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EU member states and enlargement towards the Balkans

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Edited by Rosa Balfour and Corina Stratulat

The EPC's Programme on European Politics and Institutions

With the entry into force of the Lisbon Treaty, the new focus of this programme is on adapting the EU's institutional architecture to take account of the changed set-up and on bringing the EU closer to its citizens.

Continuing discussion on governance and policymaking in Brussels is essential to ensure that the European project can move forward and respond to the challenges facing the Union in the 21st century in a democratic and effective manner.

This debate is closely linked to the key questions of how to involve European citizens in the discussions over its future; how to win their support for European integration and what are the prospects for, and consequences of, further enlargement towards the Balkans and Turkey.

This programme focuses on these core themes and brings together all the strands of the debate on a number of key issues, addressing them through various fora, task forces and projects. It also works with other programmes on cross-cutting issues such as the reform of European economic governance or the new EU foreign policy structures.

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THE NETHERLANDS

BY STEVEN BLOCKMANS

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20.1 PERCEPTIONS

One often hears the *cliché* that the Dutch are suffering from 'enlargement fatigue', that they are 'lukewarm' to future expansions of the EU or even downright 'anti-enlargement'. As in every *cliché*, there is truth in these perceptions. According to a recent Eurobarometer poll responding to the question "Are you in favour of further enlargement in the EU to include other countries in future years?", the Netherlands scored an average of 32% in favour, 62% against, 6% do not know.⁶¹²

At the same time, as always, reality is more nuanced. After the failure of the June 2005 referendum on the draft Constitutional Treaty for Europe, the Dutch Ministry of Foreign Affairs initiated an online survey called 'Netherlands in Europe'. The survey found that:

- 48% agreed with the proposition that "the EU is big enough and that only West European countries like Norway and Switzerland should still be admitted". 39% rejected this stance.
- The Dutch attach great importance to the strict application of the admission criteria. 75% thought that "new countries should be admitted only if they meet all the criteria".
- 44% thought that new countries should be admitted only if they meet "extra criteria", possibly including an extended trial membership period, during which countries could show that they genuinely fulfil the criteria.
- 90% rejected the proposition that "new countries should be allowed to join even if they do not meet all the criteria".

The principal reason underpinning the negative attitudes among the Dutch to further EU widening has to do with the decision of the European Council on 16-17 December 2004 to open accession negotiations with Turkey in 2005. The possible accession of Turkey to the EU has been a bone of contention for years, with the increasingly successful Party for Freedom (PVV), led by Geert Wilders,

⁶¹² See Standard Eurobarometer 81, spring 2014, 66.

particularly vocal about its opposition to Turkish EU membership, forcing all other political parties to formulate clearer standpoints regarding the possible entry of (potential) candidate countries into the Union. The government's State of the European Union of 2013 went as far as to say:

“EU enlargement brought the Netherlands, as a trading and investor nation, substantial economic benefits, but also had adverse social consequences, partly because the influx of workers from the new member states far exceeded expectations. These migrants, from countries with a significantly lower standard of living than the Netherlands, often work under worse labour conditions than many Dutch people. They also are not infrequently the victims of rogue employment agencies and profiteering landlords. The Netherlands' capacity to absorb newcomers from other parts of Europe is not unlimited, as has been made clear by problems in some inner cities.”⁶¹³

However, public perception is not rooted in the reality of the advantages that EU enlargement has brought to the Netherlands.

20.2 TRADE

A study of the Dutch Office for Statistics (CBS) has shown that the enlargements of 2004 and 2007 led to a significant increase in trade with new member states.⁶¹⁴ Both imports and exports of goods more than doubled between 2004 and 2010, and trade with the EU enlargement countries became more intense: whereas in 2004 only 3.8% of total Dutch exports went to the new member states, in 2010 this figure had risen to 6.7%, while imports increased by 2.8 to 5.6% of total imports. Unlike trade in goods, trade in services with the EU enlargement countries has remained virtually unchanged. Looking at the total imports and exports of goods and services with the new member states, it should be observed that the Netherlands does most of its business with Poland, Czech Republic and Hungary (nearly 75%).

