

# The Black Box of the Nice Treaty Negotiations

*The influence of the Dutch cabinet*



SANDER LUITWIELER



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# **The Black Box of the Nice Treaty Negotiations**

## **The influence of the Dutch cabinet**

**De zwarte doos van de onderhandelingen over het Verdrag van Nice**

**De invloed van het Nederlandse kabinet**

**Proefschrift**

ter verkrijging van de graad van doctor aan de  
Erasmus Universiteit Rotterdam  
op gezag van de  
rector magnificus

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en volgens besluit van het College voor Promoties.

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# List of abbreviations

CFI	Court of First Instance
COREG	Committee of the Regions
COREPER	Committee of Permanent Representatives
DIE	European Integration Department (Dutch Foreign Affairs Ministry)
DGES	Director-General for European Cooperation
DGPZ	Director-General for Political Affairs
DVB	Security Policy Department (Dutch Foreign Affairs Ministry)
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
EAEC/Euratom	European Atomic Energy Community
EC	European Council
ECHR	European Convention on Human Rights
EEC	European Economic Community
EP	European Parliament
ESC	Economic and Social Committee
ESDP	European Security and Defence Policy
EU	European Union
FA/DIE	Dutch Foreign Affairs Ministry/European Integration Department
GAC	General Affairs Council
IGC	Intergovernmental Conference
IR	International Relations
iPSC	interim Political and Security Committee
JHA	Justice and Home Affairs
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
OLAF	Office européen de Lutte Anti-Fraude
PG	Preparatory Group
PoCo	Political Committee
PR	Permanent Representation
PSC	Political and Security Committee
QMV	Qualified majority voting
SOA	Statement of assurance
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
UK	United Kingdom
WEU	Western European Union



# List of operational definitions

## Anticipation (type 12)

No goal-achievement that is positively associated with anticipation resulting in not undertaking influence attempts.

## Bad luck (type 7)

No goal-achievement that is positively associated with bad luck, while undertaking influence attempts.

## Decision

An issue that does get an agenda status, after which a selection of one or a combination of two or more decision options is laid down in the final Treaty text.

## Domain (of an actor's influence)

The number of actors that are subject to an actor's influence.

## Domestic structure

Domestic actors and factors constraining or enabling an actor during the negotiation process in general or concerning an issue in particular.

## Failure (type 5)

No goal-achievement that is positively associated with unsuccessful influence attempts.

## Feasibility

The extent to which it is possible to apply a method within the constraints of time and money in a study.

## Free ride (type 2)

Goal-achievement that is positively associated with profiting from influence resources (notably advantageous policy positions) or other

actors' influence attempts, while undertaking influence attempts itself.

## Goal-achievement, extent of

The extent to which the preferred decision option is reflected in the outcome.

## Influence

A relation between different actors in which the presence or usage of an actor's resources causes an effect, in keeping with its preference, on one or more other actors in the course of a process.

## Influence, explicit (type 1)

Goal-achievement that is positively associated with influence attempts in the sense of the active use of influence resources.

## Influence, implicit/anticipated (type 3)

Goal-achievement that is positively associated with simply possessing the influence resource 'reputation for influence', while not undertaking influence attempts.

## Influence attempt

The way in which an actor uses its influence resources in order to realise its preference on an issue in the outcome of the negotiation process.

## Influence resources

All the material and non-material resources that may be relevant for the exertion of influence.

## Internal coherence

The presence on the part of an actor of a coherence of preferences and/or a coordination of actions.

Internal divisiveness (type 11)

No goal-achievement that is positively associated with internal divisiveness resulting in not undertaking influence attempts.

Justified loss (type 9)

No goal-achievement that is positively associated with neglect resulting in not undertaking influence attempts.

Majority position

Having a preference on an issue that is shared by (in total) a majority of the other actors.

Negative influence (type 8)

No goal-achievement that is positively associated with just the influence attempts themselves.

Negotiation level

The level at which an issue is negotiated (European Council, General Affairs Council, Preparatory Group or Friends of the Presidency Group).

Negotiation structure

Formal and informal rules on levels and phases, particularly timing, which structure the negotiation process and may enable or constrain an actor during the negotiation process in general or concerning an issue in particular.

Negotiation timing

The time course of an issue through the weeks that the IGC takes place.

Networks

An informal position of an actor, i.e. contacts with other actors, during the negotiation process on an issue on which they have common preferences.

Non-decision

An issue that does not get an agenda status at all.

Non-priority (type 10)

No goal-achievement that is positively associated with non-priority resulting in not undertaking influence attempts.

Not-decision

An issue that does get an agenda status, but is subsequently not decided upon.

Outcome

The result of the negotiation process, in the shape of a non-decision, a not-decision or a decision.

Pivotal position

Having a preference on an issue that lies between two or more different preferences of the other actors.

Policy position

Having a 'pivotal' or 'majority' position during the negotiation process on an issue.

Power

An actor's resources to exert influence on one or more other actors.

Preference (on an issue)

The desired outcome of the negotiation process, in the shape of a specific decision option that an actor wants to realise, i.e. lay down in the Treaty text.

Reliability

The extent to which repeated applications of a method produce the same results.

Scope (of an actor's influence)

The type of effect that is brought about by an actor.

Sheer luck (type 4)

Goal-achievement that is positively associated with luck, while not undertaking influence attempts.

Unforced error (type 6)

No goal-achievement that is positively associated with bad influence attempts.

Validity

The extent to which a method measures what it is supposed to measure.

## CHAPTER I

# Introduction

### 1.1 Case study

*During the Nice European Council of 7-11 December 2000, there were several outstanding issues as well as some others that had appeared to have been settled earlier that were again brought up and questioned. One of the latter issues concerned the question of whether one member state should be able to veto an initiative of a limited number of member states to integrate further within a particular policy area (closer cooperation). The Nice European Council was the culmination of a negotiation process between 15 member states and three EU level actors on a new EU Treaty that took place in 2000. In the course of the negotiation process, the outcome that took shape was that the veto possibility would indeed be abolished, but that the matter could still be referred to the European Council. In practice, this would only delay the decision on initiating closer cooperation that the Council would make with a qualified majority after all.*

*This outcome was again questioned during the end game in Nice. As a result, the outcome was altered in such a way that it was not guaranteed that the Council, after the matter was referred to the European Council, would indeed make a decision ('may take a decision' instead of 'takes a decision'). The Dutch cabinet subsequently attempted to revert back to the previous outcome, suggesting an amendment in line with this to the French Presidency. When the Presidency proposed this amendment to the other Heads of State or Government, however, the United Kingdom objected. Following this, the Presidency proposed that the old text be maintained ('may take a decision') and asked if anyone objected to this. According to the Dutch cabinet, it had not explicitly agreed with the change at the request of the United Kingdom. Yet, according to the French Presidency, three of whom had listened to a recording of the European Council meeting, nobody, not even the Dutch cabinet, had objected. The final outcome was thus that the Council 'may take a decision' and not necessarily 'takes a decision'.*

This partial description of the Nice Treaty negotiation process on a specific issue resulting in a particular outcome raises several significant questions about how this outcome can be explained. Could the putting up of the Closer cooperation dossier on the agenda be attributed to the efforts of the Dutch cabinet to begin with? To what extent has the Dutch cabinet contributed to abolishing the possibility of a veto? In addition, to what extent did the Dutch cabinet fail after all when the outcome was altered to one it preferred less at the end game in Nice? Was it simply negligence on the part of the Dutch cabinet or bad luck that the outcome requested by the United Kingdom was not revoked?

## 1.2 The how and why of studying EU Treaties

### 1.2.1 *Five perspectives on EU Treaties*

How should the issue of EU Treaties be approached and why is it relevant? There are five discernable perspectives on EU Treaties. Each highlights a different aspect of their relevance.

The first perspective seeks attention for their *legal status* within the EU (e.g. Stein, 1981; Weiler, 1991; Craig & De Búrca, 1999; Weiler, 1999; Stone Sweet, 2000; Barents, 2004; Castiglione & Schönlaue, 2006; Curtin, 2008). EU Treaties and law adopted on the basis of these Treaties hold primacy over the laws of member states. This principle of the primacy of EU law has been established by the European Court of Justice in its case law over the course of time.<sup>1</sup> In addition, EU Treaties hold the status of primary law, which implies that all EU legislation – secondary law – and actions must conform to the Treaties. Moreover, all EU legislation must be based on specific provisions in the Treaties (McDonagh, 1998:3-4). The second point is especially relevant in the context of the closer cooperation outcome described earlier. It has to do with whether or not specific governments have the opportunity to veto a closer cooperation initiative in a particular policy area their citizens may not be in favour of or, inversely, whether or not further European integration within a particular policy area that citizens prefer may be blocked by a single member state. In general, this implies that EU Treaties form the basis of the functioning of the EU. They form the basis for the workings of the institutions, the operation of the decision-making procedures and the making of the different policies of the EU. Thus, EU Treaties are simply a starting point for the day-to-day functioning of the EU.

In this respect, a distinction can be made between the modifying and the codifying nature of EU Treaties. To a considerable degree, EU Treaties simply *codify* what has become established practice at the time. The extent to which EU Treaties actually *modify* the course of events in the Union is usually limited. More accurately, European integration proceeds through a complex interplay between the day-to-day functioning of the Union and the ‘big bangs’ of EU Treaty reform (Peterson & Bomberg, 1999). The European Court of Justice is driving this process forward in particular, by producing jurisprudence while at the same time establishing practice on the basis of the current Treaty framework and shaping the agenda and substance of a new round of Treaty reform (Alter, 1998). The European Commission, Council of Ministers and European Parliament are also establishing practices in their daily functioning and in their mutual relations, which are reflected, for instance, in inter-institutional agreements. These practices may also subsequently be codified during a new round of Treaty reform (e.g. Farrell & Héritier, 2003). Thus, the Nice Treaty provision that equips the Commission President with the right to dismiss an individual Commissioner was in fact a codification of a practice developed under the Prodi Commission (the ‘lex-Prodi’).

In part, the Nice Treaty negotiations dealt with formal institutional matters for which the practices established during the day-to-day functioning of the Union were of limited

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1. This principle was established in the Treaty establishing a Constitution for Europe, but at the end of the negotiations resulting in the Treaty of Lisbon only a Declaration was adopted confirming this principle.

importance. In light of the coming enlargement that would ultimately include 10 new member states by 2004, the way in and extent to which member states would be represented in the different institutions of the enlarged Union had to be revised. Decisions on whether each member state is entitled to a representative in the Commission and on the number of votes each state has in the Council could be classified as having a modifying rather than a codifying effect.

It is also important to note that EU Treaties are usually of a temporary nature. A new round of Treaty reform offers new opportunities for the actors involved to both create new codifications and modifications as well as alter earlier ones. This is what actually happened when the Treaty establishing a Constitution for Europe – known in short as the Constitutional Treaty – and, later, the Treaty of Lisbon were negotiated. Both contain several institutional provisions that alter and replace the Nice Treaty outcomes in this respect. This is not to deny that member state governments do their utmost to create and alter provisions that are in line with their preferences as much as possible in a specific instance of Treaty reform.

The second perspective on EU Treaties considers the role of *citizens* in and their attitudes toward the European integration process in general and EU Treaties in particular (e.g. Van der Eijk & Franklin, 1996; Hooghe & Marks, 2005; Ray, 2006). The legal status of EU Treaties does not necessarily imply that European citizens themselves consider them relevant to their daily lives. For a long time, cooperation between member states and the accompanying institutional framework at the European level seemed to have been something coming from a different world for many citizens. Not only did the European integration process take place far from home, where citizens live their daily lives, but it also did not profoundly affect their lives. There have recently been changes to the latter situation, particularly since the establishment of the Internal Market programme in the second half of the 1980s, followed by the launch of the Economic Monetary Union and the introduction of the euro in the 1990s. After some delay, citizens gradually seemed to become more aware of the impact of the European integration process on their own country and their daily lives. However, as this new sense of awareness was coupled with the as yet persistent experience of not really being involved in this process, as it was still taking place at a distance from their daily lives and homes, an inconvenient tension emerged in their perception of the EU.

In hindsight, the Nice Treaty negotiation process in the year 2000 – the year before the introduction of the euro – took place at a time of limited consciousness in this respect. At the same time, however, this was a critical juncture. The European leaders seemed to be aware of this as they stressed the importance of increasing citizen involvement in the Laeken Declaration of December 2001. This Declaration became the starting point for the work conducted by the European Convention in 2002–2003 and, following that, the Intergovernmental Conference (IGC) in 2003–2004, which resulted in the ‘European Constitution’. Citizens in France and the Netherlands did, in fact, become more involved as a result of the referenda that were held in those countries in 2005, but their no-vote – rather ironically – put the Union in a ‘constitutional’ crisis. Coinciding and interfering with the constitutional debate, the expansion to include 10 Central and Eastern European countries in 2004 raised fierce debates within the ‘old’ member states on the consequences of this enlargement for their labour markets. Together, these debates reflected both unprec-

edented awareness and resistance on the part of European citizens. The Irish rejection of the Constitutional Treaty in June 2008 made this all the more clear and further aggravated the crisis. This is not to say that European citizens had absolutely no role to play during earlier rounds of the EU Treaty reform process. Referenda had been held earlier in Denmark on the Maastricht Treaty and in Ireland on the Nice Treaty (Roberts-Thomson, 2001). Specific public opinion and (forthcoming) elections in member states have frequently played a role during EU Treaty negotiations, at least in the perception and tactics of European leaders.

The third perspective focuses on the *negotiation process* of which EU Treaties are the final outcome (e.g. Smith, 2002; Beach, 2005). Rather than concentrating on the legal interpretation and practical status of the Treaty text as such, this perspective focuses on the different actors involved during the negotiations and the extent to and ways in which they succeed in obtaining what they want. Member state governments sometimes present their stakes for the negotiations to parliament and – via the media – to their citizens. Thus, when the Dutch Second Chamber learnt in the run-up to the 2007 IGC that Foreign Affairs Minister Maxime Verhagen had presented eight proposals for amendment to the Constitutional Treaty during a meeting with Permanent Representatives, he was forced to make them public in parliament. As a result, the eight points were also reported in Dutch newspapers (e.g. *NRC Handelsblad*, 21 June 2007 and 23 June 2007). An informal report of this meeting contains more details of the eight wishes than was reflected in the newspapers (Commission political flash report, 8 May 2007). What exactly was the Dutch stake for the Lisbon Treaty negotiations? Was there a difference between the Dutch negotiation position presented behind the scenes and the one presented to parliament and the public? A case could also be made that in order to know the *original* Dutch stake for the Lisbon Treaty negotiations, the Dutch positions presented prior to the Constitutional Treaty negotiations should be revisited (see Leuffen & Luitwieler, 2006). It would then be discovered that several of the original positions were no longer a part of the Dutch stake several years later.

Whether or not citizens are aware of the relevance of EU Treaties, their leaders do consider them to be relevant. The fact that all EU legislation and actions must conform with and be based on the Treaties implies that EU Treaty negotiations are about shaping the rules of how the game is played among member states, EU institutions and bodies within the EU institutional framework. In other words, the negotiation of EU Treaties is a meta-game that prearranges or rearranges the day-to-day game (Van Schendelen, 2005:117). An EU Treaty negotiation process is also a meta-game in terms of power and influence. The outcomes of EU Treaty negotiations determine, at least partially, who has power in the day-to-day functioning of the Union. This was the case particularly for the Nice Treaty negotiations that dealt with the way in which and the extent to which individual member states would be represented in the EU institutions. This involved very sensitive matters, such as how many votes a member state has in the Council, how many persons it may delegate to the European Parliament and whether a member state government has personal entry to and a ‘recognisable face’ for the citizens in the Commission. It is therefore not surprising that member states and EU level actors take EU Treaty negotiations very seriously and attempt to exert influence on one another in order to realise their preferences in the outcomes of the negotiation process.



In this respect, one sensitive issue for both European leaders and citizens concerns whether and to what extent member states suffer a loss of sovereignty due to their participation in the European integration process in general and the formation of EU Treaties in particular (Moravcsik, 1994, 1998; Wallace, 1999; Milward, 2000). This issue is particularly raised in the context of member states giving up their veto in particular policy areas as a result of the extension of what is known as qualified majority voting (QMV). However, the matter is more complicated than it often appears to be based on the public concern that is raised regarding it. It may be argued that member states have really *transferred*, or delegated, sovereignty within the policy areas in which the Union is exclusively competent, such as common commercial policy. These matters are completely settled by the Commission autonomously, and the member states no longer have a role to play in this respect. Most policy areas do, however, come under the category of shared competences between the EU and its member states. Instead of transferring their sovereignty, member states *share*, or pool, their sovereignty in the Council where they decide on these matters by QMV. It can even be argued that a member state has more autonomy to create policy in a specific area when participating in Council decision-making in this area than it would if it had its own policy on it.

The fourth perspective concerns the *effectuation* of EU Treaties after they have been negotiated. This perspective has several dimensions to it. EU Treaties have to be effectuated in the sense that they must first be ratified by all member states before they can be enforced (e.g. Laursen & Vanhoonacker, 1994; Albi & Ziller, 2007). This ratification is done in line with the 'constitutional requirements' of the member states, which means that parliamentary approval and, in some cases, a referendum is required. EU Treaties also have to be effectuated in the sense that the Treaty text has to be juridical-linguistically checked and practically specified before it is ready for use. The juridical-linguistic check takes place after the conclusion of the IGC and before the Treaty is published in the Official Journal. During this check, inconsistencies and issues of interpretation may pop up, as a result of which, elements of re-negotiation may again emerge. For example, after the Nice Treaty was agreed upon but before the juridical-linguistic check, there appeared to be an inconsistency in the text related to provisions on the weighting of votes. This resulted in re-negotiations in the Committee of Permanent Representatives (COREPER). The inconsistency was corrected, to the advantage of some actors but to the detriment of others.

The practical specification of an EU Treaty has to do with the fact that some provisions require decisions to be made by the (European) Council before they can become operational, while others are rather general or vague in nature, so a lot depends on the way in which they are practically worked out (e.g. CEPS, EGMONT, & EPC, 2007). In terms of the former, the Lisbon Treaty, for instance, stipulates that the Commission will consist of two-thirds of the member states as of 1 November 2014, based on a strictly equal rotation system. The European Council should, however, still make a unanimous decision on this rotation system. This gives member states that have problems with giving up their Commissioner during a term of office, as France has for example voiced in the person of Sarkozy, the opportunity to block the reduction of the Commission after all. In terms of the latter, for instance, there remains much uncertainty about the entrenchment, staffing and functioning of the European External Action Service introduced by the Lisbon Treaty.

The fifth and final perspective is on the *implementation* of EU Treaties after they have begun to be enforced (e.g. Neunreither & Wiener, 2000; Monar & Wessels, 2001; Andenas & Usher, 2003). This perspective is related to the first in the sense that it raises the question of to what extent the codifications as well as the modifications of a new EU Treaty impact the day-to-day functioning of the EU. For example, one may question the impact of formal institutional modifications in practice, such as the new system of QMV in the Council and the extension of QMV to areas that used to be decided by unanimity. After all, votes are counted in the Council only in a small minority of cases and the decision-making practice is based on aiming for consensus. Another example concerns the extent to which the new High Representative introduced by the Lisbon Treaty will result in a substantively different policy or new dynamics in the field of the European Security and Defence Policy (ESDP) compared to the current situation.

### 1.2.2 *The negotiation process as a focal perspective*

It can already be deduced from the case study outlined at the beginning that this study approaches EU Treaties from the third perspective described above: the negotiation process. The formation of EU Treaties in general and the Treaty of Nice in particular is a complex process, whose outcome cannot be predicted (e.g. Smith, 2002:2-3; Beach, 2005:2-3). It entails a negotiation process in which different actors with diverging preferences intervene on their own or within coalitions of actors at different moments in time to achieve an outcome that is as close to their preferences as possible. As a result, an EU Treaty negotiation process is, to a large extent, a black box.

Within EU studies, it has not been common practice to focus on the *process* of EU Treaty negotiations until now. Some scholars and practitioners have provided (mainly) descriptive analyses of EU Treaty negotiations, such as of the Nice Treaty negotiation process (e.g. Galloway, 2001; Stubb, 2002; Laursen, 2006). These analyses have focused on the different actors, issues and outcomes of the negotiation process. Only a few scholars have examined the process of EU Treaty negotiations in order to explain its outcome (e.g. Smith, 2002; Beach, 2005). In general, the literature on EU Treaty negotiations draws attention to the participating actors – member states and EU level actors – and to several elements that structure the negotiations, such as the existence of different levels of negotiation. These agency and structural variables affect the negotiation process and thus co-determine its outcome. More specifically, some scholars have approached the negotiation process and its resulting outcome from the perspective of specific integration theories (e.g. Moravcsik, 1998; Smith, 2002), while others have employed negotiation theory and examined the leadership of EU institutions to explain the outcome of the negotiations (e.g. Beach, 2005; Beach & Mazzucelli, 2007).

This study argues, however, that these studies do not explore the core of such a negotiation process: the mutual exertion of *influence* by the participating actors. Although scholars have often explicitly or implicitly referred to power and influence ('bargaining power', 'influence', 'impact'), they do not treat power and influence as empirical Political Science concepts, by indicating how they define these concepts or how they aim to measure them. Therefore, until now relatively little attention has been paid within EU studies to EU Treaty negotiations as a process and – within this perspective – to the question how to

conceive of and measure power and influence. This study aims to contribute to filling this gap by approaching the explanation of the Nice Treaty negotiation process from the perspective of power and influence.

Power and influence are core Political Science concepts. Yet within Political Science generally and International Relations (IR) in particular, the study of (international) politics has focused mainly on the resources or potential influence of actors, without examining the process through which these resources are employed, resulting in the mutual exertion of actual influence as a relation between actors (e.g. Dahl, 1957; Frey, 1971; Baldwin, 2002). As this study aims to focus on the process of the Nice Treaty negotiations in order to explain its outcome, it will adopt a relational influence perspective. In doing so, it also aims to contribute to filling a gap in the Political Science and IR literature on power and influence.

Applying a relational influence perspective to an EU Treaty negotiation process is not only scientifically relevant because it enables us to examine the *actual influence* of (one or more of) the participating actors, but also because the challenge of how to *measure* this influence must be met. Just like the concept of influence itself, the measurement of influence has long been debated in Political Science and IR. This study participates in this debate and, by applying a method of actually measuring influence in the context of EU politics, also aims to make a methodological contribution. In adopting a relational influence perspective and applying a method of actual influence measuring, this study aims to open up the black box of the Nice Treaty negotiations.

It can thus be seen that this study adopts the third perspective on EU Treaties – the EU Treaty negotiation process, and not the other perspectives discussed in the previous subsection. This does imply that this study has its limitations, but it does not mean that the other four perspectives cannot be related to at all. A thorough legal analysis of the modifications and codifications of the Nice Treaty is not undertaken here, but in order to assess the exertion of influence during the negotiation process, the Treaty text is precisely studied as the outcome of this process. The Nice Treaty negotiation process is not approached from the perspective of the citizens, but their role is accounted for in the sense that domestic factors, such as public opinion, possible referenda and elections, are included in the conceptual model. Another limitation is that the analysis ends with the Nice European Council of December 2000, when the Treaty text was concluded. The effectuation and implementation of the Nice Treaty is therefore not covered. Yet substantive differences between the Treaty text adopted by the Heads of State or Government and the one published in the Official Journal are taken into account. Although the ratification by the parliaments and the two Irish referenda are not included, the role that such domestic actors and factors played during the negotiation process itself will be accounted for.

### 1.3 Research design

#### 1.3.1 *Focus on the Dutch cabinet*

A relational influence perspective draws attention to the possibility that although small member states, such as the Netherlands, may have few resources, they may still be influ-

ential in specific instances of EU (Treaty) negotiations. The role of small member states in the EU generally and in EU Treaty negotiations in particular has been rather neglected in previous empirical studies. Some scholars have paid attention to the influence of small member states in the EU, but they have not defined and measured influence as a Political Science concept (e.g. Hanf & Soetendorp, 1998; Arter, 2000). Previous studies of EU Treaty negotiations have generally focused on large member states and have not adopted a (relational) influence perspective (e.g. Moravcsik, 1998). The latter also applies to the few studies that have focused on a small member state, such as the Dutch cabinet (e.g. Van den Bos, 2008).

The current study focuses particularly on the influence exerted by one small member state, the Netherlands. To what extent does a small member state such as the Netherlands exert influence in the EU? Was it indeed the case, as many have suggested, that the Dutch cabinet exerted only a little influence during the negotiation process that resulted in the Treaty of Nice, or has it, being in its own opinion 'the largest of the small member states', exerted considerable influence? More importantly, how can the extent of its influence be explained? The focus of this study on the Netherlands, a small member state, is additionally legitimised by the special access the author received to the archive of the Dutch Foreign Affairs Ministry (see Section 1.5) and the location of the author's residence.

### 1.3.2 *Focus on the Nice Treaty negotiation process*

There is one important point to note about the focus of this study on the Nice Treaty negotiation process as an instance of EU Treaty reform. In order to be able to reasonably meet the challenge of measuring the actual influence exerted during a process, it was necessary to limit ourselves to only one instance of EU Treaty reform. This being the case, the Treaty of Nice is relevant because it was the most recent *concluded* instance of EU Treaty reform at the time this study was undertaken. It was the Treaty that was in force when the empirical research for this study was begun and it remained in force until the end of the research period due to the ratification problems with the Constitutional Treaty and, following that, the Lisbon Treaty.

In addition, the Nice Treaty negotiation process is the most recent instance of Treaty reform that allowed for the possibility of obtaining special access to informal notes and reports from the archives of the Dutch Foreign Affairs Ministry and the European Commission. Given the sensitivity of the material and the ongoing negotiations, this kind of access could not be obtained for the negotiation processes that resulted in the Constitutional Treaty and the Lisbon Treaty. Moreover, these Treaties have not (yet) been enforced.

Finally, compared to the previous negotiation processes that resulted in the Maastricht and Amsterdam Treaties, relatively few empirical analyses have been undertaken of the Nice Treaty negotiation process.

### 1.3.3 *Objectives*

This study presents an empirical influence analysis of the negotiation process that resulted in the Treaty of Nice, focusing primarily on the Dutch cabinet. In doing so, its main objective is to explain the outcome of the Nice Treaty negotiation process. Given that a

relational influence perspective is applied here, the objectives are to investigate the extent to which the Netherlands, as a small member state, has exerted its influence and the way in which this may be fruitfully measured.

This study is innovative in several different aspects. First, relational influence analyses, which focus on an assessment of the actual influence exerted during a process, are still generally rather rare in Political Science, let alone in IR and EU studies. This study aims to make both a theoretical and methodological contribution through its use of this type of analysis. Second, the particular focus on one actor is advantageous in that it allows for an examination not only of issues that have resulted in decisions, but also of issues that have not resulted in decisions but for which the actor had preferences that it wanted to realise in the Treaty text. The latter issues can be subdivided into issues that were not on the agenda to begin with – *non-decisions* – and issues that were put on the agenda but subsequently not decided on – *not-decisions*. This study argues that, in order to ensure a proper assessment of the influence an actor exerts, it is not only decisions that must be taken into consideration, but also non-decisions and not-decisions.

#### 1.3.4 *Central research question*

These objectives yield the following research question for this study:

*To what extent has the Dutch cabinet exerted its influence during the negotiation process that resulted in the Treaty of Nice, and how can this influence be explained?*

Although the focus is on the Dutch cabinet, all participating actors are addressed in the analysis, so that the influence exerted by the Dutch cabinet can be assessed and explained *in the context of* the other participating actors. After all, this study considers influence to be relational and relative (see Chapter 3). The limited focus on one particular actor, however, was necessary to be able to reasonably fulfil the challenge of measuring actual influence exerted during the negotiation process.

#### 1.3.5 *Seven sub-questions*

The central research question is divided into seven sub-questions. These sub-questions are modelled according to the subsequent phases of the empirical cycle (for a similar approach, see Homburg, 1999).

1. What did the negotiation process that resulted in the Treaty of Nice look like, what were its outcomes and how can it be characterised?

In order to be able to assess the exertion of influence during the Nice Treaty negotiation process, it is first necessary to know what this process was all about and what its outcomes were. In short, the object of study should first be empirically explored. This creates a contextual empirical framework for the influence analysis. The participating actors – both member states and EU level actors – negotiate with one another about many issues within a structural environment. This environment, for instance, concerns actors and factors operating at home and the existence of different levels of negotiation.

2. How can the process of EU Treaty negotiations be analysed?

After exploring the empirical context of the Nice Treaty negotiation process, it becomes necessary to ask how this process can be analysed most adequately. It will be argued that the agency and structural variables that make up the contextual empirical framework touch insufficiently on the core of an EU Treaty negotiation process. The mutual exertion of influence between the participating actors is considered to be the core of this process in this study. Actors attempt to exert influence on one another and thus on the outcomes of the negotiation process on the basis of the influence resources they possess and with the help of the influence attempts they undertake.

### 3. Which variables can explain the process of EU Treaty negotiations?

As this study argues that the Nice Treaty negotiation process can be most adequately analysed in terms of influence, the question that then follows is what specific variables can explain this process. Together, these variables form the conceptual model of the study. The core of this model will be formed by the influence attempt mechanism as the intervening variable, backed up by the influence resources an actor possesses as the independent variable. The dependent variable is the extent of influence exerted by an actor. In addition, the structural variables of the contextual empirical framework are expected to affect the process through which influence resources are converted into actual influence through influence attempts. The structural, contextual variables concern domestic actors and factors, negotiation levels and phases, particularly timing, and external events and developments at the European level.

### 4. What kinds of expectations can be identified for each of these variables?

Once the explanatory variables of the conceptual model have been identified, the next question is what kinds of relationships can be expected to be found between these variables. For each variable, an expectation can be formulated as to how it connects with the dependent variable, or the extent of influence. The expectations that are formulated will be tested on the basis of the empirical data.

### 5. What kinds of methods are available to measure influence and which is the most suitable for this research?

Before the model can be put to the test, it must first be known how influence is going to be operationalised and measured in this study. The debate on how to measure influence will be engaged with and a method that studies influence as a relationship between actors and as an effect brought about during a process will be searched out. An operational model for this study will be identified that consists of two parts. The first is a before-after analysis, i.e. assessing the extent to which the Dutch cabinet and the other participating actors have achieved their goals on a number of selected Nice Treaty issues. The second part involves a process analysis, with the aim of assessing and explaining the extent to which the Dutch cabinet has exerted its influence concerning a number of selected Nice Treaty issues.

### 6. To what extent are the expectations supported by empirical evidence?

After selecting the method by which influence is measured, the next step is to apply this method to the empirical data. Following the application of the before-after analysis, the process analysis consists of three steps. First, the extent of the Dutch cabinet's influence will be assessed by examining rival mechanisms that may account for the extent of its goal-achievement. Second, the extent of the Dutch cabinet's influence thus found will be explained on the basis of testing the expectations for each of the variables of the conceptual model. Third, the possibility of whether other variables that are not included in the original



model can offer an explanation for the extent of the Dutch cabinet's influence will be explored. On the basis of the before-after analysis and the three-step process analysis, the research question of this study can be answered.

7. What kinds of recommendations can be drafted regarding the theory, methodology and practice of influence?

Answering the research question allows for reflection on the theory about EU Treaty negotiations and influence, and the methodology of influence presented and used in this study. In addition, some lessons on the practice of influence can be learnt from this study.

## 1.4 Theoretical perspectives

It should be clear by now that this study does not simply aim to describe the Nice Treaty negotiation process and its resulting outcome, but also and especially seeks to explain it.

In explaining EU Treaty negotiations, Moravcsik's liberal intergovernmentalist approach has become a prominent point of departure for other studies (Moravcsik, 1993, 1998, 1999; Moravcsik & Nicolaïdis, 1999). Moravcsik has developed and tested a model to explain the major decisions of the European integration process, which included the formation of several EU Treaties. His model consists of three stages: national preference formation, interstate bargaining and institutional choice. For the first stage, Moravcsik concludes that it is economic rather than geopolitical interests that determine the preferences of member states. In terms of the second stage, he states that the bargaining power of member states, based on asymmetrical interdependence rather than supranational entrepreneurship, explains the efficiency and distributional outcomes of the negotiations. Regarding the third stage, Moravcsik concludes that the need to increase the credibility of national commitments rather than federalist ideology or the greater efficiency of centralising the generation of technocratic information explains why member states choose to delegate their sovereignty to or pool it in EU institutions. Thus, in stressing the dominance of member states in the process of EU Treaty reform, Moravcsik's approach is in fact an application of an intergovernmental explanation of the European integration process in general (e.g. Hoffmann, 1966; Milward, 2000).

In the context of this study, there are three possible alternative perspectives that are important to discuss. According to a second perspective, the focus on member states – particularly the three large member states of Germany, France and the United Kingdom – as dominant actors in EU Treaty negotiations neglects the important role that other participating actors might play during these negotiations. Using negotiation theory and rational choice institutionalism, some scholars have argued that EU level actors, such as the Commission and the Council Secretariat (Beach, 2005), but also the member state holding the Presidency (Tallberg, 2006), may provide leadership that member state actors require in order to be able to come to an agreement, and in doing so may also exert influence themselves (Christiansen, 2002; Beach & Mazzucelli, 2007). As far as supranational institutions are concerned, this can be considered to be a supranational perspective, which is in fact an application of a neofunctionalist explanation of the European integration process in general (Haas, 1958; Lindberg, 1963; Lindberg & Scheingold, 1970; Schmitter, 1970; Sandholtz & Zysman, 1989; Sandholtz & Stone Sweet, 1998).

Box 1.1 *Previous studies of EU Treaty negotiations*

Moravcsik (1998) has developed and tested a three-stage model to explain the major decisions made during the European integration process, which included the formation of several EU Treaties. As to national preference formation, Moravcsik has concluded that economic rather than geopolitical interests determine the preferences of member states. In terms of interstate bargaining, he has stated that the bargaining power of member states, based on asymmetrical interdependence rather than supranational entrepreneurship, explains the efficiency and distributional outcomes of the negotiations. Regarding institutional choice, Moravcsik has concluded that the need to increase the credibility of national commitments rather than federalist ideology or the greater efficiency of centralising the generation of technocratic information explains why member states choose to delegate their sovereignty to or pool it in EU institutions.

This study does not apply Moravcsik's model, but does analyse his second stage of 'interstate bargaining', resulting in the Treaty of Nice. However, the aim is specifically to assess and explain the actual exertion of influence. In this way, it is distinct from Moravcsik's approach as it focuses on one of the small member states, the Netherlands, in the context of the other participating actors.

Smith (2002) has analysed several 'constitutional' IGCs, including the Nice IGC, from the perspective of incrementalism, which has four defining features: ambiguous objectives of governments, indirection in the negotiations, unintended outcomes and postponement. He has argued that EU Treaty negotiations are best understood from this perspective rather than from the perspective of neofunctionalism or intergovernmentalism.

This study does not apply any of these three perspectives. Instead, it analyses the Nice IGC from an influence perspective, and will still include several 'incremental' features that will be revisited in the final chapter.

Based on his personal involvement in the negotiations, Stubb (2002) has described and analysed the substance and process of the Amsterdam and Nice Treaty negotiations on one specific dossier, flexibility (i.e. closer cooperation, as it is called in this study). It concerns a mainly descriptive study of the agenda-setting, decision-shaping and decision-making stages of these negotiations, providing an overview of the preferences of all member states. In addition, Stubb has adopted integration and negotiation theory to explain the negotiations by looking at the environment, process and styles of these negotiations. Similar studies, that lean more towards a personal involvement in the negotiations, have been conducted by McDonagh (1998) and Galloway (2001).

As with Stubb, this study is process-oriented and addresses all (member state) actors participating in the negotiation process. Unlike Stubb, however, this study analyses several negotiation dossiers and adopts a relational influence perspective rather than integration or negotiation theory.

Starting from negotiation theory and rational choice institutionalism, Beach (2005) has argued that EU level actors, such as the Commission, the European Parliament and the Council Secretariat, may provide the leadership that member state actors need in order to come to an agreement, and in doing so may themselves exert influence. This influence varies according to their leadership resources, the negotiating context and their choice of strategy. Beach has applied his supranational leadership model to the Single European Act, Maastricht, Amsterdam, Nice and Constitutional Treaty negotiations. An edited volume in line with this study has been published by Beach and Mazzucelli (2007).

This study focuses on one specific member state rather than on the three EU level actors mentioned above, and on assessing and explaining the Dutch cabinet's influence on all other participating actors, including the Commission, European Parliament and the Council Secretariat.

Laursen (2006) has provided a mainly descriptive analysis of all the participating actors, the main issues and the outcomes of the Nice Treaty negotiation process, although Moravcsik's liberal intergovernmentalist model is used as a frame of reference in several contributions. This edited volume builds on the work of similar volumes about the Maastricht and Amsterdam Treaty negotiations (Laursen & Vanhoonacker, 1992; Laursen, 2002) and was followed by another one on the Constitutional Treaty negotiations (Laursen, 2008).

This study similarly describes the preferences of all the participating actors on the main issues of the Nice Treaty negotiation process, but particularly aims to explain the outcomes of this process from a relational influence perspective focusing on the Dutch cabinet.



A third, social constructivist perspective states that EU Treaty reform is in fact a continuous process, of which IGCs are only the 'summits' and during which the (co-constituting) interplay between agency and structural elements is crucial to explain this process (Christiansen & Jørgensen, 1999; Christiansen, Falkner, & Jørgensen, 2002; Falkner, 2002; Sverdrup, 2002). In terms of agency, these scholars plead for the inclusion of a broader set of actors besides the member states in the analysis. In line with the second perspective, this broader set includes EU level actors, such as the Commission and the European Parliament. In terms of structure, this involves elements at the EU level, such as the existence of different levels of negotiation and external events and developments affecting the negotiation process, but also domestic factors, such as events and political conflicts, public opinion and referenda. In addition, the possibility of an internally divided member state government and other domestic actors, such as parliament and the constitutional court, are also of a structural nature for a member state government. Moreover, structural factors may concern somewhat 'softer' processes, such as the socialising effect of norms, ideas and practices that have developed among member state actors and EU institutions during their interactions at the EU level. These processes may shape or reshape the preferences that actors hold during a specific EU Treaty negotiation process (see, more generally, Holzhaecker & Haverland, 2006). All in all, the structural elements create the context in which member state and EU level actors operate when they are negotiating with one another.

A fourth perspective argues that EU Treaty negotiations, rather than being rational processes, are in practice incremental learning processes for the participating actors that are at the most 'boundedly rational' in their behaviour. In such a context, negotiation dynamics, such as unexpected developments, time pressure and the specific individuals sitting at the negotiation table, play a relatively important role (McDonagh, 1998; Gray & Stubb, 2001; Smith, 2002; Stubb, 2002).

This study does not apply Moravcsik's liberal intergovernmentalist approach, nor does it fit neatly into any of the other three perspectives. As has been argued earlier, this study aims to explain the outcome of the Nice Treaty negotiation process from the perspective of influence, as the mutual exertion of influence between the participating actors can be considered to be the core of such a negotiation process. Some elements of the alternative perspectives will be integrated into the conceptual model, however (see Chapter 4).

This study certainly does analyse Moravcsik's second stage of 'interstate bargaining', which resulted in the Treaty of Nice, but in doing so aims specifically to assess and explain the actual exertion of influence. It is distinct from Moravcsik's approach in that it focuses on a small member state, the Netherlands, in the context of the other participating actors. In addition and in keeping with the supranational perspective, these actors do not only concern member states, but also concern EU level actors. In terms of similarities with the social constructivist perspective, this study is certainly process-oriented, studying both agenda-setting and decision-making at the EU level, but in terms of differences, it does not analyse the 'valleys' before or after the Nice Treaty negotiation process. Besides a broad set of actors, including domestic actors, several structural elements are included in the analysis. In view of the influence analysis, establishing the preferences of the participating actors and changes therein as a result of the mutual exertion of influence are particularly important, but socialisation processes themselves are not the focus of this study. In terms of the fourth perspective, this study does not focus on the Nice Treaty negotiation process

as an incremental learning process as such, as the primary goal is to assess and explain the actual exertion of influence during this process. This is not to deny that negotiation dynamics may still play a role in this respect. This and the other theoretical perspectives will be revisited when the findings of this study are reflected upon in the last chapter.

## 1.5 Methodology

The influence analysis is based mainly on primary, written sources. First, formal written sources, such as position papers, Presidency papers and (draft) Treaty texts, are utilised to establish actor preferences and the outcomes of the negotiation process. Second, special access to two archives containing informal written sources was obtained, which allowed for the reconstruction of the negotiation process (cf. Arts, 1998; Beach, 2005). These included the archives of the Dutch Foreign Affairs Ministry, European Integration Department (FA/DIE) and the European Commission, Secretariat-General, Taskforce Future of the Union and institutional matters. These archives contain hundreds of internal, confidential notes and reports of the negotiations in general and of (almost) all the specific meetings. In the case of the Dutch Foreign Affairs Ministry archive, the author was one of the first to obtain access – under a number of specified conditions – to these kinds of informal documents. References in this study to informal archive documents are preceded by ‘FA/DIE’ and ‘Commission’ respectively. A precise description of the files that have been used and the way they are referred to in this study can be found under ‘References: informal documents (archives)’. Attempts were also made to obtain special access to the archive of the Council Secretariat, but it appeared to only be possible to obtain regular access to documents on the basis of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents. A more detailed description of the access procedures and the general research process can be found in Annex 1: ‘The research process’.

Formal written sources, complemented with informal written sources, are used to apply the first part of the method of influence measuring – a before-after analysis (see Chapters 5 and 6). This analysis consists of establishing the extent of goal-achievement of the participating actors by comparing their original preferences with the outcomes on specific Nice Treaty issues. Informal written sources are employed to apply the second part of the method of influence measuring – a process analysis (see Chapter 7). This analysis is based on as accurate a reconstruction of the negotiation process as possible and applies the conceptual model developed in the first part of this study.

