutions, derived from the ideas of Minister Beyen (S00831, 1955).

First, the Dutch delegation argued for a body that existed of representatives of the six countries. This body would have decision-making powers, through unanimity and majority voting. Besides that, the Netherlands wanted another decision-making body. This second body would exist of representatives of the Community. Finally, the Dutch delegation pointed out that they thought there should be some legal body, such as a court. Most important for the Netherlands was the combination of all those bodies; there should be a balance between them (S00832, 1955). Another institution important to the Netherlands, was a Social and Economic Council. The most important opponents of the Netherlands institutionally wise, were France and Luxembourg. Luxembourg just wanted a Council of Ministers that would decide by majority voting. France argued that there should be some sort of coordinated action; it did not have more concrete ideas at the time (S00832, 1955).

A few weeks later, in October, Linthorst Homan sent a letter to the Dutch government. In this letter he wondered what kind of attitude the Netherlands should take concerning the institutional issues. He proposed that the Netherlands would stay truthful to previous statements and take the supranational 'European approach'. This would mean that they could lose some valuable rights, but at the same time other countries could not accuse the Netherlands of acting illogical to their views (S01069, 1955). He said: *'We are the pioneers in this. It was the Netherlands that came up with Plan-Beyen and it was the Netherlands who in Messina brought forward the 'General European' approach. Is that our calling, then our plea has to be inviolable, and then we should not make the impression that we cannot face our own consequences...- To my opinion, it is essential for there to be one country that dares to put the case as purely 'European.'* (S01069, 1955: pp. 3-4).³ In the same letter it is written that the Dutch government agreed with Linthorst Homan's idea of taking the European approach. Thus, from the beginning on, the Dutch delegation chose the European approach, thereby being extreme in their supranational views, when compared to the other countries.

In November 1955 all the representatives agreed on the fact that the community should have a central body and a council of Ministers (S00835, 1955). The general view was that the institutions would be drafted after the economic issues were dealt with. That month agreement on the institutional set up was not reached.

In the same month, the meetings revolved around some changes in the provisional report. The Netherlands tried amend the articles regarding external tariffs. The Netherlands wanted external tariffs as low as possible. Their attitude was not appreciated by Spaak and the French delegation, since, as Spaak argued: *'The Netherlands should not forget that France is having a hard time concerning for example the institutional matters, and would the Netherlands now accept a report wherein France cloaks itself in vagueness? After all, no?'* (S00836, 1955: pp. 5)⁴. France stated that they had had to do a lot of concessions; when the Netherlands would not give in on the issue of external tariffs, France would start to have reserves on other cases. The Netherlands drafted a new proposal concerning tariffs in February. All the other delegations disagreed and they argued that the Dutch view would impact the six' economies negatively

³ Original quote: *'Wij zijn de pioniers in dezen. Nederland was het, dat het eerst met het plan-Beyen kwam, en dat in Messina de 'Algemene Europese' approach weer naar voren bracht. Is dat onze roeping, dan moet ons betoog ook innerlijk zakelijk onaantastbaar zijn, en dan moeten wij niet de indruk maken, zélf onze eigen consequenties niet aan te durven. ...- Het gaat er m.i. wél om dat er althans één land is, dat de zaak als geheel sluitend - "Europees' durft te stellen'*

⁴Original quote: *'Maar Nederland vergete niet, dat b.v. in de institutionele zaken Frankrijk het moeilijk heeft, en zou nu Nederland een rapport aanvaarden waarin Frankrijk zich institutioneel in vaagheden hult? Immers, neen?'*

according to research (S01074, 1956). The Dutch delegation accepted this, though they kept arguing for low external tariffs.

In the meeting in November the Netherlands stressed the importance of democratic control in the institutional setting. The other delegations agreed that there would have to be some sort of parliament in the community (S00836, 1955).

In the last meeting of the Spaak committee in April 1956, the Dutch delegation made some statements concerning the institutions. First of all, the Netherlands wanted the community body, the Commission as it would be named, to get a more central position. In the report, contrary to what the Netherlands wanted, the Council of Ministers possesses most power. Secondly, the Netherlands was against the weighing of votes in the Council of Ministers, since they considered this as conflicting with equal rights of states. Thirdly, the Netherlands opposed to an increase in members of the Assembly, which would be the body responsible for the parliamentary representation. The delegation acknowledged that those three institutional issues were fundamentally different to the Spaak report (S00789, 1956). They knew the issues would not be included in the report, though stated their arguments in order for the other delegations to understand the Dutch views. Those opinions would after all also be expressed when the national would meet the following months.

The Intergovernmental Conference

The first meeting of the Intergovernmental Conference on the common market and EURATOM commenced on the 26th of June 1956. This conference began after the Ministers of the six countries got together and discussed the Spaak report. The IGC was led by Spaak, just like the Committee. The goal of the conference was to discuss details that were not yet mentioned in the Spaak report. The weekly reports of the IGC therefore elaborated on technical issues, mostly the issues that were hard to reach agreement on. Examples of those issues are tariffs, harmonisation, overseas areas, agriculture, transport, safeguard clauses and voting methods. Those kinds of issues are complex and this report will not explain them. In the meetings of the conference, the responsibilities of the institutions were discussed per topic. Therefore, first the views on the general tasks of the different institutions follow, after which the views on the sectorial tasks of the institutions are elaborated on.

Institutions

In the meeting at the beginning of September 1956, agreement was reached on which institutions would be included in the treaty. Those would be: a Council of Ministers; a Commission; a Court of Justice; and an Assembly, or parliament. There was disagreement between France and Germany and the Netherlands on the matter of shared institutions with the ECSC. Germany and the Netherlands argued that the Court of Justice and the Assembly should be shared institutions with the ECSC (S00841, 1956). France disagreed and thought the institutions of the two organisations should be separated.

There was one thing the Netherlands missed in the provisional institutional set up, namely an independent body (S00843, 1956). An institution that would coordinate between the Council of Ministers and the Commission (S00784, 1956). Throughout the meetings though, the Dutch delegation did not seem to fight for this institution. Concerning the role of the Assembly, the Netherlands did not have a clear opinion at the beginning of the meetings of the IGC. This role would depend on how the balance between the Council of Ministers and the Commission would turn out to be (S00846, 1956).

Regarding the procedures of decision making, the Netherlands argued that the Council of Ministers should only be able to take decisions, after a proposal by the Commission. All the other delegations disagreed, since this would place the Council of Ministers in a secondary position. France did understand the Dutch opinion though; they proposed that the Council of Ministers should be obliged to ask for advice to the Commission before taking decisions (S00842, 1956). The Netherlands also argued for the Commission to draft the annual budget, after which it would

have to defend the budget against the Assembly. The other countries did not necessarily disagree, except for France. The French did not want to give too many responsibilities to the Assembly and the Court (S00842, 1956). France wanted qualified majority voting (QMV) in the Council of Ministers. The Netherlands argued that this should only be possible when the Council of Ministers would decide on an issue following a proposal of the Commission.

National views regarding the procedures of decision-making were more elaborated on in September 1956. Germany, Italy and Belgium agreed with each other when they argued that the Commission should have a merely preparatory task, while the Council of Ministers would have the decision-making power. France argued that all the power should be with the Council of Ministers, who would decide by unanimity in the transition period, while the Commission would only have an advisory task. The Netherlands wanted the Commission to share the decision-making powers with the Council of Ministers. Belgium could agree with the Dutch view. Germany and Italy argued for the Council of Ministers to have the decision-making powers, at least in the beginning years of the community (S00843, 1956).

Disagreement rose around the weighing of votes in the Council of Ministers. For the Netherlands, QMV in the Council would be unacceptable, since they considered that method as discriminating towards smaller countries (S00845, 1956). This was an important issue for the Netherlands and throughout the negotiations they kept on trying to change the voting methods. The Spaak report already introduced the weighing of votes though, and the Netherlands was the only country that did not agree with the QMV method.

The proposed weighing of votes in the Spaak report was: four votes for Germany, France and Italy; two votes for Belgium and the Netherlands; and one vote for Luxembourg. A majority would be achieved with twelve votes. The Netherlands was willing to do some concessions, after Belgium proposed another way of weighing the votes: three votes for the three large states; two for Belgium and the Netherlands; and one for Luxembourg (S00852, 1956). France rejected this.

The Netherlands argued that they were only willing to accept the Spaak proposal, when a majority would be reached at thirteen instead of twelve votes, so that the vote of one of the three small countries would always be necessary for a qualified majority.

France disagreed, since that would mean that the Benelux states together could block every decision. Neither France, nor the Netherlands gave in. France argued: *'..- They had done a major concession when they accepted the Dutch proposal, wherein the Council would have to abide to the relevant 'proposition' of the European Commission when a decision would be made by majority voting. If the Netherlands would now demand from France to weaken the original formula , then France will not only reject that demand, France will also withdraw the previously mentioned concession.'* (S00853, 1956: pp.5)⁵.

Interesting, since France had made a similar statement during the meetings of the Spaak Committee. Though, no agreement was reached and it was decided that the Ministers of the six would have to decide on the matter.

Tariffs:

The topic of tariffs remained a topic of disagreement in both the Committee as well as in the IGC. In the IGC, France and the Netherlands were still not on the same page regarding the issue. The Netherlands still strived for low tariffs, while France argued for high ones. Therefore, on the fifth of December, Germany organized a meeting between the French and Dutch delegations regarding the external tariffs. The Germans thought that a compromise between the two countries would not be possible; therefore they proposed to develop a completely new approach. This approach would involve the creation of a general formula wherein the countries

⁵ Original quote: *'Tenslotte merkte Frankrijk op, dat het een grote concessie had gedaan door het eerdere Nederlandse voorstel te aanvaarden, dat de Raad hij zijn meerderheidsbeslissingen zich moet houden aan de betrokken "proposition" van de Europese Commissie. Vraagt Nederland nu bovendien nog de formule voor Frankrijk te verzwakken, dan wijst Frankrijk niet alleen dat af, doch het trekt zijn genoemde eerdere concessie in.'*

in combination with the community institutions, could eventually change the tariffs. France agreed to the German proposal, but the Dutch delegation was astonished by how easily the two others seemed to let go of the provisions made in the Spaak report. The Dutch considered the proposal to be politically and economically unacceptable. Understandably, no agreement could be reached in the meeting (S00854, 1956).

Few weeks later the Netherlands met up with the just the German delegation. The Germans let the Netherlands know that they agreed with the Netherlands: They as well wanted the external tariffs to be as low as possible. Though, due to political reasons, which were not further elaborated on, the Germans could not fight that battle themselves. Linthorst Homan in a note to the Dutch government reacts on this with a bit of annoyance: '*Same old*' (S00859, 1957: pp. 22)⁶. Indicating that they had not expected a different attitude of the Germans. The attitude might have something to do with the fact that the EURATOM treaty was being drafted at the same time, and Germany and France could not reach agreement there (S00843, 1956). Maybe the Germans were afraid France would take back concessions they had already made, but the reasons for the German behaviour were not elaborated on.

In the same week at the end of December 1956, Belgium and the Netherlands drafted a proposal that concerned the external tariff policy. This proposal involved that the Commission would have to be able to independently negotiate about external tariffs with third countries. They could not find support for this idea by the other delegations (S00856, 1956).

At last, the Netherlands and France reached agreement on the matter of external tariffs, by both doing concessions. The Netherlands agreed to drop their unanimity demand concerning some external tariffs, while France accepted that the Commission would have decision making power in all cases wherein tariff quotas could be granted (S00865, 1957).

Safeguard clauses

Next to the disagreement on the matter of tariffs, there were also some conflicts surrounding the issue of the granting of a safeguard clause when economic interests would be at stake. The Netherlands argued that the Commission should have a strong position here, though Germany considered it an issue for the Council of Ministers (S00842, 1956).