While trade in services has not significantly increased or decreased, its composition has changed. For instance, the amount that Dutch households and businesses spend on construction services from the EU enlargement countries has halved. Furthermore, exports of Dutch construction services to the EU enlargement countries have fallen. In exports, the share of other services grew more than 4% in 2006 to over 6% in 2010. When looking at the total imports and exports of services, the CBS found that the share of royalties and licence fees rose sharply to about a fifth of the total. For the new member states, this share was still well below 10% for Poland and 13% for the Czech Republic.⁶¹⁵

With its open economy, the Netherlands has much to gain from peace and stability all over Europe, from free trade and the extension of the internal market. According to the Dutch government, another argument for EU enlargement is that it is good for business and exports and good for Europe, as it gives the Union more leverage in an increasingly complex and multipolar global context.⁶¹⁶

⁶¹³ “State of the European Union 2013 – Building bridges in Europe”, 15 February 2013, available at: <http://www.government.nl/documents-and-publications/letters/2013/02/15/state-of-the-european-union-2013-building-bridges-in-europe.html> (last accessed on: 27 April 2015).

⁶¹⁴ See CBS, *Uitbreiding van de Europese Unie 2004 en 2007 – Cijfers over Nederland – 2011*, available at: <http://www.cbs.nl/NR/rdonlyres/C3D36557-C8CF-4674-A16B-B9588278AFD9/0/111021uitbreidingvandeEU.pdf> (last accessed on: 27 April 2015).

⁶¹⁵ *Ibid.*

⁶¹⁶ See, most vocally, in the “State of the European Union 2013”, *op. cit.*

20.3 TRAUMA

Popular scepticism *vis-à-vis* EU enlargement with Turkey should not be equated with the Dutch attitude towards preparing the countries of the Western Balkans for accession. Because of its own part in that region's recent violent history, the Netherlands generally adopts a more favourable stance towards those countries' prospects of integration. The trauma of the massacre at Srebrenica, which happened after the separation and deportation of thousands of Bosnian boys and men under the watchful eye of a Dutch UN peacekeeping battalion, led to massive soul-searching in political circles and society as a whole. This led to several inquiries, parliamentary and otherwise (including that of the Netherlands Institute for War Documentation – NIOD⁶¹⁷), and the downfall of a government. In July 2014 the district court in The Hague ruled that the Dutch state was accountable for the deportation of 300 men – a breach of international humanitarian law.⁶¹⁸ As explained further below, the Dutch national self-image rests upon ideals of justice, tolerance and fairness; this is one reason why the 1995 Srebrenica massacre was such a devastating experience for the Netherlands. The Dutch feel that they owe it to Bosnia-Herzegovina, indeed to the region as a whole and to peace and stability in Europe in general, to guide the Balkans into the EU. But not at all costs.

EU enlargement is also considered to be about domestic policies: once a country joins the EU, it becomes part of our community of values. The Netherlands therefore opposes 'second-rate' enlargement, a process in which political expediency overrides the proper preparation of candidates for EU membership. There is also a general belief that in the past the EU has neglected to convey the importance of enlargement to its own citizens; that it has not given it the attention it deserves. Therefore, The Hague wants better communication on EU enlargement policy, which entails a collective responsibility of the European Commission, the Dutch government, the business community, non-governmental organisations (NGOs), and so on.

20.4 DECISION-MAKING

Deliberative democracy is fundamental to political life in the Netherlands. This dates back to the development of the country from 12 provinces despite strong social divisions between the Catholic, Protestant and liberal "pillars" of society. The Netherlands is famous for its "poldermodel" – a consensus-building process which goes back to the water management systems of the reclaimed lowlands, by which decisions are taken jointly through elaborate consultations and the search for compromises.⁶¹⁹

A strong form of proportional representation in elections ensures a multiplicity of political voices. No party has ever held an absolute majority. Government is always through coalition,⁶²⁰ and the Prime Minister cannot overrule his ministers. Mark Rutte is currently Prime Minister and Minister of General Affairs. He presides over cabinet meetings and attends European Council meetings accompanied by the Minister of Foreign Affairs. The Prime Minister is accountable to Parliament for his actions as a member of the European Council. He consults Parliament before and after each European Council

⁶¹⁷ NIOD (2002), *Srebrenica: een 'veilig' gebied. Reconstructie, achtergronden, gevolgen en analyses van de val van een Safe Area*, Boom: Amsterdam, available at: http://publications.niod.knaw.nl/publications/srebrenicarapportniod_nl.pdf (last accessed on: 25 April 2015).

⁶¹⁸ District Court of The Hague, Mothers of Srebrenica vs. the Netherlands and the United Nations, Judgment of 16 July 2014, ECLI:NL:RBDHA:2014:8562.

⁶¹⁹ See Van der Horst, Han (2001), *The Low Sky: Understanding the Dutch*, 7th edition, Schiedam: Scriptum.