This study is thus mainly based on document analysis and not, for example, on interviews with representatives of the actors who participated in the Nice Treaty negotiation process. This has been done on purpose. In order to apply the influence analysis, documents are more reliable and more valid than the personal memories of actor representatives voiced during interviews. The formal documents, complemented with informal ones, which are used to assess actor preferences allow for the precise and objective establishment of what the participating actors originally wanted rather than what they presented as their stake for the negotiations at different moments in time and in different settings – including the moment and setting of the interview. The informal documents used for the process analysis allow for an assessment of how the negotiation process actually evolved, including the behaviour

of the participating actors, their preferences and their attempts to realise these preferences in the outcomes of the negotiation process. The special access to several archives made this undertaking feasible. Yet, several interview conversations were conducted to prepare the empirical research and to fill in some gaps that remained at the end of the study (see Annex 2: 'List of respondents').

As the before-after and process analyses are rather labour-intensive, it was not feasible to study the Nice Treaty negotiation process in its entirety. Therefore, the following five dossiers, consisting of 24 issues in total, were selected for the empirical analysis. The reasons behind this selection will be clarified at the beginning of the first empirical chapter (Section 5.2.1). In terms of the first dossier, the Court of Auditors, the main issue was whether or not the practice of one member per member state would be maintained after the coming expansion. In addition, several issues concerning the position and functioning of the Court of Auditors have also been discussed. Regarding the second dossier, the ESDP, the main question was whether or not it should be established within the Treaty and, if so, which elements to include. The third dossier, closer cooperation, had to do – among other things – with the possible relaxation of several conditions for entering into a closer cooperation that had been introduced by the Amsterdam Treaty. In terms of the size and composition of the European Commission, the fourth dossier, the issue was (just as in the case of the Court of Auditors) whether the Commission would consist of one member per member state or be reduced in size after the expansion. The last dossier, the weighting of votes in the Council, concerned choosing a weighting system and drawing up a new distribution of votes for the enlarged Union and, related to this, involved the matter of how a qualified majority would be reached.

## 1.6 Outlook

The rest of the thesis is structured as follows. Chapter 2 introduces broadly the empirical object of study, the Nice Treaty negotiation process, and – more theoretically induced – discusses several agency and structural elements that characterise this process. In order to delve into the core of an EU Treaty negotiation process, Chapter 3 turns to the central concepts of power and influence, indicating how they are defined and measured in this study. In Chapter 4, the different variables of the conceptual model will be elaborated upon, the model will be presented and the expectations for each of the variables will be outlined. The empirical findings will be presented in Chapters 5, 6 and 7. In Chapters 5 and 6, the first part of the influence analysis will be carried out for the Dutch cabinet and the other participating actors. This concerns a before-after analysis which is aimed at establishing the extent of their goal-achievement. In Chapter 7, the second part of the influence analysis is executed – a process analysis, that consists of three steps. This analysis is aimed at assessing and explaining the extent of the Dutch cabinet's influence. In the final chapter, Chapter 8, the main conclusions of this study will be presented, resulting in the answer to the research question being revealed, followed by some reflections on this and on the study as a whole.



## CHAPTER 2

# The Nice Treaty negotiation process

### 2.1 Introduction

What did the negotiation process resulting in the Treaty of Nice look like, what were its outcomes and how can the process be characterised? Before these questions are addressed in this chapter, a general note will first be made in Section 2.2 on existing EU Treaties and the mechanism through which they are negotiated, which is generally referred to as an Intergovernmental Conference (IGC). Subsequently, Section 2.3 will present a global sketch of the object of study – the Nice Treaty negotiation process. In Section 2.3.1, the run-up to and course of the negotiation process is broadly outlined, with particular attention paid to the setting of the agenda. In keeping with the focus of this study on the Dutch cabinet, special attention is paid in Section 2.3.2 to the Dutch preparations for and input in the negotiation process. Sections 2.3.3 and 2.3.4 discuss the subjects under negotiation and the resulting outcomes, respectively. A more detailed analysis of these matters is presented in the empirical Chapters 5, 6 and 7.

The second part of this chapter reviews the EU literature on IGC negotiations, which offers elements that are characteristic of these negotiations. This allows for the presentation of an empirical contextual framework, in which attention is paid to the participating actors and the structural environment in which they operate, the negotiation levels as well as the negotiation phases and timing. This framework is presented broadly in Section 2.4 and is illustrated by the Nice IGC discussed in Section 2.5. Section 2.6 ends the chapter with some conclusions and reflections.

### 2.2 EU Treaties and IGCs

EU Treaty negotiations, i.e. the amendment of existing Treaties and/or the creation of new ones, generally take place through an IGC. Article 48 of the Treaty on European Union (TEU) states that:

‘The government of any Member State or the Commission may submit to the Council proposals for the amendment of the Treaties on which the Union is founded. If the Council, after consulting the European Parliament and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to those Treaties. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.’

This article clearly highlights the *intergovernmental* nature of EU Treaty negotiations. First, the outcomes of the negotiation process, i.e. the decisions stated in a Treaty text, are adopted unanimously by the member states, which implies that each member state has a veto in this process. Second, the Treaty must be ratified by all member states in accordance with their constitutional requirements. For each member state, this involves seeking parliamentary approval and in some cases, a referendum may also be required (McDonagh, 1998:6).

IGCs have normally been convened under Article 48 TEU (or its predecessors). However, this does not apply to the negotiations that resulted in the Treaty on the European Coal and Steel Community (ECSC) in 1951 as well as the Treaty on the European Economic Community (EEC) and the Treaty on the European Atomic Energy Community (EAEC, or Euratom) in 1957. These negotiations were, after all, the processes that created the Treaties. Though both the EEC and Euratom Treaties are officially referred to as the Treaties of Rome, in practice only the EEC Treaty is known as the Treaty of Rome. The European Economic Community was later renamed the European Community and the EEC Treaty began to be called the Treaty establishing the European Community (TEC).

All IGCs since that time have been convened under Article 48 TEU. In 1985, an IGC was convened that resulted in the Single European Act (e.g. Moravcsik, 1998). This Act, which amended the TEC, was signed in 1986 and enforced in 1987. At the end of 1990, another IGC was begun that led to the adoption of the Treaty of Maastricht at the end of 1991, which was signed in 1992 and came into effect in 1993 (e.g. Laursen & Vanhoonacker, 1992, 1994; Dyson & Featherstone, 1999). Besides amending the TEC, this IGC also resulted in a new Treaty, the Treaty on European Union (TEU). In 1996-1997, an IGC was convened that resulted in the Treaty of Amsterdam, which was signed in 1997 and enforced in 1999 (e.g. Edwards & Pijpers, 1997; McDonagh, 1998; Laursen, 2002). The 2000 IGC resulting in the Treaty of Nice was signed in 2001 and took effect in 2003 (e.g. Galloway, 2001; Laursen, 2006). The Amsterdam and Nice Treaties amended both the TEC and the TEU.

After being prepared by the European Convention, another IGC took place in 2003-2004, resulting in the Treaty establishing a Constitution for Europe – known, in short, as the Constitutional Treaty (e.g. Amtenbrink, 2005; Curtin, Kellermann, & Blockmans, 2005; Laursen, 2008). This Treaty would replace the TEC and the TEU, and also included new provisions. However, in the course of the subsequent ratification process, the Treaty was voted down in referenda held in France and the Netherlands in the spring of 2005, and could therefore not be entered into force. After a reflection period of two years, another IGC was convened in 2007 that resulted in the Treaty of Lisbon, which was signed on 13 December 2007 (e.g. Griller & Ziller, 2008; Pernice & Tanchev, 2008). The Lisbon Treaty included amendments to the TEC and TEU, which would remain in existence. It was planned to take effect on 1 January 2009, but this was not possible after 53.4% of Irish voters rejected it during a referendum held on 12 June 2008.

### 2.3 The IGC 2000

In the aftermath of the fall of the Berlin Wall in 1989, it became clear during the 1990s that the EU would sooner or later be expanded to include Central and Eastern European

countries. In order to ensure that EU institutions would continue to function efficiently after this enlargement, the widely-held opinion was that these institutions, which had originally been set up only for the six founding member states, had to be reformed. Although this matter had already been on the agenda at the Maastricht IGC, it was during the Amsterdam IGC when member states really began to attempt to reform the institutions. In particular, the size and composition of the Commission, the extension of QMV and the weighting of votes in the Council were discussed. Unfortunately, though, the Amsterdam Treaty negotiations failed in the reform attempts. The widely-held opinion then became that the IGC 2000 would have to settle these issues after all. In the meantime, the Luxembourg European Council of December 1997 had opened accession negotiations with six countries. These negotiations developed relatively smoothly after that. The Helsinki European Council of December 1999, on the eve of the IGC 2000 and sooner than expected, extended the group of accession countries to six other countries. These developments put even more pressure on the IGC 2000 to produce satisfactory reforms.

### **2.3.1** *The run-up to and course of the IGC 2000*

During the Amsterdam European Council of 16-17 June 1997, the Heads of State or Government were unable to come to an agreement on the size and composition of the Commission and the weighting of votes in the Council. They did, however, agree on a Protocol on the institutions with the prospect of enlargement of the European Union. This Institutional Protocol consisted of the following two articles:

#### *Article 1*

'At the date of entry into force of the first enlargement of the Union (...) the Commission shall comprise one national of each of the Member States, provided that, by that date, the weighting of the votes in the Council has been modified, whether by re-weighting of the votes or by dual majority, in a manner acceptable to all Member States, taking into account all relevant elements, notably compensating those Member States which give up the possibility of nominating a second member of the Commission.'

#### *Article 2*

'At least one year before the membership of the European Union exceeds twenty, a conference of representatives of the governments of the Member States shall be convened in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions.'

In addition to the Institutional Protocol, Belgium, France and Italy declared in Amsterdam that a significant extension of QMV, as part of the process of reinforcing the institutions, was indispensable for the EU to be prepared for enlargement.

It was stated at the Vienna European Council of 11-12 December 1998 that it would be decided at the Cologne European Council of June 1999 how and when the institutional issues that had not been resolved by the Amsterdam Treaty would be dealt with (SN 300/1/98 rev, 11-12 December 1998). One important and politically sensitive question related to this that had to be asked was what would be the *scope* of the agenda of a new IGC. A minor agenda in line with Article 1 of the Protocol and the Declaration mentioned above would only concern the size and composition of the Commission, the weighting of



votes in the Council and the possible extension of QMV – the institutional ‘leftovers’ from Amsterdam. A moderate agenda would also consider several other institutional amendments in connection with the three leftovers and in implementing the Amsterdam Treaty. A broad agenda in line with Article 2 of the Protocol would consist of a comprehensive review of the Treaty provisions concerning the composition and functioning of the institutions (SN 501/99, 10 May 1999).

The first official discussions on the IGC took place in COREPER and the General Affairs Council in May 1999 (Gray & Stubb, 2001:8). The Cologne European Council (3–4 June 1999) confirmed its intent to convene an IGC starting in early 2000 and to be concluded at the end of that year (SN 150/99, 3–4 June 1999). In accordance with the Protocol and Declaration mentioned, it stated that the IGC would centre on the three leftovers. In addition, ‘other necessary amendments to the Treaties arising as regards the European institutions in connection with the above issues and in implementing the Treaty of Amsterdam’ could be discussed. In doing so, the Heads of State or Government thus initially aimed for a moderate agenda. The incoming Finnish Presidency was asked to draft ‘on its own responsibility’ a comprehensive report for the Helsinki European Council of December 1999 ‘explaining and taking stock of options for resolving the issues to be settled’. In doing so, it had to take into account proposals presented by member states, the Commission and Parliament.

To prepare this report – and thus the IGC, the Finnish Presidency announced its desire to organise ‘technical’ consultations with the Permanent Representatives collectively and individually about the subjects to be covered by the IGC. In addition, bilateral ‘political’ consultations with member states, the Commission and Parliament would be arranged (SN 505/1/99 rev1, 7 July 1999). The ‘technical’ meetings of the Permanent Representatives, chaired by the Finnish Permanent Representative Satuli, took place after COREPER II meetings. On the basis of a Presidency non-paper (SN 506/99, 9 July 1999), the Permanent Representatives discussed the size and composition of the Commission (14 July 1999), the weighting of votes in the Council (15 September 1999), the possible extension of QMV (29 September 1999) and ‘other institutional issues’ (6 October 1999).

In the meantime, on 1 September 1999, the President designate of the Commission, Prodi, asked three ‘wise men’ to identify institutional problems that needed to be dealt with by the IGC and to present arguments for them. This group, chaired by Dehaene and also consisting of Von Weizsäcker and Simon, presented their report entitled ‘The institutional implications of enlargement’ to the Commission on 18 October 1999 (Dehaene, Von Weizsäcker, & Simon, 1999). This report served as the basis for the Commission’s contribution to preparations for the IGC of 10 November 1999 (European Commission, 1999) and its opinion paper on the IGC of 26 January 2000 (see below). At the end of the fourth and last meeting of his group on 6 October 1999, the Finnish Permanent Representative explicitly indicated that the stake and timing of the Presidency report would partly be dependent on the Dehaene report and the Commission’s contribution (FA/DIE/Preparation report, 7 October 1999). The European Parliament also presented its view on the preparation of the IGC 2000 in a resolution that was adopted on 18 November 1999 (European Parliament, 1999).

In terms of the bilateral ‘political’ consultations, the Finnish Presidency (Permanent Representative Satuli and Prime Minister Lipponen) took a tour of the capital cities of the



member states in November and early December 1999 to solicit views on the (scope of the) IGC agenda in order to be able to take them into account when drafting the Presidency report. During a bilateral meeting between Lipponen and the Dutch Prime Minister Kok on 1 December 1999, Lipponen showed himself to be sensitive to Kok's idea of an 'open door formula' to be included in the Helsinki European Council conclusions; i.e. the idea of maintaining the possibility of adding subjects to the agenda later, particularly the ESDP and closer cooperation (FA/DIE/Preparation report, 3 December 1999).

On 7 December 1999, the Finnish Presidency issued its report for the Helsinki European Council, in which it indicated that the IGC 2000 should come up with solutions for the four subjects mentioned in the Cologne European Council conclusions (Council of the European Union, 1999a). These subjects included the three leftover issues for which the report had already broadly outlined possible solutions, as well as 'other necessary amendments'. The latter concerned the individual responsibility of Commissioners, the European Parliament (allocation of seats and legislative procedures, such as the extension of the co-decision procedure), the European Court of Justice and the Court of First Instance (e.g. organisation, composition and competences) and other institutions and bodies, such as the Court of Auditors (particularly its size) and possibly other EU bodies. The report stated that the development of a common ESDP and the drafting of a Charter of Fundamental Rights of the Union would be dealt with during separate exercises to be run parallel to the IGC. In terms of the ESDP process, the possibility remained that it would result in Treaty changes – and thus should be put on the agenda – at a later stage of the Conference. The report also stated that it had appeared from the consultations that the subjects of closer cooperation and restructuring of the Treaties should not be included on the agenda.

The Helsinki European Council of 10–11 December 1999 confirmed that the IGC would be convened in February 2000 and completed by December of that year (SN 300/1/99 rev, 10–11 December 1999). It stated that the IGC would examine the four subjects outlined in the Presidency report, but also indicated that the incoming Portuguese Presidency 'may propose additional issues to be taken on the agenda of the Conference'. In doing so, the 'open door formula' Kok had insisted on vis-à-vis Lipponen was, in fact, incorporated. It thus left open the possibility of adding more subjects to the agenda, particularly the subject of closer cooperation. This occurred on the insistence of the Benelux countries, Italy and the Commission (Galloway, 2001:131; Gray & Stubb, 2001:9). The Portuguese Presidency would report to the Feira European Council of June 2000 on progress made in the IGC and could suggest additional subjects to be placed on the agenda in this report. In terms of the ESDP, the Portuguese Presidency was invited to draft an initial progress report for the Lisbon European Council of March 2000 and an overall report for the Feira European Council 'containing appropriate recommendations and proposals, as well as an indication of whether or not Treaty amendment is judged necessary'. Thus, this formula confirmed and worked out in a more concrete way the possibility of taking up ESDP on the agenda later in 2000.

Following this, Finland submitted to the Council, pursuant to Article 48 TEU, a proposal for amendments of the Treaties on 13 December 1999 (Council of the European Union, 1999c). On 16 December 1999, the Council made a decision approving the letters consulting the European Parliament and the European Commission on the proposal to convene an IGC (Council of the European Union, 1999d). On 12 January 2000, the

Portuguese Presidency sent a letter to the member states, in which it indicated its intention to ask the Council at its meeting on 14 February 2000 to deliver an opinion in favour of convening the IGC. The Commission and Parliament delivered their respective opinions on 26 January 2000 (CONFER 4701/00) and 3 February 2000 (CONFER 4702/00). Following this, the Presidency invited the Council on 7 February 2000 to deliver an opinion in favour of calling an IGC (CONFER 4703/00). This did, indeed, occur during the General Affairs Council of 14 February 2000, after which the Presidency formally opened the IGC in the margins of this Council. The next day, 15 February 2000, the IGC began its work with a discussion on the possible extension of QMV.

On 17 February 2000, the Committee of the Regions (COREG) offered its advice on the IGC (Committee of the Regions, 2000). The European Court of Justice and the Court of First Instance presented their contribution to the IGC on 25 February 2000 (CONFER/VAR 3964/00, 28 February 2000). On 1 March 2000, the Economic and Social Committee (ESC) presented its advice to the Conference (Economic and Social Committee, 2000).

In line with the Helsinki European Council conclusions, the Portuguese Presidency presented a note on 1 March 2000, in which it suggested additional subjects that could be put on the agenda, such as a restructuring of the Treaties (CONFER 4716/00). It also indicated that it reserved the right to propose the ESDP and the Charter as agenda subjects in its report to the Feira European Council.

In the Presidency conclusions of the Lisbon European Council of 23-24 March 2000 (SN 100/1/00 rev, 23-24 March 2000), it was stated only that the European Council took note of the progress of the IGC's work as well as the intention of the Presidency to present, on its own responsibility, a comprehensive report to the Feira European Council.

Although the Commission had already included its proposals for the IGC in its opinion paper of 26 January 2000, the European Parliament only adopted a resolution to this effect on 13 April 2000 (CONFER 4736/00, 3 May 2000). On 18 April 2000, the Court of Auditors presented proposals to the IGC (CONFER 4738/00, 2 May 2000).

In consideration of its report to the Feira European Council, the Presidency organised bilateral consultations with the member states and EU institutions participating in the IGC. In this report (CONFER 4750/00, 14 June 2000), the Presidency documented the progress that had been made and the main options that were on the table regarding all subjects discussed thus far. These concerned the European Commission (size and composition, internal organisation and related issues, such as individual and collective responsibility), the weighting of votes (type of system and QMV threshold), the extension of QMV, the European Parliament (allocation of seats and legislative role), the Court of Justice and the Court of First Instance, other institutions and bodies, particularly the size and composition of the Court of Auditors, ESC and COREG, other issues, such as Article 7 TEU and the restructuring of the Treaties as well as closer cooperation. The Presidency officially proposed the addition of the subject of closer cooperation to the agenda. It made no such proposals for other subjects that it had earlier suggested as additional agenda subjects, such as the restructuring of the Treaties, ESDP and the Charter.

During the Feira European Council of 19-20 June 2000, the Heads of State or Government explicitly agreed to put closer cooperation on the agenda (SN 200/1/00 rev, 19-20 June 2000). As to the ESDP, the Presidency report entitled 'Strengthening the Common European Security and Defence Policy', annexed to the Presidency conclusions, suggested

that ‘the issue of Treaty revision should continue to be examined between the Feira and Nice European Councils’ (Council of the European Union, 2000b).

No Presidency report was presented to the Biarritz European Council of 13-14 October 2000 and no Presidency conclusions were documented from this special, informal European Council. Yet during this European Council, Heads of State or Government made considerable progress on a number of subjects, particularly on the size of the Commission (Gray & Stubb, 2001:12; see Chapter 7). Concerning the Charter, the Biarritz European Council agreed that it would be declared a political document in Nice, without being provided legal status, by establishing it in the Treaty. This idea met strong resistance particularly from Denmark, the United Kingdom and Ireland (Galloway, 2001:153). The Charter therefore never became a part of the IGC agenda.

The French Presidency presented an initial progress report on the negotiations on 3 November 2000 (CONFER 4790/00), followed by revised progress reports on 23 November 2000 (CONFER 4810/00) and 30 November 2000 (CONFER 4815/00). On 6 December 2000, the Presidency issued a draft Treaty, which formed the basis of the negotiations during the Nice European Council of 7-11 December 2000. In the meantime, in order to prepare its documents, the Presidency conducted a tour of the capital cities in November and December 2000.

Only at a meeting on 28 November 2000 did the Presidency propose to include the issue of possible ESDP Treaty change as part of the broader package on the ESDP to be presented to the Nice European Council. Therefore this issue was only officially discussed in Nice, followed by a discussion on substantive Treaty changes based on the proposals Italy and the Benelux countries had earlier made on 23 October 2000 (CONFER 4788/00).

All meetings of the IGC 2000 are outlined in Table 2.1, where the subjects that have been discussed on the basis of which particular documents are indicated.

Table 2.1 *The IGC 2000* (compiled by the author)

Date	Meeting	Subjects	Documents*
14 February 2000	GAC	Opening IGC	4701/00, 4702/00, 4703/00
		Organisation of work	4704/1/00 rev1
15 February 2000	PG	Organisation of work	4704/2/00 rev2
		Mandate to Friends of the Presidency Group	SN 501/00
		QMV	4705/1/00 rev1, 4706/1/00 rev1
22 February 2000	PG	QMV	4705/1/00 rev1 4706/1/00 rev1 4707/00 4708/00 4709/00 4710/00 4711/00
		EP	4713/00
		Court of Auditors, ESC, COREG	4715/00
		Closer cooperation	-

Date	Meeting	Subjects	Documents*
7 March 2000	PG	QMV	4707/00 4708/00 4709/00 4710/00 4711/00 4716/00
		Other possible agenda subjects	
		Commission size; weighting of votes	-
20 March 2000	GAC	Commission size; weighting of votes	Semi-formal Presidency letter, unknown date
28 March 2000	PG	QMV Commission	4710/00, 4711/00 4727/00
4 April 2000	PG	Weighting of votes Interim report Friends of the Presidency Group	4728/00 4729/00
10 April 2000	GAC	QMV Evaluation of work by PG Provisional work programme	4734/00 - 4732/00
14 April 2000	PG	Closer cooperation	SN 502/00
2 May 2000	PG	QMV	4737/00
6-7 May 2000	GAC (Conclave)	ESDP (practically)	-
16 May 2000	PG	EP Court of Auditors, ESC, COREG Oral report Friends of the Presidency Group	4740/00 4741/00 -
22 May 2000	GAC	EP; ECJ and CFI	4743/00
30 May 2000	PG	Commission Weighting of votes	4744/00; SN 2685/00 4745/00
6 June 2000	PG	Weighting of votes Presidency report Friends of the Presidency Group Article 7 TEU External economic relations Legislative acts Restructuring the Treaties	4745/00 4747/00 4739/00 SN 2705/00 SN 3068/00 -
12-13 June 2000	GAC	Other possible additional agenda subjects (closer cooperation, Article 7 TEU, restructuring of the Treaties, ESDP, Charter)	-
19-20 June 2000	Feira EC	Presidency report (Commission, weighting of votes, QMV, EP, ECJ and CFI, Court of Auditors, ESC and COREG, other issues, such as Article 7 TEU and restructuring of the Treaties as well as closer cooperation)	4750/00
6 July 2000	PG	Organisation of work QMV Weighting of votes	4752/00 4753/00 4754/00
10 July 2000	GAC	Follow-up Feira EC (in any case Commission, closer cooperation) and organisation of work	4755/00
14 July 2000	PG	Commission Closer cooperation	4757/00 4758/00
24 July 2000	GAC (Conclave)	Closer cooperation Commission	4761/00 4762/00
4 September 2000	PG	QMV Closer cooperation	4767/00 4766/00
11 September 2000	PG	Report Friends of the Presidency Group Commission Other subjects (Article 7 TEU, restructuring of the Treaties, accession to ECHR, Belgian proposals – CONFER 4742)	SN 4048/00 - 4768/00

Date	Meeting	Subjects	Documents*
18 September 2000	GAC	QMV Commission	4770/00 -
25 September 2000	PG	EP Report Friends of the Presidency Group  Weighting of votes Court of Auditors, ESC, COREG	4771/00 SN 4209/00, 4210/00, 4279/00 - 4772/00, 4773/00 (Dutch proposals)
2 October 2000	PG	QMV Statute for European political parties	4776/00 4764/00
8 October 2000	GAC (Conclave)	Closer cooperation Weighting of votes Article 7 TEU	4780/00 4781/00 4782/00
9 October 2000	GAC	Evaluation of work, particularly closer cooperation, weighting of votes and Article 7 TEU	-
13-14 October 2000	Biarritz EC	Commission, weighting of votes, QMV, closer cooperation, Article 7 TEU	-
23 October 2000	PG	QMV Article 7 TEU Closer cooperation Commission, weighting of votes	4784/00 4785/00 4786/00 -
30 October 2000	PG	QMV Closer cooperation Report Friends of the Presidency Group Statute for European political parties European Public Prosecutor ESDP (Italy and Benelux proposals) Commission	4789/00 4786/00 SN 4840/00, 4841/00 4764/00 4779/00 4788/00 -
4 November 2000	PG	Progress report (QMV, closer cooperation, EP, ECJ and CFI, Article 7 TEU) Weighting of votes	4790/00, SN 506/00 -
13 November 2000	PG	QMV Weighting of votes Commission Closer cooperation Report Friends of the Presidency Group Other subjects (possible inclusion of reference to Charter in Article 6 TEU, inter-institutional agreements, accession to ECHR)	4795/00 4796/00 4797/00 4798/00 SN 5058/00, 5059/00 4792/00
19 November 2000	GAC (Conclave)	QMV Weighting of votes Commission Possible inclusion of reference to Charter in Article 6 TEU	4800/00 4801/00 4802/00 4804/00
20 November 2000	GAC	Evaluation of work (Commission, weighting of votes, QMV, possible inclusion of reference to Charter in Article 6 TEU) Closer cooperation	- 4803/00
24-25 November 2000	PG	Revised progress report QMV, Commission, weighting of votes, closer cooperation, ECJ and CFI, EP, other institutions (in any case Court of Auditors and ESC), other subjects (Eurojust, inter-institutional agreements, ESDP, ECSC Protocol)	4810/00 4806/1/00 rev1
3 December 2000	GAC (Conclave)	Revised progress report Closer cooperation Other subjects Commission	4815/00   4813/00
7-11 December 2000	Nice EC	Draft Treaty of Nice ESDP	4816/00 4788/00

\* Unless otherwise indicated, the documents mentioned are CONFER documents.

The Treaty of Nice was officially signed on 26 February 2001 and published in the Official Journal on 10 March 2001 (2001/C 80/01). The Treaty was ratified by parliamentary approval, except for Ireland, which also held a referendum. On 7 June 2001, 53.87% of Irish voters voted against the Treaty. A second referendum was then held on 19 October 2002. This time 62.89% of the voters were in favour of the Treaty. The Treaty of Nice entered into force on 1 February 2003.

### **2.3.2** *The preparations and input of the Dutch cabinet*

The primary focus of this study is on the Dutch cabinet, so the preparations for and input of this actor in the IGC deserve special attention (see Luitwieler & Pijpers, 2006). At the time of the Nice IGC, the Netherlands was being governed by the second 'purple' coalition (1998-2002), consisting of the Labour party (PvdA), the (conservative) Liberal party (VVD) and the smaller (social) Liberal party (D66). The cabinet was headed by Prime Minister Wim Kok (PvdA) at that time. The Foreign Affairs Ministry was principally responsible for the Dutch cabinet's contribution to and representation in the negotiation process. Jozias van Aarsten was Foreign Affairs Minister and Dick Benschop was State Secretary for European Affairs in the Foreign Ministry. Kok, accompanied by Van Aartsen or Benschop, represented the Dutch cabinet in the IGC during European Council meetings. Either Van Aartsen or Benschop, assisted by the Personal Representative Bernard Bot, acted as the Dutch representatives during General Affairs Council meetings. Bernard Bot, the Dutch Permanent Representative at the EU, was the Dutch representative at the Preparatory Group level (see Bot, 2003).

In early 1999, an IGC Taskforce was set up at the European Integration Department (DIE) of the Foreign Affairs Ministry, chaired by Aldrik Gierveld and also consisting of a couple of other officials. The officials of the Taskforce were primarily in charge of preparing for the IGC meetings by drafting notes, memoranda and 'speaking points', assisting their political superiors during these meetings and reporting on them afterwards both internally and to parliament. In addition, these officials undertook informal bilateral and multilateral contacts with other actors to convince them of the Dutch preferences and built networks with actors who had the same preferences. Moreover, the Taskforce officials made contact with ambassadors and officials from the Dutch embassies in the different member states and with officials from these member states' embassies in The Hague. They consulted particularly and regularly in The Hague with officials from the Dutch embassies in the five big member states plus an official from the Permanent Representation, Berend Jan Drijber, who usually assisted Bernard Bot ('klankbordgroep'). The Director-General for European Cooperation (DGES) Tom de Bruijn, the Director of DIE Pieter de Gooijer and Bot's assistant were also very much involved in all these activities.

The Dutch cabinet issued four position papers on the IGC, which were presented to the Second Chamber of the Dutch parliament. The first position paper was issued on 21 May 1999 and broadly dealt with the background, scope, way of preparation and negotiation, and timing of the IGC (Tweede Kamer, vergaderjaar 1998-1999, 26 559, nr. 1). In view of the coming enlargement to include many small member states, the position paper formulated two Dutch interests that the IGC had to safeguard. First, the EU institutions

had to be strengthened, to prevent individual member states from acquiring too dominant a role. Second, Dutch influence in an enlarged Union had to be maintained, considering that the Netherlands deserved to hold a strong position because of its demographic and economic weight. In light of these two interests, the Dutch cabinet adopted as operational yardsticks for the negotiations an improvement in both the efficiency and legitimacy of the EU. In this respect, the Dutch cabinet pleaded for a broad agenda for the IGC.

In its second position paper of 15 November 1999, the Dutch cabinet presented more specifically its preferences for the scope and issues on the agenda (Tweede Kamer, vergaderjaar 1999-2000, 21 501-20, nr. 101). An English translation of this second position paper was presented to the IGC as the official Dutch position paper (CONFER 4720/00, 6 March 2000). The Dutch cabinet advocated a broad scope for the agenda, in keeping with Article 2 of the Institutional Protocol, because several developments since Amsterdam had necessitated a 'comprehensive review'. Most notably, accession negotiations had begun or were being prepared with twelve candidate countries in that time, which would probably result in an EU constituting more than 20 member states within a few years. A broad agenda would guarantee that the institutions were reformed to such an extent as to enable the Union to function well after enlargement. This would assist in avoiding the need for another IGC to be convened halfway through the enlargement process, which would further delay the process. At the same time, the Dutch cabinet realised the contentiousness of the leftovers and felt that the agenda should not become unmanageable. After all, the IGC had to be concluded before the end of 2000 – again, to avoid a delay in the enlargement process. As such, the Dutch cabinet suggested the following agenda:

- the three leftovers;
- topics related to these issues, such as co-decision and the individual responsibility of Commissioners;
- issues crucial to the proper functioning of the Union in light of the Treaty of Amsterdam, such as the division of labour in the Court of Justice as well as sound financial control and management (which included the Court of Auditors);
- conditions on closer cooperation between member states within the framework of the Union; and
- the institutional and legal provisions related to the ESDP.

The Dutch cabinet subsequently made known its preferences on these agenda issues. These preferences are discussed in the context of and as the starting point for the before-after analysis in Chapter 5.

The third position paper was presented on 9 May 2000 (Tweede Kamer, vergaderjaar 1999-2000, 26 559, nr. 2). The first part of this paper included the Dutch cabinet's evaluation of the organisation of work in the IGC and the state of affairs in terms of the scope and issues on the agenda. In discussing the agenda issues, the Dutch cabinet reacted to the Commission opinion of 26 January 2000. In the second part of this paper, the Dutch cabinet provided a rather detailed outline of its preferences for the third leftover – the extension of QMV. On 13 November 2000, the Dutch cabinet issued its fourth position paper (Tweede Kamer, vergaderjaar 1999-2000, 26 559, nr. 4). Here, the Dutch cabinet first provided a general outline of the run-up to and development of the IGC thus far and subsequently discussed the state of affairs and the Dutch stake in the issues under consideration. In doing the latter, the Dutch cabinet made a connection to the progress



report of the negotiations that was presented by the French Presidency on 3 November 2000 (CONFER 4790/00).

The Dutch cabinet also presented, together with Belgium and Luxembourg, a Benelux memorandum on 6 December 1999, in which the three member states expressed their common preferences on the scope and content of the IGC agenda (CONFER 4721/00, 7 March 2000). A second Benelux memorandum was presented on 29 September 2000 (CONFER 4787/00, 19 October 2000). These memoranda are processed in the three empirical chapters.

### 2.3.3 *The negotiation subjects*

During a meeting of the Committee of Constitutional Affairs of the European Parliament on 10–11 January 2000, the Portuguese Presidency expressed its intent to negotiate on three levels and on the basis of five ‘negotiation boxes’. The negotiation levels are discussed in Section 2.4.2. The negotiation boxes included the three leftovers, other institutional issues and possible additional issues (Commission/Organisation report, 11 January 2000). This subsection generally discusses the different subjects of the five negotiation boxes (see, more detailed, De Zwaan, 2001; Galloway, 2001; Van Nuffel, 2001).

In terms of the three leftovers, it has already been noted that the Amsterdam IGC did not deal with these subjects in a satisfactory manner. With regard to the first leftover – the size and composition of the European Commission, the main question was whether the Commission should consist of one Commissioner per member state or whether it should have a fixed size below the number of member states after the impending enlargement. Depending on the answer to this question, another relevant subject was the internal structure and functioning of the Commission and particularly the competences of its President.

The second leftover – the weighting of votes in the Council, was linked to the first, in the sense of the Institutional Protocol that the big member states had to be compensated for giving up their second Commissioner. Another possible reason for compensating the big member states with more votes in the Council was the fact that the future enlargement would consist mainly of small and medium-sized member states. This would further heighten the existing imbalance between large and small member states.

The third leftover – the possible extension of QMV, also had to be considered in light of the impending enlargement, in the sense that efficient decision-making in a Union of more than 20 member states requires a greater application of QMV in the Council. Successive IGCs in the past had resulted in the extension of QMV, as a result of which most decisions were already made with QMV and the more politically sensitive areas were left over.

The fourth negotiation box concerned other institutional issues related to the three leftovers and relevant to the proper implementation of the Amsterdam Treaty. Most of these had already been mentioned by the Finnish Presidency in its preparatory report to the Helsinki European Council of December 1999 (see Section 2.3.1). Thus, with regard to the European Parliament, the allocation of seats had to be revised in consideration of the coming accession of new member states and the co-decision procedure might be extended, which might be coupled with the extension of QMV. The size and composition of other institutions and bodies, such as the Court of Auditors, ESC and COREG, were also dealt with. In the case of the Court of Auditors, this also concerned – albeit secondarily – its



position and functioning. In relation to the first leftover, the IGC also discussed the individual and collective responsibility of Commissioners, with the former type coming into prominence after the downfall of the Santer Commission in March 1999.

Another subject in this box was the reform of the European Court of Justice and the Court of First Instance. The problem of the Courts was one of overload, with an increasing number of cases taking an increasing amount of time. This problem would only become more pressing after enlargement. Thus, the IGC examined the size and composition of the Courts, their internal organisation and structure, a new allocation of jurisdiction between them and the possible establishment of specialised panels, as well as the matter of how and where to present the provisions in the Treaty, the (new) Statute and the Rules of Procedures of the Courts. Given the technical and detailed nature of this reform, the IGC decided to hand it over to a working group of legal experts (see Section 2.4.2). This working group, known as the 'Friends of the Presidency' Group, consisted of officials from the member states, Commission and European Parliament. Their mandate was discussed during the first meeting of the Preparatory Group on 15 February 2000 (SN 501/00, 15 February 2000). The Group met several times during the IGC and regularly presented progress reports to the Preparatory Group.

Another subject in the fourth negotiation box concerned closer cooperation, more specifically the revision of the provisions for entering into closer cooperation introduced by the Amsterdam Treaty. These provisions, known as 'enabling clauses', specify the general principles, conditions and procedures for a limited number of member states to cooperate more closely on a case-by-case basis (Galloway, 2001:130). The revision mainly involved defining the scope of application of the provisions under the first and second pillars, relaxing the decision-making procedures for initiating closer cooperation, and – as a counterpart – safeguarding the interests of the non-participating member states.

The fifth negotiation box consisted of the possible subjects of the Charter of Fundamental Rights and ESDP. As has already been pointed out in Section 2.3.1, the Charter eventually was not put on the IGC agenda. The development of an ESDP, which had begun at the Cologne European Council of June 1999, implied that a number of decisions had to be made in order to put in place the definitive structures necessary for the EU to assume its responsibilities in military and civilian crisis management operations (Galloway, 2001:155). The question regarding the IGC was whether or not Treaty change would be required to put these structures into place. At the end of the IGC, it was decided that the Treaty would indeed be changed in this respect.

Some other (minor) subjects were raised during the IGC that could be subsumed under the fourth negotiation box of other institutional issues (Galloway, 2001:143). One of these subjects concerned the possible amendment of Article 7 TEU relating to action by the Council in case of the determination of the existence of a 'serious and persistent breach' by a member state of the principles on which the Union was founded. This article was introduced by the Amsterdam Treaty and again required the attention of the IGC in light of the bilateral measures of 14 member states against Austria after the formation of a government that included members of the Freedom Party.

### 2.3.4 *The negotiation outcomes*

The Nice Treaty negotiation process resulted in many decisions being made on the subjects discussed in the previous subsection. However, decisions on some (parts) of these subjects and still other subjects were not made, because they were not on the negotiation agenda to begin with ('non-decisions') or were left undecided although they were a part of the agenda ('not-decisions'; see Section 2.4.3).

In terms of the first leftover – the size and composition of the Commission, the Nice Treaty introduced the principle of one Commissioner per member state starting from the next Commission's term of office in 2005. After the accession of the 27<sup>th</sup> member state, the Commission would, however, be composed of fewer members than the number of member states, based on a strictly equal rotation system. Considering that the Commission would grow in size at least initially, several changes were made to the internal structure of the Commission; in particular, the President's competences were strengthened. The President would now decide on the internal organisation of the Commission, structure and allocate responsibilities among the Commissioners, appoint vice-presidents and may request a Commissioner to resign. For the latter two matters, the President would need to first obtain the approval of the College. The decision on the number of vice-presidents – until Nice, one or two – was left open and placed in the hands of the President. Another important point is that the President would, in the future, be nominated by the Heads of State or Government by QMV instead of unanimity.

Regarding the related matter of the individual and collective responsibility of Commissioners (fourth negotiation box), the Nice Treaty did not introduce any changes in terms of collective responsibility, except for explicating the collegiate nature of the Commission in the Treaty. The existing informal arrangement for a Commissioner to resign if requested by the President – the 'lex-Prodi' – was codified in the Treaty.

Regarding the second leftover – the weighting of votes in the Council, the outcome was a 'triple majority system'. A qualified majority required a majority of weighted votes, a majority of member states and – on demand – 62% of the EU population. A new weighting was arranged for EU-27 that gave relatively more votes to the medium-sized and big member states. The Netherlands received 13 votes, one more than the other member states in its cluster, particularly Belgium.

In terms of the third leftover – the extension of QMV, the Treaty of Nice introduced QMV for around 40 provisions as from the entry into force of the Treaty or on various dates after that.<sup>2</sup> For the first time, QMV was introduced for appointments to EU institutions, such as the Court of Auditors, the Commission President and the High Representative. In terms of the most politically sensitive matters, no agreement was reached on social security and taxation and only modest progress was made on social policy, while more significant changes were introduced for visas, asylum, immigration and judicial cooperation in civil matters, and particularly for specific aspects of the common commercial policy.

Regarding the fourth negotiation box, a new allocation of seats was agreed upon for the European Parliament, which introduced a greater degree of proportionality in relation to population. The ceiling was raised to 732 seats and the number of seats ranged from five

2. The exact number depends on how a 'provision' is defined.

seats for Malta to 99 seats for Germany. The co-decision procedure was extended for about 15 provisions. All concerned provisions for which the IGC had decided to move to QMV; no provisions were included for which QMV already applied. In addition, the Parliament's standing before the Court of Justice has been improved in several ways. No decisions were made, for example, to clarify the notion of a 'legislative act', introduce a 'hierarchy of norms' or abolish the cooperation procedure.

On the Court of Auditors it was decided that each member state would (maintain to) be represented by one member, but this was complemented by the possibility of establishing internal chambers for certain categories of reports or opinions. As to strengthening the position and functioning of the Court, only minor reforms were made. The Nice Treaty created the possibility for the Court to supplement the general statement of assurance (SOA) with specific assessments for policy areas. In addition, Declaration 18 invited the Court and the national audit institutions to improve their level of cooperation, possibly by setting up a Contact Committee. Other reforms, such as granting the Court the right of appeal at the European Court of Justice and specifying its information and auditing competences, were not decided on.

The number of members from each member state in the ESC and COREG was extrapolated for EU-27, increasing their size to 344 members. The maximum size of these bodies was fixed at 350 members. Changes were also made regarding their composition.

Closer cooperation under the first pillar may not undermine the internal market or economic and social cohesion. As to the second pillar, closer cooperation may only concern the implementation of a joint action or a common position, and security and defence was excluded. Several decision-making procedures have been relaxed. The minimum number of member states required for closer cooperation is now eight instead of a majority. The possibility for a member state to veto an initiative for closer cooperation was formally abolished, but the matter can still be referred to the European Council (see Section 5.5). In addition, the role of the Commission and the European Parliament has been strengthened somewhat. While on the one hand relaxing some conditions that might too easily block closer cooperation, on the other hand some principles and conditions have been (re)formulated that protect the interests of the (initially) non-participating member states.