The Netherlands and Belgium wanted the Commission to be the institution that could give a state a recommendation in case that state would face problems in its balance of payments. The state would have to execute those recommendations before the problems would be tried to solve through mutual assistance. A safeguard clause could only follow after the state would have executed the measures proposed by mutual assistance (S00854, 1956). This approach is different to the proposal done by Spaak, since the Commission would have to be more powerful in the views of the Belgium and Dutch delegations.

Agricultural policy

The agricultural policy was one of the main issues for the Netherlands (S00854, 1956), since agriculture was an important sector in the Netherlands at the time. In the negotiations, the Netherlands wanted the agricultural policy to be one of the responsibilities of the Community bodies. France wanted it to be part of the responsibilities of the Council of Ministers (S00846, 1956). Also, the Netherlands wanted the Commission to be the body that would control the implementation of global quotas. Belgium and Germany tended to agree with the Netherlands on that issue (S00847, 1956). Though they did not seem to give their full cooperation at this point yet, the Dutch delegation expected them to, eventually.

The Netherlands agreed with the proposal for the role of the institutions within the agricultural policy: In the first two years, the Commission sends in a proposal to the Council of Ministers. The Council has to agree on the proposal by unanimity in the first two stages of the transition period, afterwards by QMV. The Assembly would have to give its permission on the proposal. France does not necessarily see a role for the Assembly in this matter (S00856, 1956).

⁶ Original quote: '*Het oude liedje*'

France and the Netherlands disagreed on the issue of unanimity. The Netherlands only wanted unanimity in the first stage of the transition period. Opposed of the Netherlands, were the French, who wanted to have unanimity in the Council of Ministers for at least the first two stages (S00859, 1957). In one of the last meetings of the conference in March, the Netherlands gave up their reserve on the matter of agriculture: now there would be unanimity voting in the first two stages (S00866, 1957).

Enterprises and the re-adaptation fund:

The Netherlands wanted the Commission to have judicial power over enterprises. All the other delegations disagreed; they wanted the Commission to go to the national government of an enterprise, and point out the problem. Then that specific government would reprimand the company (S00850, 1956). Also, the Netherlands wanted enterprises to have a direct right of complaint to the Commission (S00853, 1956). The Netherlands wanted the management of the re-adaptation fund to be one of the tasks of the Commission. France is the only country that still has doubts about that (S00850, 1956).

Trade policy

The Netherlands wanted the execution of the trade policy to be the responsibility of the Commission. On the contrary, Germany and France want the Council of Ministers to be the executing body (S00855, 1956). Also, the Dutch delegation argued for the exchange rates to be the responsibility of the Commission (S00847, 1956).

France

In September 1956, France stirred up the debate by saying they wanted to have postponement of participation. This postponement was necessary due to a conflict situation in the French colony Algeria. Another reason for the postponement was that France had severe problems in their balance of payments. Those two reasons combined made the other countries quite understanding of the potential postponement. Though, the Netherlands asked France whether or not they would take back some amendments, when they would get an exceptional position (S00842, 1956). They argued that when France would get an exceptional position, it would be appropriate for them to draw back some reserves. Luxembourg though, argued that the fact that France would maybe start participation later, that fact should not withhold them from making amendments and reserves.

In November 1956, France and Germany established a proposal concerning the common market. This proposal introduced the French exceptional position. The Dutch delegation was alone in disagreeing with the proposal, since they wanted there to be an end date to the exceptional position of France. France disagreed (S00851, 1956).

In February 1957 the French came up with a compromise concerning their position of exception, in order to get closer to the Dutch views on that same position. The Dutch delegation was pleased with the proposal, since the end period of the position was being dealt with in the proposal. The delegation would like the proposal to be slightly more detailed. In the same meeting, necessary details for the Netherlands were agreed on by France and agreement was reached (S00861, 1957).

Benelux

In a meeting of the Benelux countries, Belgium and Luxembourg admit that they agreed with the Dutch view on the powers of the Commission. Though, they argued: *‘The Netherlands are in principle correct, thought we cannot support you, since that would be surrealistic, now that the French and the Germans do not want the same.’* (S00846, 1956: pp. 2)⁷. They did not want to put off France. They also stated that they would agree with the Netherlands on the point of letting the Commission decide on a safeguard clause (S00846, 1956).

⁷ Original translation: *‘Nederland heeft in principe gelijk, doch wij kunnen u beslist niet steunen omdat dat irrealistisch zou zijn nu, de Fransen en Duitsers het niet willen’*

A month earlier, the Benelux countries had discussed France. The danger of France leaving the meetings on the common market became less important, since the UK had indicated that they would be willing to join a free trade area with the six. This would counterbalance France, since the UK was also a large sized country with a big economy. The conclusion of the Benelux meeting was: *'All three of the delegations will use their (potential) concessions as a tool in the negotiations with the French.'* (S00842, 1956: pp. 1)⁸. Thereby indicating that they would not let France just take all it could get without getting something in return.

In January 1957 the Benelux countries met again to coordinate their actions. The Netherlands informed the other two countries on the fact that they would be committed to external tariffs as low as possible. If they could not achieve this, there would be the danger of the Dutch government not signing the treaty. Belgium let the Netherlands know that they could not support the Netherlands in this matter; they did not consider it realizable (S00859, 1957).

Overseas areas

At the half of February 1957, the French delegation informed the other delegations that they would want Algeria to be included in the common market. This due to the problems France was having at the time with Algeria. Around the same time, the UK sent a delegation to visit the conference; they said that they would advise the six to create the common market for just the six of them. Not for their overseas areas (S00865, 1957). The Netherlands argued in the beginning of March 1957 that the Commission would have to have decision-making powers concerning projects in the overseas areas.

Monopolies

In the last meeting of the IGC, the decision making procedures concerning monopolies were decided on. The Council of Ministers would, during the first two stages, decide whether or not agreements are kept. This instead of what the Netherlands wanted, namely that the Commission would give binding advises to the Council of Ministers concerning monopolies (S00866, 1957).

Belgium

The Dutch delegation met up with the Belgium delegation, outside the context of the Benelux. At the beginning of 1957, the Dutch delegation asked Belgium to back them up as much as possible. Belgium argued that this would be possible regarding the agricultural policy, but not concerning matters of overseas areas or transport, since the views of the Netherlands differed too much of the Belgium thoughts (S00859, 1957). The support of Belgium was important for the Netherlands, since the end of the IGC was near and they needed all the help they could get.

Final meetings

On the ninth of February 1957, there were still 140 issues concerning the customs union that no agreement had been reached on. The final date for the treaty though, was set in March that same year. All countries seemed concerned about the time limit and the Netherlands made the remark that they would withdraw previous concessions made by them, when agreement would not be reached in time (S00864, 1957). In the following month, most issues were solved through compromises between the countries; everyone seemed to feel pressure to finish the treaty in time. On the ninth of March 1957, the last meeting of the IGC took place. The last details and some final amendments to the treaty were added in that meeting. At the end, Spaak is being thanked for his: *'Powerful and inspiring leadership during the proceedings'* (S00867, 1957: pp. 13)⁹ after which Spaak thanked the heads of the different delegations for their cooperation and said that: *'They had shown a true European spirit.'* (pp. 13)¹⁰.

⁸ Original quote: *'Alle drie de delegaties zullen hun (eventuele) concessies als onderhandelingsobject tegenover de Fransen gebruiken.'*

⁹ Original quote: *'Spaak wordt bedankt voor z'n krachtige en bezielende leiding der werkzaamheden'*

¹⁰ Original quote: *'Waarbij zij allen getuigd hadden van een waarlijk Europese geest.'*

All in all, the Netherlands strived for a lot of things. Most importantly institutionally wise though, was the power of the Commission. The Dutch delegation kept trying to pool power away from the Council towards the Commission. Besides the Commission, the Dutch delegation was in favour of a council of Ministers, a parliament, an independent body and a social and economic council.

Comparison to parliamentary letters of the Dutch government

In order to learn more about the trustworthiness of Dutch parliamentary letters, a few of them are compared to the weekly reports of the Dutch delegation in the committee and the IGC. The parliamentary letters are letters that describe parliamentary debates, questions of members of parliament to the Dutch government and the answers of the government to these questions. The debates show what the general thought in parliament was on the issue of a European common market.

In general, the parliamentary letters show a great resemblance with the weekly reports of the Dutch delegation at the Spaak committee. The differences can be found in the fact that the parliamentary letters are less detailed. The letters clearly show the Dutch standpoints on the common market.

The most important goal for the Dutch government at the time was to reach the common market. Preferably, a common market that would consist of an executive body with its own responsibility towards a community parliament. This would mean a supranational body and a supranational parliament. Prime Minister Drees also mentions the fact that these standpoints were shared by Belgium and Luxembourg, since these same points were in the Benelux memorandum on the Messina conference (HTK, 06-10-1955).

The protectionist attitude of France is shown in the letter of 28-10-1955 (HTK, 28-10-1955). There it is said that France is trying to get high import duties. According to the Dutch government, high import duties would be an obstacle on the way towards European integration: free movement is a condition in order to have prosperity in Europe.

It is said in a letter that the Spaak commission was different than preceding commissions, due to its study character (HTK, 30-11-1955). This study character is being emphasized in the weekly reports of the Dutch delegation as well (S00828, 1955). There it is also said that it was on the request of the Netherlands to not make notice of the national standpoints in the eventual report, so that all the Ministers could freely decide on their standpoints after the final report was distributed among them.

The parliamentary letter of the first of December that same year, Minister of Economics, mister Zijlstra, stated that most people in the House of Representatives and in the Senate are proponents of the Dutch attitude towards European Integration. There was consensus in the way that they agreed that a supranational authority is necessary in order for the common market to succeed (HTK, 01-12-1955). Minister Zijlstra also argued that it has always been the Dutch standpoint that economical questions have to be solved before a treaty is further completed. This also reflects what is said in the weekly report of the beginning of August, namely that institutional questions would be answered later on in the process. First economical solutions had to be reached (S00828, 1955).

On the second of December 1955, a member of the House of Representatives states that Germany and France do not yet agree with a supranational body. Minister Zijlstra confirmed that this might be true in the case of France, but said that Germany is not against a supranational institute. When the necessity of a supranational body would be clear, Germany would agree (HTK, 02-12-1955). This fits with the weekly reports of the Dutch delegation, since Germany on the fourth of December stated that in cases of difficult economic questions, for example tariffs, more responsibility for the community body would be a solution (S00836, 1955).

In the same month, the Minister of Agriculture in the Netherlands, mister Mansholt, argues that the Netherlands does not want the agricultural policy to be treated separately from the other policies. That would influence trade negatively. He stated that the delegation in Brussels knows this and that they are fighting for the agricultural policy to be part of the general

policies (HTK, 15-12-1955). This fits with what the Dutch delegation was arguing for in the negotiations (S00833, 1955). They argue that the agricultural policy should be dealt with the same way institutionally wise as other policy areas (S00856, 1956).

In February 1956 Minister Beyen argues for the supranational institutional approach. He states that the community body would have to have power to act. This is necessary in areas concerning the common goal. It would have to pay responsibility to an assembly, not the council of Ministers (HTK, 17-02-1956). This fits with the attitude the Dutch delegation shown throughout the negotiations, for example with the previously mentioned 'European' approach (S01069, 1955).

In 1957 the Dutch government stated that, when making up their minds on the issues concerning the common market, they would use the Spaak report as a basis. They argued that the Dutch delegation should strive for the position of the Commission to be as strong as possible. They also state that this view raises great opposition with the other countries (KTK, 4500III no. 15). This fits with the attitude of the Dutch delegation in the IGC, since, as shown, they tried to increase the power of the Commission concerning almost all the different topics discussed in the meetings.