⁶²⁰ For the 2012 Coalition Agreement, see: <http://www.government.nl/government/coalition-agreement/iv-the-netherlands-and-the-european-union> (last accessed on: 27 April 2015).

meeting. The Ministry of General Affairs is responsible for co-ordinating overall government policy. The ministry also houses the Government Secretariat, which is the smallest Dutch ministry. It includes the Prime Minister's Office, the Government Information Service and the co-ordinating office of the Netherlands Scientific Council for Government Policy (WRR).⁶²¹

The Minister of Foreign Affairs (previously Frans Timmermans, now Bert Koenders) is responsible for Dutch foreign policy.⁶²² He is assisted by the Minister for Foreign Trade and International Cooperation. There are now four Directorates-General. The Directorate-General for Political Affairs (DGPZ) develops policy on peace and security matters, and advises on Common Foreign and Security Policy, Common Security and Defence Policy and the political role of NATO and the UN. The Directorate-General for International Cooperation (DGIS) is responsible for development cooperation policy, its coordination, implementation, and funding. The Directorate-General for External Economic Relations (DGBEB) gives impetus to international economic activities, creates favourable conditions and encourages foreign companies to establish themselves permanently in the Netherlands. In the context of the current study, the Directorate-General for European Cooperation (DGES) is the most relevant DG, as it develops and coordinates Dutch policy on Europe and the European Union.⁶²³ It is responsible for the Netherlands' relations with other EU member states and candidate countries. Within the DGES, the Directorate Europe (DEU) is responsible for regional policy for 54 countries, comprising all 28 EU member states and the neighbouring European countries in the Balkans and in the East (whether or not a candidate for membership) as far as the Caucasus and Central Asia. The DEU is also responsible for the implementation of the 'Social Transformation Programme – Matra' (see below). Within the DEU, Section 2 is responsible for relations with, inter alia, the countries of Southeast Europe.

The Minister of Foreign Affairs, as well as the Minister of Defence, the Minister for Foreign Trade and Development Cooperation and the Lower and Upper Houses of Parliament, can ask the Advisory Council on International Affairs (AIV) for advice. The AIV is an independent body, which advises government and Parliament on foreign policy. Requests for advice, AIV reports and government responses are all made public.⁶²⁴

The Dutch Parliament ('Staten-Generaal') is bi-cameral, comprising the 'Eerste Kamer', also called the Senate,⁶²⁵ or Upper House, and the key legislative body, the 'Tweede Kamer', known also as the House of Representatives or the Second Chamber. The Second Chamber plays an important role in Dutch policymaking.⁶²⁶ It has a high degree of influence on Dutch policy on the EU accession of the Western

⁶²¹ The WRR's reports most relevant for this study are No. 69, *De Europese Unie, Turkije en de Islam* (2004), No. 65 *Slagvaardigheid in de Europabrede Unie* (2003), and No. 59 *Naar een Europabrede Unie* (2001), available at: <http://www.wrr.nl/publicaties/rapporten/> (last accessed on: 25 April 2015).

⁶²² The Netherlands Ministry of Foreign Affairs - Policy Agenda 2012, 20 September 2011, available at: <http://www.government.nl/documents-and-publications/annual-plans/2011/09/21/ministry-of-foreign-affairs-policy-agenda-2012.html> (last accessed on: 25 April 2015).

⁶²³ For the Netherlands and developments within the EU, see the government's website: <http://www.government.nl/issues/european-union/the-netherlands-and-developments-within-the-eu> (last accessed on: 25 April 2015).

⁶²⁴ Most relevant for this study are AIV Reports No. 71, *The EU's capacity for further enlargement* (2010); and No. 37, *Follow-up report Turkey: towards membership of the European Union* (2005), available at: <http://aiv-advies.nl/63q/publications#advisory-reports> (last accessed on: 27 April 2015).

⁶²⁵ The members of the Senate are elected by the members of the twelve Provincial Councils every four years. The Senate's main role is to monitor draft legislation. Its members do not have the right to amend bills. They can only either accept or reject them. Senate debates can contribute to the interpretation of a law. Members can put written questions to the government. The European Cooperation Committee deals with the preparation of written proposals on European cooperation, including EU treaties. The committee is responsible for examining all European Commission proposals sent to the Senate by the government.

⁶²⁶ See Andeweg, Rudy.B. and Irwin, Galen A (2009), *Governance and Politics of the Netherlands*, 3rd edition, Palgrave Macmillan: Netherlands Institute for Multiparty Democracy and the Institute for Political Participation (2008) *The Dutch*

Balkan states and Turkey.⁶²⁷ Cabinet ministers regularly appear before it defending their policies. Much of the deliberation happens within the committee process. There are more than 20 committees and each committee is responsible for monitoring developments in the EU within its area of competence. Committees have powers to challenge ministers.