In terms of the ESDP, it was decided that it would be established in the Treaty. As the development of the ESDP implied that the EU would take over the tasks of the Western European Union (WEU), most references to the WEU in Article 17 TEU have been scratched. The new Political and Security Committee (PSC) was established within the Treaty and its responsibilities during crisis management operations were formulated. The other two bodies that were created as part of the development of the ESDP – the Military Committee and the Military Staff, were not established within the Treaty. The relationship and cooperation between the ESDP and the North Atlantic Treaty Organisation (NATO) were also not established in the Treaty.

Finally, concerning Article 7 TEU on fundamental rights, an early warning procedure was included to determine a *risk* of a serious breach by a member state of the principles on which the Union was founded.

## 2.4 Agency and structure in EU Treaty negotiations

In the literature on EU Treaty negotiations, different elements are presented that characterise these negotiations. These elements are both of an agency and structural nature. Agency concerns the participating actors and their (lack of) internal cohesion (Section 2.4.1). Structure has to do with domestic actors and factors as well as European events and developments that, in a way, form an external structure to the participating actors (Section 2.4.1) as well as with the levels and phases, particularly timing, which structure the negotiations (Sections 2.4.2 and 2.4.3, respectively).

An important argument related to this is that over time, IGC negotiations have become more and more structured in terms of its participants and the organisation of the process. In this context, an 'institutionalisation' of the IGC can be said to have taken place, with the result that it is now 'a regular feature on the European Union political landscape' (Smith, 2002:3). This has especially been the case since the mid-1980s, with IGCs taking place in 1985, 1990-1991, 1996-1997, 2000, 2003-2004 and 2007. It has been argued that as IGCs have begun to take place more frequently, they have become structured based on formal and informal rules (Christiansen, 2002; Christiansen et al., 2002; Sverdrup, 2002), implying that an 'acquis conf  renciel' (Christiansen & J  rgensen, 1999; Falkner, 2002:7) has developed. It can be argued that the gradual institutionalisation of the IGC has to do with the development of formal and informal rules for the ways in which and extent to which actors participate, the negotiation levels and the negotiation phases. These will be touched on in the upcoming subsections.

### 2.4.1 *The participating actors and their structural environment*

With regard to the actors participating in EU Treaty negotiations and the structural environment in which they operate, the following five points are often emphasised in the literature.

First, as indicated by Article 48 TEU, an EU Treaty is formally negotiated by the member states, who determine the amendments to be made 'by common accord'. Each member state therefore has a veto on the outcome of an IGC. This gives them – at least formally – a dominant position in IGC negotiations. This dominance is also clear from the extent of their participation at all levels of negotiation (see Section 2.4.2). Member state actors often present position papers to the IGC in which they outline their preferences for the IGC agenda in general and on specific subjects in particular.

There is one member state actor that plays a specific role and has particular responsibility in the negotiation of an EU Treaty, i.e. the Presidency (e.g. Svensson, 2000; Tallberg, 2006). The Presidency of the Council of Ministers rotates between the member states of the EU, with each member state alternately holding the Presidency for a period of six months. The Presidency is the driving force of an IGC, organising the work, scheduling the meetings, chairing these meetings and producing discussion papers, progress reports and draft Treaty texts that form the basis of successive meetings. These papers are not only drafted on the basis of the discussions that take place during the IGC meetings, but also following bilateral meetings between the Presidency and the various actors. These meetings may take the shape of the Head of State or Government holding the Presidency visiting his counterparts in the different capital cities in preparation for (its progress report to) a

European Council (so-called 'tour des capitales'). During these meetings, the Presidency may also operate as a broker of compromises among the various actors. It is important to be aware that the member state holding the Presidency has both government representatives and Presidency representatives during the different IGC meetings. Therefore it, in fact, plays two roles, which may be a source of conflict during the negotiation process.

Second, in addition to member state actors including the one holding the Presidency, there are at least three EU level actors that also play a role during EU Treaty negotiations: the European Commission, the European Parliament and the Council Secretariat, who assists the Presidency during the negotiation process (e.g. Christiansen, 2002; Beach, 2005). In addition to there being formal rules concerning their participation, their role has also evolved through practice.

As Article 48 TEU makes clear, the European Commission has the right, as do the member state governments, to initiate the IGC process (see Section 2.2). Besides, the Commission may need to be consulted before an IGC can be convened in the first place. Moreover, over time, the European Commission has garnered an increasingly active role in the IGC negotiations themselves. This is not based on formal rules laid down in the Treaties, but rather, on established practice. The 'right' of the Commission to participate in an IGC was established in the 1985 IGC (Christiansen, 2002:39). The Commission normally has a representative at the ministerial level and that of the Personal Representatives. As a member of the European Council, the Commission President also participates at this level, but without having a final say, i.e. a veto, on the outcome. The Commission usually puts forward opinions and proposals on the agenda and the subjects under consideration in an IGC. This may conflict with another role the Commission traditionally plays, which is to operate as a mediator and broker between the positions held by various member states (Christiansen, 2002:39-40).

The European Parliament must be consulted on the convention of an IGC, but it does not have the right of assent as to the outcome of the IGC – the final Treaty text. The European Parliament has only recently become involved in the IGC negotiations themselves. Its role has developed through practice. During the 1996-97 IGC, two representatives from Parliament held additional meetings and at least one informal dinner per month with the Personal Representatives. During the Nice IGC this trend intensified, with the two representatives now being allowed to attend the meetings of the Personal Representatives as 'observers', although they were excluded from the (arguably more important) informal sessions. The President of the Parliament, assisted by the two representatives, is invited to participate during the official opening of the monthly meetings of the Foreign Ministers – as is generally the case with regard to the opening of European Council meetings – but has to leave when the actual negotiations begin. During the course of the Nice IGC, however, the two representatives were invited to participate during the informal ministerial meetings. Like the Commission, the Parliament regularly tables positions on the agenda as a whole and on the specific issues that are discussed during the negotiations. Moreover, the commitment of some member states, such as Italy and Belgium, to ratify a Treaty only if the European Parliament provides its approval, gives it an 'indirect veto' over the results of Treaty reform (Christiansen, 2002:45; Smith, 2002:17).

The General Secretariat of the Council of Ministers – in short, the Council Secretariat – is not mentioned at all in Article 48 TEU, but plays a significant *de facto* role in assisting

the Presidency during IGC negotiations. As one observer puts it in reference to the IGC negotiations of Amsterdam and Nice: 'Although all Member States, large and small, played an important role in the IGC process, the most influential actors in both of the IGCs were the civil servants of the respective Presidencies and the Council Secretariat' (Stubb, 2002:8). The Council Secretariat functions as the secretariat for the Conference. In doing so, its role in an IGC is similar to the one it plays in secondary law-making between the EU institutions, giving it a great amount of experience. As mentioned earlier, the Council Secretariat assists the Presidency in its tasks. In addition to logistical support, it shares its expertise and experience with the Presidency when drafting the agenda and minutes of the meetings, as well as the discussion papers, progress reports and Treaty articles. In addition, the Council Secretariat's Legal Service provides legal advice to the Conference in general and to the Presidency in particular. This has now become common practice since the Maastricht Treaty negotiations. This legal advice has to do particularly with the interpretation of new or revised Treaty articles. As with the Presidency and the Commission, the Council Secretariat may act as a mediator between member state actors (Christiansen, 2002:40; Stubb, 2002:21). Given the considerable continuity of its staff in the course of successive IGCs – in contrast with the staff of member state actors – it has a lot of experience in this specific type of EU negotiation. All in all, the Council Secretariat therefore plays a special role and holds a unique position in the negotiation process.

However, it should be noted that in assisting the Presidency, this role is closely related to and dependent on the role of the Presidency during IGC negotiations. It may be argued that the more the Presidency is willing and able to play an autonomous role during the IGC negotiations, the less the Council Secretariat is able to steer the process, and vice versa (Christiansen, 2002:47-48; Stubb, 2002:161-162). The willingness and ability of the Presidency may be dependent on the nature and size of the member state holding the Presidency, with smaller member states that are more dependent on the Council Secretariat for assistance making it more difficult to play an autonomous role (Smith, 2002:18). However, it could also be argued that if a Presidency wants to be successful in the IGC negotiations at all, it must collaborate closely with the Council Secretariat (Gray & Stubb, 2001:6). In reality, close cooperation between the two seems to be the rule, and a Presidency doing it on its own – leading to a less successful result – the exception (Christiansen, 2002:47-48). In any case, the close relationship and interdependence between the Presidency and the Council Secretariat makes it difficult in practice to make a distinction between the two actors.

Third, the 18 participating actors discussed above cannot be considered to be unitary actors. The unitary actor assumption must be countered (Katzenstein, Keohane, & Krasner, 1998:658) through an understanding that there may be various preferences at play behind the apparent unitary actor, which may persist and lead to divergent actions in the course of the negotiations at the EU level. The absence of a coherence of preferences and a coordination of actions on the part of an actor can be termed the 'internal divisiveness' of an actor (Van Schendelen, 2005:191). An actor may be internally divided in two ways (Christiansen et al., 2002:13-14). Horizontally, there may be different preferences and/or actions between and/or within different parts of an actor at the same (domestic or EU) level. Vertically, there may be different preferences and/or actions between different parts at different (national and EU) negotiation levels. For example, horizontally there may be



internal divisions between the Foreign Affairs Ministry and the Economic Affairs Ministry, and vertically there may be internal divisions between the Foreign Affairs Ministry in the capital city on the one hand and the Permanent Representation of a member state located in Brussels on the other.

Fourth, the participating actors do not operate in a vacuum when negotiating at the EU level. Behind the backs of negotiating government representatives, there are all kinds of domestic actors and factors that may enable or constrain their behaviour during the negotiation process. These include the parliament, the constitutional court, a referendum that may be held, the prevailing public opinion, elections that may be held and events that occur or political conflicts (Christiansen et al., 2002; Sverdrup, 2002). From the perspective of a member state government, these actors and factors at home are in fact of a structural nature.

Fifth, in addition to events and political conflicts occurring at the domestic level, events and developments at the European and global level – external to the negotiation process – may also enable or constrain the participating actors, as they may affect the agenda-setting and decision-making processes (Smith, 2002:215-216; Sverdrup, 2002:133-134). For example, at the beginning of the Amsterdam IGC, a lot of attention was paid to the BSE crisis, while during the first part of the Nice IGC the Portuguese Presidency (and the other member state actors) had to cope with sanctions that had been imposed on Austria after the formation of a government that included a populist party.

#### **2.4.2** *The negotiation levels*

IGC negotiations are in fact ‘multi-level’ negotiations that take place at three different levels (McDonagh, 1998:17-22; Stubb, 1998; Galloway, 2001; Christiansen, 2002; Smith, 2002; Stubb, 2002; Beach, 2005). This three-tier structure is similar to the normal Council decision-making negotiation structure.

The Heads of State or Government plus the President of the Commission, who meet in the European Council, form the highest level of negotiations. The European Council meets in a formal session towards the end of a Presidency term in June and December, one of which usually constitutes the final summit of an IGC. At this level, the final and politically sensitive decisions in an IGC are made. It is here that the IGC and the resulting Treaty is completed. In addition, it has become normal practice to hold an informal meeting in the middle of a term of Presidency. Unlike the formal meetings, the informal European Council meetings do not issue official conclusions. The Heads of State or Government are accompanied by their Foreign Affairs Ministers and the Commission President is accompanied by a member of the Commission. National officials are not allowed to be present, except for Presidency officials. The meetings are preceded by an exchange of views with the President of the European Parliament.

The negotiating level in the middle is made up of the Foreign Ministers of the different member state governments. They usually meet monthly in the margins of the General Affairs Council. Whereas in regular EU decision-making the composition of the Council of Ministers depends on the subject under consideration, the general responsibility for an IGC rests solely with the Foreign Ministers. This level of negotiators is expected to provide a link between the higher, political level and the lower, official level. In practice,

however, the mid-level does not work well (McDonagh, 1998:20; Gray & Stubb, 2001:20; Smith, 2002:14-15; Stubb, 2002:14). Given the lack of time, the Foreign Ministers have difficulties making progress in the negotiations. In effect, when there is a political, sensitive issue, the Foreign Ministers are inclined to transfer it to the higher, political level, while in the case of a more technical, detailed issue they often leave it to the lower, official level of negotiators. In addition to the formal meetings, the Foreign Ministers also meet informally during ministerial 'Conclaves'. In a formal meeting they are supported by three government officials and in informal meetings they are assisted by their Personal Representatives only. The Commission is also represented at this level. As is the case with European Council meetings, formal ministerial meetings are preceded by an exchange of views with the President of the European Parliament, this time accompanied by two representatives from this institution.

The third negotiation level involves the Personal Representatives of the Foreign Ministers or governments. These are mostly high-ranking officials and, in some cases, politicians. When this level is made up of Permanent Representatives, its composition is similar to COREPER, which, along with the working groups, does most of the work involved in regular EU decision-making on behalf of the Council in its weekly meetings. The Personal Representatives meet for one or two days several times a month. It is at this level that the bulk of the work – over 95% of it – in an IGC is done (Stubb, 2002:15). Issues are negotiated at the most technical and detailed level here, shaping the early decisions and draft articles, often in advance of the higher, political levels. Therefore, this level is commonly considered to be the most important and effective level of an IGC (Smith, 2002:15; Stubb, 2002:16, 161). In formal meetings three government officials accompany the representatives, while in informal meetings and 'confessionals' they are assisted by only one government official. In addition to the Commission, since the Nice IGC the European Parliament has also become involved at this level with (at least) two 'observers'.

Formal meetings at the ministerial or representative level may also take place in a 'restricted session', which means that each delegation is restricted to only one or two members. Moreover, informal discussions may take place during lunch or dinner of formal ministerial or representatives' meetings, with each delegation consisting of only one person.

In addition to these three levels, it is possible to distinguish a fourth level, called the 'Friends of the Presidency' Group. This working group may be asked to handle a specific legal and technical issue, so as to relieve those at the representative level. It is composed of two low-level civil servants from each delegation, including the Commission and the European Parliament.

### 2.4.3 *The negotiation phases and timing*

Different phases do not formally exist, but practically, different phases can be discerned. For instance, a distinction could be made between a preparatory phase preceding an IGC and the IGC itself. There are three options for the preparatory work (Commission/Organisation Council note, 15 April 1999). The first is a group of 'wise persons', operating at a certain distance, which presents a report on the IGC agenda on the basis of rational considerations. The second option is a group consisting of representatives



from the member states, the Commission and the Parliament, which drafts an annotated agenda for the IGC. This option was chosen to prepare the Amsterdam IGC with the 'Reflection Group'. The third option is, in fact, a combination of the first, rational option and the second, political option. Here, all member states are involved in the preparations, but the drafting of the report is the sole responsibility of the respective Presidency. As was made clear in Section 2.3.1, this third approach was utilised in the case of the Nice IGC. The Finnish Presidency organised 'technical' consultations in the framework of the Satuli Group and bilateral 'political' consultations with the participating actors, which resulted in its preparatory report to the Helsinki European Council of December 1999. Depending on the option chosen, the actual negotiations already begin in the preparatory phase (option 2) or only during the IGC itself (options 1 and 3).

Others make a distinction between an agenda-setting phase, a decision-shaping phase and a decision-making phase of an EU Treaty negotiation process (McDonagh, 1998; Stubb, 2002).

When approaching an EU Treaty negotiation process from the perspective of power and influence, as does this study, it makes sense to distinguish solely between an agenda-setting phase and a decision-making phase. This makes sense because it at least allows us to make a distinction between three types of outcomes depending on the course of an issue through these two phases. An issue results in a non-decision if it is not put on the agenda to begin with, in a not-decision if it is part of the agenda but subsequently not decided on and in a decision if it is both part of the agenda and decided on (for further discussion, see Section 3.4).

There is much variation of when and to what extent agenda-setting and decision-making take place during the preparatory and IGC phases. In the case of the Nice IGC, for instance, the agenda was only partly defined at the start of the IGC and decision-making had not yet begun. This implies that although agenda-setting and decision-making can be analytically distinguished as two separate policy phases, in practice the two overlap. This then suggests that they cannot be separately studied *or* omitted. This is an additional reason for taking them both into account in this study.

The two phases of agenda-setting and decision-making appear to develop differently for different issues in practice. Some issues are put on the agenda and discussed early, whereas others only become part of the agenda and are discussed later on during the negotiation process. Different issues thus have different time courses across the negotiation process. The specific course of time of an issue may be called its 'negotiation timing'. On the basis of the empirical analysis of this study, the distinction between agenda-setting and decision-making will be evaluated in Section 8.5.1.

## 2.5 A closer look at the Nice Treaty negotiation process

Do the characterising elements discussed in the previous section make sense when the Nice Treaty negotiations are considered as a specific instance of an EU Treaty negotiation process?

Starting with the negotiation phases, the Nice Treaty negotiation process can be divided into an agenda-setting phase and a decision-making phase, with both taking place at the

EU level.<sup>3</sup> When going back in time to determine the beginning of the agenda-setting phase of an EU Treaty negotiation process, a line must be drawn somewhere that in the end is always arbitrary. The natural starting point in the case of the Nice Treaty negotiation process is the Treaty of Amsterdam of June 1997, which already outlined some of the agenda subjects for the next round of Treaty negotiations. The actual start can be said to have been when member state representatives discussed the agenda for the Nice IGC for the first time, on the basis of the issues mentioned by the Amsterdam Treaty, which occurred in May 1999. The formal start of the decision-making process was the formal start of the IGC, on 14 February 2000, and its formal end was the Nice European Council of 7-11 December 2000. In practice, however, the agenda-setting process continued after the formal start of the IGC, while decision-making had yet to begin. Some issues were not put on the agenda at all (non-decisions), while others became part of the agenda but were ultimately not decided on (not-decisions) and still others were both put on the agenda and decided on (decisions). In terms of the negotiation timing, some issues were negotiated on relatively early, whereas others were discussed relatively late in the negotiation process.

In terms of the participating actors, at the time the Nice Treaty was negotiated the EU consisted of 15 member states. Although no evidence has been found of member states explicitly using their veto, the intergovernmental nature of the endeavour was highlighted when some member states objected to specific proposals and provisional outcomes in the course of the negotiation process. For example, when the United Kingdom objected to a newly proposed closer cooperation outcome, the existing outcome was maintained to the advantage of the United Kingdom, but to the disadvantage of the Dutch cabinet. In the case of the Nice IGC, eight member states presented formal position papers to the Conference, in which they outlined their preferences on the general scope and specific subjects on the agenda. These member states were the Dutch cabinet, Austria, Denmark, Finland, Germany, Greece, Italy and the United Kingdom. Some also issued common proposals, such as the Benelux countries that presented two Benelux proposals during the Conference (see empirical chapters).

Finland, as Presidency, prepared the Nice IGC in the second half of 1999. The IGC began under the Portuguese Presidency in the first half of 2000 and was completed by the French Presidency in December 2000. All three Presidencies held bilateral consultations with the member states ('tour des capitales') preceding and in preparation of (their progress reports to) the Helsinki, Feira and Nice European Councils, respectively.

Whereas the Portuguese Presidency cooperated closely with the Council Secretariat during the negotiation process, the French Presidency was an exception in that it operated rather autonomously. Instead of operating from Brussels in close cooperation with its Permanent Representation and the Council Secretariat as is usually the case, the French Presidency operated mainly from Paris in an attempt to control the negotiation process. In doing so, it exploited its position of holding the Presidency to further its own interests on particular subjects (Christiansen, 2002:48; see Chapter 7). As will be made clear in Chapters 6 and 7, the Council Secretariat has been more actively involved in some dossiers, particularly the ESDP, than in others (Christiansen, 2002:46).

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3. It is set aside that prior to and during the agenda-setting and decision-making phases at the EU level, these two phases also take place considering the preference formation at the level of the different member states.

The Commission and the European Parliament have both been consulted on the convention of the IGC. The Commission had already broadly outlined its preferences in its contribution to the Finnish preparations in November 1999, and these were further specified in its opinion paper of 26 January 2000. The European Parliament, on the other hand, was rather reluctant to present its preferences due to discontent with the narrow scope of the agenda that was agreed upon during the Helsinki European Council and its own role in the IGC. It presented its opinion in a short resolution on 3 February 2000, but more detailed preferences were only presented on 13 April 2000. Some have stated that this delay diminished the impact of the Parliament's view at this stage of the negotiations (Gray & Stubb, 2001:9-10).

As to the role of the Commission and the Parliament during the IGC itself, the Helsinki European Council conclusions of December 1999 provided some specific proposals regarding the negotiation levels and the participation of the EU level actors. Concerning the first level, the Lisbon European Council of March 2000, which was dedicated mainly to economic and social policy, hardly or did not at all discuss IGC matters. Heads of State or Government did discuss the IGC during the Feira European Council of June 2000, the Biarritz European Council of October 2000 and the Nice European Council of December 2000, where the final Treaty was agreed upon. These European Council meetings were preceded by an exchange of views with the President of the European Parliament, Nicole Fontaine, but she had to leave when the negotiations actually began. The Commission was represented during the meetings by its President, Romano Prodi, who was accompanied by Commissioner Michel Barnier.

The Foreign Ministers in the General Affairs Council formed the second level of negotiations and held the overall political responsibility for the IGC. Barnier was the Commission representative at this level. The formal meetings were also preceded by an exchange of views with the President of the European Parliament, who was assisted by two representatives of this institution. These representatives were not allowed to participate during the formal meetings themselves, but in the course of the Nice IGC they were invited to participate during the informal meetings.

The representatives of the member state governments met in the 'Preparatory Group', which was the third level of negotiations. The group consisted of 10 Permanent Representatives, three senior civil servants and two junior Ministers. Just as at the ministerial level, the Commission was represented by Barnier. For the first time, the European Parliament was represented at this level by two 'observers' – Elmar Brok (European People's Party) and Dimitrios Tsatsos (Party of European Socialists).

The Friends of the Presidency Group, which can be considered to be the fourth level of negotiations, was in the case of the Nice IGC asked to deal with the reforms of the European Court of Justice, which have been considered in retrospect to be one of the major changes agreed upon in Nice (Gray & Stubb, 2001:17-18). The European Parliament and the Commission were also allowed to participate at this level.

In terms of the internal coherence of the participating actors, evidence has been found that several actors were internally divided on their preferences and/or actions concerning specific issues. Thus, within the Dutch cabinet, the Foreign Affairs and Finance Ministries had different preferences on the size of the Court of Auditors, which resulted in diverging actions during the negotiation process at the EU level (see Sections 5.3.1 and 7.3.1).

Concerning domestic actors and factors, several – particularly neutral – member states were enabled by their parliaments, public opinion and the possibility of a referendum in their resistance against ESDP Treaty change (see Section 7.7.3).

Finally, concerning external events and developments at the EU level, the impending enlargement particularly affected the Nice Treaty negotiation process. For example, it was a constraint for member states that wanted to introduce the principle of one member per member state for the Court of Auditors and the European Commission (see Sections 7.4.6 and 7.13.6, respectively). The German Foreign Affairs Minister Fischer and the French President Chirac delivered speeches on the future of the Union, in which they hinted at closer cooperation between a limited number of member states outside the Treaty framework. This enabled actors that wanted to relax the conditions for closer cooperation within the Treaty framework introduced by the Amsterdam Treaty (see Section 7.10.6).

## 2.6 Conclusion

The object of study, the Nice Treaty negotiation process, is one specific instance of an EU Treaty negotiation process, which normally takes place through an IGC. The IGC 2000 resulting in the Treaty of Nice primarily dealt with institutional issues in view of the coming enlargement to include a considerable number of new member states. The agenda for the Nice IGC was partly predefined by the three leftovers of the Amsterdam Treaty negotiation process, but was complemented by other issues prior to and during the IGC. The negotiation process resulted in many decisions, but several issues were not decided on (not-decisions) or had not even been put on the agenda to begin with (non-decisions).

An EU Treaty negotiation process is characterised by actors that negotiate with one another within a structural environment at different levels and during different phases. The actors participating in the Nice IGC included 15 member state actors and three EU level actors – the Commission, the Parliament and the Council Secretariat. The negotiation levels were the Heads of State or Government during formal and informal European Councils, the Foreign Affairs Ministers during formal and informal (Conclaves) meetings in the margins of monthly General Affairs Councils and the Personal Representatives of the governments during regular formal and informal meetings of the Preparatory Group. A fourth level may be distinguished, namely legal experts that meet in the Friends of the Presidency Group. The Nice Treaty negotiation process can be subdivided into an agenda-setting phase and a decision-making phase. However, the extent to which it actually went through these two phases and what its time course was varied from issue to issue.

The literature on EU Treaty negotiations discussed in this chapter is useful for this study because it offers a contextual framework for the influence analysis, which will take account of the 18 participating actors, three negotiation levels and two negotiation phases. In addition, this discussion results in several agency and structural variables affecting and explaining the process of EU Treaty negotiations: the behaviour of the participating actors and their degree of internal coherence, the domestic structure (actors and factors) at the national level, the negotiation structure (negotiation levels and phases, particularly timing) at the EU level and external events and developments at the European and global level.

These factors constitute several of the building blocks for the conceptual model of this study, which will be presented in Chapter 4.

Though the EU literature that has been discussed thus asks for attention to be paid to agency and structure, offering explanatory variables that co-determine the outcome of an EU Treaty negotiation process, it is argued that this literature does not touch on the core of such a negotiation process: the mutual exertion of *influence* by the participating actors. For this, the central concepts of power and influence, the Political Science and IR literature is turned to in the next chapter.



## CHAPTER 3

# Central concepts

## Power and influence in EU Treaty negotiations

### 3.1 Introduction

In the previous chapter, it was shown that an EU Treaty negotiation process can be characterised as an increasingly structured multi-actor, multi-level and multi-phase process. This empirical contextual framework has several agency and structural variables that affect and explain the process of EU Treaty negotiations. These variables constitute several of the building blocks for the conceptual model of this study. However, answering the second sub-question of how the process of EU Treaty negotiations can be analysed requires turning to the Political Science and International Relations (IR) literature, particularly on the concepts of power and influence. The explanatory variables that came to the fore in the previous chapter do not touch on the core of an EU Treaty negotiation process: the mutual exertion of *influence* by the participating actors.

Power and influence are clearly essentially contested concepts. Although both are considered to be core concepts in Political Science, there has never been any agreement on their meaning (e.g. Riker, 1964:341; Baldwin, 2002:177). Any empirical study of power and influence inevitably joins a long debate within Political Science generally and IR in particular about how to conceptualise and operationalise power and influence (e.g. Riker, 1964; R. Bell, Edwards, & Wagner, 1969; Baldwin, 2002; Haugaard, 2002). These are, in fact, two interrelated parts of the same debate. The choices made on how to define and conceptualise power and influence have a clear impact on the choices to be made about how to measure and operationalise power and influence.

The first part of this chapter contributes to the conceptual debate by discussing three types of distinctions in the debate in Sections 3.2 to 3.4. After discussing the distinctions that have been made in the literature, each section illustrates the relevance of each distinction by indicating how it has been empirically applied by previous studies and how this will be done in this study, i.e. the position this study takes and the choices that are made vis-à-vis the respective distinction.

Thus, in Section 3.2, the distinction between ‘power as resources’ and ‘power as relation’ is discussed, which leads to the definition of power and influence adopted by this study. In Section 3.3, attention is paid to the distinction between ‘explicit’ and ‘implicit’ (anticipated) influence, ending with the identification of the influence attempt mechanism as the main focus of this study. Section 3.4 discusses the three faces of power and the agency-structure dilemma, leading to the study’s focus on visible decision-making, while

also paying some attention to less visible non-decision-making and several structural elements. There are many more distinctions that could be discussed – some of which will be touched on in relation to the three distinctions above – but these three distinctions can generally be considered to be particularly important, especially in the context of this study (e.g. Baldwin, 2002; Haugaard, 2002).

Although choices are made in each of these sections, it will also be made clear that, at the same time – albeit to a limited extent – the study aims to integrate the three distinctions. In doing so, several explanatory variables are identified that – together and overlapping partially with the variables identified in the previous chapter – form the building blocks of the conceptual model. This model will be further specified and presented in the following chapter.

The second part of this chapter enters the debate on measuring power and influence. Section 3.5 discusses several methods of influence measurement that have come to the fore in this debate. For each method discussed, a general outline, an empirical application, indicating how the method operationalises influence, and some strong and weak points will be presented. On the basis of weighting these strong and weak points and in the light of this study's research question and the conceptual choices made in the first part of this chapter, the selection of the method for this study is justified in Section 3.6. The selected method is a before-after analysis complemented by a process analysis. The chapter is closed in Section 3.7 with some conclusions and reflections.

## 3.2 Power as resources vs. power as relation

The first important distinction made in the debate is between power as resources and power as a relationship (Baldwin, 2002). The first subsection explores the distinction in the literature theoretically, while the second and third subsections look at how the distinction has been empirically applied in previous studies and how it will be applied in this study, respectively.

### 3.2.1 *The distinction in the literature*

The first distinction concerns two main approaches to power analysis, the 'power as resources' approach and the 'relational power' approach (Lasswell & Kaplan, 1950:75; Van Doorn, 1962/63; McFarland, 2001; Baldwin, 2002). In the first approach, the power of an actor is equivalent to the amount of resources the actor has at its disposal. Power is a possession, the property, capability or capacity of an actor. According to Hobbes ([1651] 1991:Chapter 10), for example, 'the power of a man is his present means to obtain some future apparent good'. A variant of this approach, which according to Baldwin (2002:178-179) has traditionally dominated the study of international politics, is the 'elements of national power' approach. This variant assumes that the power of national states consists of several elements, such as its population, territory and army, which can be summed up in order to compute the power distribution between states. Examples of the use of this approach in the literature include Morgenthau ([1948] 1960) and Waltz (1979).

In the second half of the 20<sup>th</sup> century, the 'power as resources' and 'elements of national power' approach were challenged by the 'relational power' approach. This approach con-



sidered power to be a relationship between actor A and actor B in which the behaviour of the former causes a change in the behaviour of the latter (Simon, 1953; March, 1955; Dahl, 1957, 1968; Frey, 1971; Nagel, 1975). This approach has several implications. First, conceiving of power and influence as a relationship between actors implies that it is only possible to say anything about the power or influence of an actor if it is compared to (the power and influence of) other actors. There is no power-holder without one or more power-subjects. Secondly, conceiving of power relationally implies that there is a specific type of *causation*: there is a cause (the behaviour of actor A) and an effect (the change in behaviour of actor B) (Dahl, 1968; Nagel, 1975:9-11; Baldwin, 2002:178). The causality issue will be dealt with more extensively in the next chapter (Section 4.3). Thirdly, the idea of power as a causal relationship between two actors implies that there is a time period in between the cause and the effect, which some authors refer to as an influence *process* during which influence is exercised or exerted (e.g. Lasswell & Kaplan, 1950:71; Simon, 1953:503). Whereas in the 'power as resources' approach power is seen as a capacity that one possesses without necessarily having to exert it in practice, in the 'relational power' approach it is precisely this actual exertion that is seen as the essence of the concept of power. Fourthly, and combining the second and third points, the concept of power as a causal relationship between two actors focuses on the *actual effect* of a cause instead of resources or capacity as a potential cause of an effect; this effect is brought about in the course of the process in between the cause and effect (during which the exertion of influence takes place). For instance, Russell (1938:35) defines power as 'the production of intended effects'.

The distinction between power as resources, property, possession, capability and capacity and power as relation and the effect of a capacity, property, etc. is well-expressed in the French language, which has a different word for each phenomenon: 'puissance', indicating capacity, and 'pouvoir', indicating an effect. Similarly, Wrong (1979) makes a distinction between a 'dispositional' and an 'episodic' conception of power, referring to 'capacity' and 'effect', respectively (cf. Clegg, 1989). In his view, both should be a part of the definition of power. Hobbes' definition is a good example of a dispositional conception, whereas Russell's definition is clearly an episodic one.

Another well-known definition worth discussing to illustrate the distinction is that proposed by Dahl (1957:202-203): 'A has power over B to the extent that he can get B to do something that B would not otherwise do'. This definition would be a purely relational and episodic one if not for the word 'can', which causes Wolfinger (1971a:1079) to call it a power as capacity definition. He continues: 'Since defining power as a capacity to get one's way seems to lead to essentially unverifiable claims about potential power, it would be simpler to think of power as a *relationship*, which would produce a definition like this: power is a relationship in which A gets B to do something that B would not otherwise do' (Wolfinger, 1971a:1079; emphasis added, SL). From a relational power approach, the idea of power as resources thus only represents potential power. Setting aside the word 'can' in Dahl's definition, his definition makes clear that the distinction could also be phrased in terms of 'power to' and 'power over', respectively. In some of his later work, for that matter, Dahl indeed omits the word 'can', offering a purely relational definition: 'A influences B to the extent that he gets B to do something that B would not otherwise do' (Dahl, 1963:40; cf. Dahl, 1991:32).

### 3.2.2 *Examples of this distinction in previous empirical studies*

How does this distinction between power as resources, capacity and being dispositional on the one hand and power as relation, effect and being episodic on the other hand manifest in previous empirical studies about power and influence? More specifically, what choice did these studies make about which definition to adhere to?

As mentioned earlier, the relational power approach only came into use during the second half of the 20<sup>th</sup> century. Dahl stated in 1968 that ‘(...) the systematic empirical study of power relations is remarkably new’ (Dahl, 1968:414). At that time, the ‘community power debate’ had already been underway for some time, in which several scholars focused on actor properties or resources in determining how power was distributed in local communities in the United States. Some prominent studies included the one conducted by Hunter (1953) concentrating on the reputation of actors and another by Mills (1956) focusing on the positions that actors possess (see Section 3.5 for further discussion).

Dahl has criticised these and other studies for analysing only the potential power of actors and not their actual, exerted power (e.g. Dahl, 1958). In reaction to these studies, Dahl ([1961] 2005) carried out an empirical study of New Haven, which became a pioneering example of the relational approach to power. In his study, Dahl reconstructed the making of several decisions in three ‘issue-areas’ – political nominations, urban redevelopment and public education – in order to establish which of the participating actors had really influenced these decisions. In Appendix B on methods and data in his book, Dahl referred to his 1957 article, cited in the previous subsection, for the conceptualisation of influence used in his study. His operational measure of influence consisted of examining which of the participating actors had most frequently initiated proposals that were later adopted (without or despite opposition from the other actors) or had vetoed proposals put forward by the other participants. It follows from this that Dahl conceives of influence as a causal relationship between actors in which one actor has an (episodic) effect on one or more of the other actors.

Braam (1981) has examined the influence of shipyards on road and water infrastructure policy in the Netherlands. He specifies influence as ‘the number of effects brought about in a given period’ (Braam, 1981:9). An effect, in the form of a decision made by the government, can be caused by the influence attempt of a firm, or may be the result of anticipation by the government (of a firm’s interest). Braam’s study focuses primarily on the effects of influence attempts. According to Braam, such effects are the ultimate outcome of an influence process, which consists of two additional components: problems and influence attempts. Parallel to these three components (problems, influence attempts and effects), an influence process can be divided into three aspects of influence:

- ‘tested influence’: the percentage of influence attempts of an actor that are granted by the government
- ‘manifest anticipation’: the percentage of an actor’s problems for which it has undertaken influence attempts
- ‘latent anticipation’: the number of problems perceived by an actor

The inclusion of ‘potential’ in Braam’s (1981:12) definition of influence is a bit confusing. His focus on a government’s change in behaviour, influence as a process and actual effects, however, makes it clear that he does, in fact, adopt a relational approach to power.

As mentioned earlier, the power as resources approach has traditionally dominated the IR literature. Despite the development of the relational power approach in the last 50 years, the power as resources approach continues to be very popular in this literature (Baldwin, 2002:179). Examples of this approach are the studies of Morgenthau ([1948] 1960) and Waltz (1979).

Only a few IR scholars have attempted to incorporate the relational power approach in the study of international politics. Cox and Jacobson (1973), for example, studied (the structure of) influence in eight international organisations. They wanted to understand the sources of influence and the way in which influence was exercised by analysing how decisions had been made in these organisations. They defined influence as ‘(...) the modification of one actor’s behaviour by that of another. It is thus a relationship between actors – something that emerges in the political process, not something “given” or calculable at any time’ (Cox & Jacobson, 1973:3-4). This definition explicitly makes clear that their study fits perfectly into the relational power approach.

Another example is the study conducted by Arts (1998). Arts aimed to assess and explain to what extent global NGOs (non-governmental organisations) influenced the formation and implementation of the Framework Convention on Climate Change and the Convention on Biological Diversity, which were signed at the United Nations Earth Summit in Rio de Janeiro in 1992. He defined influence as ‘the achievement of (a part of) one’s policy goal with regard to an outcome in treaty formation and implementation, which is (at least partly) caused by one’s own and intentional intervention in the political arena and process concerned’ (Arts, 1998:58). Arts considered influence to be an episodic effect caused by an actor, taking place in and resulting from relations between actors; however, he preferred to refer in his definition to the outcome instead of an actor as the effect (Arts, 1998:58-59).

All in all, it turns out that empirical studies adopting a relational power approach have been and are still rather infrequent in Political Science generally and in IR in particular. Several handbooks and encyclopedia of the discipline were perused in order to be able to substantiate this statement (Dahl, 1968; Greenstein & Polsby, 1975; Finifter, 1983, 1993; Goodin & Klingemann, 1996; McFarland, 2001; Katznelson & Milner, 2002b; Lentner, forthcoming 2010). It is remarkably difficult to find substantial sections in the handbooks dealing with power and influence as generally accepted core concepts of Political Science. It is even more difficult to find empirical studies in both the handbooks and the encyclopedia that apply a relational power approach after Dahl’s pioneering example. In their introductory chapter, Katznelson and Milner (2002a:14-16) do, for example, distinguish between the relational power approach and a more critical, structural approach. Yet no examples are mentioned of empirical studies of the former, ‘dominant’ approach while they do further elaborate on the latter approach. McFarland (2001) does mention several empirical studies that have (indirectly) taken issue with Dahl’s New Haven study, but this was done by presenting alternative views competing with Dahl’s pluralism thesis and not by defining and measuring influence in line with the relational power approach.

### 3.2.3 *Empirical application: towards defining power and influence*

Someone with many power resources is probably generally in a good position to exert power in practice, while it is also true that someone not having many power resources may

nevertheless be able to exert power in a particular situation. The two are interrelated in the sense that the exertion of power is usually sustained by having a capacity for it, while at the same time exerting power in practice adds to this capacity. There is, however, no necessary connection between the two, because capacity has to be *converted* into an effect. Thus, capacity is only *potential* power that has to first be converted before we can speak of *actual* power.

In view of the research question on the extent to which the Dutch cabinet has actually exerted its influence during the Nice Treaty negotiation process, i.e. the extent to which it has particularly affected several decisions made on Nice Treaty issues, a relational approach to power is primarily adopted.

In keeping with Wrong (1979), however, it is argued that both capacity and effect are important and should be studied in a proper analysis of power and influence. Applying this in the context of EU Treaty negotiations, then, the participating actors can be seen to enter the negotiation process with a certain capacity that they attempt to convert into an effect in the course of this process. The main focus of this study will be on the relations between the participating actors, in particular the influence attempts that they undertake vis-à-vis one another, and the effect they have on one another and on the outcomes of the negotiation process. In order to explain this effect, however, resources are considered to be an important variable. Therefore, the resources of an actor form the independent variable in the conceptual model (see Section 4.2.2). Thus, although this study clearly chooses the relational power approach, to a certain extent it also takes into account the power as resources approach.

For some authors, the distinction between capacity and effect is so essential that they come up with precisely the terms power and influence, respectively, to name these two phenomena. Cox and Jacobson (1973:3-4), for example, state that: '(...) influence means the modification of one actor's behaviour by that of another. (...) Influence is to be distinguished from power. Power means capability; it is the aggregate of political resources that are available to an actor. These resources may be material or not. Power may be converted into influence, but it is not necessarily so converted either at all or to its full extent'. Similarly, Kuypers (1973) conceives of 'power' as capacity, while he uses the term 'influence' to describe the effect of the presence or usage of this capacity.

Following this line of reasoning, this study defines power in terms of resources and influence as a relation. Power is non-relational, but still relative. Power is seen as 'power to', whereas influence is understood as 'power over'. In short, power is potential influence:

*The power of an actor consists of its resources to exert influence on one or more other actors.*

When defining power in terms of resources to exert influence, it is more proper to speak of influence resources rather than power resources. *From now on*, power will therefore be described as *influence* resources.

As was made clear in subsection 3.2.1, defining influence as a relation implies the inclusion of the following elements: a *relation* between different actors, which is of a *causal* nature and in which one actor has an *effect* on another actor, brought about during a *process*. In addition, the definition should specify the *direction* of the effect we are interested in. An effect may be contrary to the wishes or preferences of an actor *because of* the very exertion

of influence by this actor. This can be called ‘negative influence’ (Dahl, 1957). This study is primarily interested in ‘positive influence’: when the effect caused is in keeping with the original preference of the influence-wielder. Therefore, this element is also included in the definition (cf. Dahl & Stinebrickner, 2003:17-18):

*Influence is a relation between different actors in which the presence or usage of an actor's resources causes an effect, in keeping with its preference, on one or more other actors in the course of a process.*

In adopting a relational approach to power, this study connects to the research direction identified by Baldwin of using the relational power approach to treat power as a dependent variable in order to examine the actual power distribution within specified issue-areas and within specified regions (Baldwin, 2002:186, 188). It follows from this study's definition of power as resources and influence as a relation that it is more appropriate to speak of a relational approach to *influence* instead of power. In the same vein, *influence* (and not power) is the dependent variable of this study and we are ultimately interested in the *actual influence distribution* regarding specific Nice Treaty issues within the EU, although the study will be limited to assessing and explaining the influence of the Dutch cabinet *in the context of* the other participating actors. Therefore, from now on, this study's terminology on power and influence will be consistently utilised, although often the same phenomena that are labelled differently by different scholars will be referred to.