To finalize this part of the chapter, an interesting quote in the Dutch House of representatives summarizes the Dutch position. In the debate of the annual budget, the House of Representatives discussed European integration and the common market. They said that they appreciate that the Minister of Foreign Affairs keeps representing the Dutch point of view considering the need of a supranational organisation of the common market. At the same time, they were aware of the difficulties on the road towards such an organisation. The House of Representatives stated: *'Despite the smallness of the Netherlands, they should put all their energy in the realization of this goal -Supranational organisation of the common market-, because only then it will be able to maintain its peoples existence in the long run. Surely, realizing its growing influence on international developments and by acknowledgement of the Dutch efficacy in international relations, the Netherlands will make itself more and more indispensable through knowledge and trustworthiness.'* (KEK, 4100III no. 133)¹¹. Thereby showing the opinion of the House of Representatives on how the Netherlands, as small as it is, should behave in international relations, and thereby in the European community.

In short, the parliamentary letters showed to be trustworthy when compared to the weekly reports of the Dutch delegation. Though, they were less detailed, the essence of the letters is the same as the content of the weekly reports. The exact Dutch goals were not elaborated on much, but the main aims were being discussed in the parliamentary letters. Thus, the parliamentary letters represented the Dutch goals well.

¹¹ Original quote: *'Nederland moet zich juist vanwege zijn kleinheid met volle energie geven aan de verwerkelijking van dit doel, omdat het alleen zo in staat zal zijn zijn volksbestaan op de duur te handhaven. Immers, in het bewustzijn van zijn groeiende invloed op de internationale ontwikkeling en door de erkenning in internationale kringen van de Nederlandse werkzaamheid, zal Nederland zich door kunde en betrouwbaarheid meer en meer onmisbaar maken.'*

WHAT DID THE NETHERLANDS GET?

The draft by the IGC on the treaty on the European Economic Community was finished in March 1957. The goal of the Community was, as the treaty stated, to ensure a continuing improvement of the circumstances under which their people live and work. The treaty focusses on reaching this goal through an ever closer union between the European peoples and by joint action according to part one of the Treaty of Rome. All the following information is derived from the original Dutch translation of the treaty of Rome.

Main principles underlying the treaty:

The main principles of the treaty are presented in the part one of the Rome treaty and are the common market and the harmonisation of economic activity within the Community. To achieve this, there are multiple important factors. Among them are the abolishment of customs, community custom tariffs, removing of obstacles for free movement of people, capital and services, common agricultural policy, common transport policy and the coordinating of national legislation.

The main principles of the treaty fit with the goal the Netherlands had at the start of the negotiations in 1955, as mentioned in the previous chapter. Though, differences in the negotiations were not concerning the goal itself, more in the means of how to achieve the goal.

Institutional changes:

The treaty introduced three main institutions in part five, being the Assembly, the Council and the Commission. Responsibilities of the institutions differ per policy area, though every institution does have some main responsibilities. Besides those institutions, the Netherlands could be pleased with the fact that the community would have a Social and Economic Committee, since the Netherlands stressed the importance of such a body early on in the negotiations.

The Assembly of the common market would replace the ECSC's Common Assembly and would take over the responsibilities of that body. The Assembly existed of representatives that the national parliaments would select from their midst. Numbers of representatives:

- 36 representatives for Germany, France and Italy
- Fourteen representatives for Belgium and the Netherlands
- Six representatives for Luxembourg.

The Assembly would be merely a controlling body. It would have to discuss the annual report of the Commission every year.

The Netherlands never really had a clear opinion on the powers of the Assembly. As mentioned before, the Dutch delegation thought the powers of the Assembly would have to depend on the power balance between the Commission and the Council. They did not elaborate on how the power balance between those two would affect the Assembly's responsibilities in their opinion. The Netherlands was the country that first came up with the idea that there would have to be some kind of democratic control in the community and have thus achieved that.

The Council would be responsible for the coordination of the member states' national economic policies. The institution would have decision-making powers and would consist of one representative per member state. It would be chaired by one of the member states' representatives for a six month period. Decisions in general would be made through an absolute majority of the votes. When voted by qualified majority though, the weight of the votes would be:

- Four votes for Germany, France and Italy.
- Two votes for Belgium and the Netherlands.
- One vote for Luxembourg.

When there would be voted on an issue raised by a proposal of the Commission, twelve votes in favour of the decision would be enough for the issue to be accepted. When there would be voted on an issue not following a proposal of the Commission, there would have to be twelve votes in favour, consisting of at least four of the member states.

The Netherlands was always in favour of a Council, though they would have preferred the Council to have as much decision-making power as the Commission. They eventually got a Council with more decision-making power than desired by the Netherlands. Besides that, the Netherlands wanted the Council to decide by majority, not by qualified majority. They did not agree with the weighing of votes in QMV. The Netherlands would have wanted a majority to consist of thirteen votes, not twelve. Though, when the Council is making a decision not based on a proposal of the Commission, the Benelux countries can block this decision. This is not exactly what the Netherlands wanted, but still a concession of the bigger countries towards the Netherlands.

The *Commission* would control provisions made by the treaty, to make sure the goal of the treaty, the common market, would be achieved. The Commission would also recommend and advice the Council. Besides that, the Commission would have decision-making power and it would execute the tasks the Council would give to it. Every year the Commission would release an annual report about the communities' proceedings. The Commission would consist of nine members, not more than two members of the same member state. The members of the Commission would act in the benefits of the Community. Their membership would last for four years and they could be reinstated after those four years. The Commission would have a chairman for two years together with two vice presidents. The Council and the Commission would advise each other and together they would coordinate their actions and the ways they would work together. Voting in the Commission would take place by majority voting.

Throughout the negotiations, the Netherlands made sure to stress the importance of a powerful Commission. In the end they did not get a Commission with equal decision-making powers as the Council. They did get a Commission with decision-making powers in some areas and with the right to draft proposals the Council would have to decide on. As the previous chapter showed, the Netherlands achieved the Commission to gain more powers through making compromises with other states.

Institutional tasks per relevant sector:

Agricultural policy: The first sentence in part two of the treaty, on the agricultural policy is: '*The common market extends also to agriculture and the trade in agricultural products*' (Treaty of Rome, 1957: pp. 41)¹². This is an achievement for the Dutch delegation, since they wanted the agricultural policy to be explicitly part of the common market. This is confirmed in the same paragraph where it is said that, when not otherwise stated in the treaty, the rules for the establishing of the common market would also apply to agricultural products. In the agricultural policy, the Commission would draft proposals concerning the establishment and execution of the common policy. Though it is also stated that the member states together would develop the common agricultural policy in the transition period. During the first two stages the Council would decide unanimously on guidelines, after that, the Council will decide by QMV. Though the agricultural policy is treated as separate from the other policies, the treaty does emphasize the fact that the policy is still part of the common market.

The Netherlands wanted the agricultural policy to be the responsibility of the community institutions; they did not get this in the eventual treaty. The treaty put most responsibilities with the Council, though dependent on proposals of the Commission. Also, the Netherlands argued for the agricultural policy to be decided on by unanimity in the first stage. The treaty stated that both the first and the second state would be decided on by unanimity of the Council.

¹² Original quote: '*De gemeenschappelijke markt omvat mede de landbouw en de handel in landbouwproducten.*'

Tariffs: Part two of the treaty introduces the level of tariffs where the community works towards. This is calculated by the average of the tariffs in the four already existing customs unions in the community.

This provision does not fit with the Dutch opinion, since they originally wanted the tariffs to be as low as the tariffs in the Benelux customs union. Though, since the Netherlands seemed to be the only country that kept emphasizing the fact that the tariffs should be as low as possible, the tariff rate might have been higher when the Netherlands would have not been involved.

Summary: What the Netherlands wanted in the Rome treaty and what the treaty provided for.

Table 3 below, summarizes all of the above. On the left side of the table, the institutional desires of the Netherlands are displayed and on the right side the institutional set up provided for by the Rome treaty is presented.

<i>Dutch desires</i>		<i>Rome treaty</i>	
Institutions	Tasks/powers	Institutions	Tasks/powers
<i>An independent body</i>	<ul style="list-style-type: none"> - Coordinate between the Council of Ministers and the Commission 	<i>No independent body</i>	
<i>A Commission</i>	<ul style="list-style-type: none"> - Decision making powers - Decide on subsidies - Be responsible for the execution of the trade policy - Independently negotiates with third countries on external tariffs - Right of initiative on agricultural proposals in the first two years - Give recommendations to a state concerning balance of payments problems - Enterprises would have the direct right of complaint to the Commission; The Commission would have judicial power over enterprises - Control global quotas - Be responsible for the exchange rates - Control the re-adaptation fund - Make the final decision on safeguard clauses - Draft the annual budget 	<i>A Commission</i>	<ul style="list-style-type: none"> - Decision making powers - Control provisions made by the treaty - Give recommendations and advice to the Council - Execute tasks given by the Council - Release annual report on the progress of the community - Vote by majority voting - Have a chairman for two year periods - Draft proposals on establishment and execution of the common agricultural policy

A Parliament	<ul style="list-style-type: none"> - Tasks would depend on the balance between the Council of Ministers and the Commission - Approve agricultural proposals of the Commission - Listen to the Commission's defending the annual budget - Combined with the ECSC Assembly 	An Assembly	<ul style="list-style-type: none"> - A controlling body - Replace the Assembly of the ECSC - Discuss the annual report of the Commission
A Council of Ministers	<ul style="list-style-type: none"> - Decision making powers - Vote by unanimity or majority voting - When QMV, the system would be: 3 votes for Germany, France and Italy, 2 votes for Belgium and the Netherlands, 1 vote for Luxembourg. When the Spaak system would be used (4 votes for Germany, France and Italy, 2 votes for Belgium and the Netherlands, 1 vote for Luxembourg) a majority would be achieved at 13 votes. - Only QMV when deciding on a proposal of the Commission - Approve agricultural proposals of the Commission; only unanimity voting in the first stage - Decide on the re-adaptation fund budget through unanimity voting 	A Council	<ul style="list-style-type: none"> - Decision making body - Coordinate between member states' national economic policies - Representative member state chairman for six months - Decision making through absolute majority voting - When QMV: Four votes for Germany, France and Italy; Two votes for Belgium and the Netherlands; One vote for Luxembourg. - When deciding on a proposal of the Commission: Twelve votes would be a majority - When deciding on all other issues: Twelve votes would be a majority, with at least four member states in favour. - During first two stages it would unanimously vote on common agricultural policy's guidelines - From the third stage onwards, the Council would vote by QMV on the common agricultural policy's guidelines
A Court of Justice	<ul style="list-style-type: none"> - Combined with the Court of the ECSC 	A Court of Justice	<ul style="list-style-type: none"> - Replace the Court of the ECSC

Table 3: What institutional desires the Netherlands had and what institutions the Rome treaty provided for.

Conclusion

At large, one could say that the Netherlands achieved its main institutional goals. First, they got a decision-making body with representatives of the member states. Second, they got a Council of Ministers and a decision-making body with representatives of the community. Third and most important for the Netherlands, they got the European Commission. Though with not as much decision-making power as desired, the Commission did get more power because of the Dutch approach. Fourth, they got an assembly that would make sure that there would be some democratic control on the Commission; and lastly, they achieved for there to be a Social and Economic Committee.

WHAT HAS BEEN THE ROLE OF THE NETHERLANDS IN THE INSTITUTIONAL CHANGES?

The role of the Netherlands in the drafting of the Rome treaty on the establishment of the European Economic Community is elaborated on here. The Netherlands referred to itself as a small state in the negotiations, especially when the weighing of votes was discussed. The Dutch delegation wrote multiple times about the fact that the weighing of votes is a way of discriminating small states, like themselves (S00784, 1956; S00845, 1956; S00852, 1956) Therefore, small state theory, that was elaborated on in chapter one, can be applied here. As small state theory states, roles or strategies a small state can choose to use, are: being a forerunner, being a mediator, being a coalition-builder, specialize, being a state that uses its veto power and finally a state that brings convincing arguments to the table.