The European Affairs Committee (EAC) oversees parliamentary reviews of government responses to new legislative proposals from the European Commission and the transposition of EU legislation into Dutch law.⁶²⁸ It also co-ordinates the dialogue with the government before a meeting of the Council of the EU. The entire EAC meets two or three times per month in a public meeting with the Prime Minister, the Minister for Foreign Affairs, or the State Secretary for Foreign Affairs. In the committee, the agenda of upcoming meetings of the European Council, the General Affairs Council and the Justice and Home Affairs Council are discussed.⁶²⁹ Enlargement policy is one of the areas where the members of the EAC broadly agree on the government's approach to conditionality. Since the 2005 referendum on the Constitutional Treaty, the Tweede Kamer has taken an increasingly strict stance on enlargement based on the principle of 'strict and fair'.⁶³⁰

20.5 EU PRE-ACCESSION CONDITIONALITY: 'STRICT AND FAIR'

Generally, the Netherlands government believes that EU enlargement conditionality is probably the most effective instrument of foreign policy that the Union has in its toolkit for stabilisation, transformation, democratisation, promotion of human rights, and regional co-operation of the countries of Central and Eastern Europe and the Balkans. While the Dutch coalition government programme of 29 October 2012 merely states that "[t]he accession of new member states should be assessed on the basis of the Copenhagen criteria", The Hague does not consider the enlargement agenda to be static. It has been a heavy proponent of including the additional criteria formulated at the EU-Western Balkans summit in its 2003 Thessaloniki Declaration, as well as those in the EU's Stockholm programme (Justice, Security and Freedom). The Netherlands also underscores the so-called 'absorption capacity' of the Union, to which the government sees five components: (i) institutional, that is the capacity of the EU institutions to function with new member states; (ii) economic, meaning the capacity of both the goods and service markets, as well as the labour market to absorb new member states; (iii) budgetary, relating to the capacity of the EU's budget to absorb new member states; (iv) geopolitical, referring to the capacity of the EU to ensure its strategic security; and (v) public opinion, namely the capacity of society to absorb new member states.⁶³¹

The Dutch care in particular about EU border management and pay specific attention to reform in the field of the rule of law (independence of the judiciary, combating corruption, combating crime, and tackling illegal migration) and fundamental rights (for example, the protection of sexual minorities), as well as the promotion of a culture of tolerance. The increased focus on and frontloading of rule of law in the European Commission's 'New Approach' to EU enlargement,⁶³² and the addition of EMU tools

Political System in a Nutshell, The Hague: NIMD, available at: <http://www.nimd.org/document/211/the-dutch-political-system-in-a-nutshell> (last accessed on: 27 April 2015).

⁶²⁷ See Van Keulen, Mendeltje (2006), *Going Europe or going Dutch: how the Dutch Government shapes European Union Policy-making*, Amsterdam: University of Amsterdam Press.

⁶²⁸ For more information, see: <http://www.tweedekamer.nl/kamerleden/commissies/eu> (last accessed on: 27 April 2015).

⁶²⁹ See Holzhaacker, Ronald (2004), "Parliamentary Scrutiny in The Netherlands over EU Issues", *CES Working Paper* 5.

⁶³⁰ "State of the European Union 2014", *op. cit.*

⁶³¹ See, in further detail, Emerson, Michael, Aydin, Senem, de Clerck-Sachsse Julia, and Noutcheva, Gergana (2006), "Just what is this 'absorption capacity' of the European Union?", *CEPS Policy Brief No. 113*.

⁶³² Communication from the Commission to the European Parliament and the Council, Enlargement strategy and main challenges 2012-2013, COM(2012) 600 final, Brussels, 10 October 2012.

and mechanisms for better economic and budgetary policy coordination into the accession talks' remit,⁶³³ have been warmly welcomed by The Hague, as the focus is not on changing the rules of the game but on raising the bar.

Enlargement policy is considered a powerful tool for political, economic and societal transformation, but only if conditions are applied scrupulously and candidates are sufficiently committed. That is what Dutch public opinion expects, according to the government – especially in the current climate, in which the EU has a big credibility problem, with incredulity about the difficulties of managing the Eurozone riding on the back of a deeper scepticism about the added value that the EU offers to net contributors to the common budget.⁶³⁴ According to the Dutch government, going soft on conditionality is therefore neither in the interest of the Netherlands and its citizens, nor in the interest of the candidate countries and their citizens.