### 3.3 Explicit vs. implicit, anticipated influence

The second important distinction that can be made in the power and influence debate is between ‘manifest’ or ‘explicit’ influence and ‘implicit’ or ‘anticipated’ influence (Dahl, 1970). The latter is usually discussed in connection with Friedrich's ‘rule of anticipated reactions’ (Friedrich, 1941, 1963). Here, the first subsection inquires about the distinction in the literature, the second subsection examines how previous empirical studies have dealt with the distinction and the third outlines how it will be applied in this study.

#### 3.3.1 *The distinction in the literature*

As indicated in the previous section, a relational conception of influence holds that the behaviour of an actor causes a change in the behaviour of another actor. In the relational influence literature, there are mainly two ways that have been identified in which a relation between two actors may result in the exertion of influence (Simon, 1953; March, 1955; Dahl, 1970; Nagel, 1975). One way for actor A to change the behaviour of actor B is by undertaking an influence attempt (e.g. March, 1955:448-450). Another is for actor B to change its behaviour because it anticipates a certain reaction from actor A.

In connection with anticipated influence, authors usually refer to Friedrich (1941; 1963), who introduced the phenomenon of ‘the rule of the anticipated reactions’. Actor B may change its mind or visibly behave in a certain way in order to conform to what it believes are the wishes of actor A, without actor A being conscious of this or making attempts to

allow actor B to conform to its wishes. Actor B does so because it *anticipates* a certain *reaction* from actor A: a reward if it conforms to the desires of actor A and punishment if it deviates from them. In such a case, actor A can be said to have exerted influence on actor B without *doing* something. Only the presence of actor A has led to the effect on actor B.

There are two other, related distinctions that deserve attention. First, the exertion of influence may involve both visible and invisible behaviour. Explicit influence usually involves visible, overt behaviour, at least on the part of actor A, whereas implicit, anticipated influence involves less visible, covert behaviour, again at least on the part of actor A. The latter may be more covert and thus more difficult to detect empirically than the former, but is by no means less important (Bachrach & Baratz, 1962, 1963).

Second, the exertion of influence may be intended or unintended. Some authors make intentionality conditional for the concept of influence. Weber (1947:152), for example, defines power as 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests'. For Wrong (1979), who adopts a revised version of Russell's (1938) definition, intentionality is a necessary part of the concept of power. Other authors, however, have defined influence in such a way as to also include unintended effects. Nagel defines a 'power relation' as 'an actual or potential causal relation between the preferences of an actor regarding an outcome and the outcome itself' (Nagel, 1975:29; see also: Huberts, 1994:39). Explicit influence is usually intended influence, whereas implicit, anticipated influence – not necessarily in all cases, but at least often – is unintended (Wolfinger, 1971a:1065-1070). In the case of anticipated influence, actor A is often not *conscious* of and did not *intend* for the effect, brought about only by its presence, to occur. Nagel (1975) has rather explicitly elaborated on the working of the two types of influence. He states that the exertion of influence may result in an intended effect or an unintended effect, brought about through influence attempts and the rule of anticipated reactions, respectively. However, Nagel only dealt with this conceptually and did not apply it empirically.

### 3.3.2 *Examples of this distinction in previous empirical studies*

Most authors conceptually consider influence to be explicit and if they conceptually account for anticipated influence, they continue to focus mainly on explicit influence in their empirical research.

Dahl ([1961] 2005) focused in his empirical study of New Haven mainly on explicit influence, but he also paid some attention to implicit, anticipated influence. He found that only a few persons had much explicit ('direct') influence, in the sense that they successfully initiated or vetoed proposals for policies in the three issue-areas. Yet these persons – the leaders, had sub-leaders and followers (voters), whose real or imagined preferences (for voters, expressed through elections) were anticipated by the leaders when making decisions. In this way, sub-leaders and voters may exert a considerable amount of implicit ('indirect') influence. Yet it is clear that Dahl's findings on anticipated influence were less rigorous than his findings on explicit influence, which he based on a precise operational measure. Such a precise measurement of anticipated influence was not possible, partly due to ambiguity in that leaders do not only respond to the preferences of voters, but also shape these preferences themselves (Dahl, [1961] 2005:163-165).



Similarly, Braam (1981) primarily focused on explicit influence via influence attempts, but also tried to detect implicit, anticipated influence without a firm undertaking an influence attempt (Braam, 1981:28-30, 116-119). He argued that this anticipation may express itself in two ways:

- in that a firm receives advantages
- in that disadvantages for a firm are prevented

In terms of the first option, Braam attempted to inventory decisions that were not made in response to influence attempts. The number of those decisions, however, appeared to be negligible; almost all decisions were connected to influence attempts. In terms of the second option, in addition to the 'water infrastructure' problems that were being experienced by the firms themselves, Braam made an inventory of 'other problems' faced by the firms that were the result of threatening governmental actions (Braam, 1981:102-106). In this way, Braam operationalised anticipation as the difference in the extent to which small and big firms perceive any negative effects of governmental plans or decisions. An initial indicator is examining whether the percentage of 'other problems' (as a result of threatening governmental actions) in relation to the total number of problems is lower for big firms than for small firms. Braam also used some other indicators, in the form of specific questions to respondents during interviews. As these indicators did not suggest that anticipation by the government of big firms had indeed occurred, Braam left it out of consideration for the rest of his study.

The empirical lacuna concerning anticipated influence is also reflected in IR influence studies. Rather exceptionally, the case studies included in Cox and Jacobson (1973) did, to a certain extent, analyse the anticipated influence of what they call 'controllers' in international organisations. Arts (1998:58) recognised the possibility of unintended effects as a result of anticipation, but did not include them in his theoretical model for pragmatic reasons. Referring to Van Schendelen (1990) and Bos and Geurts (1994), he has stated that it would be very difficult to track down unintended influence in practice. His definition of influence, cited in the preceding section, thus explicitly refers to intentionality.

In a later article based on Arts' dissertation, Arts and Verschuren (1999) did include the element of anticipated influence in their definition and measurement of political influence. They defined 'political influence' as: 'the achievement of (a part of) an actor's goal in political decision-making, which is either caused by one's own intervention or by the decision-maker's anticipation' (Arts & Verschuren, 1999:413). According to them, it could be a matter of NGO (A) influence as a result of anticipation by the governments (B) when: the own assessment of A's influence is negative ('ego-perception'), the governments' assessment of A's influence is positive ('alter-perception') and the researcher's analysis indicates that A achieved its goal, but this goal-achievement could not be ascribed to A's own intervention (Arts & Verschuren, 1999:419).

### 3.3.3 *Empirical application: focusing on explicit influence via influence attempts*

Considering that explicit and implicit, anticipated influence have been identified as two main types of influence in the literature, this study – at least conceptually – aims to account for both. In subsection 3.3.1, it became clear that explicit influence and implicit, anticipated influence are usually treated as intended and unintended influence, respectively. It is argued

here, though, that the main point is not whether influence is intended or unintended, but whether it is exercised *explicitly* (via influence attempts of A vis-à-vis B) or *implicitly* (via anticipation by B of A). There are two additional reasons not to use the intentionality terminology. Firstly, the terminology may be confusing, because an unintended effect can also be defined, apart from anticipation, as an unintended side-effect of an intended effect (Baldwin, 2002:180-181). Secondly, in the end it is empirically very difficult to prove whether an effect was intended or unintended.

At this point, it is worth discussing Nagel (1975) in more detail. Rather than because of the distinction he makes between intended and unintended influence, Nagel's work is relevant to this study because he specifies the possible operation of each of the two types of influence. Nagel couples the rule of anticipated reactions with the issue of intentionality in formulating a mechanism of anticipated, unintended influence. He argues that when we take visible behaviour to cause an effect, it is not possible to account for unintended effects. In searching out a term that captures both intended and unintended effects, Nagel (1975:23-34) suggests taking the concept of 'preference' as the independent variable. For an intended effect, a preference of actor A causes A's behaviour, which in turn has an effect on actor B. In the case of an unintended effect, a preference of actor A causes the anticipation by actor B of A's future reaction, which in turn has an effect on actor B. Here, Nagel is in fact dealing with explicit and implicit, anticipated influence, respectively.

This study argues that the exertion of influence can take place both explicitly and implicitly and that, in keeping with Nagel, a separate conversion process or mechanism is at work for each. It is argued, however, that his choice for 'preference' as the independent variable is problematic, and that it may be better to use another concept and still account for both explicit and implicit, anticipated influence. The problem with 'preference' is that it cannot in and of itself cause an effect. Moreover, a preference cannot have a varying value, which is an expected property of an independent variable.

In keeping with the previous section, this study considers 'influence resources' as the independent variable causing the effect instead. Influence resources can have a varying value: an actor can have many or few and adequate or inadequate influence resources. In keeping with the relational influence approach, of which the *process* in between cause and effect is an important element, it is argued that more crucial than influence resources is the process through which these influence resources have to be successfully employed before we can speak of actual influence. It is argued that for each type of influence, a separate conversion process or mechanism is at work: the influence attempt mechanism and the anticipation mechanism. These two influence mechanisms thus form a specification of the process in between cause and effect. An additional reason for this study, following Kuypers (1973), to define influence as the effect of the *presence or usage* of capacity is to be able to account for both explicit ('usage') and implicit, anticipated ('presence') influence, working through the influence attempt mechanism and the anticipation mechanism, respectively.

Broadly put, the *influence attempt mechanism* operates through the active use of influence resources by an actor resulting in an effect. Power, i.e. influence resources, is converted into actual influence through influence attempts made by actor A resulting in explicit influence. The undertaking of influence attempts by an actor, not surprisingly, forms the core of this mechanism. An 'influence attempt' is defined as the way in which an actor employs its influence resources in order to realise its preference on a specific issue. The



*anticipation mechanism*, on the other hand, is expected to operate through the perception and subsequent anticipation by an actor of the reputation for influence of another actor, resulting in an effect. Actor B first anticipates the 'behaviour' of actor A, which in turn causes the effect (actor B making a decision). In the case of the anticipation mechanism, influence resources need not be actively employed in order to have an effect: only the presence of actor A and its influence resource 'reputation for influence' suffices for the conversion of this influence resource into actual influence. Reputation for influence is one of the influence resources deemed relevant in the context of this study (see Section 4.2.2). Power is thus converted into influence through the anticipation by actor B of actor A resulting in implicit influence. 'Power' in the context of the anticipation mechanism exclusively denotes the influence resource 'reputation for influence' and thus has a narrow meaning in this respect.

Although this study conceptually accounts for two influence mechanisms, empirically the main focus will be on the influence attempt mechanism. It is not without reason that most students of power and influence have refrained from the empirical study of anticipated influence. As the empirical studies discussed in the previous subsection make clear, the difficulty lies in how to detect anticipated influence in practice (Van Schendelen, 1990; Bos & Geurts, 1994). Some researchers are of the opinion that no method yet exists for measuring this type of influence (Huberts, 1994:54). As relational influence scholars have identified implicit, anticipated influence as an important type of influence, in addition to the explicit influence type, it does not seem to make much sense to exclude this type of influence beforehand from the empirical analysis. This study can at least explore what a method of measuring anticipated influence could look like. This topic will be revisited in Section 8.5.1.

The core of the anticipation mechanism is that actor B anticipates the reputation for influence of actor A, without actor A actively undertaking any influence attempts, but simply being there. In line with the study by Arts and Verschuren (1999) described in the previous subsection, it is now argued that when actor A has not undertaken influence attempts, but has to a greater or lesser extent realised its preference on a specific issue (goal-achievement), this might point to the anticipation mechanism being at work. This will be further elaborated upon in Section 4.3.3, where it is outlined that the combination of goal-achievement and the absence of influence attempts requires the consideration of alternative mechanisms, among which is anticipated influence.

Choices have to be made in this study. Regarding the distinction between explicit and implicit, anticipated influence, the study's main focus will be on the influence attempts type of influence. This distinction is therefore integrated only to a very limited extent in this study. As outlined in Section 1.3.3, this study chooses innovations regarding the other two distinctions in applying a relational influence approach to the EU (see previous section) and paying attention to the second face of power (see next section). These innovations are evaluated in the final chapter (see Section 8.5.1).

### 3.4 Three faces of power and the agency-structure dilemma

The last distinction in the power and influence debate that is discussed concerns the identification of different faces of power (Bachrach & Baratz, 1962; Lukes, 1974; Dahl,

[1961] 2005). The related distinction between ‘agency’ and ‘structure’ was raised in the context of the discussion about these faces. Again, the first subsection provides an overview of the distinction in the literature, while the second and third subsections outline how previous studies have empirically applied the distinction and how this study will deal with it, respectively.

### 3.4.1 *The distinction in the literature*

As outlined earlier, Dahl ([1961] 2005) has studied the visible behaviour of actors participating in decision-making processes in three issue-areas, who attempted to realise their preferences in the decisions made. This has been called the first ‘face’ of power: the exercise of influence during the process of decision-making.

According to Bachrach and Baratz (1962; 1963), however, not only should the visible behaviour of actors that result in the making of decisions be studied, but attention should also be paid to the less visible process of ‘non-decision making’, ‘i.e., the practice of limiting the scope of actual decision-making to “safe” issues by manipulating the dominant community values, myths, and political institutions and procedures’ (Bachrach & Baratz, 1963:632). They call this the second face of power. The existing ‘mobilization of bias’ (Schattschneider, 1960) in a society or political community prevents a latent issue from becoming manifest, and thus no decision is made about this issue. In this way, the interests of some of the actors, whether they are allowed to participate in decision-making or not, are not attended to, whereas the interests of the actors that are in accordance with the existing ‘mobilization of bias’ are further strengthened. This process may occur consciously, when actors intentionally employ the mobilisation of bias against other actors, but also unconsciously, when the mere existence of this mobilisation of bias may suffice for the ‘making’ of non-decisions. A non-decision is not the same as a decision not to decide or to decide later on, although these instances could also stem from a certain mobilisation of bias.

In addition to the first and second face of power, Lukes (1974) introduced yet another face. Lukes deemed the attention paid to non-decision making by the two-dimensional view to be a major advance from the one-dimensional view, but it did not go far enough for him. In paying attention to non-decision making, the two-dimensional view still had as its reference point a *decision-making* process by individual actors. Lukes rejected these views as continuing to be too behaviourist and methodologically individualistic. Instead, he asked for attention to be paid to ‘the socially structured and culturally patterned behaviour of groups, and practices of institutions’ (Lukes, 1974:22), which could also result in potential issues being kept out of politics. Therefore if, following the two-dimensional view, ‘grievances’ that are prevented from becoming issues on the political agenda cannot be uncovered, this does not imply that there is consensus on these issues and that no interests are harmed by the exertion of influence. In a famous quote, Lukes pointed to ‘the possibility of false or manipulated consensus’ by which the ‘real interests’ of those subjected to influence are suppressed: ‘Is it not the supreme and most insidious exercise of power to prevent people, to whatever degree, from having grievances by shaping their perceptions, cognitions and preferences in such a way that they accept their role in the existing order of things, either because they can see or imagine no alternative to it, or because they see it

as natural and unchangeable, or because they value it as divinely ordained and beneficial?' (Lukes, 1974:24).

To sum up, the first face of power is about getting one's way in decision-making, the second face concerns setting the agenda of the available options for decision-making and the third face involves shaping the preferences of actors engaging (or not engaging) in agenda-setting and decision-making.

The introduction of a second and third face in addition to the first face of power reflects a move from an actor-oriented approach to a more structural approach to power and influence, where attention is paid to hidden, less visible underlying mechanisms. This touches on the 'agency-structure dilemma' (e.g. Giddens, 1984; Clegg, 1989). This dilemma or problem has to do with the question of where power and influence have to be located. Can they only or primarily be attributed to actors or to structure(s)? Are actors and structure(s) related to each other and, if so, how? While in the first and, to a lesser extent, the second face of power the *behaviour of actors* is considered to be determinative, in the third face it is *structure* that is considered to be the decisive element for the behaviour of actors. Giddens (1984) has proposed a middle ground between determinism (of structure vis-à-vis actors) and voluntarism (of actors vis-à-vis structure), stating that the behaviour of actors is not fully determined, but is still co-determined by structure offering opportunities and constraints to the actors.

### 3.4.2 *Examples of this distinction in previous empirical studies*

How have previous empirical studies of influence taken account of and applied the three faces of power and the agency-structure dilemma? First of all, the first face of power and an actor-oriented approach are clearly dominant in empirical studies. This is not surprising, as the visible behaviour of actors is easier to study than the less visible, underlying mechanisms and structure. Yet, there are some scholars who have attempted to find ways to take the other faces and structure into account.

A close reading of Dahl's ([1961] 2005) New Haven study reveals that he did not confine himself to the first face of power. Although only marginally, he did also account for what he calls the 'prevailing system of beliefs' in the community, such as the 'American creed of democracy and equality' (Dahl, [1961] 2005:84). According to Dahl, for example, the limited influence of the social and economic 'notables' (see Section 3.5.5), were related to this belief system.

Crenson (1971) has carried out an empirical study of the second face of power. His study looked at two cities in Indiana with similar population characteristics and dirty air levels, and was mainly aimed at explaining why air pollution had already become an issue that resulted in local policy in 1949 in one (East Chicago), whereas in the other (Gary), air pollution remained a non-issue and no action was taken on it until 1962. His explanation for this was that Gary was dominated by one (steel) industry, US Steel, and had a strong party organisation, while in East Chicago there were several steel factories and no strong party organisation. US Steel was able to prevent the dirty air issue from being raised, backed by its reputation for exerting influence, without having to do anything: 'The mere reputation for power, unsupported by acts of power, has been sufficient to inhibit the emergence of the dirty air issue' (Crenson, 1971:124). In short, dirty air remained a

non-issue and the exertion of influence through non-decision-making made it such that no decision-making took place to begin with. Note also that in Crenson's study the exertion of influence through non-decision-making was connected to the exertion of anticipated influence through a reputation for influence.

Braam (1981:35-37, 39-40) has attempted to detect non-decisions by distinguishing between three components of the influence process: problems, influence attempts and the effects of the firms involved. When firms had problems, but did not undertake influence attempts for these problems, Braam considered these to be instances of non-decisions. Non-decisions are connected to anticipation – not anticipation by the government of the firms as with implicit influence (see Section 3.3.2), but by the firms of the government. The extent to which the firms undertake influence attempts for the total number of problems they perceive is determined by the extent to which they *anticipate* that their influence attempts will be successful. As has already been outlined in Section 3.2.2, Braam calls this aspect of the influence process 'manifest anticipation'.

Huberts (1988; 1989) aimed to assess and explain to what extent Dutch private actors (protest groups, pressure groups and lobby groups) and government bodies exerted their influence on 15 decision-making processes to do with the construction of national state highways. In his view, the effect caused can be a decision or a non-decision by a political decision-maker, but his empirical research was primarily aimed at decisions as the effect. Regarding Lukes' third face, Huberts (1988:21-22) chose a middle ground between determinism (of structure vis-à-vis actors) and voluntarism (of actors vis-à-vis structure). There is interaction between actors and structure, so that it can be said that both are important in analysing influence. Huberts, however, primarily focused his analysis on the influence of actors which was exerted within existing structures. Thus, Huberts treats structure as a given. The 'game' (between actors) was analysed, not the 'rules of the game' (structure). This implies that his study did not search out the influence of structure. Structure was, however, accounted for in another way. According to Huberts, attention can be paid to the 'consequences of structure' by analysing who has benefited from the outcomes of political decision-making processes.

Later on in his book, it was made clear what benefiting means (Huberts, 1988:59-61, 66-67), i.e. goal-achievement. Referring to Bachrach and Baratz (1970), Huberts stated that an important part of the 'mobilization of bias' – the 'selectivity of the political system' due to its 'rules of the game' – can be determined by analysing to what extent actors have achieved their goals. Huberts thus makes a distinction between benefit and influence, which do not necessarily have to go hand in hand. An actor may have reached its goals without exerting influence, and vice versa. When an actor systematically achieves its goals without exerting any influence, the rules of the game are operating to its benefit.

The rules of the game of a political system and decision-making process are thus a factor in explaining the extent of goal-achievement. In Chapter 4, Huberts (1988:68-80) subsequently drew attention to factors that explain the extent of influence. In addition to agency factors, namely the characteristics of the protest and pressure groups and of their influence attempts, he mentioned more structural factors, namely the characteristics of the political decision-making process, such as the prevailing decision-making procedure that determines to what extent an actor has access to the decision-maker, and changes in the political context in which the decision-making process takes place, such as cabinet changes

as a result of elections, changes in the economic context, notably the state of the economy, and changes in the cultural and ideological context, notably public opinion.

Huberts did not make clear what the relationship is between the factors explaining goal-achievement and those explaining influence, although both contain factors of a structural nature. Moreover, the distinction he makes between benefit/goal-achievement and influence is somewhat problematic. Huberts himself was not being consistent when he argued that the exertion of influence by an actor is aimed at goal-achievement (Huberts, 1988:22-23). This study purports the view that goal-achievement is inevitably tied to influence. However, Huberts (1988:278) was right to argue that goal-achievement cannot be equated with influence *per se*. Influence can only be indicated if and when the goal-achievement of an actor has been *caused by* its own influence attempts (cf. Arts, 1998:58-59). This is certainly difficult to assess, but this is precisely the reason why this study argues that analysing the causal mechanism that links power to influence is crucial for an explanation of influence.

In this study goal-achievement is thus connected to influence, and the extent to which influence resources are converted into influence is co-determined by structural variables, which include some of the variables identified by Huberts to explain goal-achievement and influence: the rules of the game, characteristics of the decision-making process (which may be related to the former) and changes in the political, economic and cultural-ideological context.

Finally, Arts (1998:60) has added a 'few structural elements' to his mainly actor-oriented theoretical model. Firstly, he recognised the second face of non-decision-making theoretically, but empirically did not inquire into the process of agenda-setting, except for attempts by actors to maintain or alter the agenda during the subsequent policy phases of decision-making and implementation. Secondly and in keeping with Giddens (1984), he rejected the third face proposed by Lukes as being too deterministic and followed Giddens' 'middle road between determinism and voluntarism' instead, holding that (the behaviours of) actors are not fully determined by structure, but instead only co-determined by the rules of the game and the distribution of resources in a society, providing opportunities and constraints to actors. In the context of Arts' study, rules of the game concern whether and how NGOs may participate – together with states and possibly other actors – in negotiations. The distribution of resources refers to how influence resources are distributed between NGOs, states and other actors in the negotiations. Arts (1998:61-73, 89-92) did, in fact, later add two other structural variables that enable and constrain the behaviour of the actors: regimes that function as frames of reference for the negotiating actors and events and trends in the global environment, economy and politics.

### 3.4.3 *Empirical application: towards analysing actors in a structural context*

This study is of the view that both agency and structure should be taken into account, however challenging this may be, in a proper analysis of power and influence. The question, of course, is how. The research question explicitly addresses the influence of an *actor* (the Dutch cabinet) during a negotiation process. As such and in keeping with the empirical studies discussed in the previous subsection, this study is mainly actor-oriented and concerned with the first face of power in decision-making. A normative assumption certainly

lies behind the content of the research question, namely that power and influence have to be primarily attributed to actors. This is not to say that 'structure' is not important to the analysis of influence. On the contrary, this study purports the view that structure certainly 'matters' to the analysis and explanation of influence, but not to such an extent that it fully determines the behaviour of actors.

The study is thus mainly concerned with the first face of power, but some steps are taken to go beyond the first face. In doing so, this study accounts for structure in three ways. First, although the primary focus is on the visible behaviour of actors exerting influence through the influence attempt mechanism, a second mechanism has been identified in the previous section – the anticipation mechanism, which is concerned with less visible influence of actors. This mainly conceptual element may not be explicitly structural, but goes at least one step further than the first face of power in focusing on the visible attempts of actors to influence decision-making.

Secondly, in keeping with Braam (1981), this study aims to detect non-decisions (and not-decisions) from the perspective of the Dutch cabinet, by looking at the whole influence process, starting with the preferences of the Dutch cabinet and subsequently its influence attempts. One basic difficulty, however, is that there is no conceptual clarity about the definition of a non-decision and no agreement about its 'researchability' (e.g. Frey, 1971; Wolfinger, 1971a, 1971b; Van der Eijk & Kok, 1975). If a non-decision is about a *latent* issue that does not become manifest and therefore does not get on the political agenda and is not decided on, it might indeed be very difficult to trace such instances of non-decisions in practice. What can be traced empirically are, however, *manifest* issues that do not get an agenda status.

This study is comparable to Braam's approach (comparing 'problems' with 'influence attempts'). It starts from the *preferences* of the Dutch cabinet on *manifest* issues and examines to what extent the Dutch cabinet manages to get these issues on the agenda and subsequently assure that decisions are made in line with its preferences. Contrary to Arts (1998), this study therefore not only reconstructs the decision-making process, but also the preceding – and partly overlapping – process of agenda-setting, both of which take place at the EU level (see Chapter 2). In this study, the term 'non-decision' is thus reserved for an (manifest) issue that has not been put on the agenda of the Nice Treaty negotiation process. In addition, the term 'not-decision' is proposed to refer to the position between a non-decision and a decision: an (manifest) issue that is put on the agenda but subsequently not decided on. The study's limitation in this respect is that non-decision-making and not-decision-making will be examined from the perspective of only one actor, the Dutch cabinet (see Chapter 5). Another difference with Braam is that anticipation by the Dutch cabinet (of the extent to which its influence attempts will be successful) is considered to be only one reason for non-decisions and not-decisions as the outcome of the negotiation process. Other reasons may still be theoretically distinguished and empirically detected (for further discussion, see Section 4.3.3).

Thirdly, the study rejects Lukes' third face as being too deterministic and leaving too little room for the voluntary behaviour of actors. In addition, his concept of (real) interest is problematic, because determining it depends on highly controversial theoretical assumptions (Dahl & Stinebrickner, 2003:14–18). Moreover, it is empirically difficult or impossible to detect an actor's real interest and to assess to what extent it differs from



the interest actually expressed by an actor during the negotiation process.<sup>4</sup> Therefore, the concept of 'preference' is taken as the starting point (cf. Nagel, 1975), which is both less theory-dependent than the concept of interest and more feasible to study empirically.

Instead, the study chooses, in keeping with Giddens (1984) and Arts (1998), a middle ground of structure co-determining the behaviour of actors by providing opportunities and constraints.<sup>5</sup> More concretely, it is argued that structure co-determines the degree of conversion of the influence resources of an actor into actual influence. With the help of the empirical influence studies discussed in the previous subsection, in addition to agency variables, several structural variables can be discerned that affect and explain the process through which influence resources are converted into actual influence. They may enable or constrain the (degree of) conversion of capacity into effect by providing opportunities or constraints.

Thus, in keeping with Arts, this study accounts for 'influence resources', which is considered to be an agency variable, but does not account for Arts' 'distribution of resources' which were considered to be a part of the structural context in which the actors operated. In terms of Huberts' 'divisiveness of the political decision-maker', the 'internal coherence' of an actor forms one of the influence resources of this study. As for Dahl, Braam, Huberts and Arts, 'influence attempts' are considered to be an important agency variable in this study. Regarding structural variables, this study includes the following 'domestic structure' variables, which Huberts places under the heading of 'changes in the political context': (a change in personnel for an actor as a result of) elections and public opinion. This study does not take into account the prevailing decision-making procedure that determines the extent to which an actor has access to the decision-maker (for Huberts, a 'characteristic of the political decision-making process') or whether and how actors may participate in the negotiation process (Arts' 'rules of the game'). The reason for this is that all 18 actors participating in the Nice Treaty negotiation process are addressed in the analysis and there is no one, single actor that is the decision-maker. Instead, in the case of EU Treaty negotiations, all member state actors make decisions together by unanimity (see Sections 2.2 and 3.6). Similar to Huberts' 'rules of the game' and Arts' 'regimes', this study takes into consideration the 'negotiation structure', in the sense of formal and informal rules concerning negotiation levels and phases, particularly timing, which structure the negotiation process. Finally, 'external events and developments at the European level' are included in the model, which is comparable to Huberts' 'changes in the political, economic and cultural-ideological context' and Arts' 'events and trends in the global environment, economy and politics' (see Table 3.1).

Although the study thus accounts for both agency and structure, the main focus remains on the actors and their influence attempts, where structure is considered to be the enabling or constraining context in which these actors operate. Therefore, the distinction is integrated only to a certain extent.

4. For a further critique of the concept of 'false consciousness' and 'real interests', see Haugaard, 2002:39-40.

5. Although there is thus a resemblance with Giddens' (1984) theory of structuration, it should be explicitly recognised that this study does not ontologically adopt Giddens' perspective.

Table 3.1 *Agency and structural variables in some empirical influence studies* (see Section 4.9 for the operationalisation of this study's variables)

	Dahl ([1961] 2005)	Huberts (1988; 1989)	Arts (1998)	Luitwieler (this study)
<b>Agency variables</b>				
Influence resources	Yes	Yes	Yes ('distribution of resources')	Yes
Influence attempts	Yes	Yes	Yes	Yes
Anticipation	Yes, but secondarily	No	No	Yes, but only to a very limited extent
<b>Structural variables</b>				
Domestic structure	Not applicable	Not applicable	No	Yes, but only to a limited extent
Negotiation structure	Yes, but more broadly conceived and in the margins ('prevailing system of beliefs')	Yes ('rules of the game'; 'characteristics of the decision-making process')	Yes ('rules of the game'; 'regimes')	Yes, but only to a limited extent
External events and developments	Yes	Yes ('changes in the political, economic and cultural context')	Yes ('events and trends in the global environment, economy and politics')	Yes, but only to a limited extent

### 3.5 Methods of influence measurement

The long debate in Political Science about the concepts of power and influence is both about how to conceptualise, i.e. define, them, which was discussed in the first part of this chapter, and about how to measure them, a question which will now be turned to. These two parts of the debate are related to each other. Depending on the specific definition of power and influence, scholars may end up with different methods of measuring these concepts.

This section presents six methods of influence measurement: the reputation method, formal position method, network method, participation method, decision method and process analysis. In addition, attention will be paid to the frequent practice of combining two or more of these methods. Three methods were, in fact, already developed as part of the 'community power debate' that took place in the 1950s and 1960s (Polsby, 1968:125-126). At that time, several scholars studied the influence distribution within local communities in the United States, using different methodologies: the reputation method, formal position method and decision method (Dahl, 1963; Clark, 1968). Still other methods can be identified, but these are mostly related to or deduced from the above three methods (Van Schendelen, 1990; Huberts & Kleinnijenhuis, 1994; Van Schendelen, 1998). Another three are discussed – the network method, the participation method and process analysis. The first is related to the formal position method and the last two to the decision method.

For each method, a general outline, an empirical application indicating how the method operationalises influence and an evaluation on the basis of three criteria – feasibility, reliability and validity, will be presented. The feasibility of a method is the extent to which it is possible to apply it within the constraints of time and money in a study like this one. The reliability of a method is the extent to which repeated applications of a method produce the same results. The validity of a method is the extent to which a method measures what it is supposed to measure.



### 3.5.1 *Reputation method*

The first method of influence measurement is the reputation method (Dahl, 1963:52; Clark, 1968:74-78). The reputation method equates influence with reputation. A panel of judges is asked who they think are influential in a certain community in general or with respect to specific issues in particular. The answer to this question is treated as being in accordance with reality. What is at stake here is the importance that is attached to the *perceptions* that people hold on the influence of actors.

Hunter's (1953) study of the 'power structure' in the community of Atlanta can be seen as the prototype research of the reputation method. According to Hunter, a small financial and economic elite ruled the city of Atlanta. How did Hunter arrive at this conclusion? First, he asked organisations representing four domains of Atlanta to provide him with a list of leaders in their domain. The Community Council, a council of civic organisations, provided a list of leaders in community affairs, the Chamber of Commerce provided a list of business and financial leaders, the League of Women Voters supplied a list of local political leaders and newspaper editors and 'other civic leaders' provided a list of society leaders and 'leaders of wealth'. Second, a panel of 14 judges was asked who they thought were 'top leaders' on each of the lists with a total of 175 persons. This resulted in a list of 40 'top leaders' (Hunter, 1953:61, 262-271). One would expect them to be the 10 highest-ranking persons on each of the four lists, but this appeared not to be the case. Most of them (28) appeared to occupy positions in financial and business organisations (Hunter, 1953:76).

Hunter thus operationalised influence as the number of times an individual was mentioned as influential by a panel of judges.

How can the reputation method be evaluated in terms of feasibility, reliability and validity? A strong point of the reputation method is that it is relatively easy to apply in practice, i.e. to collect the data. The method can be seen as a valid measurement of an actor's influence reputation, which can be an important influence resource. From a relational influence perspective, however, the method has a low validity. The argument is that the perceptions of panel judges about who they think are influential does not necessarily say much about who is actually influential. The validity of the method may be enhanced by increasing the number of judges, as Aristotle has already pointed out (Van Schendelen, 1998:16). Often, however, the number of judges is small. In terms of reliability, the selection of panel judges may be biased, as a result of which repeated selections may lead to different results.

### 3.5.2 *Formal position method*

The second method of influence measurement is the formal position method (Dahl, 1963:52; Clark, 1968:73-74). This method equates influence with a formal position. Influence is attributed to actors that occupy (important) formal positions in an organisation or collective.

Mills (1956) applied this method to detect a 'power elite' in American society at that time. He defined the power elite as 'those political, economic, and military circles which as an intricate set of overlapping cliques share decisions having at least national consequences' (Mills, 1956:18). According to Mills, several developments taking place during and after the Second World War had resulted in increasingly enlarged, centralised and interlocking

hierarchies in the economic, political and military realms of the United States. The power elite consisted of those persons occupying the top positions in these three hierarchies and whose decisions or failures to make decisions had more consequences for more people than ever before.

According to Mills, influence could therefore be operationalised as the occupation of a (high) formal position in a hierarchy.

As with the reputation method, the feasibility of the formal position method is relatively high. It is rather easy to obtain data on the (important) formal positions within a specific organisation and the persons that occupy them. The reliability of the method is dependent on whether it is clear which formal positions should be taken into account and whether the sources used are distinct. If this is the case, repeated applications of the method should produce the same results. Just like the reputation method, the formal position method is a valid measure of position as an influence resource. When adopting a relational influence approach, however, validity is a weak spot. Occupying an (important) position is not the same as actually exerting influence in practice, but instead yields *potential* influence at best. However, even this need not necessarily be the case, as a position may also be a constraint for the exertion of influence. Thus, the formal position method need not measure even potential influence (Van Schendelen, 1990:125).

### 3.5.3 *Network method*

The network method can be seen as an extension of the formal position method (Mokken & Stokman, 1976:54; Van Schendelen, 1998:15-16). The network method does not just focus on actors who occupy single and formal positions, but on the *relations* between actors holding formal or informal positions within a network.

Mokken and Stokman (1978/79) examined the personal interlocks between the boards of directors of 86 large corporations representing 27 industrial sectors, and state and government institutions in 28 policy sectors in the Netherlands. They found 688 interlocks generated by 191 persons. These persons connected 80 of the 86 corporations directly with the state through one or more interlocks. Moreover, the 17 most central corporations were more closely connected with the policy sectors than the other corporations. According to Mokken and Stokman, the persons occupying the interlocking directorates have access to the decision-making process, which allows them to (partially) determine the outcomes of this process, i.e. to exert influence and also, if they possess a monopoly of information and access, to determine the set of alternative options for decision-making, i.e. according to their definition – to have power.

Though the operationalisation of influence by the network method may differ among specific applications of the method, in general influence is operationalised as the number and intensity of relations between actors occupying formal or informal positions.

As an extension of the formal position method, the network method can be evaluated similarly. Although more difficult than detecting single positions, the relations between actors in a network are still relatively easy to identify, resulting in a relatively high feasibility. The reliability of the method is more problematic than that of the formal position method because it is less clear which – particularly informal – positions should be included in the analysis, which are also more likely to be based on less rigorous sources. From the perspec-

tive of relational influence, the validity of the method is again rather low. The existence and intensity of relations between different actors in a network does not necessarily imply that such a network of actors actually exerts influence on other actors outside the network. Again, being part of a network may be an influence resource for an actor, but – from a relational influence perspective – yields only potential influence.

#### 3.5.4 *Participation method*

The fourth method is the participation method (Dahl, 1963:52-53; Van Schendelen, 1990:126). The participation method equates influence with participation in decision-making. Influence is attributed to those actors that actually participate in the making of decisions about specific issues. Participation is thus not only a necessary condition, but also a sufficient condition for the exertion of influence.

It is remarkably difficult to find empirical applications of the participation method *stricto sensu*. More broadly conceived, the method has often been applied in the more general sense of participation in social or political activities (see e.g. W. Bell, Hill, & Wright, 1961). Agger and Ostrom (1956), for example, examined a randomly selected sample of 260 persons for the extent of their participation in political activities in a local community. Although the ‘top leadership group’ of the ‘power structure’ was identified on the basis of the reputation method in particular, the 260 persons formed the ‘political sub-structure’, being more or less influential in decision-making depending on the extent of their participation.

In keeping with the narrow definition of the method, it may be stated that the participation method operationalises influence as the formal participation in a decision-making process.

One advantage of this method is that, in most cases, it is not difficult to obtain data on who the formal participants of a decision-making process are (feasibility). In terms of reliability, it is often quite clear who formally participates and who does not, but this is to a certain extent also dependent on the definition utilised. There may, however, be actors who do not formally participate in a decision-making process, but still (attempt to) exert influence informally, behind-the-scenes. This reveals the weakness of the participation method: its validity. Actors participating in a decision-making process may anticipate the influence of actors not (formally) participating in it, while participation itself may not result in actual exertion of influence. Just like having a reputation for influence, holding a position and being part of a network, formal participation implies only potential influence from a relational influence perspective.

#### 3.5.5 *Decision method*

The fifth method of influence measurement, the decision method, goes one step further than the participation method (Dahl, 1963:53; Clark, 1968:78). Not only does this method examine which actors participate in a specific decision-making process, but it also examines the extent to which their activities, i.e. influence attempts, are successful in that they get their way with the decision that is made. This assessment is based on a comparison between the influence attempts of an actor regarding a specific issue and the

ultimate decision made on this issue. The more an actor's influence attempts are reflected in the final decision, the more it can be concluded that it has exerted influence. Considering the comparison between two points in time, the decision method may also be called the 'before-after method', although this method may also refer – as is the case in this study – to a comparison between *preferences* (instead of influence attempts) and outcomes (see Section 3.6).

Dahl's ([1961] 2005) study of the influence distribution in New Haven, which has already been discussed in the first part of this chapter, is considered to be the prototype research of the decision method. In his study, Dahl reconstructed the making of several important decisions in three 'issue-areas' – political nominations, urban redevelopment and public education – in order to establish which of the participating actors had really influenced these decisions. His operational measure of influence involved examining which of the participating actors had most frequently initiated proposals that were later adopted (without or despite opposition from the other actors) or vetoed proposals put forward by other participants for each of the decisions in the three issue-areas. Dahl found that 50 persons met the requirement of successfully initiating and vetoing proposals, but only three did so in more than one issue-area. More than half exerted influence with regard to only one decision. Among the actors successfully initiating or vetoing proposals more than once, only a few were social or economic 'notables'. Thus, there appeared not to be such a thing as one 'ruling elite' in New Haven, drawn from a single homogeneous stratum, which exerted influence on all decisions in all three issue-areas. Instead, influence appeared to be distributed pluralistically: different actors exerted influence on different decisions in different issue-areas.

Dahl thus operationalised influence as the extent to which an actor's influence attempts are reflected in the decision made.

How can the decision method be evaluated? The feasibility is more problematic than in the previous methods, because it is rather time-consuming to reconstruct a decision-making process in order to identify the influence attempts of the participating actors and the ultimate outcome. Provided that the same criteria are used to weigh the activities of the participating actors, repeated use of the method should bring about the same results (reliability). In terms of validity, the decision method can be positively evaluated from a relational influence perspective in that it is at least focused on actual rather than potential influence, comparing the influence attempts of actors with the final outcomes of a decision-making process. In this sense, the decision method is able to overcome the validity problem faced by the other methods discussed so far, which measure only potential influence.

Yet the decision method also has its weaknesses in terms of validity. First, the operational necessity of the decision method to specify precisely *which* activities of the participating actors are weighted inevitably raises the question of whether these (and not other) activities are indeed a valid indicator of influence. Second, depending on the operationalisation of the participants' activities and the specific empirical context of a study, the reflection of an actor's influence attempt in the decision made does not necessarily imply that an actor has exerted influence. When the ultimate decision made on an issue (fully or partially) coincides with the influence attempts of an actor concerning this issue, it cannot simply be concluded from this that it is *because of* this actor. The influence attempts of another actor may actually have resulted in the decision ultimately being made. Coincidence or

correlation is not the same as causation. Third, as has already been discussed in Section 3.4.1, Bachrach and Baratz (1962; 1963) criticised Dahl's decision method, stating that the exertion of influence may not only be expressed in a visible decision, but also in a less visible non-decision.

### 3.5.6 *Process analysis*

Related to and building on the decision method, several scholars have put forward variants to this method, which are summarised under the heading of 'process analysis' (e.g. Cox & Jacobson, 1973:24). These variants basically put the process at the core of the influence analysis in order to examine whether a correlation between an actor's influence attempts and the ultimate decision – an actor's goal-achievement – is a matter of causation by this actor. This examination is based on a detailed reconstruction of the decision-making process and may include other variables in addition to influence attempts by the participating actors. The aim of this is to increase the plausibility of the conclusions about the exertion of influence.

Huberts (1988; 1989; 1994) developed and applied the 'intensive process analysis'. As with the decision method, this method aims to assess to what extent actors have exerted influence in a political decision-making process. The question is which actor(s) has caused a specific effect, namely a decision (or a non-decision) of a political decision-maker, and to what extent. By producing a detailed reconstruction of the decision-making process, examining all participating actors, their influence attempts and the behaviour of the political decision-maker, it should be possible to attribute influence to the participating actors. The more precise the reconstruction, the more plausible the statements about influence would be.