Forerunner:

The Netherlands was a forerunner in the process of drafting the treaty of Rome, in the way that they had fundamentally different views from the other states. The Netherlands was the only state that wanted a complete supranational approach towards the common market. By taking that approach, they counterbalanced France and its intergovernmental views. In the end this delivered a treaty that sought a combination of both supranational as well as intergovernmental aspects. Without the Dutch delegation emphasizing the role of the supranational Commission, France might have gotten its way wherein the Commission would merely have an advisory role.

When considering the characteristics of a state with a forerunner role as explained in the framework of this report, the Netherlands surely showed persistent activism during the negotiations. In every meeting the Netherlands seemed to want to enforce the role of the Commission, considering most topics. When looking at expertise and knowledge, the negotiations show that the Netherlands sometimes used the example of the Benelux cooperation, as well as previous failures of the European Community as a way to enforce their supranational views (S00843, 1956; S00836, 1955). Though, the Netherlands was not an expert, since a project like the European one was new for everyone. Thus, the last characteristic, successful national policies were not of relevance here. All in all, the Netherlands did take on a forerunner role, in the way that they pulled the other countries to the Dutch views.

Mediator:

The role of mediator did not really fit the attitude of the Netherlands in the negotiation process. This role was better fit for Germany, Belgium and Italy, who turned out to be more neutral countries as the negotiations developed. The Netherlands was often taking its stand as a country with fundamental differences to the other countries. Though, the Netherlands was also willing to eventually make concessions, as they often did. Regarding, voting methods in the Council, tariffs and the agricultural policy, the Netherlands has made concessions. However, the most important institutional concessions made by the Netherlands concerned the powers of the Commission.

When looking at the characteristics of the mediator role, the Netherlands did not live up to the first characteristic: wherein it should be considered a neutral state. On the contrary, the Netherlands was the state that other states mediated for. For example, Germany organized meetings between the Netherlands and France, in order for those two countries to reach agreement. The second characteristic, fighting for the common interest, fits the Netherlands more. Merely since the 'European approach' as they called it themselves. Linthorst Homan showed in the personal letter to the Secretary of State that he thought the Netherlands should be the country that took the 'European' approach. The Netherlands should be a country taking a supranational approach towards the new community. That would mean, as he said, that the Netherlands would sometimes have to give in on some for them important issues. It would also mean that their approach would be believable. When the Dutch delegation argued with the other delegations on the matter of harmonisation, they said: '*A protectionist European market with chaotic artificialities in its internal system, is something that to our conviction is not in our*

common European interest en for that reason it would be unacceptable to the Netherlands.' (S00830, 1955: pp. 19)¹³. So, the Dutch delegation, when defending their statement, used the phrase 'the common European interest'. By doing so, they were defending this common European interest and not just their own. Thereby, their arguments were probably more likely to find positive response with the other delegations. On the other hand, at the passage of time and with the end of the negotiations approaching, the Netherlands were defending their national interests actively. At the beginning, Linthorst Homan often mentioned the fact that the committee was purely a study group, without national interests being represented (S00829, 1955). This would mean that every statement made by the different national experts, would be a statement in the common European interest, since the committee got together to realize a common market. Though, the earliest meetings already show that a) what is in the common European interest is not agreed on by experts or b) the experts all have political agendas and act in the interest of their nation state. The meetings were most likely a combination of the two, everyone on the one hand tried to achieve the common market by looking at the European interest, but at the same time most delegation also had to make sure that their country would not be getting a bad deal.

Coalition-builder:

Throughout the negotiations the Netherlands had several meetings with other delegations. This was necessary in order to build coalitions and to discuss fundamental differences. Coalition building can be seen in the meetings with the Benelux countries or with Germany. The discussing of fundamental differences took place with mostly France and also with Germany. As mentioned before, France and the Netherlands had great differences on the matter of tariffs. Eventually this was solved through compromises from both sides. Germany tried to mediate between the Netherlands and France, though this did not work out.

The characteristics of a coalition building country resemble the characteristics of a mediating country. The state should be seen as a neutral state. As mentioned before, the Netherlands was not considered a neutral state. The second characteristic for a coalition builder is the developing of common goals. This characteristic does fit with the behaviour of the Dutch delegation in the negotiations. The differences between the countries could be seen in the ways how to achieve the goal, not the goal in itself. All the countries participating in the negotiations, had a common goal, namely to achieve a common market and customs union.

Specializer

The Netherlands cannot really be considered a country that specialized. This is not unexpected, since the Netherlands showed to have opinion regarding almost all topics.

The characteristics of the role of a specializer are first the focussing on one particular area of interest. The Netherlands did not seem to prioritize to one certain topic. On the contrary, the Netherlands seemed to take an active stand during all of the negotiations. Whereas Luxembourg was sometimes being represented by Belgium, or did not have an opinion on a subject (S00861, 1957), the Netherlands tried to have a say on all topics. They did have topics that were of more concern to them, for example, the agricultural policy and external tariffs. Especially in the topic of external tariffs, the Netherlands played it rough. Their disagreement with France lasted until both sides made concessions in the second half of February 1957, one month before the eventual treaty was signed by the heads of state. The second characteristic of this role would be that a state would put all of their resources in the area they prioritized in. Since it became clear the Netherlands did not prioritize, this characteristic did not fit the Dutch attitude either.

¹³ Original quote: '*Een protectionistische Europese markt met onoverzichtelijke kunstmatigheden in zijn interne bestel, is iets dat naar onze vaste overtuiging niet in ons gezamenlijke Europese belang zou zijn en het zou dan ook om die reden voor Nederland onaanvaardbaar zijn.*'

State that uses its veto power due to the consensus decision making culture in the EU

In the negotiations the Netherlands, as most of the other countries, made use of the consensus decision making. This in the shape of reserves on certain topics, which eventually led to compromises.

The characteristic of this role is that a state could use its veto power in negotiations. All the countries attending the negotiations could make use of this consensus culture in decision making. Some countries did more than others. When an issue was of importance to the Netherlands, they did not hesitate to use that veto right in order to get what they wanted. Eventually, this led to compromises with other countries. When two countries were in disagreement with each other, they would meet up together and try to make a new draft concerning the topic (S00860, 21-01-1957).

Convincing arguments

The last role would be a state that would use convincing arguments in order to get the other states' views to change. This was one of the roles the Netherlands played convincingly.

The first characteristic of this role is that the arguments would have to have an innovative aspect. Since the European approach used by the Netherlands was certainly new, the Netherlands fit the first characteristic. Previous experiences in the European community had shown that on certain matters, it was difficult to reach agreement. This was again shown in the negotiations on the common market, for example concerning the topic of tariffs. France wanted to protect the market by high external tariffs, while most of the other countries argued that a protectionist attitude would be bad for the common market and that low external tariffs would be more beneficial for the community. This matter showed that when there would have to be decided by unanimity of all countries, agreement would be hard to be reached. When there would be a supranational body though, that body could decide on matters of communal matter. The Netherlands argued for this kind of approach. That was innovative. The second characteristic is that the arguments should represent shared EU norms. This characteristic can also be discovered in the European approach, since that approach represents the interest of the community at large. Also, the Netherlands argued for some kind of democracy in the community, which was embodied in the Assembly. This was also in the benefit of the community. The third characteristic is that the argument should facilitate consensus and coalition building. This characteristic does not fit the Dutch attitude, since their views did not fit with the consensus.

Conclusion

All in all, the Netherlands convincingly played the roles of forerunner, user of veto power and deliverer of convincing arguments. They took on the role of a forerunner, since they used a European approach, thus pulling the other countries towards the Dutch views, thereby being a forerunner. They were also a user of veto power, since they used veto power whenever a topic was of importance to them, eventually this led to compromises. They also delivered convincing arguments, since their arguments were innovative and representing shared European norms, though they did not facilitate consensus and coalition building. Opposite of those roles, the Netherlands did not play the roles of mediator, coalition builder and specializer. They were a bit of a mediator. They had fundamental differences to the other states and other states had to mediate between the Netherlands and others. Though, the Netherlands did act in the common interest. The Netherlands were also a bit of coalition builders, since met up with other states to exchange views. They also developed common goals, though they were not considered a neutral state.

THE LISBON TREATY

This chapter discusses the Lisbon treaty of 2007 and the Dutch role within the process of drafting the treaty. When trying to understand the process preceding the treaty, it is necessary to get into some more detail about the failed Constitutional treaty of a few years earlier. This, since the attempts to create a European constitution in the end led to a Dutch 'no' in the 2005 referendum. After a few years, the Lisbon treaty was drafted, signed and eventually in 2009, ratified by all the member states.

The Constitutional treaty was signed in 2004 by all EU member states. The treaty would replace all other European treaties and would reshape the European institutional architecture (Laursen, 2008). Since the new treaty would bring big changes to the EU landscape, some countries decided to held referenda for their citizens. The citizens of both Luxembourg and Spain voted 'yes' in the referenda in their countries in 2005. Besides those two countries ratifying the treaty, sixteen other states did as well. Though, in May and June of 2005 the process of ratifying the treaty stagnated, when the citizens of both France and the Netherlands voted 'no' in two referenda. After this, a so called 'period of reflection' followed (Bache, 2011).

After more than a year of reflection, Germany held the presidency of the European Council. At the beginning of their presidency, it was decided that in June of the same year a report on the discussions on the Constitutional treaty would be presented (Bache, 2011). The Germans turned out to be quite ambitious, when in June they did not just present a report, but as well the outlines of a new reform treaty. This new treaty would be an amending treaty, instead of a treaty that would replace old treaties, like the Constitutional treaty was supposed to do.

Interesting about the process surrounding the Lisbon treaty is that there were different publics the treaty had to take into account. On the one hand there were the people who were in favour of the Constitutional treaty and therefore did not want the new treaty to be very different, for example the citizens of Spain and Luxembourg. On the other hand there were people that wanted the new treaty to be different in content and shape, for example the citizens of France and the Netherlands.

This chapter takes off with an elaboration on the Dutch demands in the process of drafting the treaty. Then the main provisions of the eventual treaty are being discussed. Whether or not the main Dutch demands are included in the Lisbon treaty is being deliberated there. To conclude, the role of the Netherlands is placed in the small state framework.



Table 4: time table on the process preceding the signing of the Lisbon treaty.

WHAT DID THE NETHERLANDS WANT?

The Dutch government pointed out their main aims a few months before the European Council meeting took place. This meeting was organized at the end of the German presidency, from the 21st of June till the 23rd in 2007. Its preparation was based on meetings the German presidency had had with the other member states. Derived from those meetings the Germans had developed the main provisions for the new treaty. The negotiations in the European Council meeting would evolve around those provisions. The European Council meeting focused mainly on the developing of a new treaty. It called into life the IGC that would draft the new treaty. The meeting made sure that agreement on most details was already reached. It clarified what articles, protocols and declarations would have to be in the treaty. So, even though the outcomes of the meeting were not the final outcomes of the eventual treaty, they did resemble them. The Dutch government informed the Dutch parliament on their views, before and after the meeting, through numerous letters to the parliament and by their response to questions of parliamentarians in multiple debates.

The aftermath of the Constitutional treaty

Important to know, is that the referendum in 2005 on the Constitutional treaty had quite an impact in Dutch politics. It had shown that there was a big gap between the Dutch citizens and its government. After all, the Dutch government had agreed on the Constitutional treaty, while its citizens convincingly rejected it. The referendum showed that 61.4 per cent of the Dutch citizens were against the Constitutional treaty, opposite of the 38.4 per cent of the citizens that were in favour of the treaty (HTK, 02-06-2005). When the referendum would not have taken place, the Netherlands would have ratified the Constitutional treaty, since the majority of the Dutch parliament was in favour of it. Thus, most of the Dutch aims were derived from the aftermath of the 'no' in the referendum on the Constitutional treaty, according to the Dutch government (HTK, 24-04-2007). It is good to remember that the Dutch government only had the aims they had, because of the referendum and the Dutch citizens.