The argument that EU membership will stimulate acceding countries to catch up is not supported by the Dutch government. Having learned the lessons from what in the lowlands is generally considered to have been the premature EU entry of Bulgaria and Romania in 2007, and the failure of the fight against corruption and organised crime in these two countries through the post-accession Cooperation and Verification Mechanism (CVM), the Netherlands, alongside Germany and supported by Belgium, spearheaded the 'strict *but* fair' conditionality which was later mainstreamed in the pre-accession process by the Commission.⁶³⁵ In the meantime, The Hague has pivoted to the concept of 'strict *and* fair' conditionality as the key to a successful EU enlargement policy. Arguably, 'strict *and* fair' is a better maxim as it stresses the mutually reinforcing character of the composite elements in the approach to pre-accession states.

Semantics aside, the Netherlands' government has been a firm proponent of the full adherence by aspirants to all Copenhagen 'Plus' criteria: (i) the political criteria, i.e., stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities; (ii) the economic criteria, i.e., a functioning market economy and the capacity to cope with competition and market forces; (iii) the administrative and institutional capacity to effectively implement the *acquis* and the ability to take on the obligations of membership; (iv) the Union's own 'absorption capacity'; 'plus' (v) the criterion of enhancing regional cooperation; and (vi) the criteria flowing from the peace deals in the Western Balkans, including the full and unequivocal cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), decentralisation of power, the return of refugees, and the clarification of property rights.⁶³⁶

For reasons mentioned above, The Hague attaches particular importance to full and unequivocal cooperation with the ICTY, which it hosts, as an EU entry condition for the Western Balkan states. One prominent example concerned the Netherlands' decision to postpone the opening of accession talks

⁶³³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Enlargement Strategy and Main Challenges 2014-15, COM(2014) 700 final, Brussels, 8 October 2014.

⁶³⁴ See Blockmans, Steven, Hoevenaars, Judith, Schout, Adriaan, and Wiersma, Jan Marinus (2014), "From subsidiarity to better EU governance: a practical reform agenda for the EU", *Clingendael/CEPS Report*; Schout, Adriaan, and Wiersma, Jan Marinus (2012), "Reinventing Europe: the Dutch paradox", *ECFR Commentary*.

⁶³⁵ See Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1117; and Wolters, Simone (2010), "The Netherlands: 'firm but fair' towards new EU member states", EU-27 Watch No. 9, available at: http://www.eu-28watch.org/?q=system/files/EU-27%20Watch%20No.%209%20-%20Netherlands_Q2.pdf (last accessed on: 27 April 2015).

⁶³⁶ See Blockmans, Stevens (2007), *Tough Love: The European Union's Relations with the Western Balkans*, The Hague: Asser Press, pp. 246-7 and 252.

with Croatia in 2005 until the indicted war-time general Ante Gotovina was arrested and transferred to the ICTY in The Hague.⁶³⁷

With respect to the other Copenhagen ‘plus’ criterion, The Hague considers countries on their own merits but sees regional cooperation as key: “We have to urge them and convince the parties that mutual cooperation is the only option. However, already promising Bosnia that it will one day be able to join NATO or the EU could have an adverse effect.”⁶³⁸

The insistence on ‘strict and fair’ EU pre-accession conditionality exposes a general characteristic in the (Calvinist) Protestant Netherlands: diverging from rules is bad politics; good governance is not about rubber-stamping laws but about enforcing them. It is therefore no surprise that the Netherlands is a strong supporter of the ‘New Approach’ to EU enlargement espoused by the Commission, which insists on tracking and recording real and tangible reform of aspirant countries before moving on to the next stages of the pre-accession process:

“The EU can only safeguard its standards through a strict and fair enlargement policy. Candidate countries may not join the EU until they have conclusively demonstrated that the reforms they have made are lasting and irreversible. Respect for human rights and reforms involving governance and the rule of law are paramount. These policy areas are closely interwoven with the EU’s core values. The necessary reforms include amending, implementing and enforcing legislation. The Netherlands will continue to assess candidate countries by examining their track record in this area. This involves more than merely ticking off the pieces of legislation they introduce.”⁶³⁹

In the words of a previous Minister of Foreign Affairs: “First the red lines, then the red carpet.”⁶⁴⁰

It thus follows that The Hague is in favour of the system of benchmarking (including interim benchmarks) introduced by the European Commission in the organisation of EU accession talks. In particular, the Dutch are great supporters of the frontloading of Chapters 23 and 24 (justice and home affairs; fundamental freedoms) so as to allow candidates to get down to work on these difficult reform issues as soon as possible and to enable the EU (institutions and member states alike) to track their performance throughout the entire process of accession negotiations.