The analysis begins with an examination of the decision made by the political decision-maker. After this, an examination to determine whether the participating actors have influenced the decision at all, or whether the political decision-maker has acted fully autonomously in making the decision, is conducted. In the latter case, it would be – in causal terms – a matter of 'auto-causation'. In order for the intensive process analysis to be applied fruitfully, it is important that the political decision-maker *changes* its preference during the decision-making process ('policy change'). The method assumes that this change has to be attributed either to influence attempts (of participating actors) or to the entrance of a new political decision-maker ('personnel'). Therefore, if no change of person took place, a preference/policy change has to be attributed to one or more of the participating actors.

The method does not simply make a distinction between actors that did exert influence and actors that did not exert influence, but also aims to discriminate further between the actors that did exert influence in trying to assess the *extent* of influence of each of these actors. The attribution of influence is based mainly on three factors, or criteria.

Firstly, for the attribution of influence only those actors qualify whose 'interests and demands' are at least partly met by the decision that is made (factor 'interest'). Actors for which this is not the case can be eliminated from the analysis.

Secondly, actors that expressed a preference for a certain decision only *after* the political decision-maker took up this same preference cannot be attributed any influence (factor 'time' I). These actors are also eliminated from the analysis. This leaves one or more actors

that have probably exerted influence on the particular decision. Generally, if the preference of an actor changes according to the same pattern as that of the political decision-maker, and if this preference change takes place prior to that of the decision-maker, this is an indication of the exertion of influence by the actor. Moreover, the exertion of influence becomes more likely the shorter the time period between an influence attempt and the preference change of the political decision-maker, unless it can be concluded that the decision-maker had a reason for suppressing its real interest for some time during the decision-making process (factor 'time' II).

Thirdly, in addition to the factors 'interest' and 'time' (I and II), the factor 'access' can be used to further discriminate between the remaining actors. This is done on the basis of two criteria: the 'frequency' of access and the degree of 'directness' of access. An actor may have access to the political decision-maker regularly or incidentally ('frequency'), verbally or by written means (directly) and indirectly via other actors or the media. An actor who has had access to the decision-maker more frequently and more directly can be attributed more influence than another actor who had less access but also undertook influence attempts at the same time.

In general, in order to assess the relative influence of the remaining actors, it may be useful to examine the mutual relations between these actors. This can be done by once again applying the intensive process analysis just discussed, and by using the same criteria of interest, time and access. Thus, the intensive process analysis can be applied to both the relation between the actor and political decision-maker and, whenever necessary, to the mutual relations between the participating actors themselves.

If influence is attributed to a coalition of actors instead of to a number of separately operating actors as was the case until now, the intensive process analysis could again be applied to discriminate between the actors within the coalition, but in this case it suffices to assess the contribution, in terms of deployed resources, that each actor made to the (activities of the) coalition.

The intensive process analysis has been applied by Peters (1999; 2001) and, in a revised form and to a limited extent, by Arts (1998).

Since it is a variant of the decision method, the process analysis can be similarly evaluated in terms of feasibility, reliability and validity. Yet including more process variables in the influence analysis also implies that the feasibility of the method becomes even more problematic. In terms of reliability, the attribution of influence is highly dependent on a detailed reconstruction of the decision-making process. Inevitably a selection is and should be made when meticulously reconstructing a decision-making process, as a result of which repeated reconstructions could lead to different influence distributions. The feasibility and reliability of a process analysis becomes more problematic as the decision-making process becomes more complex (Van Schendelen, 1990:126; Arts & Verschuren, 1999:415). From a relational influence perspective, a process analysis can be positively evaluated in terms of validity, because it explicitly focuses on the process during which the exertion of influence takes place. This facilitates an assessment of whether or not an actor's goal-achievement is actually the result of its own influence attempts.

It should, however, be recognised that the way Dahl ([1961] 2005) applied the decision method in his New Haven study in fact already boiled down to a kind of process analysis. His study is not a static account of influence attempts on the one hand and outcomes on



the other; instead, these are embedded in a detailed reconstruction of the dynamic decision-making processes, the participating actors and their interactions. Moreover, adding more variables to the analysis does not in itself contribute to more plausible conclusions about the exertion of influence. Adding more variables results in more correlations, which can still not be equated with causation. The crucial question remains how – with the help of these variables – to arrive at valid conclusions about the exertion of influence as a causal relation.

### **3.5.7 *Methodological triangulation and/or combination***

More often than not, scholars make use of two or more (of the above-mentioned) methods in their empirical studies (e.g. Clark, 1968:80-81; Van Schendelen, 1998:17). For instance, Cox and Jacobson (1973:24) applied the formal position method, reputation method, decision method as well as a process analysis in their study of international organisations. Arts (1998:80-87) complemented the reputation method with a process analysis to assess the influence of global NGOs. Applying several research methods separately in order to end up with more valid conclusions – possibly after applying a certain weighting of the outcomes of the individual methods – is called methodological triangulation (Patton, 1990:187). Methodological triangulation is different from a combination or integration of (elements of) different methods into one method. Such a method may be termed a combination method. Unlike methodological triangulation, a combination method produces a single outcome.

This study applies neither methodological triangulation nor a combination method for two reasons. First, there is a difference of opinion about the question of whether methodological triangulation and/or combination actually results in more valid findings (e.g. Van Schendelen, 1998:17; Arts & Verschuren, 1999). This is, in any case, far from obvious. If a single method produces errors, these errors may be multiplied rather than compensated by applying methodological triangulation and/or combination. Second and more fundamentally, it is argued here that it is possible to select a single method that best suits the research question and design of this study. The method for this study is primarily selected on the basis of the strengths and weaknesses of the different methods, judged in view of the research question. A method is searched out that best fits the relational influence approach (see next section). In addition, the method should best fit, i.e. make use of, the detailed, written sources of this study.

## **3.6 Selecting the method of influence measurement for this study**

The research question in this study seeks to discover the extent and explanation of the influence of the Dutch cabinet during the negotiation process that resulted in the Treaty of Nice. In the first part of this chapter, it became clear that the primary interest is not in the capacity, or potential, of actors to exert influence, but in the exertion of actual influence – as a causal relation – in a decision-making process. This capacity, i.e. influence resources, such as the reputation for influence, positions and networks, is important, but represents at most potential influence. This will have to be converted in the course of the

decision-making *process* before actual influence is exerted. Influence as a causal relation cannot be determined without studying the decision-making process itself. It follows from this that a study of this very process is crucial to an analysis and explanation of influence.

Therefore, when selecting a method of influence measurement for this study, methods measuring only potential influence (power), because of their low validity, cannot be taken to constitute the core of an *influence* analysis. These include the reputation, position and network methods. Their proposed operationalisations can, however, still be useful for this study when measuring the power, i.e. influence resources, actors have at their disposal during the negotiation process. As stated earlier, and this is not accidental, the reputation for influence, positions and networks are considered to be relevant influence resources that actors can employ in the course of the process to exert actual influence. It is argued that reputation for influence on the one hand and positions and networks on the other hand constitute potential influence, which will have to be converted to actual influence through anticipation and influence attempts, respectively.

When looking for a method of measuring the exertion of actual influence, the participation method is a step in the right direction, as it at least focuses on participation in a *decision-making process*. The participation of an actor is at most a necessary condition for the exertion of influence during the negotiation process, but even this need not be the case (see Section 3.5.4). In any case, mere participation is not a sufficient condition and thus cannot be equated with actual influence itself. However, as the primary interest here is in the influence of the Dutch cabinet – and not in actors external to the negotiation process, even if they may be influential – the least that should be done is to address all other formally participating actors in the influence analysis. *In this way, the study aims to take account of the reputation, position, network and participation methods in the research design without applying them as such.*

The decision method is another step in the right direction, making a comparison between the influence attempts of the participating actors during a decision-making process and the decision made at the end of this process. The method aims to focus on the actual exertion of influence during this process. Yet a correlation between an actor's influence attempts and the ultimate decision cannot be equated with influence per se. To deal with this issue, a process analysis could be executed on the basis of a detailed reconstruction of the decision-making process, where, besides the influence attempts of the participating actors, several other variables are included. As indicated in Section 3.5.6, a proper application of the decision method requires that a detailed reconstruction of the decision-making process be done. In the author's view, it is precisely this process or mechanism of causation that should be studied in order to examine whether a correlation between an actor's influence attempts and a decision is a matter of causation by the actor itself. A process analysis cannot solve the problem that, in the end, it is impossible to *prove* the exertion of influence as a causal relation. Yet a process analysis might at least be of help in making the assessment of influence as *plausible* as possible.

Yet the 'intensive process analysis' as developed and applied by Huberts, and subsequently applied by Peters and partly by Arts, cannot be applied in this empirical study as such.

Section 3.5.6 highlighted the fact that a fruitful application of the intensive process analysis requires that the *political decision-maker changes* its preference during the decision-making process ('policy change'). The method assumes that such a change has to be at-



tributed either to influence attempts by the participating actors or to the entrance of a new political decision-maker ('personnel'). Thus, if no change of person took place on the part of the decision-maker, a preference change and a subsequent policy change – when making the ultimate decision – have to be attributed to one or more of the participating actors.

This study is, however, about a *collective* and *unanimous* decision-making process by the 15 member states, without any single one of them being the political decision-maker. Although the member state holding the Presidency, assisted by the Council Secretariat, has a special *position* in the decision-making process, it cannot be said to be the one and only decision-maker. This implies that actors do not attempt to exert their influence on only one actor who is the political decision-maker, but instead attempt to exert influence on all the other actors (to a greater or lesser extent), as in the end, all 15 member states have to agree with the decision before it can be made.

If there is no one, single political decision-maker in the study, there cannot be a preference change and a resulting policy change on the part of this decision-maker. Instead of focusing on the individual preference (change) of such a political decision-maker, determining the 'collective' preference (change) of the 15 political decision-makers together could be considered. Apart from the empirical difficulty of 'computing' the collective preference of the 15 – or, when also including the three EU level actors, 18 – actors together and registering the changes that take place in this collective preference, the focus of this study is rather on analysing a collective process in which the participating actors mutually exert influence on one another, resulting in a specific outcome, whatever this outcome may be. It is simply assumed that a process of exerting influence takes place, as all participating actors want an outcome as close to their preference as possible, and this is not made dependent on whether or not a preference change and policy change occur. The solution proposed for this study is that it is assumed that the influence attempts by an actor (A) are ultimately aimed at all participating actors together as a collective, as if this is only one actor (B) (see several of the operationalisations of 'influence attempts' in Section 4.9.2, using the term 'IGC' as the collective).

Huberts' other criteria all assume and are connected to the existence of one, single political decision-maker and its preference and policy changes. It is this actor that the other actors want 'access' to, in order to exert their influence on this actor that will ultimately make the decision. In this study, the participating actors want to have and do actually have access to all the other participating actors, not just one. A similar situation applies to the criteria of 'personnel' and 'time'. Therefore, it can be concluded that the intensive process analysis cannot be applied in the empirical context of this study as such.

However, a change in personnel of an actor as a result of elections is recognised to possibly result in a different preference and even in a different outcome of the negotiation process. Therefore, it will be incorporated into this study under the heading of the variable 'domestic structure' (see Sections 2.4.1 and 4.4). Moreover, Huberts' other operationalisations – of 'goal-achievement' and 'influence attempts' – may still be considered to be useful for this study. This will be revisited in Section 4.8.

As a result, the 'intensive process analysis' will not be applied in this study *as such*. However, a kind of *process analysis* will still be applied as the second part of the influence analysis. This study takes the decision method as a starting point for an influence analysis. It is argued that before examining the influence attempts of the participating actors, their

original preferences on specific issues and the extent to which these preferences are reflected in the outcomes of the negotiation process regarding these issues should first be established. Without establishing the original preferences of actors, it is not possible to assess whether or not they got what they originally wanted. An additional reason to start from actor preferences is that, as far as the Dutch cabinet is concerned, it allows for the detection of non-decisions and not-decisions in addition to decisions. This first part of the influence analysis results in an assessment of the degree of 'goal-achievement' of the participating actors on selected Nice Treaty issues. This 'before-after analysis' will help determine which actors potentially exerted influence in a specific instance. Only the actors that partially or fully achieved their goals are considered to be potentially influential.

The 'descriptive' before-after analysis will be complemented by an 'explanatory' process analysis. One outcome of the before-after analysis is the division of the Dutch cabinet's goals into two parts: those that it (partially or fully) achieved and those that it did not achieve. For the goals that were (partially or fully) achieved, the process analysis will help establish whether the Dutch cabinet achieved them by itself, i.e. whether it actually exerted influence, and how this influence can be explained. This is done on the basis of as accurate a reconstruction of the negotiation process as possible, focusing on the Dutch cabinet, but in the context of the other participating actors. In doing so, the focus will primarily be on the influence attempts of the participating actors, but secondarily also on several other agency and structural variables.

### 3.7 Conclusion

In arguing that the core of a negotiation process is about the mutual exertion of influence by the participating actors, this chapter joined in the long debate about the central concepts of power and influence. The first, conceptual part of this chapter discussed three important distinctions in this debate. After providing an overview of the respective distinctions in the literature, each section discussed one distinction and pointed out how the distinction had been applied in previous empirical influence studies and how this study will apply it. This study makes the following choices.

First, with regard to the distinction between resources and relation, the study defines power as resources and the independent variable of the research, and influence as a relation and the dependent variable of the research.

Second, with regard to the distinction between explicit and implicit (anticipated) influence, the study argues that the crucial link between power and influence is formed by the (negotiation) process that takes place between the conversion of power into influence. Although two mechanisms of influence have been distinguished conceptually, empirically the study's main focus is on the influence attempt mechanism of explicit influence rather than the anticipation mechanism of implicit influence.

Third, with regard to the three faces of power, the study is primarily focused on the first face of decision-making, but also analyses the agenda-setting process taking partial account of the second face of non-decision-making and, between the first and second face, of not-decision-making. As to the related distinction between agency and structure, the study is mainly actor-oriented, but identifies, in addition to agency variables, several structural

variables that co-determine the extent to which power is actually converted into influence in the course of the negotiation process.

In a way, this study thus integrates each of the three distinctions, albeit one more than the other. Adopting an integrative approach is an attempt to do justice to the different dimensions and aspects of power and influence. It is clear that specific choices are made with regard to each of the three distinctions, so that the distinctions are integrated only to a limited extent: this study chooses relations rather than resources, influence attempts rather than anticipation and agency rather than structure. The conceptual choices made in the first part of this chapter answer the sub-question of this study of how the process of EU Treaty negotiations can be analysed. By taking a position on the three central distinctions, this chapter has thus identified several explanatory variables: influence resources, influence attempts, domestic structure, negotiation structure and external events and developments. Together and overlapping with the variables identified in the previous chapter, they form the building blocks of the conceptual model. This conceptual model will be elaborated upon and presented in the next chapter.

In the second part of this chapter, a contribution was made to the debate on how to measure influence. After discussing several methods of influence measurement, it was concluded that a process analysis, preceded by a before-after analysis, is most suited to the aims of this study. In doing so, the sub-question of what kinds of methods are available to measure influence and which is the most suitable for this research was answered.



## CHAPTER 4

# The conceptual and operational model

## Explaining the process of EU Treaty negotiations

### 4.1 Introduction

In the last two chapters, the sub-questions on how the process of EU Treaty negotiations can be characterised and analysed were answered. Chapter 2 presented an empirical framework, showing that the participating actors operate in the context of domestic, negotiation and external structures. Chapter 3 dealt with the central concepts of power and influence, making clear the conceptual choices that are made in this study. This resulted in the identification of the different building blocks of the conceptual model. This chapter further specifies these building blocks and subsequently synthesises them in a conceptual model that guides the empirical analysis in this thesis. In doing so, this chapter will answer the sub-questions of which variables can explain the process of EU Treaty negotiations and what kinds of expectations can be identified for each of these variables.

The building blocks identified in the previous chapter are specified in the sense that it is made clear what the theoretical choices imply empirically in the context of this study. Thus, building on the definitions of power and influence set out in the previous chapter, Section 4.2 elaborates on these central concepts and subsequently offers a specification of influence as the dependent variable and influence resources as the independent variable. In Section 4.3, attention is paid to the crucial conversion process between influence resources and actual influence. After looking more generally at the causal nature of this process, the ways in which previous empirical studies have dealt with the causality issue is discussed and the approach taken by this study, i.e. how the influence attempt mechanism introduced in the previous chapter is expected to operate in practice will be identified. Building on the discussion of the contextual empirical framework in Chapter 2 and the three faces of power and the agency-structure dilemma in Chapter 3, Section 4.4 will specify in more detail the final building block of the conceptual model, namely contextual, structural variables that affect and explain the process through which influence resources are converted into influence.

The conceptual model that has been finalised can then be presented in Section 4.5. Section 4.6 focuses more closely on the relations between the building blocks of the conceptual model by specifying what kinds of relations are expected to be found in the empirics.

The second part of the previous chapter discussed several methods of influence measurement, resulting in the selection of a before-after analysis complemented with a process

analysis for this study. The second part of this chapter will explicate how the different variables will be operationalised in the context of the selected method. To this end, Section 4.7 first briefly introduces the operational model. In Section 4.8, the usefulness of operationalisations proposed by previous empirical studies is examined, after which this study's own proposal for operationalisation is presented in Section 4.9. In Section 4.10, the chapter closes with some conclusions and reflections.

## 4.2 Influence resources and influence: independent and dependent variables

Regarding the distinction between resources and relation, Section 3.2.3 defined power as the resources of an actor and influence as a causal relation between actors. The treatment of influence as a type of causal relationship presupposes that there is a 'cause' and an 'effect', an independent and a dependent variable. In Section 3.2.3, influence resources were identified as the independent variable of this study and influence as the dependent variable. The cause and the effect should be specified more clearly in order to distinguish influence relations from the broader category of causal relations (Nagel, 1975). Influence will first be discussed as the effect and subsequently, influence resources will be discussed as the primary cause.

### 4.2.1 Influence

Regardless of the specific definition of power and influence that is adopted, there is agreement in the literature that the effect should be specified by at least stating the *scope* and *domain* (Lasswell & Kaplan, 1950:77; Dahl, 1968; Frey, 1971; Nagel, 1975:14; Wrong, 1979:14-20; Baldwin, 2002:178).

Stating the scope of the effect denotes the *type* of effect that is brought about by the influencer. The question is: which aspect of B is affected by A? Does the exertion of influence have to do with a specific attitude that B has or (also) with a concrete action that B takes? In the context of this study, the exertion of influence by actor A is eventually aimed at the visible behaviour of actor B, namely that actor B makes a decision that is as close as possible to the preference of actor A. It is assumed that each actor has a preference with respect to a specific issue, which it wants to fulfil in the decision that is made on this issue. In the meantime – in the course of the process through which an issue is negotiated resulting in a decision on this issue – the exertion of influence may also be aimed at the invisible behaviour of actor B, such as its opinion on a specific issue, which may however be expressed in the visible behaviour of actor B, such as an oral or written expression of its preference. In any case, whatever the kind of influence exerted by actor A during the negotiation process, it is always and eventually aimed at getting having actor B make a decision that is as close to the preference of actor A as possible. Thus, the ultimate *scope* of the effect caused by actor A is the visible behaviour of actor B in the shape of making a decision on a specific issue.

The issue of scope could also refer to the type of issue being negotiated and as such, may be subject to the exertion of influence. The influence of an actor may vary from one (type of) issue to another. To conclude that the Dutch cabinet has exerted influence during the

Nice Treaty negotiation process does not mean that it has exerted influence with regard to the domestic politics of other member states or the 'day-to-day' politics of the EU. It may be the case that the Dutch cabinet has exerted influence with regard to some issues to do with the Nice Treaty, but not others. The scope of the effect in this study, then, refers to the Nice Treaty negotiations (and not to other EU Treaty negotiations or EU negotiations) and, within the Nice Treaty, to a limited number of negotiation issues. The selection of Nice Treaty issues for this study is further outlined and justified in Sections 5.2.1 and 6.2.

The domain of an actor's influence refers to the *number* of actors that are subject to its influence. An influencer may have only one influence-subject (e.g. master-slave) or many (e.g. king-inhabitants). To put it another way, the question is: how many Bs are there? As discussed in Chapter 2, there were 18 actors formally participating in the Nice Treaty negotiations: 15 member state actors and three EU level actors, namely the European Commission, the European Parliament and the Council Secretariat. From the point of view of an individual actor in these negotiations, there are thus 17 actors to exert influence on. In other words, there are 17 Bs.

Specifying the scope and domain in this way raises some additional relevant issues to be discussed. Firstly, when adopting a relational approach to power and influence, many authors refer to a relation between (only) one actor A and one actor B as a dyadic influence relation. There may, however, also be interest in studying n-adic influence relations (Riker, 1964:344). As was made clear in Section 3.6, several empirical studies are interested in n-adic influence relations, but within this n-adic context they pay special attention to the dyadic influence relations between one actor and another that, in the end, makes the decisions – the political decision-maker (Huberts, 1988, 1989; Arts, 1998; Peters, 1999, 2001). It is this actor that all other participating actors in the decision-making process particularly attempt to exert their influence on. When referring to the 18 participating actors, it becomes clear that this study is, in fact, interested in n-adic influence relations. The focus on the Dutch cabinet, however, implies that interest is primarily in the dyadic influence relations between the Dutch cabinet (as actor A) and one of the other 17 participating actors (as actor B).

As was also pointed out in Section 3.6, one matter that complicates things in this regard is that in the case of EU Treaty negotiations, there is no one, single actor making the decisions as the political decision-maker. Instead, there is a process of *collective* decision-making by *unanimity*, although the member state holding the Presidency, assisted by the Council Secretariat, has a special responsibility. The exertion of influence by the Dutch cabinet (or by any other actor) is aimed at the other 17 actors together as they collectively make decisions. The 17 actors could also be taken together and treated as one, single B. In the end, the 18 actors make the decisions together as a result of the mutual exertion of influence. Formally only the 15 member states make the decisions by unanimity, since the three EU level actors do not have a vote or veto. Practically, as is the case when there *is* one, single decision-maker, several analyses of influence will be confined to a limited number of actors, with or without the Dutch cabinet playing an influential role. Whether or not the object of study is conceptually delimited to one dyadic influence relation between the Dutch cabinet as actor A and the other 17 participating actors as actor B, empirically the dyadic influence relations between the Dutch cabinet and any of the other 17 actors will be studied.

The second issue has to do with the question of whether the exertion of influence is aimed at an actor or an outcome. Riker (1964:344) makes a distinction between ‘ego-oriented power’, which is aimed at increasing ego’s utility by influencing an outcome, and ‘other-oriented power’, which is only concerned with another actor, to decrease its utility, and not with an outcome. This study questions the extent to which the Dutch cabinet has exerted influence during the negotiation process resulting in the Treaty of Nice. In addition to actors, this study is clearly concerned with outcomes, i.e. primarily the decisions that have been made and subsequently laid down in a Treaty text, and thus with ‘ego-oriented’ influence, to use Riker’s terminology. That the study adopts a relational approach to influence, considering influence as a relation between different actors, does not make it concerned with ‘other-oriented’ influence, at least not in Riker’s terminology. This study is concerned with both actors and outcomes, because these actors are responsible for the outcomes. The relational approach to influence can be perfectly maintained by stating, as was done earlier, that the effect of an actor on another actor is a change in behaviour of the latter in the shape of making a decision (or a non- or not-decision).

Two things have to be further explicated when specifying influence as the effect, or dependent variable. First, there is a possibility that a decision is made that is contrary to the preference of an actor *because of* the very exertion of influence by this actor. This can be called ‘negative influence’ (Dahl, 1957). As has already been pointed out in the presentation of the definition of influence in Section 3.2.3, this study is not interested in negative influence; it confines its attention to the exertion of ‘positive influence’. However, secondly, exerting positive influence is not an all or nothing matter. An actor may exert more influence in one specific instance than in another. The exertion of influence is thus gradual. This has been referred to as the *amount* of influence (Dahl, 1957). The amount of influence that the Dutch cabinet has will be specified in this study by examining to what extent it has exerted its influence with regard to the total sum of Nice Treaty issues selected for this study.

To sum up, the effect of the presence or usage of actor A’s influence resources is that actor B makes a decision (or not) on a specific Nice Treaty issue that is as close to the preference of actor A on this issue as possible. The scope of the effect caused by actor A can be defined as the visible behaviour of actor B in the form of making a decision on a limited number of Nice Treaty issues. The domain of the effect caused by actor A are the 17 other participating actors in the Nice Treaty negotiations, who collectively – although formally, only the 15 member state actors – make the decisions and can therefore also be treated as one, single actor B.

#### 4.2.2 *Influence resources*

Although it is argued that the crucial question is whether and to what extent actors succeed in converting their influence resources into actual influence in the course of the negotiation process, without influence resources an actor has nothing to enter this process to begin with. Therefore, the capacity that an actor has at its disposal should be carefully studied. Capacity is not only about the quantity of influence resources. It is also related to the domain and scope of the effect that is caused. What may be an influence resource for one actor need not be an influence resource for another. In addition, an influence resource that is used in one issue-area may not be useful in another. This is referred to as the ‘fungibility’



of an influence resource (e.g. Baldwin, 2002:180). The exertion of influence partly depends on having (a certain amount of) influence resources at all and on actually using them, but also on having and using the 'right' influence resources in relation to a specific actor (domain) and a specific issue (scope).

An almost infinite number of influence resources are mentioned in the literature. 'Influence resources' are understood here as a rather broad category, containing all the resources that may be relevant for the exertion of influence. This category includes both material and non-material resources, as scholars have proposed from the beginning of the power and influence debate (e.g. Lasswell & Kaplan, 1950; Dahl, 1963, 1968; Kuypers, 1973). The type of research (question), which specifies domain and scope, provides additional guidance for which influence resources may be particularly relevant. On the basis of the domain and scope of this study, the following influence resources are expected to be relevant: positions, networks, internal cohesion and reputation for influence (Schlozman & Tierney, 1986; Van Schendelen, 2005).

The first influence resource concerns the *positions* of an actor (e.g. Christiansen et al., 2002; Beach, 2005:29-30; Van Schendelen, 2005:198). A distinction is made between formal positions and policy positions. Formal positions are connected to member state actors. A member state may hold the Presidency during a portion of the negotiation process. This position may enable an actor to exert its influence, but it could also be a constraint, as the Presidency may be expected to promote a compromise between the different actors instead of furthering its own interests as a member state. Another formal position is being part of what is known as the troika, as a result of holding the previous or upcoming Presidency. A third formal position of member states concerns the – threat of the – national veto. As the reform of an EU Treaty is decided by unanimity, this – at least in theory – is an important resource. It has even been called the 'key legal resource of national governments' (Christiansen et al., 2002:17).

It is questionable, however, whether a member state will use its veto in practice, as there is substantial pressure to bring the IGC negotiations to a successful conclusion (Christiansen et al., 2002:17). Threats are generally very rarely used in EU negotiations, but there have been exceptions to this rule (Stubb, 2002:22). Furthermore, on several occasions member states have received specific 'opt-outs' and only the *threat*, explicitly or implicitly, of a national veto may put an actor in a position to make strong demands concerning specific parts or issues of a Treaty. Christiansen (2002:45) has pointed to the indirect or quasi-veto of the European Parliament, as a result of member states committing to ratify a new Treaty only if the European Parliament would also approve it. This quasi-veto might have an effect during the negotiations themselves when other participating actors meet the preferences of the European Parliament in order to avoid non-approval by this institution.

In terms of policy positions, this is related to the particular preference of an actor on an issue. An actor can be considered to hold a 'pivotal' position when it has a preference on an issue that lies between two or more different preferences of the other participating actors. This might result in the realisation of its preference without much effort. Similarly, when an actor holds a 'majority' position – when its preference on an issue is shared by a majority of the participating actors – it might also not be difficult for it to realise its preference.

Second, *networks* are an influence resource for an actor (e.g. Van Schendelen, 2005:197-198). Being part of a network is defined as an informal position that takes the form of

having contact with one (bilaterally) or more (multilaterally) other actors concerning an issue on which these actors have common preferences. A network can have a structural character, in the sense that it has already existed for some time before and separate from the negotiation process holding regular consultations. Examples are the Benelux cooperation and the Franco-German axis. This broad definition does, however, also include an ad-hoc network that is formed for the occasion of the negotiation process in general or for one or more issues in particular.

The third influence resource is the *internal cohesion* of an actor. This can be defined as the extent to which there is a coherence of preferences and a coordination of actions on the part of an actor (Van Schendelen, 2005:191). Many different factors may act upon an actor's internal cohesion. One such factor is the staff or bureaucracy of an actor (e.g. Schlozman & Tierney, 1986; Christiansen, 2002; Beach, 2005:27-28; Van Schendelen, 2005:195-197). This is the quantity and quality of an actor's personnel. Quality has to do with the expertise that an actor has at its disposal, among other things. A distinction can be made between three types of expertise. Technical expertise refers to knowledge of the content of an issue, legal expertise is knowledge about the workings of the 'acquis communautaire' and political expertise, or skills, is the negotiation competence of an actor.

Finally, *reputation for influence* can be an influence resource (e.g. Dahl, 1970:34; Crenson, 1971; Schlozman & Tierney, 1986:103; Van Schendelen, 2005:200). An actor has a reputation for influence when other actors consider it to be influential, important or a force to be reckoned with. An actor possessing this resource may exert influence without actively undertaking influence attempts, but simply by being there. Other actors may anticipate the reputation for influence of this actor, resulting in anticipated influence (see Section 3.3.3).

There are two additional reasons to consider positions, networks, internal cohesion and reputation for influence as relevant influence resources in the context of this study. First, considering the relational, process-oriented approach to influence taken by this study, it is interested in 'dynamic' resources such as positions and networks rather than 'static' ones, such as the quantity of an actor's staff or its expertise. Yet, with regard to the staff of an actor, its internal cohesion is taken into account as an indicator of quality, as this may feed more directly into the negotiation process. Second, the inclusion of positions, networks and reputation as influence resources does justice to alternative methods of influence measurement from the one chosen for this study (see Sections 3.5 and 3.6). In keeping with the relational approach, positions, networks and reputation are not equated with influence itself, but considered to be only potential influence.

The influence resource formal positions is, however, not included in the empirical analysis. The reason for this is that this study focuses on an assessment and explanation of the influence of the Dutch cabinet and not of the other participating actors. The Dutch cabinet neither held the Presidency nor was it a part of the troika during the Nice Treaty negotiation process. In terms of the veto, there is no variation among the member state actors, which all possess this influence resource. Including the veto might make sense if a comparison is made between the (influence of) member state actors and EU level actors, which do not have a veto, but this is not the case here. However, when actors make use of holding the Presidency, being a part of the troika or their veto during the negotiation process, this will be included in the empirical analysis as *influence attempts*.

The influence resource reputation for influence is also not included in the empirical analysis for reasons of feasibility. In the case of this influence resource, data must be collected on the part of the other participating actors (actor B) in order to assess the reputation for influence of actor A, in this case the Dutch cabinet. Since the study focused on the archives of the Dutch Foreign Affairs Ministry and the European Commission, these data were not sufficiently collected to be able to make adequate measurements.

To sum up, this study considers the presence or use of actor A's influence resources as the primary cause of the exertion of influence by actor A. This does not only have to do with the quantity of influence resources, but also with having and using the 'right' influence resources in relation to a specific actor (domain) and a specific negotiation issue (scope). On the basis of the domain and scope of this study, specified in the previous subsection, and in keeping with feasibility, the following influence resources are selected for this study: policy positions, networks and internal cohesion. These influence resources form the basis of the process, or mechanism, through which influence is exerted.

### 4.3 Influence mechanism

Up to this point, this study has outlined and specified the independent variable, influence resources, and the dependent variable, influence, of its conceptual model. However, it is argued that more crucial than the quantity and quality of influence resources is the process, or mechanism, through which these influence resources have to be successfully employed before being able to speak of actual influence. This mechanism linking the cause and the effect is, by definition, a causal mechanism. Therefore, attention is first paid to the issue of causality in the first subsection. The second subsection discusses how previous empirical studies have dealt with the causality issue. On the basis of this, the third subsection will outline how this issue will be approached in this study.

#### 4.3.1 *The issue of causality*

Section 3.2.1 highlighted the fact that a relational approach to influence implies that influence is a specific type of causation: the behaviour of actor A causes a change in the behaviour of actor B. This implies that the issue of causality must be dealt with, particularly three aspects, or problems, of this notion (Dahl, 1968; Simon, 1968; Braam, 1981; Gadenne, 2001).

First, a causal relationship assumes that there is *co-variation* of A and B, i.e. there is a change in the behaviour of both A and B. Second, a causal relationship is *asymmetrical*, i.e. a change in the behaviour of B is the result of a change in the behaviour of A and not the other way around. It is widely accepted that this implies that the cause (the change in behaviour of A) precedes the effect (the change in behaviour of B). David Hume has already identified these two aspects of this issue. The problem for him was that although the changes in the behaviour of A and B and the temporal relation between them can be observed, the causal link between them cannot (Gadenne, 2001). The third problem follows from this: how to be sure that the relationship between A and B is not *spurious*, i.e. that a change in the behaviour of actor B is not the result of a change in the behaviour of a third actor or the result of a third variable?

This third problem is related to the question of whether in a causal relationship A's behaviour should be a necessary condition for B's behaviour, a sufficient condition or both. According to Riker (1964:346), 'A causes B' means that 'B occurs if and only if A has occurred', i.e. the change in behaviour of A should be both a necessary and sufficient condition for the change in behaviour of B. The relationship between the behaviours of A and B may, however, be indirect, in the sense that it develops via a third actor or variable. Alternatively, the relationship between the behaviour of A and B may be conditional on a third actor or variable. In both cases, the behaviour of A is a necessary but not sufficient condition. When the change in behaviour of A and B are both caused by a third actor or variable – to mention another type of spuriousness – the behaviour of A is neither a necessary nor a sufficient condition. The problem with the notion of being both a necessary and sufficient condition is that although theoretically sound, it is empirically hardly or not at all possible to prove, because it involves the exclusion of the possibility that there is no other actor's behaviour or variable that is sufficient to affect B's behaviour (cf. Dahl, 1968:410). In keeping with several influence researchers, this study takes the position that the minimal proof required to maintain causality is that A's behaviour is a *necessary condition* for B's (Simon, 1953; March, 1955; Dahl, 1957; Braam, 1981). These three problems to do with the causality issue will be revisited in Section 8.5.2.

#### 4.3.2 *Previous empirical studies*

How have previous empirical studies dealt with the causality issue, particularly the issue of spuriousness, and are they of any use to this study?

As mentioned in Section 3.2.2, Braam (1981) has defined 'tested influence' as the percentage of influence attempts that are successful. Braam does recognise that 'success' is not the same as 'influence'. In order to attribute influence to a firm whose influence attempt was granted, one must be certain that the specific governmental decision would not have been made if the firm had not undertaken the influence attempt. In other words, the firm must be a necessary condition for the decision. To examine this, the following information is required:

- There are no other firms that have undertaken influence attempts on the same problem. As long as the study is dealing with *individual* problems, as opposed to *non-individual* problems, this condition is met.
- The problem does not 'accidentally' fit into a government plan that was already intended for execution. In this case the problem could be 'merged' into a *collective* problem. Again, this condition is met as long as the study is dealing with individual problems.

Braam 'solves' the issue of spuriousness by classifying problems into individual, non-individual and collective problems, only the first of which is connected to influence as a causal relation. When analysing an individual problem faced by only one firm that undertakes an influence attempt vis-à-vis the government, there are no other firms undertaking influence attempts that are potentially necessary conditions. When the decision by the government meets the influence attempt of the firm, i.e. solves its problem, it can thus be concluded that the influence attempt has been successful, i.e. the firm has exerted influence on the government.

When dealing with non-individual problems, problems faced by more than one firm, attributing influence to the firms separately becomes much more complicated. Braam (1981:145) has noted: 'As soon as there is more than one interested party, the assignment of influence becomes very difficult'. Attributing influence in such cases becomes 'very difficult' as it cannot be proven that one specific firm – and not another firm – was a necessary condition for the resulting effect. Therefore, Braam (1981:57, 145, 149, 160) prefers to speak of 'gains' (or 'successes') rather than 'influence' in this regard, although he seems to recognise that the phenomenon he is interested in does not change by changing the terms. More specifically, Braam speaks of separate firms obtaining 'gains via coalitions'. At the level of a coalition as a whole it remains possible to speak of influence.

It is, however, precisely and particularly at this point that Braam's study begins to be relevant to this study, which after all deals solely with *non-individual problems* involving more than one actor undertaking influence attempts. In terms of non-individual problems involving more than one actor, Braam thus refrains from undertaking a causal process analysis that results in the attribution of influence to the respective actors. Therefore, Braam cannot be of much use to this study at this point. Braam does, however, introduce an operationalisation of (influence attempts through) coalitions in the context of non-individual problems, which may be useful for this study (see Section 4.8).

Huberts (1988) has dealt with the issue of spuriousness by introducing a limiting assumption that only the actors *participating* in a decision-making process are seen as potentially necessary conditions for the resulting decision. In order to discriminate between these participating actors, he proposed several criteria that were already discussed in the previous chapter (Section 3.5.6). Huberts cannot *prove* that a specific actor was a necessary condition in a specific instance, but he has stated that he can make this *plausible* on the basis of as accurate a reconstruction of the decision-making process as possible.

This study adopts Huberts' limiting assumption in that only the 18 actors participating in the negotiation process on the Nice Treaty are considered to be potentially necessary conditions for the outcomes of this process. A detailed reconstruction of the negotiation process on a specific issue could certainly make statements about the influence of a specific actor more plausible, but the crucial question remains how to discriminate between the different participating actors.

This study is in agreement with Huberts that the first criterion is whether or not an actor has (partially) achieved its goal. Only if the Dutch cabinet meets this criterion does it qualify for the subsequent causal process analysis on the basis of additional criteria. Section 3.6 has already pointed out that Huberts' other criteria are not applicable to this study. However, his operationalisation of 'influence attempts' may still prove to be useful (see Section 4.8).

Arts has operationalised the extent of political influence as the extent of goal-achievement due to one's own intervention (Arts, 1998:80-87). After assessing the NGOs' extent of goal-achievement, the goal-achievement was found to have possibly been caused by the NGOs' own interventions and not by those of government or other actors. In other words, whether or not the outcome was more in line with the NGOs' goals than if they had not intervened was checked ('different counterfactual'). In order to do this, the decision-making process about the topic concerned was reconstructed, with particular attention paid to:

- the possible goal-achievement by governments and other relevant players

- the access of NGOs to the political arena and to (key) countries
- the interventions made by NGOs and other players with regard to the topic
- the number and intensity of those interventions
- the adoption of NGO views/proposals by governments (policy changes by states)

The extent of goal-achievement and the extent of one's own intervention was measured in an ordinal manner: 0 = no, 1 = some, 2 = substantial and 3 = much.

As with Huberts' study, there is a political decision-maker (the governments) external to the NGOs that makes the decisions ('policy change') and potentially offers 'access' to them. Again, the elements of 'access' and 'policy change' are not useful to this study. However, the elements of goal-achievement of other (participating) actors and the (number and intensity of) interventions, i.e. influence attempts by the (participating) actors, are useful for this study's process analysis (see Section 4.8).

#### 4.3.3 *Empirical application: influence attempt mechanism*

How are the three aspects of causality dealt with in this study? With regard to the issue of co-variation, the (change in) behaviour of actor A in this study is primarily an influence attempt while the change in behaviour of actor B is a decision. The way of operationalising and measuring these variables is discussed in Section 4.9.

As to the issue of asymmetry, it is argued that when there is a period of time between an influence attempt by A and a decision by B, asymmetry can be established. Yet there may also be an asymmetrical relation operating in the opposite direction. This would mean that the influence relationship between A and B is reciprocal (cf. Simon, 1953). The reciprocity could, for example, consist of actor A undertaking an influence attempt, but at the same time (to a certain extent) anticipating actor B. This would imply that two types of influence are operating at the same moment and cross-cutting each other. It is recognised that each influence relationship could contain elements of anticipation, but it is considered to be empirically not feasible to study the two types of influence at the same moment. When an actor has undertaken influence attempts in a specific instance, this will be the main focus of the study, but when this is hardly or not the case, attention will be focused on the possibility of anticipated influence (see below). However, what is more fundamental, as outlined in Section 4.2.1, is that actor B in this study is not a single actor who makes the decisions, but consists of all the other participating actors that also attempt to exert influence on the other actors, which include the Dutch cabinet as actor A. They also undertake influence attempts, which implies that there may be asymmetrical relations operating from (parts of) B to A. More often than not, influence relations are reciprocal.

This touches on the third issue, the issue of spuriousness. This is the most difficult issue to deal with, especially in the case of a multi-actor study such as this one. It will have to be established that there was no other, third actor's behaviour or variable that was a necessary condition for the decision made by B. In general, this study aims to deal with this issue by taking the behaviour (mainly influence attempts) of all participating actors into account in the influence analysis as well as several contextual, structural variables (see Section 4.4). In terms of the (third) actors, the main approach to this issue is as follows (see Table 4.1).

To be a matter of influence exertion, an actor should at least have achieved its goal (to a greater or lesser extent). When an actor has both undertaken influence attempts and



achieved its goal, this could be a matter of 'explicit influence' (type 1). An influence attempt is defined as the way in which an actor uses its influence resources to realise its preference on an issue in the outcome of the negotiation process. Goal-achievement is defined as the extent to which an actor has realised its preference on an issue in the outcome of the negotiation process. In order to assess an actor's goal-achievement, a comparison is made between its preference on an issue and the outcome regarding this issue in the shape of a specific (decision) option (see Section 4.9 for the operationalisations of influence attempts and goal-achievement). When an actor has (to a certain extent) undertaken influence attempts and (to a certain extent) achieved its goal, this does not necessarily mean that it has exerted explicit influence. Yet the combination of influence attempts and goal-achievement is a necessary condition for speaking of explicit influence in this study.