Multiple polls took place in the period following the referendum, and the Dutch government used the outcomes of those polls to shape their new policy towards the EU. The convincing 'no' vote had to do with a lack of transparency, democracy and effectiveness of the EU, according to the Dutch government (Letter, 19-03-2007). Also, the Dutch citizens were afraid that a federal United States of Europe would eventually come into existence (HTK, 02-06-2005). The meetings on the design of the new treaty were represented by on the one hand the eighteen states that had ratified the Constitutional treaty and on the other hand the states that had not ratified it and wanted some serious changes to that treaty.

The content of the Constitutional treaty was used as a basis for the negotiations on the new treaty. The government stated that certain elements from the Constitutional treaty could be used in order to amend existing for the better (Letter, 19-03-2007). This entailed that articles from the Constitutional treaty were the basis for the new treaty, though shaped as an amendment treaty, with protocols, declarations and opt-outs (HTK, 27-06-2007). As the government programme of the Balkenende IV government stated: *'We aim for an amendment and possible bundling of existing treaties of the EU, wherein subsidiarity and democratic control will be ensured and in which content, size and naming will be conclusively distinguished of the earlier abolished constitutional treaty.'* (HEK, 13-03-2007: pp. 2)¹⁴. This shows that the content, size and naming of the new treaty would have to distinguish itself from the Constitutional treaty.

¹⁴ Original quote: *'Gestreefd wordt naar een wijziging en eventuele bundeling van bestaande verdragen van de EU waarin subsidiariteit en democratische controle zeker gesteld worden en die zich in inhoud, omvang en benaming overtuigend onderscheiden van het eerder verworpen grondwettelijk verdrag'*

The text from the programme of the Dutch government does not go into detail on the Dutch policy for the new treaty. The phrases 'subsidiarity' and 'democratic control' can involve a lot. Also, the desired content, size and naming of the new treaty were not elaborated on. Though, the eventual Dutch aims concerning the new treaty as described in multiple letters of the government, do fit the programme.

Other countries

In the beginning of 2007, it seemed as if the 18 countries that had ratified the Constitutional treaty, wanted to proceed without the Netherlands and France, the two countries that did not ratify the treaty, after its citizens voted 'no' in referenda (HTK, 27-06-2007). The eighteen held a meeting called 'Friends of the Constitutional treaty', where they agreed that the Constitutional treaty and its institutional balance should not be broken (Letter, 19-03-2007). This balance mainly entailed the new institutional structure drafted by the Constitutional treaty, wherein the Council and the European Parliament gained more power and wherein the European Council became a formal EU institution.

Though, thanks to the German presidency of the Council of the European Union, the Netherlands had the chance to get involved again. Since the majority of the member states were in favour of the Constitutional treaty, the Netherlands had to meet up with most countries in order to defend their views. As Prime Minister Balkenende stated: *'At the stage we are in today, we are trying to get as much states as possible on our side, in order to find solutions together'* (HTK, 24-04-2007: pp. 3)¹⁵. The Netherlands seemed to keep up this active attitude, since the letter of the 21st of March the same year stated that they kept in close contact with the German presidency. Also, they met up with heads of states or representatives of Germany, Poland, Slovenia, the UK, Luxembourg, Sweden, France, Spain, Portugal, Italy, Hungary, Austria, and Czech Republic. They also met the rest of the member states in meetings of the Council of Europe. The Netherlands tried to find supporters of their views. They did not only do this on political level, but also diplomatically. Besides separate meetings with Belgium and Luxembourg, the Netherlands also had meetings with the two of them together in the context of the Benelux. Besides all those meetings with other member states, the Netherlands met up with the representative of the European Parliament, in the person of its chairman Mister Poettering (Letter, 21-05-2007). As the Dutch government stated themselves, the German presidency really helped the Netherlands out, by understanding the difficult situation the Netherlands were in: *'With a lot of attention to our sensitivities, the Germans encountered us.'* (HTK, 27-06-2007)¹⁶.

The aims

In general the Netherlands had six demands preceding the negotiations (Letter, 19-03-2007).

- Less European rules.
- More openness.
- Subsidiarity principle should be applied more.
- More fair distribution of financial burdens between the EU member states.
- More respect for existing, mainly regarding to already existing enlargement criteria.
- The EU should pay more attention to priority policy areas.

These main goals of the Netherlands were quite vague. The government later that year pointed out some more detailed goals though.

The new treaty would have to be an amendment treaty, instead of a constitutional treaty that would replace all previous treaties. Also, the treaty should be free of symbols that would indicate the shaping of a constitution and a federal European state. Besides that, the government strived for an enhancement of the role of national parliaments where the subsidiarity principle

¹⁵ Original quote: *'In de fase waarin wij ons nu bevinden, proberen wij zo veel mogelijk landen aan onze zijde te krijgen om samen oplossingen te vinden.'*

¹⁶ Original quote: *'Met veel aandacht voor onze gevoeligheden zijn de Duitsers ons tegemoet getreden.'*

would be concerned. This was already part of the constitutional treaty, known as the 'yellow card' procedure. Though, the Dutch government was aiming at a more enhanced role for the national parliaments than the yellow card provided for. They wanted a procedure wherein a majority of national parliaments could refer a proposal of the Commission to the Council, when the national parliaments would have the opinion that the proposal did not meet the subsidiarity principle (HTK, 27-06-2007). This would entail that a majority of the national parliaments would have power to veto a proposal of the Commission (Rood et al., 2008). This procedure was also referred to as the 'red card' procedure, to indicate that it went farther than the yellow card procedure.

The debate following the letter showed that the opposition agreed to the content of the Dutch aims, though they did not seem convinced of its trustworthiness. This due to the media: in the same week a confidential letter of the Dutch delegation in the negotiations to the government was released in 'de Pers'. This letter supposedly stated that the basics of the constitutional treaty would have to be preserved (HTK, 24-04-2007). This in contrast to what the government had indicated, namely that the new treaty would have to differ from the Constitutional treaty in its content (Letter, 19-03-2007). The difference with the Constitutional treaty would have to be that the amendment treaty would not create a picture of a 'federal state' (Letter, 19-03-2007: pp. 4).

The Dutch government did not dedicate itself to change the already agreed on institutional structure from the Constitutional treaty. For example, the Dutch government did not object to a permanent president for the Council, while they did in the negotiations preceding the Constitutional treaty (Rood et al., 2008).

Institutional desires

Later on in 2007, the government elaborated on the details regarding the desired institutional changes. These changes involved a few features already provided for by the Constitutional treaty. First, the importance of the number of inhabitants of a state when QMV. The new calculation of QMV would be copied from the constitutional treaty. Second, the citizens' initiative would have to be part of the Lisbon treaty, wherein citizens would get the opportunity to have a voice in policy making. Third, the simplifying of regulation procedures would have to be included. Last, another feature of the constitutional treaty that could also be part of the new treaty, would be the minimizing of the Commission, as a way to make the EU policy making more efficient.

Two other changes that were already provided for by the Constitutional treaty, would have to be strengthened more by the Lisbon treaty. First, the involvement of national parliaments was important for the Dutch government, preferably by the red card procedure as explained above. Second, a clarification of the distribution of responsibilities of the different institutions should take place. The Netherlands stated that they wanted some social policies to maintain being dealt with at national level. These policies would be the ones concerning pensions, social security, fiscal policy, culture, education and health. The policies that would have to be dealt with at European level, with more effective decisiveness would be: energy; environment; climate change; asylum and migration; competitiveness of European economies; terrorism; cross-border criminal activity; and external policy (Letter, 19-03-2007).

Besides those desires that were mainly copied from the Constitutional treaty, the Netherlands also had goals that were new. First, the aim of the Dutch government institutionally wise, that the new treaty should not show any sign of the developing of a federal European state or constitution (Letter, 21-05-2007). Second, the primacy of European law over national laws, should not be mentioned in the Lisbon treaty, contrary to the Constitutional treaty. Third, the descriptions 'European law' and 'European framework' and the name 'Minister of Foreign Affairs of the European Union' should not be used in the new treaty. Fourth, all European symbols, such

as the European flag, the EU anthem and the EU charter of fundamental rights would also not be part of the new treaty (Letter, 29-06-2007).

All in all, the Netherlands did not necessarily have institutional desires. They merely focussed on achieving an amendment treaty with no reference to a constitution. Besides that, they did aim at realizing a stronger European Parliament and more influential national parliaments. The institutional desires are summarized in table 5 (on pp. 48).

WHAT DID THE NETHERLANDS GET?

The main provisions of the eventual treaty are discussed here, though focussed on the Dutch demands. As mentioned before, the outlines of the negotiations were already clear at the end of June 2007, though the treaty was not yet written in detail yet. Therefore, debates in the Dutch parliament from June 2007 onwards indicate what Dutch demands were acknowledged in the new treaty. The Lisbon treaty was eventually signed on the thirteenth of December 2007 (Letter, 18-12-2007).

After the European Council meeting in June, the Dutch government expressed that they were content with the outcome of the negotiations. They showed satisfaction and proudness with the achievements (Letter, 29-06-2007). As they argued, the wishes of the Dutch citizens were being granted in the treaty (Rood et al., 2008). First of all, the treaty would not have any references to it being a constitution. Second, the treaty would increase the democracy in Europe, through: a bigger role for the EP; the citizens' initiative; transparency of regulation procedures; and an enhancement of the subsidiarity principle. Third, the distribution of responsibilities would be explicitly part of the treaty. Fourth, the treaty would enable the EU to act more alert and decisively where it concerned policy area that needed a coordinated approach. For example by the High Representative for Foreign Affairs and Security Policy. The Dutch Minister of Foreign Affairs argued that 27 states together can achieve a lot more in the international political arena than one state on its own (HTK, 27-06-2007: pp. 33). The Netherlands had not wanted a Minister of Foreign Affairs of the European Union, as provided for by the Constitutional treaty, thereby they got what they wanted, name-wise. Though, in essence, mainly the name of this position changed, not its responsibilities. Last, the treaty would include an article referring to the Copenhagen criteria, in order to make sure that new enlargements would have to respect the, already existing, rules on becoming a member of the EU (Letter, 29-06-2007).

Responses to the outcomes of the negotiations differed extremely. For example, the Freedom Party, or PVV, argued: *'The new European treaty is a disaster for our country. At the European Council meeting in Brussels, the Prime Minister has, by negotiating as an amateur, or should I say by not or barely negotiating, bartered away the Dutch interests'* (HTK, 27-06-2007: pp. 15)¹⁷. Thus, indicating that the government had not been able to defend the Dutch interests. Contrary to for example the Greens, GroenLinks, who stated that: *'The treaty will bear the marks of the Dutch diplomacy'* (HTK, 27-06-2007: pp. 13)¹⁸. Thereby expressing their appreciation of the role the Dutch government played during the negotiations. These two statements show the great deal of disagreement on whether or not the government had been successful at the meetings.

In broad terms, the new treaty had become an amendment treaty, just like the Netherlands had wanted. One of the more important goals of the Netherlands was that the new treaty would not resemble a constitution that would replace all previous treaties. The treaty states in article 3 ter, that the Union's powers would be governed by subsidiarity and proportionality. The term subsidiarity was important in the Dutch goals as the previous chapter showed.

Another issue the Netherlands stressed in the negotiations derived from the Dutch 'no' in the 2005 referendum, concerned all symbols indicating a European constitution. In the eventual treaty, symbols or names such as a European anthem, a 'European Minister of Foreign Affairs', 'European law', 'constitution' were not present (HTK, 27-06-2007). Just like the Netherlands had argued for.

¹⁷ Original quote: *'Het nieuwe Europees verdrag is een ramp voor ons land. Bij de Europese Top in Brussel heeft de premier door op amateuristische wijze te onderhandelen- of misschien moet ik zeggen door niet of nauwelijks te onderhandelen- de Nederlandse belangen schaamteloos verkwaanseld.'*

¹⁸ Original quote: *'Het verdrag zal ook duidelijk sporen dragen van de Nederlandse diplomatie'*

Institutional changes:

The goals of the Dutch government concerning the Lisbon treaty did not necessarily concern the institutions, as the previous chapter showed. The Netherlands were mainly concerned with removing the constitutional symbols. Though, there were some institutional goals the Netherlands had.