20.6 TRACKING PERFORMANCE OF INDIVIDUAL COUNTRIES

Every year at the end of October, the Dutch government presents its annual ‘appreciation’ of the European Commission’s Regular Reports and EU enlargement strategy in a formal letter to the Tweede Kamer. The regularity and intensity of the exchange illustrate the seriousness with which both institutions approach the issues at hand. Reviewing the official documents, it also becomes clear that

⁶³⁷ “EU houdt deur voor Kroatië nog dicht”, *NRC Handelsblad*, 16 March 2005, available at: http://vorige.nrc.nl/dossiers/uitbreiding_eu/kandidaten/article1861325.ece (last accessed on 27 April 2015). For other examples, see EU-27 Watch No. 6_03/2008, at 93, available at: http://www.eu-27watch.org/?q=system/files/EU-27_Watch_No_6.pdf (last accessed on: 27 April 2015).

⁶³⁸ Eerste Kamer: Algemene Europese beschouwingen, 20 April 2010, 26-1118.

⁶³⁹ “State of the European Union 2013 – Building bridges in Europe”, 15 February 2013, available at: <http://www.government.nl/documents-and-publications/letters/2013/02/15/state-of-the-european-union-2013-building-bridges-in-europe.html> (last accessed on: 25 April 2015).

⁶⁴⁰ See Kamerbrief over kabinetsappreciatie EU-uitbreiding, 28 October 2011, available at: <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2011/10/28/kamerbrief-over-kabinetsappreciatie-eu-uitbreiding.html> (last accessed on: 25 April 2015).

the Dutch government and Parliament generally trust the Commission as the guardian of enlargement strategy. The Netherlands supports a strong and competent Commission in this field.⁶⁴¹

With regard to the performance by individual Western Balkan states, the government offered the following reaction to the 2014 Regular Reports to the Tweede Kamer:

“Montenegro is making progress, but the pace of reform falters. More focus on implementation and tangible results, especially regarding the rule of law. The progress in these areas, measured by a solid track record, determines the overall pace of the accession negotiations. (...) The government understands that small Montenegro, more than other candidate countries, is struggling with a lack of capacity. At the same time, it is also evident that this is not the only obstacle. The Commission rightly emphasises that strong political commitment is required for the necessary deep and lasting reforms to strengthen the rule of law. It is up to Montenegro to show that, through determined action and tangible results, it seriously takes up the transformation of the country. Montenegro is the first country where the new approach is applied to the rule of law chapters: open early, close late. Progress towards the rule of law will determine the pace of negotiations in general. Progress is thereby not only measured in terms of policies and laws, but rather mostly by way of concrete results and a track record. Montenegro should be aware of that. The government appreciates the warning issued by the Commission by referring to the possibilities offered by the negotiating framework to intervene if progress fails.

Serbia: Since the start of negotiations in January [2014], a number of important reforms have been put in motion, but there are also issues of concern. Sustainable implementation is needed with regard to the rule of law, in particular an independent judiciary and freedom of expression and the media, as well as full implementation of agreements in the dialogue with Kosovo. (...) The government shares the view of the Commission that Serbia has made good progress in the past period. A good number of reform laws have been passed, a new coordinating body has been established to implement the anti-corruption strategy, steps have been taken to professionalise and depoliticise the civil service and progress has also been made in the fight against organised crime. The adoption of a package of media laws is an important step, but it now comes down to implementation. The Serbian government also deserves credit for enabling the peaceful and safe Pride Parade to go on in Belgrade this year. At the same time, there are concerns upon which the Commission rightly touches. The government cites in particular the question of freedom of expression. Increasing pressure on the media leads to (self-)censorship, and political ties to the media are great; furthermore, professionalism is low and there is no tradition of investigative journalism. The frequent use of emergency procedures to implement laws undermines the role of Parliament in reviewing legislation and controlling the executive power, and limits public participation and wider social debate. In the normalisation of relations with Kosovo, Serbia could, according to the government, do more to implement the existing agreements.

Macedonia still shows a high degree of alignment with the EU *acquis*, but there are continuing concerns about decline in the areas of judicial independence and freedom of expression and the press. The name issue plays a major role in the unsustainable stalemate in the accession process, but should not be an excuse for stagnation or decline in reforms. In this particular case, a decision to open negotiations ought to generate new momentum for the EU reform process. (...) The government shares the serious concerns of the Commission on the situation in Macedonia. Developments regarding the independence of the judiciary, freedom of expression and the media, corruption, LGBT rights and rising political and ethnic tensions, show a negative trend. (...) The Commission’s concerns about the potential impact on the stability of the country if the impasse persists are shared by the government.