Subsequently, the core question is whether or not an actor has actually caused its goal-achievement itself. Only if this is the case can an actor be said to have exerted explicit influence. For example, when the Dutch cabinet has undertaken many influence attempts on an issue and has achieved its goal, and this cannot (only) be attributed to the influence attempts of the other participating actors, it may be said to have exerted explicit influence. This cannot be definitively proven, but it can still be attempted to make it as plausible as possible. This study aims to do this by examining whether mechanisms other than explicit influence might account for the relationship between the variables of influence attempts and goal-achievement. These mechanisms can be imagined for the possible combinations of the two variables. In a specific instance of goal-achievement in combination with (the presence or absence of) influence attempts, the study will examine whether mechanisms other than explicit influence might apply (types 2-4).

Thus, an actor gets a 'free ride' from other actors when it achieves its goal mainly because it profits from its influence resources, particularly advantageous policy positions, or from other actors' influence attempts. For example, when the Dutch cabinet undertakes influence attempts to realise its preference on an issue, and this preference is shared by a majority of the participating actors, its goal-achievement may be the result of a free ride rather than explicit influence. An actor exerts 'implicit, anticipated influence' when it does not undertake influence attempts but still achieves its goal because other actors anticipate its 'reputation for influence'. For example, when other actors meet the preference of the Dutch cabinet on an issue because they perceive the Dutch cabinet to be influential, without the Dutch cabinet having undertaken any influence attempts, it can be said to have exerted implicit, anticipated influence. An actor has 'sheer luck' when it does not undertake influence attempts but still achieves its goal for no apparent reason. Practically, the latter implies that the study aims to exclude the possibility that any of the other mechanisms is at work.

When an actor has not achieved its goal, several alternative mechanisms could be at work, again varying with the presence or absence of influence attempts (types 5-12). Thus, when an actor undertakes influence attempts but does not achieve its goal because its influence attempts are not successful, this is considered as 'failure'. This is the case when, for example, the Dutch cabinet has consistently and persistently undertaken many influence attempts on an issue, but has still not achieved its goal. When an actor undertakes influence attempts but does not achieve its goal because they are of a bad quality, this constitutes an 'unforced error'. This is the case, for example, when the Dutch cabinet undertakes influence attempts on an issue only at the end of the negotiation process, resulting in the



absence of goal-achievement. When an actor undertakes influence attempts but does not achieve its goal for no apparent reason, this actor has 'bad luck'. At a practical level, this again means that no evidence is found that one of the other mechanisms is at work. When an actor undertakes influence attempts but does not achieve its goal precisely because of its influence attempts, instead provoking the opposite reaction from other actors and having its influence attempts bounce back on it, it has exerted 'negative influence'. This might be the case, for example, when other actors are annoyed about the number or nature of the Dutch cabinet's influence attempts on an issue and are therefore not willing to meet the Dutch cabinet's preference on that issue.

When an actor does not achieve its goal because it does not undertake influence attempts, several mechanisms might be at work depending on the reason for the absence of influence attempts. When the reason is that an actor has neglected an issue in the course of the negotiations, its lack of goal-achievement is a 'justified loss'. For example, the Dutch cabinet may have formulated a preference on an issue at the beginning of the negotiation process, but subsequently disregarded the issue and not undertaken influence attempts. When an issue is not important (enough) for an actor, it constitutes a 'non-priority'. This might be the case, for example, when the Dutch cabinet has formulated a preference on an issue but does not achieve its goal because it has subsequently focused its influence attempts on other issues that it considered to be of greater importance. When an actor does not undertake influence attempts because it is internally divided on an issue, the 'internal divisiveness' mechanism is at work. For example, a difference of opinion about an issue between two Ministries within the Dutch cabinet might result in a stalemate between them with the result that no action is undertaken at all. Finally, when an actor does not undertake influence attempts because it anticipates the behaviour of other actors, i.e. possible resistance, this is called 'anticipation'. For example, when the Dutch cabinet thinks that influence attempts on an issue will be in vain because it expects that other actors will not agree with its proposal under any circumstances, this may constitute anticipation. This mechanism in fact mirrors the case of the implicit, anticipated influence mechanism.

It should be noted that the mechanisms discussed above are 'ideal types'. The ideal types are used to indicate that generally the upper cells correspond with relatively more influence attempts and the lower cells with relatively fewer influence attempts. Some mechanisms, particularly the free ride mechanism, should be considered as borderline cases, as they lie somewhere between the extreme cases of no influence attempts at all and many influence attempts. In practice, the extent of influence attempts and goal-achievement may be more gradual than as black-and-white as it appears to be based on the ideal types. However, this does not conflict with the use of the ideal types as heuristic tools to make possible relations between two variables explicit. The mechanisms assume that a causal relationship exists between the two variables. It is important, at least theoretically, to stress the causal nature of the mechanisms. In practice, however, a definitive proof of the occurrence of the mechanisms cannot be done, but their occurrence can be made as plausible as possible through the strategy of verification and falsification. In keeping with this, the mechanisms are prudently formulated using the phrase 'positively associated with' (see Table 4.1).

Table 4.1 *Typology of possible combinations of influence attempts and goal-achievement*

		Goal-achievement	
		Yes	No
Influence attempts	Yes	1. Explicit influence 2. Free ride	5. Failure 6. Unforced error 7. Bad luck 8. Negative influence
	No	3. Implicit, anticipated influence 4. Sheer luck	9. Justified loss 10. Non-priority 11. Internal divisiveness 12. Anticipation

1. Goal-achievement that is positively associated with influence attempts in the sense of the active use of influence resources.
2. Goal-achievement that is positively associated with profiting from influence resources (notably advantageous policy positions) or other actors' influence attempts, while undertaking influence attempts itself.
3. Goal-achievement that is positively associated with simply possessing the influence resource 'reputation for influence', while not undertaking influence attempts.
4. Goal-achievement that is positively associated with luck, while not undertaking influence attempts.
5. No goal-achievement that is positively associated with unsuccessful influence attempts.
6. No goal-achievement that is positively associated with bad influence attempts.
7. No goal-achievement that is positively associated with bad luck, while undertaking influence attempts.
8. No goal-achievement that is positively associated with just the influence attempts themselves.
9. No goal-achievement that is positively associated with neglect resulting in not undertaking influence attempts.
10. No goal-achievement that is positively associated with non-priority resulting in not undertaking influence attempts.
11. No goal-achievement that is positively associated with internal divisiveness resulting in not undertaking influence attempts.
12. No goal-achievement that is positively associated with anticipation resulting in not undertaking influence attempts.

#### 4.4 Variables affecting the influence process

At this point, the constituent building blocks of the conceptual model for this study that have been identified are the independent variable (influence resources), the dependent variable (influence) and, in the previous section, the intervening variable: the process through which influence resources are converted into actual influence.

The final building block is formed by several contextual, structural variables that in turn affect the process through which influence resources are converted into actual influence. They may enable or constrain the (degree of) conversion of capacity into effect by providing opportunities or constraints.

While the other building blocks have been primarily deduced from the theoretical literature on power and influence, the structural variables have been primarily induced from empirical studies on EU Treaty negotiations (Chapter 2) and empirical studies on power and influence (Chapter 3). What is striking is that the division between agency and structure in the Political Science and IR literature discussed in Chapter 3 were also a focus of the EU literature discussed in Chapter 2. The same contextual, structural building

blocks can be distilled from both for this study's conceptual model: domestic structure, negotiation structure and external events and developments.

In keeping with the discussion in Chapters 2 and 3, the domestic structure of an actor is specified as several actors (parliament, constitutional court) and factors (referendum, public opinion, elections and events and political conflicts), which may enable or constrain an actor during the negotiation process. In keeping with Chapter 2, negotiation structure is defined as formal and informal rules concerning levels and phases, particularly timing, which structure the negotiation process and may enable or constrain an actor. Consistent with Chapters 2 and 3, external events and developments occurring at the European level may also enable or constrain an actor during the negotiation process.

#### 4.5 The conceptual model

Now that all the building blocks of the conceptual model have been identified and specified, they can be synthesised into one conceptual model (see Figure 4.1).

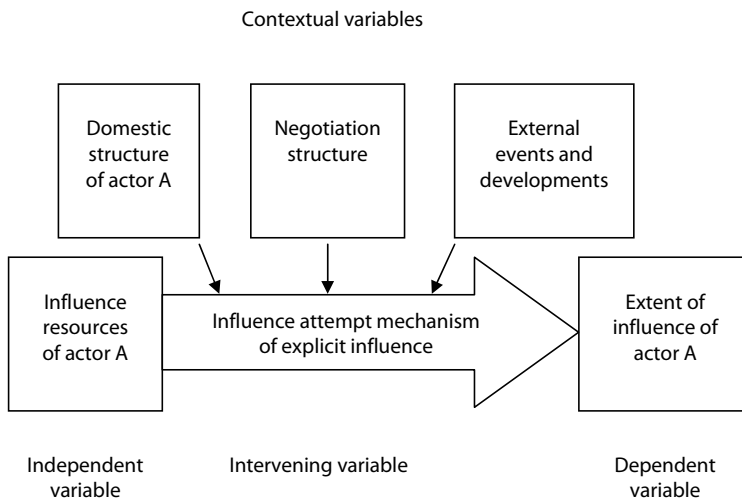


Figure 4.1 Conceptual model

Firstly, as indicated in Chapter 1, the objective of this study is to describe and particularly to explain the outcome of the Nice Treaty negotiation process, particularly a number of *decisions* made on specific issues laid down in a Treaty text. The explanation of the Nice Treaty negotiation process is approached from the perspective of influence, i.e. that it is a result of the mutual exertion of influence among the participating *actors*. The dependent variable of this study – influence – is therefore defined in terms of both actors and outcomes (see Section 4.2.1). The dependent variable is the extent of influence of actor A on actor B making a decision on a specific Nice Treaty issue. Although a relational approach to influence is adopted and all 18 participating actors are addressed in the influence analysis, actor A is first and foremost the Dutch cabinet, as the research question of this study outlined in Chapter 1 indicates. Actor B is composed of the 17 other participating actors, although

formally only the 15 member states unanimously make decisions. The conceptual model is presented here for the Dutch cabinet as actor A, but may also be constructed for the 17 other participating actors.

Secondly, this study considers influence resources to be the primary cause of the exertion of influence by actor A (see Section 4.2.2). The influence resources of actor A form the independent variable. The influence resources that are selected for this study are: policy positions, networks and internal cohesion.

Thirdly, having identified the cause and the effect, this study argues that the mechanism, or process, linking influence resources as capacity and actual influence as effect is most crucial to an explanation of influence (see Section 4.3). In the course of the negotiation process, an actor's influence resources have to be converted to actual influence primarily by undertaking influence attempts. According to the influence attempt mechanism, as the intervening variable, an actor actively uses its influence resources to undertake a specific type of influence attempt that results in explicit influence.

Fourthly, this crucial conversion process is in turn affected by several contextual, structural variables, which enable or constrain the extent to which the influence resources of an actor are converted into actual influence by providing opportunities or constraints to this actor (see Section 4.4). It is here that 'structure' is accounted for in the influence analysis. Although this study primarily attributes influence to actors and thus focuses mainly on agency variables – influence resources and the usage of influence resources through influence attempts – structural variables co-determine the extent to which the influence resources are converted into influence. The following structural variables are deemed to be relevant in the context of this study: domestic structure, negotiation structure and external events and developments at the European level.

In closing, a short note should be made on the 'multivariate problem'. It should be explicitly recognised that this study does not execute a real multivariate analysis, in which all variables carry the same weight and impact one another. The analysis focuses mainly on the effect of influence resources on the extent of an actor's influence via influence attempts. The three contextual variables are considered to be moderating variables, in the sense of enabling and constraining the main variables of the analysis.

## 4.6 Expectations per variable

Now that the conceptual model as a whole has been presented, the kinds of relations that are expected to be found in the empirical material between the constituting building blocks of this model can now be explicated. In other words, what do the various arrows in Figure 4.1 represent? As the research question focuses on the Dutch cabinet, *from now on the Dutch cabinet will be considered to be actor A and the expectations will thus be phrased accordingly* (see Box 4.1).

Box 4.1 *The expectations of the conceptual model*

The expectations, or propositions, can be subdivided into one general and several specific expectations. The general expectation indicates the causal relationship between the (main) independent variable and the dependent variable:

1. The more influence resources the Dutch cabinet has, the more influence it will exert.

The specific expectations for the influence resources are as follows:

2. The more advantageous policy positions the Dutch cabinet holds, the more influence it will exert.
3. The more a part of a network the Dutch cabinet is, the more influence it will exert.
4. The more internally coherent the Dutch cabinet is, the more influence it will exert.

However, these expectations are only a starting point as influence resources are considered to be only potential influence, which will have to be converted before it can be considered to be actual influence. This conversion should take place during the negotiation process. This study focuses primarily on the influence attempt mechanism of explicit influence as the intervening variable. This intervening variable is considered here to be most crucial for the explanation of influence. The following expectation focuses on the intervening process as the crucial link between influence resources and actual influence:

5. The more influence attempts the Dutch cabinet undertakes, the more influence it will exert.

This conversion process in turn takes place in a broader context in which structural variables come into play. These variables enable or constrain the degree of conversion of influence resources into actual influence. The arrows in the figure thus stand for 'enabling/constraining'. The last set of propositions is made as follows:

6. The more the Dutch cabinet is enabled (constrained) by domestic actors (parliament, constitutional court) and factors (referendum, public opinion, elections, events and political conflicts), the more (less) influence it will exert.
7. The lower the level at which an issue is negotiated, the more influence the Dutch cabinet will exert.

This expectation connects to the idea that small member states are more likely to exert influence at the lower, official level, where a 'problem-solving' negotiation style would be dominant, than at the higher, political levels, where a tough 'bargaining' style would prevail (Christiansen, 2002:40; Christiansen et al., 2002:22-23).

8. The earlier an issue is negotiated, the more influence the Dutch cabinet will exert.

This expectation is related to the previous one, in the sense that the 'bargaining' negotiation style might be expected to prevail over the 'problem-solving' style in the course of the negotiation process because of the pressure to successfully conclude the negotiations.

9. The more the Dutch cabinet is enabled (constrained) by external events and developments, the more (less) influence it will exert.

## 4.7 The operational model

The previous chapter presented a two-part approach to assessing and explaining the extent of influence of the Dutch cabinet as actor A. In causal terms, this has to do with the question of whether actor A's behaviour is a necessary condition for the decision made by actor B. The first part (before-after analysis) determines whether actor A and the other participating actors have (partially or fully) achieved their goals, and whether they can thus be considered as potentially necessary conditions for the decision, i.e. potentially influential actors. The second part (process analysis) establishes whether the Dutch cabinet has caused its (partial or full) goal-achievement by itself and has thus been an actual necessary condition in these cases, i.e. actually influential, and how this influence can be explained. The first part of the approach is purely descriptive, calling for an assessment of 'goal-achievement', first of the Dutch cabinet as actor A and then of the other participating actors. The second part is

explanatory, involving a causal process analysis on the basis of as accurate a reconstruction of the negotiation process as possible, focusing on the Dutch cabinet but in the context of the other participating actors. This analysis focuses primarily on the influence attempts of the participating actors, but secondarily also on the other agency and structural variables that have been identified as building blocks of the conceptual model.

The process analysis consists of three steps. First, the aim is to assess whether or not the Dutch cabinet has exerted influence regarding the issues on which it has partially or fully achieved its goal. This will be done by examining whether mechanisms other than explicit influence might account for the relation found between the variables of influence attempts and goal-achievement (see Section 4.3.3). Second, the aim is to explain the extent of the Dutch cabinet's influence thus found by testing the expectations of the variables of the conceptual model (see Sections 4.5 and 4.6). The third step will involve considering whether still other variables – that are not included in the conceptual model – might explain the extent of the Dutch cabinet's influence.

All in all, the issue of spuriousness is dealt with in the analysis by addressing all the actors that formally participate in the negotiation process (see Section 4.3.3) as well as by including a limited number of structural variables that are deemed to be relevant in the context of this study (see Section 4.4). In incorporating a reasonably inclusive set of actors and variables, this two-part influence analysis should make it possible to arrive at plausible conclusions about the assessment and explanation of the extent of the Dutch cabinet's influence.

The next section considers how previous empirical studies have operationalised this study's main variables (goal-achievement, influence attempts) and the extent to which their proposals are useful to this study. Section 4.9 subsequently proposes the study's own operationalisations.

## 4.8 Operationalisations in previous empirical studies

How have previous empirical studies operationalised the before-after analysis (goal-achievement) and a process analysis (particularly influence attempts)?

Braam (1981) has begun from an individual problem faced by a firm, for which it requests a solution from the (local, regional or central) government ('influence attempt') who, as the political decision-maker, makes a decision that solves or does not solve the problem ('successful' or 'unsuccessful'). Braam (1981:127) operationalised 'success' by asking respondents (representing the 130 firms selected) during an interview: 'has your objective been reached?'. In order to do justice to the nuanced reality, he initially distinguished another category – 'partially successful' – from the categories of 'successful' and 'unsuccessful'. However, he did not make clear how he determined which category applied in a specific case. Moreover, when the data were processed, the category 'partially successful' was combined with the category 'successful', thus resulting in a dichotomy.

Braam's proposal is not useful to this study as it aims to determine the goal-achievement of an actor on the basis of (comparing) written documents. In addition, Braam did not make clear how he determined which category applied in a specific case. In this sense, his operationalisation was not precise enough.

In order to operationalise 'influence attempt', Braam (1981:127) asked his respondents: 'Have you ever tried to find a solution for this problem a) by using your own resources b) by asking the government for help?' An influence attempt was thus basically operationalised as a 'request made to the government', which was (presumably) of a written nature. In a revised form, this is useful as at least one type of influence attempt that can be observed in this study.

Braam proposed an operationalisation of (influence attempts through) coalitions in the context of non-individual problems, which may be useful to this study. For the analysis of non-individual problems, the unit of analysis remained the individual firm, but the question was whether two or more firms undertook influence attempts *through a coalition* on the specific non-individual problem. To determine the goal-achievement of a specific firm, Braam (presumably) applied the same procedure as in the case of individual problems, by asking his respondents during an interview: 'have you achieved your goal?' (yes ('successful') or no ('unsuccessful'); 'partially successful' was later merged with 'successful'). In this way, the 'gains via coalitions' were determined by examining the percentage of all coalitions in which a firm did participate of being successful (cf. 'tested influence' for individual problems). In fact, Braam thus did not assess the influence of individual firms participating in a specific coalition but rather, the number of times a firm did participate in a coalition that was successful *as a whole*.

In this regard, Braam (1981:147-149) thus introduced the concept of a 'coalition'. When a non-individual problem is involved, this does not necessarily mean that the firms concerned will form a coalition. In operationalising 'coalition', Braam distinguished between three types. An influence attempt should have taken place for all three types:

- Simultaneously but separately undertaking influence attempts concerning the same non-individual problem.

During the interview, it was examined whether 1) the firms knew from each other 2) that the problem was also important for the other firm(s) and 3) have more or less simultaneously undertaken an influence attempt, preferably vis-à-vis the same governmental body.

- Undertaking a joint influence attempt concerning the same non-individual problem.

This was asked during the interview; at least one of the firms involved had to mention the joint influence attempt.

- A 'spokesman' undertakes an influence attempt, together with or separately from the firms involved, on behalf of these firms concerning the same non-individual problem.

These 'spokesmen' were tracked down, interviewed if need be, and the most important data were coded.

The first two types of coalitions proposed by Braam may be useful to this study. In terms of the first type, as the actors operate separately from one another, 'coalition' is not considered to be a proper description in this study and is instead treated as a type of influence attempt. Can Braam's operationalisation in the form of interview questions be useful to this study, i.e. translated into questions that can be posed when studying written sources? As this study aims to observe a separate influence attempt of a specific actor, it is not important whether or not 1) actors knew from each other 2) that the problem was also important for the other actor(s), but it is important that 3) they have more or less simultaneously undertaken an influence attempt, preferably vis-à-vis the same governmental body. In this study, 'more or less simultaneously' means within one and the same negotiation process



(on the Nice Treaty). The condition of ‘preferably vis-à-vis the same governmental body’ is guaranteed at least in the sense that the same 18 actors participate in the entire negotiation process and it is to one or more of them that influence attempts are directed (see Section 3.6). As a fixed set of 18 actors is involved in the negotiation process about specific issues, it is for that matter likely that they know from one another that particular issues are also important to the other actors.

Braam was right to state that as soon as more than one actor undertakes influence attempts on the same issue, it cannot be absolutely proven that one of them was a necessary condition for the resulting decision. However, this study does not agree with his ‘solution’ for this by not talking about ‘influence’ anymore but instead about ‘gains’, as both Braam and the author of this study are still interested in the same phenomenon: whether or not an actor has caused a specific effect. The least that can be done is to make *plausible* that an actor was a necessary condition, i.e. has exerted influence in a specific case. This requires, at the least, an inventory, in addition to the influence attempts of the Dutch cabinet, of the influence attempts of the other participating actors on the same issue.

Turning to Braam’s second type of coalition – undertaking a joint influence attempt on the same non-individual problem, he further operationalised this by asking a question about it during an interview, where at least one of the firms involved had to mention the joint influence attempt. This is again considered to be a type of influence attempt rather than a coalition in this study, although such a joint influence attempt is usually backed by a coalition of actors (or, in the terminology employed in this study, a ‘network’; see Section 4.9.2).

Huberts (1988; 1989) aimed to assess and explain the extent to which Dutch private actors (protest groups, pressure groups and lobby groups) and government bodies exerted their influence on 15 decision-making processes about the construction of national highways. To this end, these decision-making processes were reconstructed on the basis of archival research and interviews. Huberts operationalised ‘goal-achievement’ as whether or not an actor’s ‘demand’, or ‘goal’, is reflected in the decision that is ultimately made. The decision is a choice from several – often more than two – decision options, particularly alternative routes for a specific highway. Although Huberts made a distinction between no, much and complete goal-achievement, in practice he measured the extent of goal-achievement dichotomously (yes or no), except for one case. In keeping with Huberts, this study argues that the extent of an actor’s goal-achievement should be measured by comparing its preference with the decision ultimately made. If a precise comparison is to be made, however, it is important that the actor preferences correspond as much as possible with the menu of alternative decision options. Moreover, since there are normally more than two decision options, it is appropriate to include a category between no and complete goal-achievement. Huberts operationalised an influence attempt as an attempt to realise one’s goal through one of the following ‘strategies’: argumentation, demonstration, persuasion, litigation and contestation. In general, this study agrees with Huberts’ operationalisation, but only the strategies or types of argumentation and persuasion seem to be applicable to the specific context of this study.

Arts operationalised the extent of political influence as the extent of goal-achievement due to one’s own intervention (Arts, 1998:83). First, he examined whether the NGOs concerned had – fully or partially – achieved their goals. Arts operationalised the extent

of goal-achievement by comparing the NGOs' policy goals, deduced from documents and interviews, with the policy outcome. This resulted in an ordinal measurement of the extent of goal-achievement: 0 = no, 1 = some, 2 = substantial and 3 = much. If NGOs had not achieved their goals, no influence was attributed to them. The causal analysis only continued if NGOs had (partially) achieved their goals. This study agrees with the way Arts, more directly than Huberts, coupled an actor's goal with the outcome of the decision-making process and more explicitly indicated how the extent of an actor's goal-achievement is related to the extent of its influence. Arts also accounted for partial goal-achievement, but it is strange that the category of 'complete goal-achievement' is absent. In addition, Arts did not make completely clear how he determined whether the extent of the NGOs' goal-achievement was 0, 1, 2 or 3. '(...) Crediting remains very much dependent on the researcher's own impressions' (Arts, 1998:86).

In the causal analysis, particular attention was paid to the interventions made by NGOs. In operationalising these interventions, Arts made a distinction between protest and pressure interventions. Protest interventions concerned the organisation of activities such as a march or a ludicrous action. Pressure interventions in turn consisted of advocacy activities, such as the dissemination of a position paper, and lobby activities such as presenting an oral statement or legal advice to an individual policy-maker. The extent to which the NGOs' goal-achievement was due to their own interventions was measured in an ordinal manner: 0 = no, 1 = some, 2 = substantial and 3 = much. Besides the fact that it is again not completely clear when each value was attributed, it should be noted that the *extent of NGO interventions as such* was thus not specifically operationalised and measured. This study subscribes to Arts' focus in the process analysis on the influence attempts of the participating actors, but is of the opinion that their extent should be specified.

#### 4.9 The proposal for operationalisation

This study has one important thing in common with the studies discussed in the previous section – the aim of assessing a causal relationship in a political decision-making process, the cause being one or more actors (primarily by undertaking influence attempts) and the effect (primarily) being a decision (made by one or more actors). In keeping with these studies, it is argued that only actors that have (partially) achieved their goals according to the before-after analysis qualify for the attribution of influence. In other words, having (partially) achieved its goal is a 'necessary condition' for an actor to qualify for being a necessary condition for the effect, i.e. decision. The goal of the process analysis is subsequently to examine whether the Dutch cabinet has actually caused its goal-achievement by itself, i.e. has exerted influence, and how this influence can be explained.

What became clear from the discussion in the previous section, however, is that the purely descriptive part is in itself already rather difficult to execute, that is to say it is already difficult enough to operationalise and measure 'goal-achievement'. It can be concluded that the proposed operationalisations are not precise enough. At the same time, the first part is a 'necessary condition' for being able to move on to the even more difficult explanatory part. This study therefore propagates modesty, by proposing that as precise an operationalisation and measurement of goal-achievement as possible should first be offered, before venturing

into a causal process analysis in which plausibility is the most that can be achieved. Goal-achievement is the minimum property that should be measured.

When the first, descriptive part is not properly carried out, it does not make much sense to even start with the second, explanatory part. The first part should enable us to *prove* which actors have (partially) achieved their goals, i.e. belong to the group of potentially influential actors. The second part does not enable us to prove whether the Dutch cabinet was also actually influential (a 'necessary condition') and how this influence can be explained, but 'only' to make this *plausible* on the basis of as accurate a reconstruction of the negotiation process as possible, taking account of several agency as well as structural variables. This is a separate exercise, however, and leaves more room for interpretation by the researcher, and is presented as such in Chapter 7 only after the before-after analysis is conducted in Chapters 5 and 6. Complementing the before-after analysis with a process analysis should better enable us to provide an adequate answer to the research question.

#### 4.9.1 *The before-after analysis variables*

The 18 participating actors attempt to realise their preferences on specific issues in the outcomes of the negotiation process on the Treaty of Nice, resulting in the extent of their goal-achievement. In order to be able to carry out the first part of the influence analysis, the following operationalisations of 'preference on an issue', 'outcome' and 'extent of goal-achievement' are proposed. This is in fact an operationalisation of the before-after analysis.

##### **Preference on an issue**

###### *What?*

- The desired outcome of the negotiation process, in the shape of a specific decision option that an actor wants to realise, i.e. lay down in the Nice Treaty text.

###### *How/Where?*

- 1) Looking for the proposal that has been made on a specific issue, in the shape of a specific decision option, as laid down in formal written sources presented to the IGC (formal individual or joint written proposals).

Only if 1) does not provide (enough) information, because of the absence of a formal position paper or an absence of the preference in the paper (no text), a lack of clarity (no concrete decision option) or a presentation only as a possibility:

- 2) Informal written sources (internal, confidential notes and reports from the archives of the Dutch Foreign Affairs Ministry, European Integration Department and the European Commission, Secretariat-General, Taskforce Future of the Union and institutional matters).

###### *When?*

- Between May 1999 (the actual start of the agenda-setting process) and 14 February 2000 (the formal start of the IGC/decision-making process), and only if required extended by two months until 14 April 2000.

## Outcome (of the negotiation process)

### *What?*

- The result of the negotiation process, in the shape of a non-decision, a not-decision or a decision.
  - Non-decision: an issue that did not get an agenda status at all.
  - Not-decision: an issue that did get an agenda status, but was subsequently not decided upon.
  - Decision: an issue that did get an agenda status, after which a selection of one or a combination of two or more decision options was laid down in the final Nice Treaty text as adopted at the end of the IGC (SN 533/00 of 12 December 2000): article, Protocol annexed to the Treaty or Declaration annexed to the Final Act of the Treaty.

### *How/Where?*

#### Concerning non-decisions:

- 1a) The issue has not been officially put on the agenda by the Presidency in a formal document (e.g. CONFER document or Presidency conclusions of European Council)
- and/or 1b) The issue has not been included in a formal (CONFER) or semi-formal (e.g. SN) Presidency document preparing a specific meeting on one of the four negotiation levels
- + 2) The issue has not been discussed in terms of content by the Conference on one or more of the four negotiation levels according to written sources.

#### Concerning not-decisions:

- 1a) The issue has been officially put on the agenda by the Presidency in a formal document (e.g. CONFER document or Presidency conclusions of European Council) (formally on the agenda)
- and/or 1b) The issue has been included in a formal (CONFER) or semi-formal (e.g. SN) Presidency document preparing a specific meeting on one of the four negotiation levels (semi-formally on the agenda)
- + 2) The issue has been discussed in terms of content by the Conference on one or more of the four negotiation levels according to written sources
- + 3) No selection of one or a combination of more decision options has been laid down in the final Nice Treaty text as adopted at the end of the IGC (SN 533/00 of 12 December 2000): article, Protocol annexed to the Treaty or Declaration annexed to the Final Act of the Treaty.

#### Concerning decisions:

- 1a) The issue has been officially put on the agenda by the Presidency in a formal document (e.g. CONFER document or Presidency conclusions of European Council) (formally on the agenda)
- and/or 1b) The issue has been included in a formal (CONFER) or semi-formal (e.g. SN) Presidency document preparing a specific meeting on one of the four negotiation levels (semi-formally on the agenda)
- + 2) The issue has been discussed in terms of content by the Conference on one or more of the four negotiation levels according to written sources
- + 3) A selection of one or a combination of more decision options has been laid down in the final Nice Treaty text as adopted at the end of the IGC (SN 533/00 of 12 December 2000): article, Protocol annexed to the Treaty or Declaration annexed to the Final Act of the Treaty.

### *When?*

#### Ad 1a):

- Between May 1999 (actual start of the agenda-setting process) and the Nice European Council of 7-11 December 2000 (formal end of the IGC/decision-making process).

Ad 1b) and 2):

- Between 14 February 2000 (formal start of the IGC/decision-making process) and 11 December 2000 (formal end of the IGC/decision-making process).

Ad 3)

- 12 December 2000 (date of the final Nice Treaty text adopted at the end of the IGC, SN 533/00).

### **Extent of goal-achievement**

*What?*

- The extent to which the preferred decision option is reflected in the outcome.
  - In the case of a non-decision as the outcome:
    - 'Not achieved' (0a)
  - In the case of a not-decision as the outcome:
    - 'Not achieved' (0b)
  - In the case of a decision as the outcome:
    - In the case where the decision (option) made is not the preferred decision option:
      - 'Not achieved' (0c)
    - In the case where the decision made is a compromise between two or more decision options, one of which was the preferred decision option:
      - 'Partly achieved' (1 or 2)
    - In the case where the decision (option) made is the preferred decision option:
      - 'Completely achieved' (3)

*How/Where?*

- A comparison by the author of the preferred decision option with the outcome on the basis of the sources mentioned above for 'preference on an issue' and 'outcome'.
  - In the case of a decision as the outcome: comparing the wording of the preferred decision option with the decision made on the basis of the respective formal written sources.

### **4.9.2 The process analysis variables**

For the process analysis – the second part of the influence analysis, the following operationalisations of the agency variables 'influence resources', 'influence attempts' and 'extent of influence' as well as the structural variables 'domestic structure', 'negotiation structure' and 'external events and developments' are proposed. The operationalisations of the influence resources are in keeping with the empirical studies discussed in the context of the position and network methods (see Section 3.5.2 and 3.5.3). The operationalisations of the three structural variables build on the discussion of these variables in Chapters 2 and 3.

### **Policy positions**

*What?*

- The extent to which an actor holds a policy position during the negotiation process on an issue.
  - 1) Having a 'pivotal' position during the negotiation process on an issue as a result of having a preference on that issue that lies between two or more different preferences of the other participating actors.

- 2) Having a 'majority' position during the negotiation process on an issue as a result of having a preference on that issue being shared by (in total) a majority of the member states and/or of the participating actors.

*How/Where?*

Ad 1):

- An actor prefers a decision option that lies between two or more decision options that are preferred by the other participating actors according to the sources mentioned for 'preference on an issue' and 'influence attempts'.

Ad 2):

- An actor prefers a decision option that is shared by (in total) a majority of the member states and/or of the participating actors according to the sources mentioned for 'preference on an issue'.

*When?*

Ad 1):

- At the start and/or in the course of the IGC (14 February until 7-11 December 2000).

Ad 2):

- At the start of the IGC (14 February 2000, and only if required extended by two months until 14 April 2000).

## **Networks**

*What?*

- The extent to which an actor has an informal position, i.e. contacts with other actors, during the negotiation process on an issue on which they have common preferences.

*How/Where?*

- The number of times there has been contact (face-to-face, telephonic or written) between two (bilateral) or more (multilateral) actors during the negotiation process besides the formal and informal meetings on the four negotiation levels concerning one or more issues considering (realising) common preferences according to written sources.

*When?*

- During the IGC (14 February until 7-11 December 2000).

## **Internal coherence**

*What?*

- The presence on the part of an actor of a coherence of preferences and/or a coordination of actions.

*How/Where?*

Absence of different preferences:

- 1) Different preferences on an issue in different formal and/or informal written sources of one and the same actor

Or:

- 2) Different preferences on an issue within the same part or between different parts of an actor at the same (national) level (horizontally) or at different (national and EU) levels (vertically), according to written sources.

Absence of different actions:

- 1) Expressing a different preference on an issue during an IGC meeting on a specific negotiation level than exists within the same or a different part (horizontally or vertically) of an actor according to written sources

Or:

- 2) Expressing different preferences on an issue during different IGC meetings on the same negotiation level or at different negotiation levels according to written sources.

*When?*

- Absence of different preferences: between May 1999 and 7-11 December 2000.
- Absence of different actions: during the IGC (14 February until 7-11 December 2000).

### **Influence attempts**

*What?*

- The way in which an actor uses its influence resources in order to realise its preference on an issue in the outcome of the negotiation process.

*How/Where?*

Formal individual written proposals

- Individually presenting a written document to the IGC (with a CONFER number) in which a specific decision option for a specific issue is proposed.

Semi-formal individual written proposals

- Individually presenting a written document on the IGC that is made public and/or presented to one or more actors of the IGC (but without a CONFER number) in which a specific decision option for a specific issue is proposed.

Formal joint written proposals

- Two or more actors collectively present a written document to the IGC (with a CONFER number) in which a specific decision option for a specific issue is proposed.

Semi-formal joint written proposals

- Two or more actors collectively present a written document on the IGC that is made public and/or presented to one or more actors of the IGC (but without a CONFER number) in which a specific decision option for a specific issue is proposed.

Informal bilateral contacts

- The number of times there has been contact (face-to-face, telephonic or written) between one actor and another during the negotiation process besides the meetings on the four negotiation levels concerning one or more issues considering realising its own preference, according to written sources.

Informal multilateral contacts

- The number of times there has been contact (face-to-face, telephonic or written) between one actor and two or more other actors during the negotiation process besides the meetings on the four negotiation



levels concerning one or more issues considering realising its own preference, according to written sources.

Formal and informal IGC meetings

- The number of times an actor expresses that it is in favour of or against a specific decision option during a formal or informal IGC meeting on one of the four negotiation levels according to written sources.

*When?*

- During the IGC (14 February until 7-11 December 2000) (exception for CONFER documents presented shortly before the start of the IGC).

### **Extent of influence**

- Goal-achievement that is positively associated with influence attempts in the sense of the active use of influence resources (see Section 4.3.3 and Table 4.1 for this study's approach to assessing the extent of the Dutch cabinet's influence).

### **Domestic structure**

*What?*

- Domestic actors and factors constraining or enabling an actor during the negotiation process in general or concerning an issue in particular.
  - Actors:
    - Parliament
    - Constitutional court
  - Factors:
    - Referendum
    - Public opinion
    - Elections
    - Events and political conflicts

*How/Where?*

Parliament:

- 1) (The threat of) a parliamentary statement, in the shape of a negotiation mandate, a motion, etc., prior to (a specific part of) the negotiation process concerning an issue being in keeping with or a departure from the formal preference of an actor on that issue ('ex ante') according to written sources

Or:

- 2) An actor referring to this (threat of a) parliamentary statement during meetings or contacts during the negotiation process concerning an issue according to written sources

Or:

- 3) An actor referring during meetings or contacts during the negotiation process to the possibility or threat of a parliamentary statement by its own or another actor's parliament during the ratification process involving this parliament about the negotiation process outcome in general or an issue in particular ('ex post') according to written sources

Or:

- 4) An actor referring in written sources to the possibility or an actual threat by its own or another actor's parliament of a parliamentary statement during the ratification process involving this parliament about the negotiation process outcome in general or an issue in particular ('ex post').

Constitutional court:

- 1) (The threat of) a judicial review or another constitutional ruling before, during or after the negotiation process concerning this process in general or an issue in particular according to written sources

Or:

- 2) An actor referring during meetings or contacts during the negotiation process to the possibility, threat of or an actual judicial review or another constitutional ruling by a constitutional court in its own or another member state before, during or after the negotiation process in connection with this process in general or an issue in particular according to written sources

Or:

- 3) An actor referring in written sources to the possibility, threat of or an actual judicial review or another constitutional ruling by a constitutional court in its own or another member state before, during or after the negotiation process in connection with this process in general or an issue in particular.

Referendum:

- 1) (The possibility of) a referendum being held on the Nice Treaty (that can be) connected to the negotiation process in general or an issue in particular according to written sources

Or:

- 2) An actor referring during meetings or contacts during the negotiation process to (the possibility of) a referendum being held on the Nice Treaty in its own or another member state in connection with the negotiation process in general or an issue in particular according to written sources

Or:

- 3) An actor referring in written sources to (the possibility of) a referendum being held on the Nice Treaty in its own or another member state in connection with the negotiation process in general or an issue in particular.

Public opinion:

- 1) The existence of a specific public opinion in the EU in general or a member state in particular before or during the negotiation process (that can be) connected to this process in general or an issue in particular according to written sources

Or:

- 2) An actor referring during meetings or contacts during the negotiation process to the existence of a specific public opinion in the EU in general or its own or another member state in particular before or during the negotiation process in connection with this process in general or an issue in particular according to written sources

Or:

- 3) An actor referring in written sources to the existence of a specific public opinion in the EU in general or its own or another member state in particular before or during the negotiation process in connection with this process in general or an issue in particular.

Elections:

- 1) Elections taking place prior to, during or after the negotiation process (that can be) connected to this process in general or an issue in particular according to written sources

Or:

- 2) An actor referring during meetings or contacts during the negotiation process to elections taking place in its own or another member state prior to, during or after the negotiation process in connection with this process in general or an issue in particular according to written sources

Or:

- 3) An actor referring in written sources to elections taking place in its own or another member state prior to, during or after the negotiation process in connection with this process in general or an issue in particular

Or:

- 4) Elections taking place prior to or during the negotiation process resulting in a change in personnel of an actor according to written sources and/or resulting in a different preference on an issue (in turn possibly contributing to a different outcome) according to the sources mentioned for 'preference on an issue'.

Events and political conflicts:

- 1) The existence or occurrence of a specific event or political conflict prior to or during the negotiation process (that can be) connected to this process in general or an issue in particular according to written sources

Or:

- 2) An actor referring during meetings or contacts during the negotiation process to the existence or occurrence of a specific event or political conflict in its own or another member state prior to or during the negotiation process in connection with this process in general or an issue in particular according to written sources

Or:

- 3) An actor referring in written sources to the existence or occurrence of a specific event or political conflict in its own or another member state prior to or during the negotiation process in connection with this process in general or an issue in particular.

### **Negotiation structure**

*What?*

- Formal and informal rules on levels and phases, particularly timing, which structure the negotiation process and may enable or constrain an actor during the negotiation process in general or concerning an issue in particular.
  - Formal rules: laid down in the Treaties
  - Informal rules: established in practice
  - Levels: formal and informal meetings on four levels (1. European Council; 2. General Affairs Council; 3. Preparatory Group; 4. 'Friends of the Presidency' Group)
  - Phases, particularly timing: the time course of an issue through the weeks that the IGC takes place

*How/Where?*

Levels:

- The level at which an issue is negotiated according to written sources.

- The median of the number of times an issue is discussed during the formal and informal meetings on each of the four negotiation levels during the negotiation process according to written sources.

Phases, particularly timing:

- The time course of an issue through the IGC according to written sources.
- The average IGC week number during which an issue is discussed during the formal and informal meetings on each of the four negotiation levels during the negotiation process according to written sources.

### **External events and developments at the European level**

*What?*

- External events and developments occurring at the European level.

*How/Where?*

- 1) The occurrence of a specific event or development at the European level prior to, during or after the negotiation process (that can be) connected to this process in general or an issue in particular according to written sources

Or:

- 2) An actor referring during meetings or contacts during the negotiation process to the occurrence of a specific event or development at the European level prior to, during or after the negotiation process in connection with this process in general or an issue in particular according to written sources

Or:

- 3) An actor referring in written sources to the occurrence of a specific event or development at the European level prior to, during or after the negotiation process in connection with this process in general or an issue in particular.

## **4.10 Conclusion**

This chapter aimed to develop the conceptual and operational model for this study. In order to develop the conceptual model, the first part of the chapter specified the constituent building blocks and their mutual relations. In doing so, it has answered the following two sub-questions of this study: which variables can explain the process of EU Treaty negotiations and what kinds of expectations can be identified for each of these variables? The explanatory variables can be subdivided into agency and structural variables. Some relevant agency variables are: influence resources and the use of influence resources by means of influence attempts. Some relevant structural variables are: domestic structure, negotiation structure and external events and developments at the European level. Chapters 2 to 4 offer a theoretical answer to the central research question posed in this study: to what extent has the Dutch cabinet exerted its influence during the negotiation process resulting in the Treaty of Nice, and how can this influence be explained? The value of this answer should, of course, be uncovered by confronting the conceptual model with the empirical material (Chapter 7).