The Lisbon treaty changed the institutional architecture of the EU considerably. Where the EU used to exist of the so-called three pillar structure, the Lisbon treaty abolished this. From then on, the EU would be based on two treaties: the TEU and the TFEU. All policies would from now on fall under the 'Union' method (Bache, 2011). This entailed that the European Council would be the body setting the general agenda for the EU; the Commission would be the body representing the general interest of the EU and because of that the body that would initiate proposals concerning that general interest; the European Parliament and the Council would together, after a proposal of the Commission, have legislative and budgetary functions (European Parliament, 2009). Though the Dutch government did not specify how they wanted to achieve more clarity about the responsibilities of all the different institutions (HTK, 24-04-2007), the Union method does seem to be a way of achieving it.

The Lisbon treaty provided for a more compact *European Commission*. Also, the Commissioner of External Affairs was now the same person as the High Representative for the Common Foreign and Security Policy. Besides that, the president of the Commission gained more powers with the Lisbon treaty, since the president from now then on could ask one individual commissioner to resign without the approval of the Commission at large (Europe, 2013). Also, the Commission from now on would have to answer more to the Parliament; since the Parliament's democratic control had increased (Barents, 2008). The treaty also changed the number of Commissioners in the Commission: the number of Commissioners would from then on be equal to two thirds of the member states. In 2008 though, after an Irish referendum on the Lisbon treaty, the European Council changed this back to one commissioner per member state (Bache, 2011). Another change affecting the Commission, was the orange card procedure. National parliaments from then on could direct proposals back to the Commission.

The Netherlands did not seem to have an opinion preceding the Lisbon treaty regarding what to the Commission's powers. They did achieve the orange card procedure though. This procedure entailed more influence of national parliaments on the Commission.

The *European Council* in the Lisbon treaty became an official institution of the EU with formal powers. On top of that, the European Council got a permanent president for a period of five years. This was copied from the Constitutional treaty without further discussions on the topic.

It is not necessarily what the Netherlands wanted in previous years. In 2003 the Benelux countries released a proposal wherein they stressed the importance of continuing the rotational system (Barents, 2008). In the negotiations preceding the Lisbon treaty though, the presidency of the European Council did not seem to have been part of discussions.

For the *Council of the European Union* multiple things changed with the Lisbon treaty. The most important change was the expansion of QMV to other policy areas. There will still be unanimity voting on areas such as external policy, security policy and European budgets.

The Dutch government indicated that QMV is an important way to achieve more effectiveness in the EU (Letter, 21-05-2007). The government also said that the EU should become more effective in policy areas such as energy, environment, climate change, asylum and migration, and internal and external security (HEK, 13-03-2007). They mostly achieved this. The internal and external policies though, are still decided on by unanimity. Perhaps the Dutch government would have desired these policies to be dealt with by QMV as well. Besides the fact that QMV was extended to other policy areas, QMV itself changed as well by the Lisbon treaty. Since the Dutch government did not seem to have an opinion on this point in their letters, the new method of QMV will not be elaborated on here.

The *European Parliament* gained more power in the Lisbon treaty. They would gain influence on legislation through an enlargement of the co- decision procedure (HTK, 27-06-2007). This meant that the Parliament would become a co-legislator. Another change for the Parliament was that they gained responsibilities concerning the Union's budget. The Parliament would from Lisbon on consist of representatives based on number of inhabitants of the member states (Barents, 2008).

The changes in the powers of the Parliament fit with what the Netherlands wanted, since they argued that in order for the EU to become more democratic, the European Parliament would have to play a bigger role (HTK, 29-06-2007). However, they did not specify how the European Parliament's role would have to change.

An important factor for the Netherlands was the role of *national parliaments*. The parliaments' role was being enforced through the so called yellow and orange card procedures. The yellow card procedure, already provided for by the Constitutional treaty, entails that when at least one third of the national parliaments choose to reject a draft of a legislative act by the Commission, the Commission can choose to change, maintain or withdraw the proposal. The orange card procedure practically means that when at least half of the national parliaments choose to reject a draft of a legislative act by the Commission, the Commission can then choose to change the act, withdraw it, or not change anything. The national parliaments can only start this procedure when they think the draft of the act is in opposition with the principle of subsidiarity. When the Commission will maintain the proposal, the European Parliament and the Council can vote on the matter as well. The act can then still be withdrawn (HTK, 27-06-2007).

The Dutch government argued that the orange card procedure was an accomplishment, since as Prime – Minister Balkenende stated: *'I can assure you that this part in the discussions of the last days was extremely difficult'* (HTK, 27-06-2007: pp. 24)¹⁹. Though, in the goals of the Dutch government preceding the treaty, a red card procedure was aimed for. This would entail that the national parliaments could veto a draft of a legislative act (Rood et al., 2008). Thus, the Netherlands did not achieve their goal completely, though they have partially realized it.

Important for the Netherlands in the Lisbon treaty was the inclusion of the *Copenhagen criteria* in the treaty. Then the criteria on enlargement of the EU would be more explicit and therefore the Union would have to honour the criteria more than they did at the time (HTK, 27-06-2007).

The Netherlands got what they wanted; the accession criteria are part of the Lisbon treaty (HTK, 29-06-2007). Even though the criteria already existed, by including them in the treaty, the Netherlands hoped that they would be lived up to more.

Summary: What the Netherlands wanted in the Rome treaty and what the treaty provided for.

Table 5 on the next page presents an overview of the previous information. On the left side the Dutch desires for changes in powers per institutions can be found. On the right side the actual changes are displayed.

¹⁹ Original quote: 'Ik kan ook verzekeren dat dit onderdeel in de besprekingen van afgelopen donderdag en vrijdag buitengewoon moeilijk lag.'

<i>Dutch desires</i>		<i>Lisbon treaty</i>	
Institutions	Changes in tasks/powers	Institutions	Changes in tasks/powers
The European Council	- In 2003: No official status for the European Council and no president.	The European Council	- Got official status - President for a period of two and a half years
The European Commission	- No changes in the powers of the Commission	The European Commission	- High Representative for Security Policy and Foreign Affairs will be Commissioner for External relations and vice-president of the Commission
The European Parliament	- Should play a bigger role	The European Parliament	- Co-decision procedure
The Council of the European Union	- More effective decision making, through QMV	The Council of the European Union	- QMV extended to more policy areas - New way of QMV
National parliaments	- Red card procedure concerning subsidiarity principle	National parliaments	- Orange card procedure
Changes to Constitutional treaty	- No Minister of Foreign Affairs - No Constitution - Charter of fundamental rights not in an article - No article on European symbols - No 'European' laws		- No Minister of Foreign Affairs, but High Representative for Security Policy and Foreign Affairs. - Amendment treaty - Legally binding reference to Charter of fundamental rights
Accession criteria	- Copenhagen criteria should be part of the treaty		- Copenhagen criteria are part of the treaty

Table 5: What institutional changes the Netherlands wanted in the Lisbon treaty and what changes the treaty provided for.

Conclusion

All in all, the Netherlands reached its main institutional goals in the Lisbon treaty. The most important achievement for them was the fact that the national parliaments of the member states gained more power through the orange card procedure. Besides that, the European Parliament gained more power as well, thereby making the EU more democratic, one of the main goals of the Netherlands. Considering the European Commission, the Netherlands did not have any goals. Same applies to the European Council. Regarding the Council, the Netherlands was a proponent of the expansion of QMV, as the treaty provided for.

WHAT HAS BEEN THE ROLE OF THE NETHERLANDS IN THE INSTITUTIONAL CHANGES?

In this chapter, the role of the Netherlands in the drafting of the Lisbon treaty is elaborated on. Again, small state theory on state influence is used here. As small state theory states, some roles a small state can play are: forerunner, mediator, coalition-builder, specializer, a state that uses its veto power and finally a state that brings convincing arguments to the table.

Forerunner

The Netherlands at first glance might not be considered a forerunner in the negotiations preceding the Lisbon treaty. After all, when seeing the term 'forerunner' one might think of a country with leader capacities that would pull other countries towards their maybe innovative views. In the negotiations, the Netherlands was holding the other countries back. Though, maybe this holding back can still belong to a forerunner role.

When looking at the different characteristics of the forerunner role, the Netherlands perhaps fitted the forerunner role more than expected. The first characteristic is persistent activism. The Netherlands were actively involved in the process preceding the treaty draft. They were in close contact with the German presidency and tried to make their views clear to them. By doing so, they eventually got what they wanted: an amendment treaty without any federal features. The second characteristic of the forerunner role is possessing expertise and knowledge. The Dutch government knew how to 'play' the game. They approached the important actors. Not just the countries that were against the Constitutional treaty just like them, but as well the countries that were in favour of it. The Dutch government knew how to negotiate. They were willing to make concessions, since they acknowledged the fact that in a Union of 27, compromises would have to be made. The Netherlands therefore showed that they had expertise in the field of EU politics. Not necessarily knowledge on what kind of treaty would be best for the EU. They used the Dutch public opinion as a strategy to achieve their goals: the new treaty would have to meet the Dutch demands; otherwise the citizens would reject the new treaty as well. The third characteristic is successful national policies. This characteristic does not fit the Dutch approach. They did not use Dutch policies as a way to show how things should be done.

Mediator:

The second role did not really fit the Netherlands. They were the state that other states would have to mediate for. That because the Dutch position was different from the majority of the states.

The first characteristic is that they should be considered neutral by the other states. This was not of application to the Dutch position, since every state knew the Dutch had to achieve a few things in order for them to be able to go home with their heads held high. The second characteristic is to fight for the common interest. As the previous point already indicates, the Netherlands was not fighting for the common interest, but for their national interest. The only reason for them to have the goals they had was because of the Dutch public opinion. Though, they did frame their goals as beneficial the common interest, as well as something they had to achieve in order for the Dutch citizens to accept the new treaty. The common interest in the Dutch goals can be found in the fact that they wanted the EU to become more democratic, legitimate and effective. Therefore, the second characteristic fits the Netherlands position slightly.

Coalition builder:

The Netherlands really tried to build coalitions in the process of drafting the Lisbon treaty. Though, its strategies did not necessarily fit the characteristics: the state should be considered neutral, and the state should develop common goals.

As already discussed, the Netherlands were not considered neutral in the negotiations, so the first characteristic does not fit here. The second characteristic could be applied to the

Netherlands when looking at how they acted in the negotiations. In the first letter of the nineteenth of March 2007, the Minister of Foreign Affairs stated that, since eighteen countries had ratified the Constitutional treaty, one should take into account all those different views and demands (Letter, 19-03-2007), thereby expressing the Dutch willingness to negotiate and compromise. The Netherlands did not demand for opt outs, but was willing to make concessions, because, as they said, they had to take into account all the other countries that did ratify the Constitutional treaty. As previously mentioned, the Netherlands had held in close contact with mainly the German presidency, but also with most other member states. Not just the member states that did not ratify the Constitutional treaty, but also with the 'friends of the Constitutional treaty'. By doing so, the Netherlands tried to first of all, clarify its difficulties and views. And second of all they tried to convince the others to join the Dutch 'side'. As the Dutch indicate themselves, in the negotiations there was a high willingness to make compromises (Letter, 29-06-2007). The Dutch goals were seen as being a common goal, since it would entail that the 'European project' could continue. All in all, the Netherlands was more of a coalition builder than the two characteristics combined would indicate.

Specializer

The Netherlands did not prioritize to one subject, though it could be argued that they did act as a specializer compared to the Rome treaty. The Netherlands was the opposite of a country that specialized in the time of Rome, the Netherlands therefore portrayed this role more during Lisbon. Even though they did not choose one issue of priority, they did focus on a few main aims.