⁶⁴¹ See Kamerbrief over kabinetsappreciatie EU-uitbreiding, 31 October 2014, 23 987 Nr. 146, available at: <https://zoek.officielebekendmakingen.nl/kst-23987-146.html> (last accessed on: 25 April 2015).

(...) The recommendation to open negotiations, and Dutch support for this, hangs by a thread. Macedonia now needs to address decisively the identified deficiencies.

Albania: Obtaining candidate member status in June [2014] was in recognition of progress made, but also an encouragement to boost further reforms. (...) The government supports the analysis of the Commission. Albania has made good progress in the past year, but there is still a long way to go. The Commission's concerns about the remaining challenges with regard to corruption and organised crime, as well as pluralism and independence of the media, are shared. Reform of public administration remains a key issue. The growing political polarisation is worrying, especially because of the inhibiting effect that this confrontational attitude has on the progress of and support for priority reforms, not least with regard to the judiciary and the fight against corruption. The government agrees with the Commission's conclusion that Albania still has very much work to do before the opening of negotiations.

Bosnia-Herzegovina: Stagnation in the EU integration process continues. It is essential to form a government as soon as possible, at all state levels, and that the leaders jointly pick up the socio-economic reform agenda, including the fight against corruption. (...) The Netherlands shares the negative view of the Commission. Bosnia is lagging behind compared to neighbouring countries. The government considers the call of the population as a warning to political leaders to break the dysfunctional political culture. It is important that they set the long-term interests of the country now truly before personal, partisan and ethnic-nationalist interests. (...) The government supports the new focus of the EU in response to citizen protests, which is on strengthening economic governance and the rule of law, especially in the fight against corruption. The increased cooperation with the international financial institutions is welcomed. The government supports the call by the Commission, after the results of the elections are known, to form a government as soon as possible, at all state levels. The political leadership owes it to the Bosnian citizens to provide the country with a clear direction. The government considers it important that the EU conduct further consultations on the policy towards Bosnia-Herzegovina after the formation of a new government.

Kosovo: Further progress in reforms. Initialling the Stabilisation and Association Agreement is a milestone in relations with the EU. Kosovo must now deliver on a number of key reforms, in particular regarding the rule of law, and focus on implementation. (...) Like the Commission, the Netherlands calls upon the political leaders and parties to act responsibly and as quickly as possible to address the challenges identified by the Commission, including the implementation of outstanding issues in the framework of the dialogue with Serbia. The government hopes for a swift signing of the SAA, which will be a useful tool for further direction and guidance in the reform legislation."⁶⁴²

20.7 SUPPORT ON THE GROUND

The Netherlands has embassies in Belgrade, Pristina, Skopje, Sarajevo, Tirana, and Zagreb. The embassy in Belgrade also covers Montenegro. Dutch engagement in the Balkan countries also takes the form of trade and development aid, which is channelled through the development organisation SNV (founded in 1965 under the MFA as the *Stichting Nederlandse Vrijwilligers*, the Foundation of Netherlands Volunteers, but no longer working with volunteers or under the government) and NGOs. All countries of Southeast Europe are recipients of Dutch official development aid (in particular through its *Matra*, *Maatschappelijke Transformatie* – or Societal Change – programme). The *Matra* programme in its current shape has been underway since the beginning of 2012 and is funded for four years (2012-2015), with an overall budget of roughly €60 million (including Turkey). A number of Dutch

⁶⁴² See Kamerbrief over kabinetsappreciatie EU-uitbreiding (2014), *op. cit.*

non-ODA and semi-ODA programmes are also open to the region. It was not possible to quantify Dutch assistance fully as it includes contributions to international organisations (EU, UN, international financial institutions, Organisation for Security and Cooperation in Europe, and Council of Europe) and Dutch national organisations.

Dutch aid can be seen as a facet of the Netherlands' 'strict and fair' policy on EU accession. The Matra programme, in particular, focuses on helping target countries to meet the Copenhagen criteria and adopt the *acquis* as preconditions for EU accession. This means that currently the formal general objective of the Matra is to contribute to the development of a plural democracy, grounded in the rule of law, with room for dialogue between government and civil society. This is being pursued through capacity building and institutional support interventions aimed at government, civil society and political parties, with particular attention paid to strengthening bilateral relations between the Netherlands and the target countries. These interventions are structured according to the following four programme components: (i) Matra Cooperation with Pre-accession Countries on the Rule of Law (CoPROL); (ii) training of civil servants (PATROL) and young diplomats from Matra countries; (iii) supporting and strengthening civil society initiatives (delegated projects through the Dutch Embassies); and (iv) the Matra Political Parties Programme (MPPP).