As mentioned in the previous chapter, this study aims to integrate – albeit to a limited extent – three important distinctions of the power and influence debate. This chapter has

completed the integration by finalising the conceptual model and explicating the relations among the constituent building blocks. By now explicating, as a conclusion, the integrative elements of this model, the added value of this model – and, in fact, of this study – can be stated.

Concerning the first distinction (resources vs. relation), this study adopts a relational approach to influence, focusing on actual influence, which is still rather exceptional in the field of IR and EU studies, where a power as resources approach has traditionally been dominant. At the same time, influence resources are not simply set aside as irrelevant, but instead taken to be the primary cause or agency variable in the explanation of influence. With regard to the second distinction (explicit vs. implicit, anticipated influence), the innovative element is that the focus is on the process or mechanism between cause and effect, taking influence resources as just a starting point for the analysis. Empirically, attention will be paid primarily to explicit influence via influence attempts, but the possibility of implicit, anticipated influence will also be marginally considered. In terms of the third distinction (three faces of power and agency vs. structure), this study is primarily concerned with the first face of decision-making, just as most previous empirical influence studies were, but will also pay partial attention to the second face of non-decision-making, and – between these two faces – to not-decision-making. In addition, the model includes several structural variables that co-determine the extent to which actors succeed in converting their influence resources into actual influence.

After having selected the method of influence measurement in the previous chapter, the second part of this chapter presented the operational model of this study. To this end, it asked the question of how to operationalise the selected method in the context of this empirical study. The discussion of operationalisations in previous empirical studies and their usefulness to this study made it clear that just the descriptive part of this study's method (before-after analysis) is itself already rather difficult to execute, let alone the explanatory part (process analysis). This study therefore propagates modesty, in that it will first be attempted to measure as precise as possible the extent of goal-achievement of the Dutch cabinet (Chapter 5) and the other participating actors (Chapter 6). Only after this will a causal process analysis be undertaken on the basis of a detailed reconstruction of the negotiation process, taking account of several explanatory agency and structural variables (Chapter 7). Although a process analysis leaves more room for interpretation by the researcher, complementing the before-after analysis in this way should better enable us to provide an adequate answer to the research question. This debate will be returned to in Section 8.5.2.

## CHAPTER 5

# The before-after analysis

## Assessing the extent of the Dutch cabinet's goal-achievement

### 5.1 Introduction

In Chapter 3, the method of influence measurement for this study was selected, which consisted of two parts: a descriptive before-after analysis complemented by an explanatory process analysis. The conceptual model was then presented in Chapter 4 and it was made clear how the different variables of this model are operationalised in the context of the two-part influence analysis. This chapter will conduct the before-after analysis for the Dutch cabinet and the analysis will be conducted for the other participating actors in the next chapter. The before-after analysis involves a measurement of the extent of goal-achievement. The extent of goal-achievement is determined by comparing the preference on an issue, as laid down in formal and informal written sources, with the outcome of the negotiation process on this issue, namely a non-decision, a not-decision or a decision. The operationalisations of preference, outcome and extent of goal-achievement have been presented in Section 4.9.1.

In Sections 5.3-5.7, the extent of the Dutch cabinet's goal-achievement is assessed for all 24 selected issues within the five selected dossiers of the Nice Treaty negotiations. This is done in order to establish the issues that the Dutch cabinet qualifies for being a potentially necessary condition for the outcome, i.e. making it a potentially influential actor. In general, these sections follow the format of successively outlining the respective issue, the possible outcomes, the negotiation process resulting in the final outcome, the Dutch cabinet's preference and the extent of the Dutch cabinet's goal-achievement. Each of these sections ends with a summary table, indicating for each of the issues in the respective dossier the Dutch cabinet's preference, the outcome of the negotiation process and the extent of the Dutch cabinet's goal-achievement. More detailed versions of the summary tables, in which all the sources that were used to measure the three variables are included, can be found in Annex 4.

Before presenting the empirical results of the before-after analysis for the Dutch cabinet, a few notes are made in Section 5.2 on how the dossiers and issues were selected, the data sources used, the study's choice of the 'preference' concept and the 'deadline' and establishment of the before-preference. Finally, Section 5.8 provides some conclusions and reflections on the analysis.

## 5.2 Assessing the extent of goal-achievement of the Dutch cabinet

### 5.2.1 *A note on the selection of dossiers and issues*

As the before-after and process analyses are rather labour-intensive, it is not feasible to study the Nice Treaty negotiation process in its entirety (see Section 1.5). Therefore, a selection has been made from among the dossiers and issues that have been a part of the negotiation process. This matter is approached by connecting to the approach of the Portuguese Presidency during the first half of 2000 to divide the IGC agenda into the following five 'negotiation boxes' (see Section 2.3.3):

- 1) Size and composition of the Commission
- 2) Weighting of votes in the Council
- 3) Extension of QMV
- 4) Other institutional issues ('other necessary amendments to the Treaties arising as regards the European institutions in connection with the above issues and in implementing the Treaty of Amsterdam'), according to the Presidency in any case:
  - the size and competences of the European Parliament
  - the size and working division of the Court of Justice (and the Court of First Instance)
  - the size and competences of the Court of Auditors
  - the individual responsibility of Commissioners
  - the conditions for closer cooperation
- 5) Possible additional issues (to be added to the agenda on the proposal of the Presidency later on during the Conference):
  - ESDP
  - Charter of Fundamental Rights

The first three boxes concern the 'leftovers', which in practice formed one category of subjects besides the two categories of other institutional issues and possible additional issues. This study speaks of 'dossiers', which most of the time in turn consisted of 'issues'. If all three categories are to be represented in the selection, a selection should be made from each category. It appeared to be feasible to study five dossiers in total within the restricted time period of this study. As the three leftovers constituted the main dossiers of the agenda, two of them are selected: the size and composition of the Commission and the weighting of votes in the Council. From the rather large second category, two dossiers are also selected: the Court of Auditors and closer cooperation. From the third category, the ESDP is selected (the Charter of Fundamental Rights was eventually not put on the agenda of the IGC).

To determine which issues within the five selected dossiers to study, the decisions that have ultimately been made are not taken as the starting point, but rather, the preferences expressed by the Dutch cabinet in its formal position paper of 15 November 1999, which was presented to the IGC as CONFER 4720/00 on 6 March 2000. Thus, all the issues within the selected dossiers on which the Dutch cabinet expressed a preference are selected for the first round of the before-after analysis: the assessment of the extent of goal-achievement of the Dutch cabinet as actor A. In total, the Dutch cabinet presented preferences on 24 issues within the five dossiers selected for this study (see Table 5.1).



Table 5.1 *The Nice Treaty dossiers and issues selected for this study*

Court of Auditors	ESDP	Closer cooperation	Commission	Weighting of votes
Size	Treaty change	Minimum requirement	Size and composition	Type of system
Internal chambers	WEU	Veto possibility		General weighting
SOA	PSC	Differentiated membership		Individual weighting
Contact Committee	NATO	Treaty division		
Appeal ECJ	Military Committee			
Same powers	Military Staff			
Financial management	Financial articles			
OLAF				
Instruction				

Issues within the selected dossiers on which the Dutch cabinet had no formal preference, but on which decisions were yet to be made, are not included in the analysis. It should therefore be explicitly stated and recognised that the original pool of issues has a bias in the direction of the Dutch cabinet. This starting point is not chosen just because of this study's focus on the Dutch cabinet as actor A, but also because it enables us to pay attention to non-decision-making and not-decision-making (see Section 3.6). This is thus done only from the perspective of the Dutch cabinet and not of the other participating actors. By starting with preferences and not, for example, with influence attempts, a greater part of the whole influence process can be examined. The study can consider whether and to what extent the preferences of the Dutch cabinet were followed by influence attempts, resulting in issues being put on the agenda or not (non-decisions) and resulting in issues being decided on or not (not-decisions).

### 5.2.2 *A note on the data sources used*

Primary, written sources have been mainly used to collect the data required to apply the influence analysis (see Section 1.5). A distinction can be made between formal, semi-formal and informal written sources. This study mainly refers to formal written sources as those that were made public in the sense that they were presented to the IGC as CONFER documents. There are also formal sources that were made public but not presented to the IGC, but these are used rather exceptionally.

Informal written sources are documents that were not made public, but instead constructed for internal, confidential use by one or more of the participating actors. These documents were found in the two archives that were consulted for the purposes of this study. The first is the archive of the Dutch Foreign Affairs Ministry, European Integration Department (FA/DIE). The second is the archive of the European Commission, Secretariat-General, Taskforce Future of the Union and institutional matters. References in this study to these informal archival documents are preceded by 'FA/DIE' and 'Commission', respectively. A precise description of the files that have been used and the way they are referred to in this study can be found under 'References: informal documents (archives)'. In addition, a normal access to documents request was made at the Council of Ministers on the basis of Regulation 1049/2001, after it became clear that special access would not be granted to more informal documents of its archive as in the case of the Dutch and Commission

archives. This request did indeed result in access being provided to almost exclusively formal documents, except for some semi-formal documents. A more detailed description of the access procedures and the general research process is found in Annex 1.

The informal documents of the Dutch and Commission archives were mainly general notes and memoranda on the IGC, and preparatory notes for and reports of specific IGC meetings and all other kinds of bilateral and multilateral meetings. Preparatory notes usually contain instructions on the stake of the respective actor that should be put forward by its representatives during the meeting. This stake was often laid out in a complementary note with 'speaking points'. Preparatory notes often also provide some background information about the negotiations, such as the (perceived) positions of the other participating actors. Reports of the meetings are usually made by one of the actor's officials who are present (in this case from the Dutch IGC Taskforce, the Dutch Permanent Representation or the Commission IGC Unit). In the case of the Dutch Foreign Affairs Ministry, the archive also included notes from the different Dutch embassies offering information about specific positions of the actor where the embassy is based and providing an account of (bilateral) meetings with that actor.

Documents that may be classified as being somewhere between formal and informal documents are referred to as semi-formal documents in this study. These are primarily Council documents issued by the Presidency, not with CONFER but with SN numbers. Sometimes these documents could be obtained via the Internet, other times they were (only) found in one of the archives.

This study primarily uses formal and semi-formal written sources to apply the before-after analysis. Thus, in order to detect the preferences of actors, the position papers that were presented to the IGC as CONFER documents were taken as the starting point. Complementary informal written sources have also been made use of (see further Section 5.2.4). Presidency papers and progress reports, as well as draft Treaty texts have been used to assess the outcome of the negotiation process on specific issues. These are all CONFER or SN documents. The final yardstick was the adoption of the draft Treaty text at the end of the Nice European Council (SN 533/00, 12 December 2000). The study has principally made use of informal written sources in applying the process analysis.

Thus, the Treaty text published in the Official Journal several months later on 10 March 2001 (2001/C 80/01) was not used as the final yardstick in establishing the outcomes of the negotiation process. As indicated in Section 1.2.2, this study focuses on the negotiation process, which was concluded during the Nice European Council of 7-11 December 2000. The Treaty text adopted during the end summit of an IGC normally goes through a juridical-linguistic check before it appears in the Official Journal. This may result in a final Treaty text on a specific issue that is differently formulated. Most of the time, different formulations do not have substantive consequences, but sometimes do. Although the Official Journal version was not used as the final yardstick, *substantive* differences with the draft Treaty text adopted at the end of the IGC will be reported. Moreover, in the specific case of the Nice Treaty, the text adopted by the European Council contained some contradictions to do with the outcome of the weighting of votes. This outcome had to be revised and an element of renegotiation inevitably crept into this undertaking. By way of exception, the result (SN 533/1/00 rev1, 22 December 2000) is taken into consideration as a yardstick as far as the Weighting of votes dossier is concerned (see Section 5.7 for further discussion).

### 5.2.3 *A note on the choice for the 'preference' concept*

The before-after analysis as applied in this study makes a comparison between an actor's preference on a specific issue, as laid down in formal (and secondarily, informal) written sources and the outcome of the negotiation process, namely a non-decision, a not-decision or a decision. The latter is laid out in the Treaty text adopted at the end of the negotiation process. Taking the concept of 'preference' as a starting point may, however, evoke several criticisms.

First, as was already touched on when discussing the third face of power (Section 3.4), Lukes (1974) has argued that one should focus on an actor's 'real interest' rather than its expressed preference. When aiming to establish an actor's real interest in a specific instance, however, one is dependent on highly controversial theoretical assumptions (Dahl & Stinebrickner, 2003:14-18). In addition, it is empirically hardly or not at all possible to detect an actor's real interest. For this reason, this study takes the concept of 'preference' as its starting point (cf. Nagel, 1975), which is both less theory-loaded than the concept of interest and more feasible to study empirically.

Second, taking the concept of preference as a starting point certainly does not solve all problems. There are several reasons why a preference expressed by an actor in its formal position paper – this study's starting point operationally – need not necessarily be its 'real' preference. An actor may express a 'bargaining' preference during the negotiation process, which is different from its 'real' preference. An actor might, for example, take a rather 'extreme' position on an issue in order to increase the chances of arriving at a compromise that is as close to its 'real' preference as possible. In short, an actor may have a hidden, real agenda that is different from its visible, official agenda. This issue has been raised both in the power and influence literature (e.g. Dahl, 1963) and in the literature on EU (Treaty) negotiations (e.g. Stubb, 2002:27; Van Schendelen, 2005:158-159). An actor may also hide its internal divisiveness on an issue behind a general or ambiguous – in short, unclear – preference (Smith, 2002:213; Van Schendelen, 2005:158-159). As will be made clear in the empirical analysis in this and the next few chapters, an actor's attempt to obscure its internal divisiveness may also be less successful: different documents on the same actor may reveal different preferences and/or different preferences may result in divergent influence attempts during the negotiations at the EU level. Finally, at the start of the negotiation process, but also thereafter, an actor may simply not (yet), or only vaguely, know what its preference on an – often very complex – issue is. As a result, an actor may include in its position paper or express during a meeting a general, i.e. unclear preference or no preference at all.

Third and as a result of the three reasons just mentioned, an actor's preference on a specific issue is often not pre-defined and fixed, but may only be formed and change throughout the course of the negotiation process. More generally, an EU Treaty negotiation process could be considered to be a messy and confusing learning process (see Section 1.4), in which actors may easily change their preferences when reacting to the flow of the negotiations. These changes may be the result of new ideas, approaches, alternative options or information becoming available during the negotiation process, but sometimes preferences change for no apparent reason at all (Smith, 2002; Stubb, 2002:7-8, 25-28, 152). To complicate matters even more, an actor's preference may also change in the course

of the negotiation process as a result of the exertion of influence by one or more of the other participating actors. Yet the rationale behind distinguishing between a before-after analysis and a process analysis is precisely to separate the mutual exertion of influence between the participating actors from the original preferences of these actors at the start of the negotiation process. Despite all the problems involved with the concept of preference, applying a before-after analysis requires there to be an 'original' preference of an actor on a specific issue and requires that it be established.

#### 5.2.4 *A note on the 'deadline' and establishment of the before-preference*

The foregoing touches on the question of how this study operationally aims to establish the preferences of the participating actors. In particular, where should the study fix the 'deadline' of the before-preference and how can this preference be ultimately established?

Assuming that there is such a thing as an original preference of an actor is not to say that the study should go back as far as possible to discover this preference. As mentioned earlier, preferences may change over the course of time. In the context of this study in particular, an actor may have different preferences on the same issue during the Amsterdam Treaty negotiations on the one hand and the Nice Treaty negotiations on the other. What is at risk of being discovered when the deadline is fixed too early is the preference of an actor in the context of the Amsterdam Treaty negotiation process instead of the Nice Treaty negotiation process. What the study wants to find out is the preference with which an actor entered the Nice Treaty negotiation process. This negotiation process officially began on 14 February 2000, when the IGC began. Yet the deadline should not be fixed too late either, because otherwise the original preferences of actors may get mixed up with their potentially altered preferences in the course of the negotiation process. In light of this study's research question, these preference changes may particularly be the result of the mutual exertion of influence during the negotiation process. Although the negotiation process might have actually begun before the official start on 14 February 2000, this date is considered to be early enough to be an adequate deadline for the before-preference.

As preferences that are not yet concerned with the Nice Treaty negotiation process are not intended to be included, a date *from when* data on actor preferences are taken into account should also be fixed. The most logical date to choose is May 1999, when member state representatives discussed the agenda for the Nice IGC for the first time. There might, however, be a contradiction between a source dating from, for example, June 1999 and a source dating from, for example, January 2000. In such a case, the contradiction will be discussed and settled in view of the fact that the study wants to establish the preference with which the actor entered the negotiation process on 14 February 2000.

The problem with 14 February 2000 is, however, that often not enough data has been found prior to this deadline to establish an actor's preference. From the 10 actors that presented a formal position paper to the IGC, only two – Austria and the European Commission, actually meet this deadline. As these position papers are formal primary sources which can be assumed to contain more reliable and verifiable data than informal primary sources and formal and informal secondary sources, it is not reasonably justifiable to leave them out of consideration. Therefore, it has been decided to extend the deadline by two months until 14 April 2000 as far as the formal written sources are concerned, so that all

formal position papers can be included in the analysis, the last of which was the European Parliament's opinion paper of 13 April 2000 (CONFER 4736/00, 3 May 2000).

In using the different sources of this study to assess an actor's preference, a hierarchy is created between them. The formal position paper of an actor (if it issued one) is taken as the starting point and this is complemented by all the informal written sources that have been found for this actor prior to 14 February 2000. If these sources are consistent with one another, an actor's preference can be concluded accordingly. If an actor did not table a formal position paper or the paper contained no or an unclear preference, or the formal written sources (before 14 April 2000) and informal written sources (before 14 February 2000) contradict one another, the deadline is extended by two months until 14 April 2000 as far as the informal written sources are concerned as well. As the negotiation process had already been underway for two months by 14 April 2000, however, only data from after 14 February 2000 – apart from the formal position papers – will be processed if necessary, to assess an actor's preference. If this is done, it would account for the possibility that an actor's preference has already changed from its original preference.

In most cases, the proposed procedure provides clarity on an actor's preference. In the rather exceptional case of contradictory sources, however, formal written sources normally precede informal written sources in this study and 'direct' informal written sources (a note by the actor itself or a report of a meeting) precede 'indirect' informal written sources (a note by another actor about the actor). Yet contradictory sources may be a result of an actor taking a 'bargaining' preference or being internally divided. In such a case, informal written sources might reveal the 'real' preference of an actor or make clear that an actor is actually internally divided on the issue. These possibilities will be taken into consideration in such a case.

An additional problem, however, is that although formally it can be stated that the agenda-setting process began in May 1999 and the decision-making process on 14 February 2000, in practice these two processes evolved differently for each dossier and each issue (see Section 2.5). As a result, it is in fact not possible to fix one, general deadline. Some dossiers or issues emerged or were put on the agenda only in the course, or even at the end, of the negotiation process. The result of this was that (the other participating) actors only then started to think about their preferences or at least only then expressed their preferences, which had not necessarily been the case until that point in time. In such a case, it is not always possible to assess the preferences of these actors. This is discussed and justified for each case separately when the before-after analysis for the other participating actors is conducted in the next chapter.

### 5.3 Court of Auditors

In general, the Court of Auditors dossier was officially put on the agenda by the Finnish Presidency in its conclusions of the Helsinki European Council of 10-11 December 1999 (SN 300/1/99 rev), referring to the Presidency report to this European Council of 7 December 1999 (Council of the European Union, 1999a). In this report, the Court of Auditors was mentioned in general as an agenda issue, particularly its size. However, in attempting to put the Court of Auditors dossier on the agenda, the Dutch cabinet was

primarily focused on strengthening the position and functioning of the Court rather than on its size and composition. To this end, the Dutch cabinet first came up with specific proposals in its formal position paper (CONFER 4720/00, 6 March 2000) on the following issues: SOA, Contact Committee, Appeal ECJ, Same powers, Financial management, OLAF and Instruction. These issues do, in fact, originate from the proposals of the Dutch cabinet in its position paper. In the first Benelux memorandum (CONFER 4721/00, 7 March 2000), no preferences were included on these issues. Except for the Instruction issue, the Dutch cabinet attempted to put them on the agenda by including the issues in a non-paper, made up by the Finance Ministry in collaboration with the Dutch Court of Auditors and the Foreign Affairs Ministry (DIE), which was eventually presented to the Conference as CONFER 4773/00 on 20 September 2000. This was a success in the sense that the Presidency asked for the attention of the delegations to the Dutch proposals in its note for the Preparatory Group of 25 September 2000 (CONFER 4772/00, 20 September 2000). The proposals were indeed discussed during this meeting (Commission report, 25 September 2000 and FA/DIE report, 28 September 2000). Thus, the issues were only put on the agenda by the Presidency on 20 September 2000. Before then, they were not yet a part of decision-making, but still part of the agenda-setting process.

### 5.3.1 *Size*

Although the Treaty did not prescribe that the Court of Auditors consist of one member from each member state, this had practically always been the case. The main question concerning the size of the Court of Auditors was whether or not this principle of one member from each member state should be maintained after the coming enlargement, or whether the size should be ‘frozen’ (at 15 members) or decreased (for example at 12 members, as proposed by the European Commission in its opinion paper of 26 January 2000, CONFER 4701/00). The following possible outcomes were at stake during the negotiation process:

*Size:* size of the Court of Auditors

A = one member from each member state

B = status quo; old Article 247(1) TEC: ‘The Court of Auditors shall consist of 15 Members’

C = decreasing to less than 15 members (e.g. 12)

T = not-decision

N = non-decision

Options A and B boiled down to the same thing during the negotiations, as the EU consisted of 15 member states at the time.

In a note by the French Presidency on 20 September 2000 (CONFER 4772/00), option A was for the first time presented as a draft amendment:

‘The Court of Auditors shall consist of one Member per Member State.’

In an informal Presidency document of 3 November 2000 (SN 506/00), option A was still presented as a proposal that had a high chance of being adopted by the Conference. In the first progress report by the French Presidency (CONFER 4790/00), presented on the same



date, option A was presented in the form of a slightly different draft amendment, which would become the final outcome:

‘The Court of Auditors shall consist of one national from each Member State.’

The same draft amendment was included in the revised progress reports of 23 November 2000 (CONFER 4810/00) and 30 November 2000 (CONFER 4815/00), in the draft Treaty of Nice of 6 December 2000 (CONFER 4816/00) and in the final Treaty text adopted at the end of the IGC (SN 533/00, 12 December 2000). This also applies to the Official Journal version of the Nice Treaty (art. 247(1) TEC).

This decision thus resulted in the continuation of the existing *practice* of one member from each member state, but implied that the size of the Court of Auditors would increase with each new acceding member state.

#### *The Dutch cabinet's preference and goal-achievement*

In its formal position paper of 15 November 1999, presented to the Conference as CONFER 4720/00 on 6 March 2000, the Dutch cabinet did not explicitly express a preference for A, but did so implicitly. The first Benelux memorandum (CONFER 4721/00, 7 March 2000) did not specify a clear preference. Option A is confirmed as the Dutch cabinet's preference by three informal sources – two that report on the Preparatory Group meeting of 25 February 2000 (FA/DIE report, 28 February 2000 and Commission report, 14 March 2000) and one FA/DIE note (unknown date). In another FA/DIE note from 5 April 2000, it became clear that the Dutch cabinet was internally divided on this issue: the Foreign Affairs Ministry (DIE) preferred A, but the Finance Ministry preferred B. In the course of the negotiation process, it appears that the Finance Ministry had ‘beaten’ the Foreign Affairs Ministry (DIE): the Finance Ministry's preference for B is reflected in the (third) Dutch position paper of 9 May 2000 and in the non-paper version of 6 June 2000.

As the outcome was option A, it can be concluded that the Finance Ministry's goal-achievement is 0, but the Foreign Affairs Ministry's (DIE) goal-achievement is 3. As the Foreign Affairs Ministry can be considered to have been the primary representative of the Dutch cabinet during the Nice Treaty negotiations, its preference for A is taken as the preference of the Dutch cabinet, which therefore has completely achieved its goal (3).

#### **5.3.2** *Internal chambers*

The issue of creating (the possibility of) internal chambers within the Court of Auditors was a derivation of the issue of its size. As a great majority of the delegations appeared to be in favour of one member from each member state during the Preparatory Group of 25 February 2000 (FA/DIE report, 28 February 2000 and Commission report, 14 March 2000), the Portuguese Presidency asked the question in a Presidency note on the Preparatory Group of 16 May 2000 (CONFER 4741/00, 11 May 2000) whether the principle of one per member state would necessitate the possibility for the Court of Auditors to establish internal chambers. In doing so, the Presidency put the issue on the agenda of the IGC. The following outcomes were possible during the negotiation process:



*Internal chambers:* (the possibility of) establishing internal chambers within the Court of Auditors

A = yes: creating (the possibility of) internal chambers within the Court of Auditors

B = no: not creating (the possibility of) internal chambers within the Court of Auditors

T = not-decision

N = non-decision

The outcome of the negotiation process was option A, which was for the first time presented as a draft amendment in a note by the French Presidency on 20 September 2000 (CONFER 4772/00):

‘[It [the Court of Auditors] shall adopt its annual reports, special reports or opinions by a majority of its Members.] However, it may establish internal chambers in order to adopt certain categories of reports or opinions under the conditions laid down by its Rules of Procedure.’

As with the Size issue, it continued to be presented as a proposal that had the highest chance of being adopted by the Conference in SN 506/00 of 3 November 2000. The same draft amendment as above was subsequently included in CONFER 4790/00 of 3 November 2000, CONFER 4810/00 of 23 November 2000, CONFER 4815/00 of 30 November 2000, CONFER 4816/00 of 6 December 2000 and in SN 533/00 of 12 December 2000 (the final Treaty text adopted at the end of the IGC). The Official Journal version of the Nice Treaty also includes an identical formulation (art. 248(4) TEC).

#### *The Dutch cabinet's preference and goal-achievement*

In its formal position paper of 15 November 1999 (CONFER 4720/00, 6 March 2000), the Dutch cabinet only presented option A as ‘worth considering’, but its preference for A is confirmed by three informal FA/DIE sources (FA/DIE note, 16 February 2000; FA/DIE note, unknown date; FA/DIE note, 5 April 2000). No preference was specified in the first Benelux memorandum (CONFER 4721/00, 7 March 2000). The Dutch cabinet has therefore completely achieved its goal (3).

### 5.3.3 SOA

As pointed out in Section 5.3, the SOA issue did actually originate from the Dutch cabinet's proposal in its position paper rather than being an issue of concern for the actors in general. The decision options are therefore reconstructed and simplified as (being in favour of) the Dutch cabinet's proposal (A) and being against it (B). The following were thus the possible outcomes during the negotiation process:

SOA: producing, in addition to the ‘overall’ statement of assurance (SOA), ‘sectoral’ SOAs on specific policy areas

A = yes: producing, in addition to the ‘overall’ SOA, ‘sectoral’ SOAs on specific policy areas

B = no: not producing, in addition to the ‘overall’ SOA, ‘sectoral’ SOAs on specific policy areas

T = not-decision

N = non-decision

In the first progress report by the French Presidency (CONFER 4790/00, 3 November 2000), the following draft amendment was included:

‘This [overall] statement shall include an opinion in each major area of Community activity’.

This almost literally resembled the Dutch proposal in CONFER 4773/00 of 20 September 2000: ‘The statement shall include an opinion on each major individual area of Community activity’. However, it was a weakened version of its original proposal in CONFER 4720/00 of 6 March 2000 and in earlier, internal versions of the non-paper up to and including the last internal version from 14 September 2000 (FA/DIE non-paper, 5 April 2000, 6 June 2000 and 14 September 2000).

In the revised versions of the progress report of 23 November 2000 (CONFER 4810/00) and 30 November 2000 (CONFER 4815/00), a slightly different draft amendment was proposed:

‘This [overall] statement shall be supplemented by a specific assessment for each major area of Community activity’.

In the draft Treaty of 6 December 2000 (CONFER 4816/00) and the final version of the Nice Treaty (SN 533/00, 12 December 2000), the amendment was somewhat weakened:

‘This [overall] statement **may** be supplemented by a specific assessment for each major area of Community activity’ (bold added, SL).

In the Official Journal version of the Treaty of Nice, it is stated as ‘specific assessments’ instead of ‘a specific assessment’, but this makes no substantial difference (art. 248(1) TEC). The ultimate outcome of the negotiation process can be said to be a combination of A and B. The Treaty of Nice did not create the possibility of complementing the overall statement of assurance with *separate statements of assurance* for policy areas, but only of supplementing the overall statement of assurance with *assessments* for policy areas. Moreover, this is only a possibility (‘may’) and not an obligation (‘shall’, CONFER 4790/00, 4810/00 and 4815/00).

#### *The Dutch cabinet’s preference and goal-achievement*

The Dutch cabinet was in favour of and actually ‘responsible’ for – proposing it in its formal position paper – option A with regard to the SOA issue. The Treaty of Nice did not produce the possibility of complementing the overall statement of assurance with *separate statements of assurance* for policy areas, as the Dutch cabinet preferred, but only of complementing it with *assessments* for policy areas. In addition, this is only a possibility (‘may’) and not an obligation (‘should’, as the Dutch cabinet originally wanted). For these two reasons, it can be concluded that the Dutch cabinet has achieved the greater part of its goal, but not completely (2).

#### **5.3.4** *Contact Committee*

The following were the possible outcomes of the Contact Committee issue during the negotiation process:

*Contact Committee*: establishing a Contact Committee, consisting of the Presidents of the Court of Auditors and the national auditing bodies

A = yes: establishing in the Treaty itself a Contact Committee, consisting of the Presidents of the Court of Auditors and the national auditing bodies

B = yes: establishing in a Declaration attached to the Final Act of the IGC a Contact Committee, consisting of the Presidents of the Court of Auditors and the national auditing bodies

C = no: not establishing in the Treaty itself or in a Declaration attached to the Final Act of the IGC a Contact Committee, consisting of the Presidents of the Court of Auditors and the national auditing bodies

T = not-decision

N = non-decision

Although it was not included in the Treaty text itself, a draft proposal for a Declaration to be attached to the Final Act of the IGC creating the possibility of establishing a Contact Committee was for the first time included in CONFER 4815/00 of 30 November 2000:

‘The Conference invites the Court of Auditors and the national audit institutions to improve the framework and conditions for cooperation between them, while maintaining the autonomy of each. To that end, a contact committee may be set up composed of the chairmen of the national audit institutions and the President of the Court of Auditors.’

A slightly differently formulated version of the draft Declaration was included in the draft Treaty of 6 December 2000 (CONFER 4816/00) and also in the final version of the Nice Treaty (SN 533/00, 12 December 2000):

‘The Conference invites the Court of Auditors and the national audit institutions to improve the framework and conditions for cooperation between them, while maintaining the autonomy of each. To that end, the President of the Court of Auditors may set up a contact committee with the chairmen of the national audit institutions.’

The same Declaration (no. 18) was annexed to the Final Act of the IGC according to the Official Journal version of the Nice Treaty. The ultimate outcome of the negotiation process can be said to be a combination of B and C, in the sense that although a Declaration was indeed adopted, the establishment of a Contact Committee was only presented in it as a possibility (‘may’) and not as a certainty.

#### *The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet was in favour of and actually ‘responsible’ for – proposing it in its formal position paper – option A with regard to the Contact Committee issue. The fact that the ultimate outcome was only a Declaration, whereas the Dutch cabinet preferred to give the Contact Committee a basis in the Treaty, should weigh rather heavily when determining the extent of its goal-achievement. Besides, the setting up of a Contact Committee was only a possibility, not a guarantee (Dutch cabinet: ‘should’). In addition, the Dutch cabinet suggested in its position paper the possibility for the Committee to release a yearly report to the European Parliament and the Council on the results of its activities. A specification of the responsibilities of the Committee of such a type did not make it into the Declaration. It can therefore be concluded that the Dutch cabinet has achieved its goal only to a limited extent (1).

### 5.3.5 *Appeal ECJ*

As with the SOA issue, the possible outcomes of the Appeal ECJ issue that were at stake during the negotiation process can be reconstructed and simplified as follows:

*Appeal ECJ*: granting the Court of Auditors the right of appeal at the European Court of Justice (ECJ) against a member state that fails to comply adequately with its request for information

A = yes: granting the Court of Auditors the right of appeal at the ECJ against a member state that fails to comply adequately with its request for information

B = no: not granting the Court of Auditors the right of appeal at the ECJ against a member state that fails to comply adequately with its request for information

T = not-decision

N = non-decision

Although this issue was also put on the agenda by the Presidency on 20 September 2000 and discussed at least once during the Preparatory Group of 25 September 2000, as indicated earlier, no decision has been made on it. That is to say that no amendment has been included in the final Treaty, in a Protocol attached to the Treaty or in a Declaration attached to the Final Act of the IGC. The issue therefore resulted in a not-decision from the perspective of the Dutch cabinet.

#### *The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet was in favour of and actually 'responsible' for – proposing it in its formal position paper – option A concerning this issue. As this issue resulted in a not-decision from the perspective of the Dutch cabinet, it has not achieved its goal (0b).

### 5.3.6 *Same powers*

The possible outcomes of the Same powers issue during the negotiation process can be reconstructed and simplified as follows:

*Same powers*: requiring the member states to provide the national auditing bodies with the same powers as the Court of Auditors with regard to audits of flows of Community funds within the member state in question

A = yes: requiring the member states to provide the national auditing bodies with the same powers as the Court of Auditors with regard to audits of flows of Community funds within the member state in question

B = no: not requiring the member states to provide the national auditing bodies with the same powers as the Court of Auditors with regard to audits of flows of Community funds within the member state in question

T = not-decision

N = non-decision

As part of the Dutch proposals of CONFER 4773/00, this issue was put on the agenda by the Presidency on 20 September 2000 and discussed at least once during the Preparatory Group of 25 September 2000. As with the Appeal ECJ issue, however, no decision has been made on this issue, resulting in a not-decision from the perspective of the Dutch cabinet.

*The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet expressed a preference for option A in its formal position paper. As this issue resulted in a not-decision from the perspective of the Dutch cabinet, it can be said to not have achieved its goal (0b).

**5.3.7** *Financial management*

The possible outcomes of the Financial management issue can be reconstructed and simplified as follows:

*Financial management*: some provisions to improve the financial management of the EU

A = yes: improving the financial management of the EU

B = no: not improving the financial management of the EU

T = not-decision

N = non-decision

This issue was also part of the Dutch proposals of CONFER 4773/00 and as such put on the agenda by the Presidency on 20 September 2000. It was discussed at least once during the Preparatory Group of 25 September 2000. Again, no decision has been made on this issue; it resulted in a not-decision from the perspective of the Dutch cabinet.

*The Dutch cabinet's preference and goal-achievement*

In its formal position paper, the Dutch cabinet called for option A. As this issue also resulted in a not-decision for the Dutch cabinet, it has not achieved its goal (0b).

**5.3.8** *OLAF*

The possible outcomes of the OLAF issue can be reconstructed and simplified as follows:

*OLAF*: providing autonomy to the European anti-fraud office OLAF (Office européen de Lutte Anti-Fraude), i.e. making it independent from the European Commission

A = yes: providing autonomy to OLAF, i.e. making it independent from the European Commission

B = no: not providing autonomy to OLAF, i.e. making it independent from the European Commission

T = not-decision

N = non-decision

This issue was put on the agenda by the Presidency on 20 September 2000 – as part of the Dutch proposals of CONFER 4773/00 – and discussed at least once during the Preparatory Group of 25 September 2000. No decision was made, resulting in a not-decision from the perspective of the Dutch cabinet.

*The Dutch cabinet's preference and goal-achievement*

In its formal position paper, the Dutch cabinet stated that it was in favour of option A. As this issue resulted in a not-decision from the perspective of the Dutch cabinet, it has not achieved its goal (0b).

### 5.3.9 Instruction

Finally, with regard to the Instruction issue, as it has not (officially) been part of the negotiation process, the possible outcomes can be reconstructed and simplified as follows:

*Instruction:* instructing the EU ‘legislator’ to specify in more detail the information and auditing competences of the Court of Auditors

A = yes: instructing the EU ‘legislator’ to specify in more detail the information and auditing competences of the Court of Auditors

B = no: not instructing the EU ‘legislator’ to specify in more detail the information and auditing competences of the Court of Auditors

T = not-decision

N = non-decision

#### *The Dutch cabinet’s preference and goal-achievement*

The Instruction proposal (option A) was included in the position paper of 15 November 1999, which was presented to the IGC – as an influence attempt – on 6 March 2000 (CONFER 4720/00). This document was probably made up by FA/DIE. However, the issue was not reflected in the first draft of the non-paper, which was drafted by the Finance Ministry in collaboration with the Dutch Court of Auditors and FA/DIE (FA/DIE note, 5 April 2000). According to the note from 5 April 2000, this proposal encountered resistance from the Dutch Court of Auditors and the Finance Ministry also thought it was going a bit too far. As the proposal was not included in the non-paper, which was later (20 September 2000) presented to the IGC as the main Dutch influence attempt on this dossier, apart from its position paper the Dutch cabinet (probably) did not undertake further influence attempts regarding putting this issue on the agenda and realising its proposal in the Treaty text. The issue was thus not put on the agenda, let alone discussed, during the negotiation process. Therefore, it resulted in a non-decision from the perspective of FA/DIE (but not from the perspective of the Dutch Court of Auditors and the Ministry of Finance!). The Dutch cabinet has thus not achieved its goal (0a).

Table 5.2 *The extent of the Dutch cabinet’s goal-achievement for the Court of Auditors* (see Table 1 in Annex 4 for more details)

Court of Auditors	Preference	Outcome	Extent of goal-achievement
Size	Decision option A	Decision option A	Full (3)
Internal chambers	Decision option A	Decision option A	Full (3)
SOA	Decision option A	Decision option A/B	Partial (2)
Contact Committee	Decision option A	Decision option B/C	Partial (1)
Appeal ECJ	Decision option A	Not-decision (T)	Zero (0b – not-decision)
Same powers	Decision option A	Not-decision (T)	Zero (0b – not-decision)
Financial management	Decision option A	Not-decision (T)	Zero (0b – not-decision)
OLAF	Decision option A	Not-decision (T)	Zero (0b – not-decision)
Instruction	Decision option A	Non-decision (N)	Zero (0a – non-decision)

All in all, the Dutch cabinet achieved its goal completely on two issues of the Court of Auditors dossier (Size and Internal chambers) and partially on two other issues (SOA and Contact Committee). It has not achieved its goal regarding the Appeal ECJ, Same powers, Financial management and OLAF issues, due to not-decisions, and on the Instruction issue, which resulted in a non-decision from the perspective of the Dutch cabinet (see Table 5.2).

## 5.4 ESDP

The developments on the ESDP have to be seen separately from the IGC 2000, which resulted in the Nice Treaty (see e.g. Colijn, 2003). The Nice European Council just completed the ESDP process, which had started at the Cologne European Council of June 1999, making a number of decisions to put in place the definitive structures necessary for the EU to assume its responsibilities in military and civilian crisis management operations as part of the ESDP (Galloway, 2001:155). Several reports for the Nice European Council had been prepared in various forums, such as the General Affairs Council, the Political Committee (PoCo) and the interim Political and Security Committee (iPSC; see below). The question regarding the IGC was whether or not Treaty change would be required to put these structures into place. Therefore, the ESDP process was treated as a separate exercise, but in parallel with the IGC, as with the process on the Charter of Fundamental Rights. In the course of the IGC negotiations, the question of whether or not to discuss the ESDP as part of the IGC (agenda) was repeatedly raised, that is whether or not to discuss the possibility of Treaty change in the IGC.

The report presented by the Finnish Presidency shortly before the Helsinki European Council of 10-11 December 1999 (Council of the European Union, 1999a) stated, concerning the ESDP as a separate exercise run in parallel with the IGC, that 'the need for possible Treaty amendments will become discernible only at a later stage of this process'. The Helsinki Presidency conclusions requested for the incoming Portuguese Presidency 'to draw up a first progress report to the Lisbon European Council and an overall report to the Feira European Council containing appropriate recommendations and proposals, as well as an indication of whether or not Treaty amendment is judged necessary' (SN 300/1/99 rev, 10-11 December 1999). The Helsinki Presidency conclusions also stated that the incoming Portuguese Presidency 'may propose additional issues to be taken on the agenda of the Conference'.

On 1 March 2000, the Portuguese Presidency presented a note on other subjects that could possibly be put on the agenda (CONFER 4716/00), in which it stated: 'in the light of the developments concerning security and defence and the Charter of fundamental rights which could possibly lead to the need for amendments to the Treaties, the Presidency reserves the right to submit to the Feira European Council in June proposals relating to these subjects'. The first progress report, entitled 'Strengthening the Common European Security and Defence Policy', submitted to the Lisbon European Council of 23-24 March 2000, stated among other matters that the Council had adopted the decisions, to be applied as of 1 March 2000, establishing three interim bodies (Council of the European Union, 2000a). These bodies had been identified in the Presidency report to the Helsinki European



Council, entitled 'Strengthening the common European policy on security and defence': the interim PSC, Military Committee and Military Staff (Council of the European Union, 1999b). The Lisbon Presidency conclusions made no mention, as far as the ESDP was concerned, of the issue of possible Treaty change (SN 100/1/00 rev, 23-24 March 2000).

The Presidency report to the Feira European Council (19-20 June 2000) of 14 June 2000 (CONFER 4750/00) did not mention the ESDP at all, including the issue of possible Treaty change. The Presidency report entitled 'Strengthening the Common European Security and Defence Policy', annexed to the Feira Presidency conclusions (SN 200/1/00 rev, 19-20 June 2000), took note of the opinion of the Council's Legal Service, whose conclusion was quoted at length:

"The Council's Legal Service is of the opinion that the conclusions of the Cologne and Helsinki European Councils regarding European security and defence policy can be implemented without it being legally necessary to amend the Treaty on European Union. However, such amendments would be necessary if the intention is to transfer the Council's decision-making powers to a body made up of officials, or to amend the Treaty's provisions regarding the WEU. Furthermore, it is for member states to determine whether amendments to the Treaty would be politically desirable or operationally appropriate."