The first characteristic is that the state focusses on one particular area of interest. The Dutch government already pointed out in their first letter in March 2007 that they had six broad goals. They chose not to focus on issues already agreed on in the Constitutional treaty. One could say that the Netherlands' priority was to remove federal features from the new treaty. The second characteristic of a specializer is that the state puts all its resources into the area of prioritization. They fit this characteristic a bit. In the negotiations, the Netherlands focussed on their priorities. They did not seem to want to have a say in every topic.

User of veto power

The Netherlands used its veto power in the way that the other states knew that if the Netherlands would not return home with for them satisfactory results, another referendum might be necessary. In the Constitutional treaty the Netherlands had used their veto power by not ratifying the treaty after the Dutch 'no' vote. The danger for the other countries when not giving the Netherlands what they wanted, would be that the Dutch citizens could again reject the treaty and the European project would face another stand-still. Therefore, the Netherlands had quite a good negotiating position, since the Dutch citizens and Dutch parliament seemed to have the Dutch governments' back. As the Prime-Minister stated the fact that the letter of March 2007 was supported by the Dutch parliament: '*Gives the Dutch government a strong international position, since one could say that [letter] is the way the Netherlands think about it.*' (HTK, 24-04-2007: pp. 5)²⁰. So, by the great support the Dutch government had, their position in the negotiating process was enhanced. When the Netherlands would use its veto power, the other states knew that the Dutch government had national support, so it made the Dutch position credible and strong. The available literature though, did not show whether or not the Netherlands have threatened with using their veto power.

Convincing arguments

The Dutch arguments are not known in detail, though the broad lines are explained by the government in their letters. It has become clear in this chapter that the main basis for the Dutch arguments, was the fact that their citizens wanted another treaty than the Constitutional treaty.

²⁰ Original quote: 'Dat geeft de Nederlandse regering een sterke internationale positie, omdat je kunt zeggen dat in Nederland zo over dit onderwerp wordt gedacht.'

The three characteristics of this strategy were that the arguments: should have an innovative aspect; they should represent shared EU norms; and they should facilitate consensus and decision making. The first characteristic does not apply to the Dutch arguments, they were not innovative. On the contrary, they could not participate when the EU wanted to innovate through the Constitutional treaty. The second characteristic might be of more relevance to the Dutch arguments. They wanted to achieve a more democratic and legitimate EU (HTK, 29-06-2007). Thereby arguing in the benefit of the EU at large, since a more democratic and legitimate EU would be beneficial for all EU states, towards their citizens as well as to other non-EU countries. The third characteristic does not apply to the Netherlands here, since they went against the consensus, when they were arguing for more power to national parliaments.

Conclusion

To sum up, the Netherlands played the roles of forerunner and coalition builder convincingly. In being a forerunner, they showed persistent activism by their contact with the European Council presidency. Also, they used their long time experience on how to negotiate. They were a coalition builder, since they met up with all the other member states, while the common goal was the survival of the European Project. The Netherlands also portrayed the roles of a specializer, user of veto power and the deliverer of convincing arguments modestly. They specialized in the way that they focussed on a few main topics. They were a user of veto power, since the negotiations were necessary because of the veto of the Netherlands and France. The Dutch arguments were quite convincing, since they emphasized the importance of the Dutch public opinion. The arguments were not innovative though, nor were they consensus building. The Netherlands could not be considered a mediator. They were, just as in Rome, again the state that other states had to mediate for.

CHAPTER 3: DISCUSSION

In this final chapter, a reflection on the findings and its implications is displayed. First, a conclusion of the findings is shown. Then, a reflection on the validity of the research is presented. A general discussion on the findings follows. The chapter is finalized with an overall conclusion.

CONCLUSION: THE ROLE OF THE NETHERLANDS IN INSTITUTIONAL CHANGES IN THE TREATIES OF ROME AND LISBON

To sum up what roles the Netherlands' has played in 1955 till 1957 and in 2007, table 6, on the next page, shows how the Netherlands scored on the six different roles. The table presents an overview of how the Netherlands scored on the different characteristics and gives an overall score on the six roles per treaty. To get a clear idea of the differences between the roles the Netherlands played in Rome and Lisbon, radar charts on the roles per treaty have been drafted (pp. 54). The scores presented in graph 6 lead to a total score per role and this is displayed in chart 1 and 2. Table 6 as well as charts 1 and 2, show that in general one could say that the roles of the Netherlands have changed over time.

In short, the graph and the charts show that the Netherlands in both Rome and Lisbon were portraying a forerunner role. In both treaties, the Netherlands realized the majority of its goals, due to their forerunner role. The role in itself changed considerable though. In the Rome treaty the Netherlands was the leading country, pulling the other countries towards their views. In the Lisbon treaty, on the other hand, the Netherlands was the country that held the other states back.

The Netherlands was not really a mediating country in the 1950's, and this did not change a lot over the years. It did become a bit less applicable to them though. In both Rome and Lisbon, other states had to mediate between the Netherlands and another country. Though, in Lisbon the Netherlands was known as one of the two countries holding the others back, while in Rome all the countries had different ideas about how to achieve the economic community.

Over the years, the Netherlands has become more of a coalition builder. At the time of the Rome treaty, the Netherlands did not actively seem to seek coalitions. When looking at the time of the Lisbon treaty though, they were really trying to get the other states to understand and possibly agree to the Dutch position and views.

The role of specializer was far from how the Netherlands behaved in the negotiations preceding the Rome treaty. The Dutch delegation seemed to have an opinion on every topic that was up for discussion. This changed over time, since during the negotiations around the Lisbon treaty, the Netherlands had set some broad goals for them to achieve. They still did not prioritize to one subject, but they did narrow it down.

In the period preceding the Rome treaty, the Netherlands used their veto power a lot. This was especially shown in their clashes with France, a country that did not hesitate to use that power either. In 2007 though, the Netherlands did not seem to threaten to use its veto power, as far as the information shows. This perhaps changed due to the fact that they were now in a union of 27 states, instead of a community of just six states. Though, their strong negotiation position in the Lisbon treaty was the result of their veto of the Constitutional treaty.

In the 1950's the Netherlands was more able to deliver convincing arguments than they were in the time of the Lisbon treaty. This due to the fact that their ideas were innovative in Rome, while in Lisbon their ideas were mainly inspired by the Dutch 'no' vote in the 2005 referendum.

All in all, the most notable changes were that the Netherlands used its veto power more in the Rome treaty, while it became more of a coalition builder in the Lisbon treaty. The most stable role was the role of a forerunner, though the essence of the role differed greatly between the two treaties.

<i>Roles</i>	<i>Characteristics</i>	<i>Rome treaty</i>	<i>Lisbon treaty</i>
Forerunner	<ul style="list-style-type: none"> • <i>Persistent activism</i> • <i>Expertise and knowledge</i> • <i>Successful national policies</i> 	<ul style="list-style-type: none"> • ++ • +/- • - Overall: +	<ul style="list-style-type: none"> • ++ • + • -- Overall: +
Mediator	<ul style="list-style-type: none"> • <i>State should be considered neutral</i> • <i>Fighting for the common interest</i> 	<ul style="list-style-type: none"> • - • + Overall: +/-	<ul style="list-style-type: none"> • - • +/- Overall: -
Coalition-builder	<ul style="list-style-type: none"> • <i>Should be considered neutral</i> • <i>Develop common goals</i> 	<ul style="list-style-type: none"> • - • + • Overall: +/-	<ul style="list-style-type: none"> • - • + Overall: +
Specializer	<ul style="list-style-type: none"> • <i>Focus on one particular area of interest</i> • <i>Put all of their resources in that area</i> 	<ul style="list-style-type: none"> • -- • -- Overall: --	<ul style="list-style-type: none"> • +/- • +/- Overall: +/-
State that uses its veto power	<ul style="list-style-type: none"> • <i>Using of or threatening with veto power</i> 	<ul style="list-style-type: none"> • ++ Overall: ++	<ul style="list-style-type: none"> • +/- Overall: +/-
Convincing arguments	<ul style="list-style-type: none"> • <i>Innovative aspect</i> • <i>Represent shared EU norms</i> • <i>Facilitate consensus & coalition building</i> 	<ul style="list-style-type: none"> • ++ • + • - Overall: +	<ul style="list-style-type: none"> • - • + • - Overall: +/-
<u>Legend</u> ++ Characteristic is very applicable to the Netherlands + Characteristic is applicable to the Netherlands +/- Characteristic is a bit applicable to the Netherlands - Characteristic is not applicable to the Netherlands -- Characteristic is not at all applicable to the Netherlands			

Table 6: Roles and characteristics of the Netherlands in the Rome treaty and the Lisbon treaty

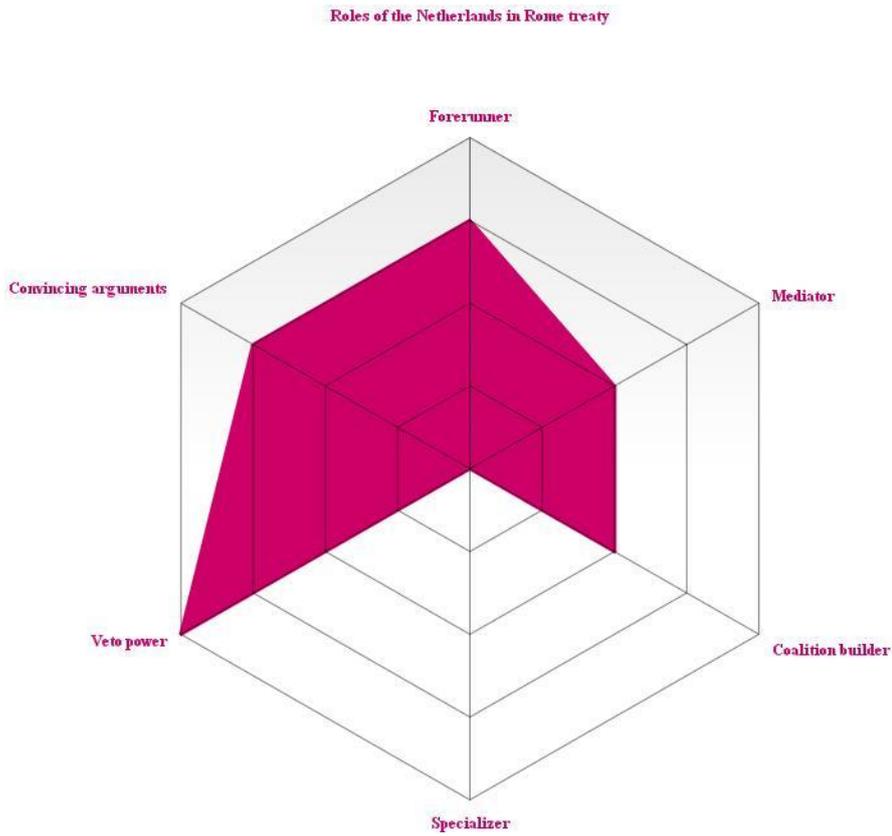


Chart 1: The roles of the Netherlands in the Rome treaty.