In view of the rule of law challenges faced by the target countries in the EU accession process, the overall relevance of the Matra programme is high. Given the 'strict and fair' policy on EU accession, having a dedicated programme geared towards strengthening the rule of law in recipient countries allows the Netherlands to be perceived not just as a critical or downright difficult EU member state, but also as a constructive one. In some projects Dutch support can even be seen as an advantage, as it gives additional credibility and weight to the intervention.

While the effectiveness of the Matra programme in the Western Balkans has been notoriously difficult to determine, and the added value of the Dutch interventions is different for each programme component, the relevance of the programme overall has been evaluated positively by the Dutch Ministry of Foreign Affairs and recipients alike.⁶⁴³ The added value of Matra assistance lies primarily in the pioneering and *niche* functions of the programme, complementary to the bigger financial and technical aid packages made available by the EU under the Instrument for Pre-accession Assistance. What also tends to be much appreciated is the flexible and fast funding window which the Dutch programme offers to respond to relatively small emerging and/or innovative ideas for the strengthening of the reform agenda, accessible to a wide range of organisations. Of course, a certain element of self-interest is also present, with the potential for expanding the Netherlands' links with key governmental and judicial staff, as well as with political parties in the pre-accession countries; these key constituencies develop an understanding for the Netherlands' approach to EU accession conditionality.

20.8 CONCLUSIONS

Negative Dutch attitudes to further EU enlargement emerged mostly from the prospect of membership being given to Turkey, first raised more than a decade ago. As a result of the partial responsibility of the Netherlands for the 1995 Srebrenica massacre, the Dutch actually feel that they owe it to Europe as a whole to guide the Western Balkans into the EU. But not at any cost. Spurred by a rather homogeneous approach to pre-accession conditionality by parties across the Dutch political spectrum, successive coalition governments have taken an increasingly strict stance on further EU enlargement.

⁶⁴³ See, e.g., IOB, *Regionaal en geïntegreerd beleid? Evaluatie van het Nederlandse beleid met betrekking tot de Westelijke Balkan 2004-2008*, IOB Evaluatie No. 359, October 2011.

The insistence on 'strict and fair' EU pre-accession conditionality exposes general ideological characteristics of the (Calvinist) Protestant Netherlands: diverging from the rules is bad politics, and good governance is not about rubber-stamping laws but enforcing them. At the same time, EU enlargement has proven to be good for Dutch business and exports, and good for Europe because it has given the Union more leverage in an increasingly complex and multipolar global context. This double-edged approach to EU enlargement reflects the self-perception of the Dutch as a nation of merchants and vicars.

Generally, the Netherlands believes that EU enlargement conditionality is probably the most effective instrument of foreign policy that the EU has in its toolkit for the stabilisation, economic transformation, and democratisation of the countries of the Western Balkans. The Dutch care in particular about the rule of law (independence of the judiciary, combating corruption, combating crime, and tackling illegal migration) and fundamental rights (for example, the protection of sexual minorities), as well as the promotion of a culture of tolerance. The increased focus on and frontloading of the rule of law in the European Commission's 'new approach' to EU enlargement have been welcomed by The Hague. The same goes for the Commission's insistence on tracking and recording real and tangible reform of aspirant countries before moving on to the next stages of the pre-accession process, in particular because the practice of 'benchmarking' gives the Netherlands a right to delay progress in accession negotiations if reforms are lagging behind schedule. The Hague has not hesitated to use this right of veto to insist, in particular, on the full cooperation of candidate countries with the International Criminal Tribunal for the former Yugoslavia, which it hosts. The Netherlands not only preaches, it also practises. The Hague has been quite consistent in offering a helping hand towards strengthening the rule of law in recipient countries. Given its policy on EU enlargement, having a dedicated programme geared towards societal change in the countries of the Western Balkans allows the Netherlands to be perceived not just as a critical or downright difficult EU member state but also as a constructive one. This gives the Dutch additional credibility in applying its 'strict *and* fair' policy.

MISSION STATEMENT

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European Policy Centre
14-16 Rue du Trône/Troonstraat
B-1000 Brussels
Belgium

Tel : +32 (0) 2 231 03 40
Fax : +32 (0) 2 231 07 04
Email : info@epc.eu
Twitter : @epc.eu
www.epc.eu