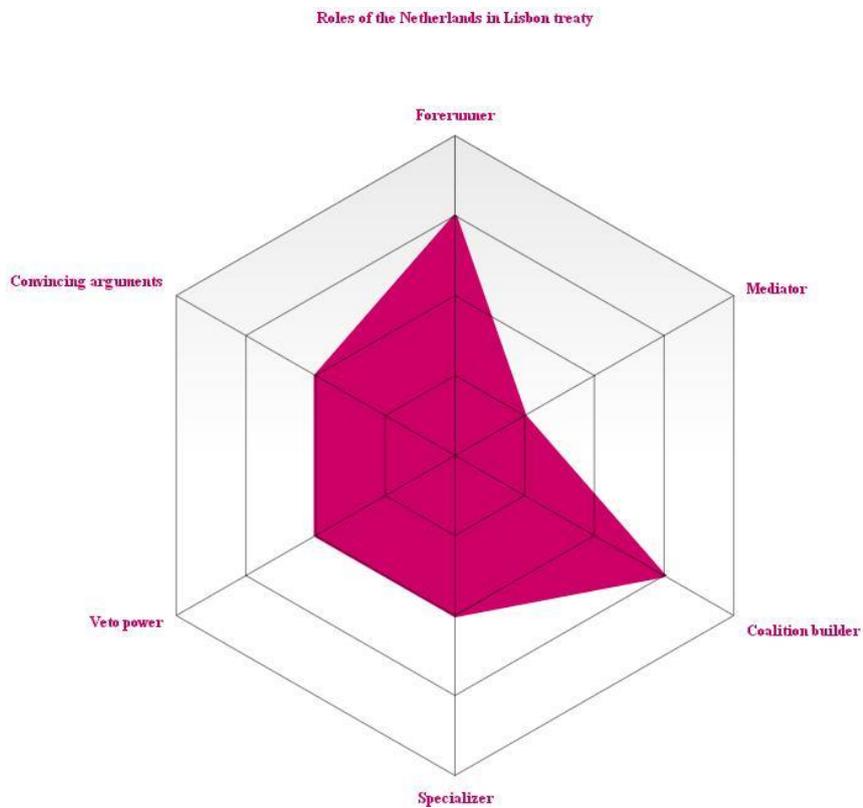


Chart 2: The roles of the Netherlands in the Lisbon treaty.

VALIDITY

When looking at the case of the Rome treaty, the literature where this research is based on is primary literature. By primary literature it is meant that the literature consists of original letters and reports on the negotiations. The Dutch goals are not derived from other researchers' work, but from the existing reports itself.

The Dutch delegation answered to the Ministry of Foreign Affairs and showed their difficulties and the Dutch views on the matters. This information is therefore trustworthy, since the letters are not meant for an external public. The delegation discussed its difficulties and opinions openly in the letters.

When the weekly reports of the Dutch delegation in the Spaak committee were compared to the parliamentary letters, it showed that the latter were less detailed. This makes sense, since it would not be beneficial for the Dutch negotiation position when all the other countries would know their stakes. In the case of the Lisbon treaty, the parliamentary letters were the only literature at hand. This entails that the information available for the Lisbon case is less detailed than the information for the Rome case. Though, the comparison showed that in essence, the reports of the delegation and the parliamentary letters resembled each other. Thus, it is argued that the parliamentary letters in case of the Lisbon treaty are trustworthy, since those letters in the 1950's were reflecting the Dutch goals well. Though, one has to bear in mind that times have changed. Nowadays, the public has better and easier access to the parliamentary letters. Perhaps, the Dutch politicians are thus minding their words more and trying not to give away too much of their negotiation aims, since they could be quoted in the media the same day.

The question could have been answered more thoroughly when the information of the other delegations would also be at hand, since the weekly reports are clearly written by the Dutch and can therefore give a wrong idea of the activeness of the Netherlands in the negotiations. The reports, understandably, mainly focus on what the Netherlands said and focussed on during the negotiations. The other delegations were being discussed as well, but this could create a distorted picture, since they were described from a Dutch point of view.

Another fact that could have affected the validity of this research is that the research looks at 'the role' of the Netherlands in negotiations. The role of a state in intergovernmental conferences is hard to determine. The Netherlands was in meetings with at least five other European countries. Before the treaties were drafted, there were probably already common opinions on how to deal with institutions. When a country had standpoints equal to the common opinion, it can be imagined that the eventual outcome would fit with the countries' standpoints. Also, where one would say that the role of the Netherlands was considerable, another could draw the opposite conclusion out of the same information. This, since a state rarely achieves all of its goals when in negotiations; where one would think the eventual outcome is close to what the state wanted, another could argue that the outcome is still far from the desired goal.

GENERAL DISCUSSION ON THE FINDINGS

The Netherlands: demanding and modest

The Netherlands had a lot of demands regarding the Rome treaty. They were the ones who strived for low external tariffs, a strong Commission, a Parliament and a Social and Economic Council. Though they did not achieve their exact goals, they did accomplish them partly. Without the Dutch demands for a decision-making Commission, the Council would have had all decision making powers. The EU as we know it today, is based on the distribution of power between all the institutions and without the Netherlands this image would have looked differently and less supranational. The Netherlands can with reason be called a founding father of the EU.

The role of the Netherlands on institutional change in the Lisbon treaty creates quite another picture though. The Netherlands seemed to have less detailed demands regarding the Lisbon treaty. Their goals were quite broad and not too ambitious. For example the term a more 'democratic and legitimate EU', can be explained in different ways. Though, the European Parliament did get more co-decision making powers in the Lisbon treaty. Also, an important change brought by the Lisbon treaty was that the national parliaments attained more power regarding the subsidiarity principle. So, the Dutch government could with reason argue that they had reached the goals of a more democratic and legitimate EU.

The Dutch public opinion

An interesting shift can be seen between the Rome treaty and the Lisbon treaty.

When looking at the period of the Rome treaty, the Dutch public was not in the picture. All decisions on such a big thing as the European Economic Community were made by the diplomats and politicians of the Netherlands. The Dutch public opinion was not part of their way of discussing, while in Lisbon it was one of the most convincing arguments of the Dutch government.

As mentioned before, an important, if not the most important, reason for the Netherlands to have had the aims that they had regarding the Lisbon treaty, was the Dutch public opinion. When the Dutch public would not have been against the Constitutional treaty, the Dutch government would have had less negotiating space. Since the other states knew that they would have to give in to the Dutch demands in order to get them to ratify the new treaty, the Netherlands was able to realize most of its goals. The Dutch government could have used that strong position more than they have done. Their goals were not very ambitious, thus it was not very difficult to achieve them. For example, they did not try to change some provisions made in the Constitutional treaty that were copied in the Lisbon treaty. One can think of the official status of the European Council, or the permanent president of this institution. In 2003 the Netherlands did not want this, though in the negotiations preceding the Lisbon treaty, they do not seem to have tried to reverse these provisions.

The Netherlands: progressive and holding back

An interesting shift in the role of the Netherlands took place between Rome and Lisbon. From being the most progressive state of the six in the 1950's, the Netherlands turned into a state that held the other 26 states back. In the negotiations preceding the Rome treaty, the Netherlands played an active role as the country that had the most supranational approach. They were promoting more European integration. By doing so, they pulled the other countries to a position between the Dutch supranational approach and the French approach, which was mostly intergovernmental. The Netherlands can be seen as a country that acted in the interest of the community, not just their individual interests.

This is in contrast with the role the Netherlands played in the negotiations preceding the Lisbon treaty. Here, they were one of the few countries that pulled the others back from more European integration, following the 'no' in the 2005 referendum. The referendum gave the Netherlands a stronger position in negotiations, since the other states knew that when the Dutch people would not agree, the whole deal would be off the table. Therefore, the referendum can be seen as something that enforced the Dutch position. The Netherlands were no longer the country fighting for a more supranational Europe. On the contrary, they had become the country that perceived more integration with suspicion and a critical eye.

The Netherlands: active in different ways

In general, the Netherlands was actively involved in both the Rome treaty as well as the Lisbon treaty. There was a difference in how they were being active though. In the 1950's they seemed to have an opinion on every point on the agenda. They did not hesitate to let the others know their views. Thereby influencing the eventual outcomes of all those topics. Of course, they were just one of the six countries, so they had the opportunity to elaborate on their opinions. In the

Lisbon of 27, on the other hand, they focused on a few aims and were more of a specializer; thereby influencing the topics of main importance to them.

In the process of drafting the Lisbon treaty, this activeness had changed. They were now just one of the 27 states, better said, one of a lot of small member states. They were active in the way that they actively met up with important actors, such as the German presidency and the other member states. They actively sought to build coalitions in the period of the Lisbon treaty. When there are so many states involved, the chances rise that there is a like-minded state around. During the Rome treaty, the coalitions were shaped by the delegations of the six, while during the Lisbon treaty coalition were formed on both the diplomatic level as well as on the political level. The Dutch government visited a lot of member states, in order to find coalition partners.

The Netherlands: a small state?

In the theoretical framework, Keohane's theory on state influence was elaborated on. When returning to that theory, the influence of the Netherlands has changed in between the Rome treaty and the Lisbon treaty. In the 1950's the Netherlands could be considered a system influencing state, since they on occasion worked together with another state and by doing so they influenced the system: a new institution consisting of both supranational as well as intergovernmental bodies came into existence thanks to the Dutch goals.

In the time of the Lisbon treaty, the Netherlands seemed to have lost some influence. They formed alliances, and tried to find as many like-minded states as possible. By doing so, they tried to affect the system, not influence, since they did not try to achieve very ambitious goals. Therefore, the Netherlands can be considered to have been a system affecting state in the time of the Lisbon treaty. Keohane's theory mainly focusses on whether or not a state has to work together with other states. When a state can change a system all by itself, it is considered a system determining state, when a state cannot influence the system at all, even though it collaborates with other states, it is a system in affecting state.

Times have changed though since Keohane came up with his theory. Nowadays, every state has to coordinate its actions in a way with other states, since all states are linked. Therefore, Keohane's theory might be becoming less useful than it was a few decades ago. Though, the theory can still be used in order to get an idea of a state's influence, since there is a difference between states in the degree of cooperation with other states.

Besides Keohane's theory, this research applied other small state theories as well. This mainly showed in the roles a state could play. When looking at those roles, the Netherlands could not really be considered a small state. Especially typical small state strategies such as mediating and specializing were not popular methods for the Netherlands in negotiations.

In Rome the Netherlands did not come across as a small state at all, though they did not hesitate to call themselves small when this would help them in the negotiations. For example, when concerned the weighing of votes in QMV, the Netherlands argued that they should have more votes than decided on, since all states are equal and there should not be discrimination of small states. Besides the fact that they sometimes called themselves small, they certainly acted big. They had an opinion on almost every topic and they did not hesitate to threat with their veto power. They had very ambitious goals in the negotiations on the Rome treaty. That explains why they did not achieve all of their goals completely.

Even though they did achieve their goals during the negotiations on the Lisbon treaty, what they achieved in Rome was more admirable. After all, their goals for the Lisbon treaty were not very ambitious. Since the goals surrounding Lisbon were not ambitious, it was easier to achieve them.

Conclusion: the Netherlands, still standing

The aim of this research was to create a picture of the role the Netherlands has had on the development of EU institutions. This role was derived from the Dutch position in two different bargaining rounds, namely the one preceding the Rome treaty and the one preceding the Lisbon treaty. With both treaties, the Dutch goals preceding the treaty and the eventual provisions made by the treaty were compared. The role of the Netherlands was decided on by the application of small state theory on state roles.

As the introduction stated, the Netherlands throughout history is seen as a country promoting the supranational features of the EU. This was clearly seen in the Dutch approach regarding the Rome treaty, where they kept trying to pool power towards the Commission. Though, the Dutch approach may have changed considerably since the Constitutional treaty. In Lisbon, the Netherlands focused on a clear distribution of powers, and more importantly, they wanted the national parliaments to have more influence. So, the Netherlands may have dropped its supranational attitude and has started to become a critical member of the EU.

The Dutch role in general in European institutional change showed to be more positive than one might expect. The Dutch demands and achievements in the negotiations on the Rome treaty, have provided for a combination between supranational and intergovernmental bodies. Even if the Netherlands today is just one of the 28 states, they are one of the six states who are the architects of the European institutional structure. In the Lisbon treaty, the Netherlands achieved all of its goals, though one might say that those goals were not very ambitious. The Dutch government could have tried to get more out of their negotiating position.

The title of this report is: *The Netherlands, still standing?* After seeing how the Netherlands has influenced the architecture of the EU in the Rome treaty and how they achieved their goals preceding the Lisbon treaty, that question can be answered positively. The Netherlands are still standing.

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