The Presidency left the issue open by continuing:

'The Presidency suggests that the issue of Treaty revision should continue to be examined between the Feira and Nice European Councils' (Council of the European Union, 2000b).

The report subsequently asked for the incoming French Presidency to present an overall report to the Nice European Council and stated that the permanent structures should be put in place as soon as possible after the Nice meeting.

No Presidency report was presented to the Biarritz European Council of 13-14 October 2000 and no Presidency conclusions were documented of this special, informal European Council. Only during the PoCo of 28 November 2000 did the Presidency propose to include the issue of Treaty change as part of the broader package on the ESDP to be presented to Nice. Following this, the 'Draft Presidency report on the European Security and Defence Policy' plus annexes from 30 November 2000 presented to the General Affairs Council of 4 December 2000 and, in a revised form, to the Nice European Council of 7-11 December 2000, contained the following passage: 'The report will be submitted to the Nice European Council as a whole including, as provided for in Feira, the matter of revision of the Treaty' (Council of the European Union, 2000c). In doing so, the Presidency put the Treaty change issue on the agenda.

The study first analyses the ESDP by focusing on the issue of possible Treaty change in general (yes or no; Section 5.4.1) and only after that on the substantive Treaty changes in particular (Sections 5.4.2-5.4.7). The reason for this is that until the Nice European Council, the dossier was essentially one of agenda-setting and not decision-making.

### 5.4.1 *Treaty change*

The study thus initially analyses the ESDP as an agenda-setting issue, the question being whether or not an actor was in favour of putting the ESDP on the IGC agenda in order to make Treaty change possible at all. In the course of the negotiation process, an in between option emerged: that ESDP Treaty change would not (have to) take place now, but certainly still in the (near) future. This might be laid out in a separate text in Nice, for example as part of the Presidency conclusions or as a Declaration attached to the Final Act of the IGC. All in all, the following were the possible outcomes during the negotiations:

*Treaty change:* whether or not to establish the European Security and Defence Policy (ESDP) in the Treaty

A = Treaty change (now)

B = no Treaty change now, but in the future (announced in a separate text, for example a Declaration)

C = no Treaty change (at all)

T = not-decision

N = non-decision

During the Nice European Council, the issue was officially discussed. It was decided that the Treaty would indeed be changed, i.e. the outcome was option A.

#### *The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet clearly expressed a preference for option A in its formal position paper of 15 November 1999, presented to the IGC as CONFER 4720/00 on 6 March 2000. Yet the first Benelux memorandum (CONFER 4721/00, 7 March 2000) left open whether or not the Treaty should indeed be changed. This might be due to the fact that the Dutch partners were not (to the same extent) convinced of the necessity or desirability of Treaty change (see Section 6.4.1). However, the Dutch preference for option A, mentioned in its position paper, is confirmed by all informal FA/DIE and Commission sources prior to the deadline of the before-preference. The Dutch cabinet has therefore completely achieved its goal (3).

### 5.4.2 *WEU*

At the same time, the development of a security and defence policy in the EU implied a taking over of the tasks of the WEU, making the WEU more or less redundant. This could have consequences for Article 17 TEU, which had several references to the WEU. Therefore, if the text of the Treaty regarding the ESDP was indeed to be changed, one of the logical things to do would be to update Article 17 TEU and scratch the various references to the WEU. The possible outcomes of the WEU issue during the negotiation process can therefore be reconstructed and simplified as follows:

*WEU:* scratching the various references to the Western European Union (WEU) in Article 17 TEU

A = yes: scratching the various references to the WEU in Article 17 TEU

B = no: not scratching the various references to the WEU in Article 17 TEU

T = not-decision

N = non-decision

Only after it was decided at Nice that there would be ESDP Treaty change did the participating actors discuss the Treaty changes *in terms of content*. This was based on the proposed amendments to Articles 17 and 25 TEU of Italy and the Benelux, which were first presented on 23 October 2000 (CONFER 4788/00) and which were again tabled in Nice (Galloway, 2001:156). Considering the decision to change the Treaty in Nice, the substantive issues included in the Italy and Benelux proposals (WEU, PSC, NATO and Military Committee) were – in hindsight – also put on the agenda by the Presidency in its report on the ESDP to the Nice European Council (Council of the European Union, 2000c).

When considering the Treaty text adopted at the end of the IGC (SN 533/00, 12 December 2000), it can be seen that all references to the WEU in paragraphs 1 and 3 of Article 17 TEU have been scrapped. This does not apply to the reference in paragraph 4 to the WEU and NATO collective defence commitment, as the WEU's Article V collective defence commitment remained in force (Galloway, 2001:156). It can therefore be stated that all references that could logically be scrapped have indeed been scrapped. The outcome of the negotiation process was therefore option A.

#### *The Dutch cabinet's preference and goal-achievement*

The first Benelux memorandum did not include a preference on this and the other substantive issues. The Dutch cabinet's formal position paper was not completely clear about the Dutch preference; it only implicitly seemed to indicate a preference for A. This preference was, however, confirmed by two informal FA/DIE sources (DIE/DVB note, 15 March 2000 and DVB note, 16 March 2000). The Dutch cabinet has thus completely achieved its goal (3).

### **5.4.3 PSC**

As stated earlier, three bodies were created as part of developing an ESDP first as interim bodies as of 1 March 2000 and subsequently as definitive bodies as of the time of the Nice European Council: the PSC (replacing the former PoCo), the Military Committee and the Military Staff. As with all the issues of the ESDP dossier, the question regarding the IGC was whether and, if so how, these three bodies would have to be established in the Treaty. Regarding the PSC, the possible outcomes during the negotiation process could therefore be reconstructed and simplified as follows:

PSC: establishing a Political and Security Committee (PSC) in the Treaty and formulating its responsibilities with regard to EU-led crisis management operations

A = yes: establishing a PSC in the Treaty and formulating its responsibilities with regard to EU-led crisis management operations

B = no: not establishing a PSC in the Treaty and formulating its responsibilities with regard to EU-led crisis management operations

T = not-decision

N = non-decision

The negotiations that have taken place in Nice on the basis of the amendment proposals of Italy and the Benelux have resulted in the following outcome (SN 533/00, 12 December 2000):

- Article 25 TEU about the PoCo was amended, establishing the PSC in the Treaty, adding
- in a new paragraph that, 'within the scope of this Title, this Committee shall exercise, under the responsibility of the Council, political control and strategic direction of crisis management operations', and adding
- in yet another new paragraph that 'the Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation, without prejudice to Article 47'.

The PSC has been established in the Treaty and its responsibilities have been formulated ('political control and strategic direction' and the possibility of delegated authority 'to take the relevant decisions', respectively). The outcome of the negotiation process was therefore A.

#### *The Dutch cabinet's preference and goal-achievement*

In its formal position paper, the Dutch cabinet made clear that it wanted to establish the PSC in the Treaty and formulate its 'responsibilities' in crisis management operations. It was not explicitly stated that 'responsibilities' also included the possibility of the Council delegating authority to the PSC, but this is confirmed by two FA/DIE sources (DIE/DVB note, 15 March 2000 (possibility) and DVB note, 16 March 2000). According to its position paper, the Dutch cabinet also wanted to establish the relationship between the responsibility of the PSC and that of COREPER and other committees, which would make it necessary not only to adapt Article 25 TEU, but also Article 18 TEU (on the High Representative for the CFSP) and Article 207 TEC (on COREPER). However, this has not occurred. It can therefore be concluded that the Dutch cabinet has achieved the greater part of its goal, but not completely (2).

#### **5.4.4 NATO**

The possible outcomes of the NATO issue during the negotiations can be reconstructed and simplified as follows:

*NATO*: establishing the relationship and cooperation with the North Atlantic Treaty Organisation (NATO) in the Treaty

A = yes: establishing the relationship and cooperation with NATO in the Treaty

B = no: not establishing the relationship and cooperation with NATO in the Treaty

T = not-decision

N = non-decision

The issue was also included in the proposals of Italy and the Benelux countries that were presented to the IGC as CONFER 4788/00 on 23 October 2000. As these proposals formed the basis of the discussion on the substantive ESDP issues in Nice, the NATO issue

was a part of the agenda of the negotiators. However, no decision was made on this issue, and thus it resulted in a not-decision from the perspective of the Dutch cabinet.

*The Dutch cabinet's preference and goal-achievement*

On this issue, the Dutch cabinet expressed a preference for A in its formal position paper of 15 November 1999. This was confirmed by an informal FA/DIE source (FA/DIE/Weighting of votes Paris embassy note, 16 December 1999). As this issue resulted in a not-decision from its perspective, the Dutch cabinet has not achieved its goal (0b).

#### 5.4.5 *Military Committee*

The possible outcomes of the Military Committee issue can be reconstructed and simplified as follows:

*Military Committee:* establishing a Military Committee in the Treaty, assisting the PSC

A = yes: establishing a Military Committee in the Treaty, assisting the PSC

B = no: not establishing a Military Committee in the Treaty, assisting the PSC

T = not-decision

N = non-decision

As part of the Italy and Benelux proposals that formed the basis of the discussion on the substantive ESDP issues in Nice, the Military Committee issue was a part of the agenda. As no decision was made on this issue, it resulted in a not-decision from the perspective of the Dutch cabinet.

*The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet expressed a preference for A on this issue in its formal position paper of 15 November 1999. As this issue resulted in a not-decision from its perspective, the Dutch cabinet has not achieved its goal (0b).

#### 5.4.6 *Military Staff*

As the Military Staff issue has not (officially) been a part of the negotiation process, the possible outcomes can be reconstructed and simplified as follows:

*Military Staff:* establishing a Military Staff in the Treaty, supporting the Military Committee

A = yes: establishing a Military Staff in the Treaty, supporting the Military Committee

B = no: not establishing a Military Staff in the Treaty, supporting the Military Committee

T = not-decision

N = non-decision

This issue was, according to the informal written sources, not a part of the discussions between Italy and the Benelux countries that resulted in their proposals of CONFER 4788/00 presented on 23 October 2000. The discussion in Nice on the ESDP was subsequently based on these proposals (not including the Military Staff proposal). The issue was

thus not a part of the agenda and not discussed. It has therefore resulted in a non-decision from the perspective of the Dutch cabinet.

*The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet called for option A in its position paper. As this issue resulted in a non-decision for the Dutch cabinet, it has not achieved its goal (0a).

#### 5.4.7 Financial articles

Finally, as the Financial articles issue was not (officially) a part of the negotiation process, the possible outcomes can be reconstructed and simplified as follows:

*Financial articles:* (the extent to which EU-led operations require) amendment of the financial articles, in particular Article 28 TEU

A = yes: amending the financial articles, in particular Article 28 TEU

B = no: not amending the financial articles, in particular Article 28 TEU

T = not-decision

N = non-decision

This issue was not part of CONFER 4788/00, which formed the basis of the substantive negotiations in Nice. The issue was therefore not a part of the agenda and not discussed. The issue has thus resulted in a non-decision from the perspective of the Dutch cabinet

*The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet presented option A as a possibility in its formal position paper and also in a FA/DIE DVB note from 16 March 2000. The Dutch cabinet wanted the issue to at least be put on the agenda in order to *consider* the extent to which EU-led operations required an amendment of the financial articles, particularly Article 28 TEU. This was unsuccessful, because the issue resulted in a non-decision from the perspective of the Dutch cabinet. It has therefore not achieved its goal (0a).

Table 5.3 *The extent of the Dutch cabinet's goal-achievement for the ESDP* (see Table 2 in Annex 4 for more details)

ESDP	Preference	Outcome	Extent of goal-achievement
Treaty change	Decision option A	Decision option A	Full (3)
WEU	Decision option A	Decision option A	Full (3)
PSC	Decision option A	Decision option A	Partial (2)
NATO	Decision option A	Not-decision (T)	Zero (0b – not-decision)
Military Committee	Decision option A	Not-decision (T)	Zero (0b – not-decision)
Military Staff	Decision option A	Non-decision (N)	Zero (0a – non-decision)
Financial articles	Decision option A (possibility)	Non-decision (N)	Zero (0a – non-decision)

To sum up, then, the Dutch cabinet has achieved its goal fully on two issues (Treaty change and WEU) and partially on one issue (PSC) in the ESDP dossier. It has not achieved its goal on four issues, on two due to the fact that they resulted in not-decisions (NATO and Military Committee) and on two others because they resulted in non-decisions from its perspective (Military Staff and Financial articles) (see Table 5.3).

## 5.5 Closer cooperation

The Amsterdam Treaty introduced provisions ('enabling clauses') on 'closer cooperation' under the first and third pillars. This involves the possibility for a limited number of member states making use of the Treaty framework to integrate further in a certain policy area than the rest. Up until the Nice meeting, the closer cooperation provisions had not been applied in practice. Hitherto only 'predefined' forms of closer cooperation, or flexibility, have been put into practice in the shape of, for example, the Schengen agreement and the Euro group. Despite this, several actors already wanted to revise the Amsterdam provisions at the time of the Nice IGC, because they deemed the conditions for entering into a closer cooperation to be too tight, i.e. they wanted to relax the conditions ('flexibilise flexibility'). There were two conditions in particular that called for the attention of the participating actors: the minimum number of member states required for the establishment of closer cooperation and the possibility for a member state to veto such a cooperation.

In general, the Closer cooperation dossier was officially only put on the agenda during the Feira European Council of 19-20 June 2000 (SN 200/1/00 rev, 19-20 June 2000), after the Presidency had proposed to do so in its report to the Feira European Council of 14 June 2000 (CONFER 4750/00). In its note of 18 July 2000 (CONFER 4761/00), the Presidency practically put the Minimum requirement issue and the Veto possibility issue on the agenda.

### 5.5.1 *Minimum requirement*

The Amsterdam Treaty requested that a closer cooperation 'concerns at least a majority of member states', which in a Union of 15 member states boiled down to at least eight member states. As the EU would soon be enlarged to include (more than) 25 member states, this minimum requirement implied that closer cooperation would become more difficult to engage in every time the EU expanded. Therefore, several actors aimed to lower this minimum requirement. Others felt that it was premature to revise this condition before it had even been applied in practice, or did not want to change anything because they expected that they would not be willing and/or able to enter into concrete closer cooperation in the future. The following were the possible outcomes of the Minimum requirement issue during the negotiation process:

*Minimum requirement:* the minimum number of member states required for engaging in a closer cooperation initiative

A = at least eight member states

B = at least one third of the member states

C = status quo: at least a majority of the member states

T = not-decision

N = non-decision

The ultimate outcome of the negotiation process was option A. The Presidency proposed this option for the first time in its note of 18 October 2000 considering the Preparatory Group of 23 October 2000 (CONFER 4786/00). Option A was subsequently included



in the first progress report of the French Presidency of 3 November 2000 (CONFER 4790/00), the Presidency notes of 9 November 2000 (CONFER 4798/00) and 17 November 2000 (CONFER 4803/00), the revised progress reports of 23 November 2000 (CONFER 4810/00) and 30 November 2000 (CONFER 4815/00), the draft Treaty of Nice of 6 December 2000 (CONFER 4816/00) and in the final Treaty text agreed upon at the end of the Conference (SN 533/00, 12 December 2000). In the Official Journal version of the Nice Treaty, option A is part of Article 43 TEU.

*The Dutch cabinet's preference and goal-achievement*

Based on its position paper of 15 November 1999 (CONFER 4720/00, 6 March 2000), it becomes clear that the Dutch cabinet was in favour of 'revising' the majority requirement, but it did not specify an option (A or B). In the first Benelux memorandum of 6 December 1999 (CONFER 4721/00, 7 March 2000), it did specify its preference that closer cooperation 'should also be possible with the same number of member states as is the case today', which boiled down to eight member states (A). Most informal written sources prior to the deadline provide no additional clarity (A/B), but one explicitly confirms the preference for A, referring to – and interpreting – the formal position paper just mentioned (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000). The Dutch cabinet has therefore completely achieved its goal (3).

### 5.5.2 *Veto possibility*

The Amsterdam Treaty determined that the Council could establish closer cooperation by QMV. If a member state was, however, 'for important and stated reasons of national policy', against such closer cooperation, the matter could be referred to the European Council, which would decide by unanimity. In practice, each member state had a veto (possibility) on the formation of closer cooperation. As with the minimum requirement, several actors wanted to relax this condition, i.e. abolish the veto possibility, so as to make the formation of closer cooperation easier, whereas others wanted to maintain the status quo. In the course of the negotiations, an in between decision option emerged, which boiled down to formally abolishing the veto, while maintaining the possibility of the matter being referred to the European Council. Therefore, the following were the possible outcomes of the Veto possibility issue during the negotiation process:

*Veto possibility:* whether or not a member state has the ability to veto a closer cooperation initiative

A = abolishing the veto possibility, deciding by QMV

B = abolishing the veto possibility, but maintaining the possibility of referring the matter to the European Council

C = status quo: maintaining the veto possibility

T = not-decision

N = non-decision

Option B was first presented as such by the French Presidency in its notes of 30 August 2000 (in addition to option A) and 5 October 2000 (CONFER 4766/00 and 4780/00, respectively). From its subsequent note of 18 October 2000 (CONFER 4786/00) until

the draft Nice Treaty text of 6 December 2000 (CONFER 4816/00), it took the following shape:

‘A member of the Council may request that the matter be referred to the European Council before the Council takes a decision [by QMV]’.

The ultimate outcome of the negotiation process, decided on in Nice, was formulated as follows (SN 533/00, 12 December 2000):

‘A member of the Council may request that the matter be referred to the European Council. After that referral, the Council *may* take a decision in accordance with the provisions of the first subparagraph [i.e. by QMV]’ (emphasis added, SL).

Formulated in this manner, the ultimate outcome thus left open whether the Council would actually make a decision (by QMV) or not. Therefore, the outcome was in fact a compromise between options B and C. In the Official Journal version of the Treaty of Nice (art. 11 TEC), the outcome is formulated as follows:

‘A member of the Council may request that the matter be referred to the European Council. After the matter has been raised before the European Council, the Council *may* act in accordance with the first subparagraph of this paragraph [i.e. decide by QMV]’ (emphasis added, SL).

This is a different wording than that in the final Treaty text agreed upon in Nice, but the outcome boils down to substantially the same thing.

#### *The Dutch cabinet's preference and goal-achievement*

In its formal position paper (CONFER 4720/00, 6 March 2000), the Dutch cabinet did not explicitly state that it wanted to abolish the veto, only that it was in favour of ‘revising’ this condition. The Dutch cabinet did, however, express a preference for option A in the first Benelux memorandum (CONFER 4721/00, 7 March 2000). One FA/DIE source offers no additional clarity, pointing to a preference for A/B (FA/DIE/Court of Auditors preparatory note for Preparatory Group of 25 February 2000, unknown date). Yet all other FA/DIE sources prior to the deadline confirm the Dutch preference for A. As in the case of the Minimum requirement issue, in doing this one of these sources explicitly refers to the formal Dutch position paper (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000).

The possibility to veto a closer cooperation initiative (after being referred to the European Council deciding by unanimity) has indeed formally been abolished and replaced by decision-making by a qualified majority. However, it is still possible to refer the matter to the European Council. In addition, after being referred to the European Council, there is only the possibility (‘may take’) and not the obligation (‘takes’, e.g. CONFER 4816/00, 6 December 2000) that the Council makes a decision by QMV. It can therefore be concluded that the Dutch cabinet has only partially achieved its goal (1).

### 5.5.3 *Differentiated membership*

As the Differentiated membership issue has not (officially) been a part of the negotiation process, the possible outcomes can be reconstructed and simplified as follows:

*Differentiated membership*: the possibility for a candidate member state to become a partial member, making it possible to accede earlier than when a candidate member may only become a full member (apart from possible derogations and transition periods)

A = yes: introducing the possibility for a candidate member state to become a partial member

B = no: not introducing the possibility for a candidate member state to become a partial member

T = not-decision

N = non-decision

#### *The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet proposed option A as a possibility in its formal position paper of 15 November 1999 (CONFER 4720/00, 6 March 2000). It was also mentioned as an issue that the Dutch cabinet wanted to be put on the agenda of the IGC in an informal FA/DIE note from around 1 December 1999. According to two other informal written sources, the proposal was, however, abandoned shortly thereafter (FA/DIE London embassy report, 15 December 1999; FA/DIE note, unknown date, probably between 20 December 1999 and 31 January 2000). These two sources explicitly refer to and overrule the (possible) proposal made in the formal position paper. The latter note offers as an explanation for this that many member states think the proposal to be 'premature' and the Dutch Second Chamber had in a motion also expressed that they were against the proposal. At the time the position paper was presented to the IGC, 6 March 2000, the proposal included had thus practically already been abandoned for some time. The study still concludes that the Dutch cabinet had originally preferred option A, albeit as a possibility.

Apart from its formal position paper, the Dutch cabinet thus did not undertake any further influence attempts to put the issue on the agenda. Subsequently, it was not discussed during the negotiation process either. The issue has therefore resulted in a non-decision from the perspective of the Dutch cabinet, which has not achieved its goal (0a).<sup>6</sup>

### 5.5.4 *Treaty division*

Finally, as the Treaty division issue has not (officially) been a part of the negotiation process, the decision options can be simplified as follows:

*Treaty division*: dividing the Treaties into two parts, the first of which would be a 'basic' Treaty to be changed through an IGC and requiring the approval of all member states and the second of which would be one or more 'policy' Treaties to be changed more easily

A = yes: dividing the Treaties into two parts

B = no: not dividing the Treaties into two parts

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6. Although the issue held the status of a possible proposal in the formal position paper, the fact that two informal sources explicitly overruled it indicates that it was at least a *serious* possibility for the Dutch cabinet. Therefore it is considered to be a non-decision.

T = not-decision

N = non-decision

In the run-up to the IGC, this issue popped up a few times during the fourth meeting of the Satuli Group, preparing the IGC, about 'other institutional issues' on 6 October 1999 (FA/DIE/Preparation report, 7 October 1999; see Section 2.3.1). Shortly thereafter, option A was proposed in the Dehaene report of 18 October 1999 (Dehaene, Von Weizsäcker, & Simon, 1999). This report on institutional problems that should be dealt with at the forthcoming IGC was drawn up on the invitation of and for the Commission. The Commission subsequently included the proposal in its contribution of 10 November 1999 (European Commission, 1999). The European Parliament did the same in its resolution of 18 November 1999 (European Parliament, 1999). In its report to the Helsinki European Council of 10-11 December 1999, however, the Finnish Presidency indicated that during the preparatory consultations only very little support had been expressed for option A (Council of the European Union, 1999a).

In its note of 1 March 2000 (CONFER 4716/00), the Portuguese Presidency again mentioned the issue as a possible agenda subject to be proposed to the Feira European Council of 19-20 June 2000. In the Presidency report to the Feira European Council (CONFER 4750/00), however, the issue was conclusively removed as a possible agenda subject 'in view of both the technical nature of the matter and its political sensitivity'. Yet it was suggested that the next Presidency would take up this issue.

#### *The Dutch cabinet's preference and goal-achievement*

In its formal position paper, the Dutch cabinet presented option A as a possibility. A prudent formulation has been chosen ('could be') and reference was made to the future ('eventually'). Similarly, the first Benelux memorandum of 6 December 1999 stated that the IGC should conduct an 'examination' of option A. During a bilateral meeting with the Finnish Permanent Representative on 19 November 1999 regarding the preparations for the IGC, the Dutch cabinet indicated that it was 'reserved' on option A (FA/DIE PR report, 19 November 1999). In another informal written source, option A was again mentioned as a possible agenda subject for the IGC (FA/DIE note, around 1 December 1999).

All in all, it is therefore not absolutely clear what the status of this Dutch proposal was. It seems that the Dutch cabinet was itself not sure whether it was in favour of option A. The inclusion of A as a possibility in two formal documents presented to the IGC, on the other hand, suggests that the Dutch cabinet wanted to at least discuss the proposal. It can therefore be concluded that the Dutch cabinet preferred A, albeit as a possibility. As the issue has not officially been put on the agenda and discussed, it is concluded that it has resulted in a non-decision from the perspective of the Dutch cabinet. The Dutch cabinet has therefore not achieved its goal on this issue (0a).

In conclusion, the Dutch cabinet has achieved its goal fully on one of the issues in the Closer cooperation dossier (Minimum requirement) and partially on another issue (Veto possibility). In two instances (Differentiated membership and Treaty division), the Dutch cabinet has not achieved its goal due to the fact that the outcomes of the negotiation process were non-decisions from its perspective (see Table 5.4).

Table 5.4 *The extent of the Dutch cabinet's goal-achievement for Closer cooperation* (see Table 3 in Annex 4 for more details)

Closer cooperation	Preference	Outcome	Extent of goal-achievement
Minimum requirement	Decision option A	Decision option A	Full (3)
Veto possibility	Decision option A	Decision option B/C	Partial (1)
Differentiated membership	Decision option A (possibility)	Non-decision (N)	Zero (0a – non-decision)
Treaty division	Decision option A (possibility)	Non-decision (N)	Zero (0a – non-decision)

## 5.6 Commission size

Until the Nice Treaty, Article 213 TEC read as follows:

‘The Commission must include at least one national of each of the Member States, but may not include more than two Members having the nationality of the same State.’

From the start of the European integration process, the Commission consisted in practice of two Commissioners from the four, later five, big member states and one Commissioner from the other member states. At the time of the Nice Treaty negotiations, the Commission was thus composed of 20 Commissioners: two Commissioners each from Germany, France, the United Kingdom, Italy and Spain, and one Commissioner each from the other 10 member states.

In view of enlargement, the IGC negotiations resulting in the Treaty of Amsterdam engaged in a reform of the size and composition of the Commission, but during the Amsterdam European Council of June 1997 the Heads of State or Government did not come to an agreement on this issue. They did, however, agree on an Institutional Protocol, understanding that the institutional provisions be reviewed before the first upcoming enlargement. In view of an enlarged Union of 20 member states, Article 1 of the Protocol stated that:

‘(...) The Commission shall comprise one national of each of the Member States, provided that, by that date, the weighting of the votes in the Council has been modified, whether by re-weighting of the votes or by dual majority, in a manner acceptable to all Member States, taking into account all relevant elements, notably compensating those Member States which give up the possibility of nominating a second member of the Commission.’

This article thus already foresaw a reduction of the Commission to 20 member states (in an EU-20), with the five big member states giving up their second Commissioner, but compensating them for this through a new weighting of votes in the Council of Ministers. However, at the time of the Nice IGC this article was already outdated, as in the meantime the Union had been negotiating with 12 candidate member states that would lead to an EU with more than 20 member states in the near future. Therefore, Article 2 of the Protocol seemed to be more appropriate to the situation:

‘At least one year before the membership of the European Union exceeds twenty, a conference of representatives of the governments of the Member States shall be convened

in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions.’

Such a ‘comprehensive review’ could imply fixing the size of the Commission at a lower number than the number of member states. In addition to the Institutional Protocol, Belgium, France and Italy declared in Amsterdam that a significant extension of QMV, as part of reinforcing the institutions, was also indispensable in order for the EU to be prepared for enlargement.

The starting point for the IGC 2000 was thus that the size and composition of the Commission, the weighting of votes in the Council and the possible extension of QMV – the institutional ‘leftovers’ of Amsterdam – would be a part of the agenda. The Cologne European Council (3–4 June 1999) confirmed that the IGC should be about the three leftover issues, thereby officially putting the size and composition of the Commission on the agenda (SN 150/99, 3–4 June 1999).

In light of the above, the following were the possible outcomes during the negotiation process:

*Size:* size and composition of the European Commission

A = status quo (two Commissioners each for Germany, the United Kingdom, Spain, France and Italy, one each for the other 10 member states)

B = one Commissioner per member state

C = one Commissioner per member state, a fixed number of Commissioners – being less than the number of member states – later on or to be determined later on, from a certain date or a certain number of member states (with or without a strictly equal rotation system)

D = a fixed number of Commissioners now – being less than the number of member states (with or without a strictly equal rotation system)

T = not-decision

N = non-decision

In its first progress report of 3 November 2000 (CONFER 4790/00), the French Presidency indicated that it considered it to be ‘premature’ at that stage to present draft amendments on the ‘politically highly sensitive’ issues of the weighting of votes in the Council, the size and composition of the Commission and the allocation of seats in the European Parliament. In the revised progress report of 23 November 2000 (CONFER 4810/00), a similar statement was made, adding that it was ‘generally acknowledged’ that the respective issues could only be decided on at the highest level. This implied that they would only be decided on during the Nice European Council itself. Similar statements were made in the revised progress report of 30 November 2000 (CONFER 4815/00) and the draft Treaty of Nice of 6 December 2000 (CONFER 4816/00). In CONFER 4810/00, 4815/00 and 4816/00 a draft ‘Protocol on the enlargement of the European Union’ was included with Article 4 on the Commission only indicating two dates on which the Treaty provisions on the size of the Commission would be amended: 1 January 2005 and 1 January 2010. In addition, CONFER 4816/00 indicated in the context of the earlier date that each new member state would have a Commissioner from the moment of its accession until the end of the respective term of office of the Commission.

On 1 December 2000, the Presidency pointed out in a note (CONFER 4813/00) that a majority of the delegations appeared to be willing to consider option C (the 'deferred ceiling' or 'plafonnement différé'). It also suggested a draft text on the arrangement for a rotation system based on the principle of equality.

On 9 December 2000, during the Nice European Council, the Presidency presented a global agreement on the three most sensitive issues and QMV, including option C with regard to the size and composition of the Commission: from 2005 the Commission would be composed of one member per member state and when the Union had 27 member states a decision would be made to fix the number of Commissioners at a level less than 27, with equal rotation (SN 514/00). This proposal was thus different from the proposals mentioned above, in the sense that for the moment of application of the fixed-size Commission, a number of member states would be decisive rather than a certain date.

On 10 December 2000, the Presidency proposed a global agreement of the IGC, including option C in the form of a detailed draft text for Article 4 of the Protocol on the enlargement of the European Union (SN 521/00). The same draft text was included in the final Treaty text (SN 533/00, 12 December 2000), which was therefore the final outcome of the negotiation process:

'1. From 1 January 2005, Article 213(1) of the Treaty establishing the European Community shall be amended as follows: "(...). The Commission shall include one national of each of the Member States (...)."

2. When the Union consists of 27 Member States, Article 213(1) of the Treaty establishing the European Community shall be amended as follows: "(...). The number of the Members of the Commission shall be less than the number of Member States. The Members of the Commission shall be chosen according to a rotation system based on the principle of equality, the implementing arrangements for which shall be adopted by the Council, acting unanimously.

The number of Members of the Commission shall be set by the Council, acting unanimously."

This amendment shall apply as from the date on which the first Commission following the date of accession of the twenty-seventh Member State of the Union takes up its duties.

3. The Council, acting unanimously after signing the Treaty of accession of the twenty-seventh member state of the Union, shall adopt:

- the number of Members of the Commission;
- the implementing arrangements for a rotation system based on the principle of equality containing all the criteria and rules necessary for determining the composition of successive colleges automatically on the basis of the following principles:

(a) Member States shall be treated on a strictly equal footing as regards the determination of the sequence of, and the time spent by, their nationals as members of the Commission; consequently, the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than one;

(b) subject to compliance with subparagraph (a), each successive college shall be so composed as to reflect satisfactorily the demographic and geographical range of all the Member States of the Union.

4. Any State which accedes to the Union shall be entitled, at the time of its accession, to have one of its nationals as a member of the Commission until the date of application of paragraph 2.'



The Official Journal version of the Protocol adds, concerning 1 January 2005, in the first paragraph that the principle of one member per member state would come into effect 'from when the first Commission following that date takes up its duties'. This is a relevant addition, because the then Prodi Commission would remain in office until 22 January 2005. However, it is important to note that in the accession Act concerning the 10 countries that would become members of the EU on 1 May 2004, it was determined in Article 45 that the following Commission would already take up its duties on 1 November 2004. Therefore, the date of 1 November 2004 was substituted for the date of 1 January 2005 in Article 4 of the Protocol on the enlargement of the European Union (Official Journal, L 236, 23 September 2003).

The final outcome, option C, is in fact a compromise between B and D, in the sense that as of the following Commission's term of office it would consist of one Commissioner per member state, but would be replaced by a fixed-size Commission after the accession of the 27<sup>th</sup> member state and from the subsequent Commission's term of office. At that time the exact number of Commissioners would also have to be determined, under the condition that it would be less than the number of member states. The fixed-size Commission would be based on a strictly equal rotation system that had already been rather specifically spelled out in the Nice Protocol.

#### *The Dutch cabinet's preference and goal-achievement*

In its formal position paper of 15 November 2000 (i.e. the Dutch version), the Dutch cabinet indicated that it was, in principle, in favour of option B. This is confirmed by the first Benelux memorandum of 6 December 1999 (CONFER 4721/00, 7 March 2000) and all FA/DIE sources prior to the deadline. According to a FA/DIE memorandum from 15 February 2000, option D, under the condition of an equal rotation system, was also mentioned in an earlier version of the position paper of 15 November 1999, but disappeared in the final (Dutch) version. In the English version of the position paper, however, which was presented to the IGC as CONFER 4720/00 on 6 March 2000, the following sentence was added:

'If it eventually proves necessary to discuss limiting the size of the Commission, the government will formulate stringent conditions for such a reduction.'

These 'stringent conditions' are an equal rotation system, which most clearly appears from an FA/DIE preparatory note for the Preparatory Group of 28 March 2000. This note states that option B is the Dutch point of departure and that although the Dutch cabinet does not prefer D, it is only imaginable in combination with an equal rotation system. All in all, it is concluded from this that the Dutch cabinet in principle preferred B and, secondarily, D, but only in combination with an equal rotation system.

As the final outcome (C) was a compromise between B and D, the Dutch cabinet can be said to have achieved its goal at least to a certain extent. It achieved its goal for the short term, but not for the longer term. Yet with the inclusion of the additional sentence in its formal position paper as presented to the IGC, the Dutch cabinet had already reckoned with option D. In this respect, it has achieved its goal in the sense that 'stringent conditions' have indeed been formulated in the shape of a strictly equal rotation system. The Dutch cabinet can therefore be attributed a goal-achievement of 2.

Table 5.5 *The extent of the Dutch cabinet's goal-achievement for the Commission* (see Table 4 in Annex 4 for more details)

European Commission	Preference	Outcome	Extent of goal-achievement
Size and composition	Decision option B (D only in combination with an equal rotation system)	Decision option C (in combination with an equal rotation system)	Partial (2)

To conclude, the Dutch cabinet has partially achieved its goal with regard to the size and composition of the Commission (see Table 5.5).

### 5.7 Weighting of votes

According to the old Article 205 TEC, the votes of the member states when deciding by QMV in the Council were weighted as follows:

Belgium	5
Denmark	3
Germany	10
Greece	5
Spain	8
France	10
Ireland	3
Italy	10
Luxembourg	2
Netherlands	5
Austria	4
Portugal	5
Finland	3
Sweden	4
United Kingdom	10

The system was based on the principle of 'degressive proportionality', which basically means that the bigger member states were under-represented and the smaller member states were over-represented. Population size was thus not reflected in the weighting distribution in an absolute, linear way but a compromise had been struck between the principles of 'one state, one vote' and 'one citizen, one vote'. The threshold for achieving a QMV was set at 62 out of 87 votes, which boiled down to 71.26%. In practice, a QMV always represented at least half of the member states, but this was not formally laid out in the Treaty as a separate condition.

In the course of successive enlargements, the weighting system, which was originally constructed in 1957, had been adjusted without any essential changes being made to it. The Amsterdam IGC attempted to review the weighting system in view of enlargement, but did not reach an agreement. However, Article 1 of the Institutional Protocol, agreed upon in Amsterdam, stated that:

'At the date of entry into force of the first enlargement of the Union (...), the Commission shall comprise one national of each of the Member States, provided that, by

that date, the weighting of the votes in the Council has been modified, whether by re-weighting of the votes or by dual majority, in a manner acceptable to all Member States, taking into account all relevant elements, notably compensating those Member States which give up the possibility of nominating a second member of the Commission.'

The Protocol thus contained the formal requirement to compensate the big member states for giving up their second Commissioner. In keeping with this, the Cologne European Council (3-4 June 1999) officially put the weighting of votes on the agenda of the IGC 2000 (SN 150/99, 3-4 June 1999). Another incentive for fundamentally changing the system at the time of the Nice IGC was the fact that most of the 12 candidate member states with whom the EU was negotiating were small or medium-sized countries. Their accession would further increase the imbalance between the already under-represented big member states and the already over-represented small member states. Moreover, and related to this, when extrapolating just the current system to EU-27, the minimum population threshold for QMV would decline to 50.2%, which was considered to be undesirable from a legitimacy point of view (Galloway, 2001:66-67).

### 5.7.1 *Type of system*

The institutional Protocol quoted above already presented the two basic options for revising the weighting of votes: a re-weighting or a dual majority system. The Finnish Presidency report to the Helsinki European Council of 10-11 December 1999 also referred to these two options as well as to the possible need to change the QMV threshold (Council of the European Union, 1999a). The proposals of the participating actors can be subsumed into six decision options (cf. Galloway, 2001:69-76). Together with the other possible outcomes, this results in the following:

*Type of system (and QMV threshold):* the type of system and, if applicable, QMV threshold for the new weighting of votes

A 'Simple' dual majority system (a simple majority of member states + a simple majority of the EU population)

B Dual majority system (a (simple) majority of member states + a majority of the EU population)

C 'Weighted' dual majority system (a majority of weighted votes + a majority of the EU population)

D 'Re-weighting' of votes under the existing system, QMV threshold below the current level (71.26%)

E 'Re-weighting' of votes under the existing system, QMV threshold at the current level

F 'Re-weighting' of votes under the existing system, QMV threshold above the current level

T = not-decision

N = non-decision

As outlined in the previous section, the French Presidency pointed out in its first progress report of 3 November 2000 (CONFER 4790/00) that it deemed it to be premature at that stage to produce draft texts on three politically highly sensitive issues: the weighting of votes in the Council, the size and composition of the Commission and the allocation of seats in the European Parliament. The revised progress report of 23 November 2000 (CONFER 4810/00) contained a similar formulation and also stated that it was 'generally acknowledged' that the three issues could only be decided on at the highest level. This

meant that they would only be decided on during the Nice European Council itself. The revised progress report of 30 November 2000 (CONFER 4815/00) and the draft Treaty of Nice of 6 December 2000 (CONFER 4816/00) contained similar statements.

In a preparatory note for the Conclave of 19 November 2000, the Presidency suggested concentrating the discussion on the re-weighting model and variants of it, because it had appeared from the Preparatory Group of 13 November 2000 that this model was acceptable to a large majority of the delegations, provided that the population and the number of member states would still be taken into account (CONFER 4801/00, 16 November 2000). This formulation represented a kind of preview of the 'triple majority' system that would be the final outcome (see below). CONFER 4810/00, 4815/00 and 4816/00 indeed outlined a re-weighting model in a draft Article 3 of the Protocol on the enlargement of the European Union and a draft 'Declaration on the enlargement of the European Union', but without filling in the new weightings and thresholds. Only 'for the record' did they refer to the 'problem of number of member states', which probably anticipated the majority of member states requirement that would be included in the final outcome.

On 9 December 2000, during the Nice European Council, the Presidency presented a global agreement on the three issues mentioned above plus QMV, but still no text was included with regard to the Weighting of votes dossier (SN 514/00). The next day, the Presidency proposed a global agreement of the IGC, including an outline of Article 3 of the Protocol on the enlargement of the European Union and the Declaration on the enlargement of the European Union (SN 521/00, 10 December 2000). This outline was more extensive than the one included in CONFER 4810/00, 4815/00 and 4816/00. It included more explicitly the majority of member states requirement and also more concretely touched on the QMV threshold that would change with the accession of each new member state. With regard to the latter, it was stated that the threshold would be calculated in such a way that it would correspond to the new threshold that would apply as of 1 January 2005, under reserve of an adjustment margin of 1.5% more or less.

In the final Treaty text, adopted at the end of the Conference, the new weightings and thresholds for the EU-15 were included in Article 3 of the Protocol on the enlargement of the European Union (SN 533/00, 12 December 2000):

'1. On 1 January 2005:

(i) Article 205(2) and (4) of the Treaty establishing the European Community shall be amended as follows:

"2. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows:

Belgium	12
Denmark	7
Germany	29
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Luxembourg	4
Netherlands	13

Austria	10
Portugal	12
Finland	7
Sweden	10
United Kingdom	29

Acts of the Council shall require for their adoption at least 170 votes in favour cast by at least a majority of the members where this Treaty requires them to be adopted on a proposal from the Commission.

In other cases, for their adoption acts of the Council shall require at least 170 votes in favour, cast by at least two thirds of the members.

[Paragraph 3 unchanged]

4. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the qualified majority comprises at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.”

(ii) Corresponding amendments shall be made to the third subparagraph of Article 23(2) and to Article 34(3) of the Treaty on European Union.

2. At the time of each accession, the threshold referred to in the second subparagraph of Article 205(2) of the Treaty establishing the European Community shall be calculated in such a way that the qualified majority threshold expressed in votes does not exceed the threshold resulting from the table in the Declaration to be included in the Final Act of the Conference on the enlargement of the European Union.’

The new weightings and thresholds for the EU-27 were included in the Declaration on the enlargement of the European Union:

‘The common position to be adopted by the Member States of the European Union at the accession conferences, as regards the distribution of seats at the European Parliament, the weighing of votes in the Council, the composition of the Economic and Social Committee and the composition of the Committee of the Regions will correspond to the following tables for a Union of 27 Member States.

[1. The European Parliament]

2. The weighting of votes in the Council

Germany	29
United Kingdom	29
France	29
Italy	29
Spain	27
Poland	27
Romania	14
Netherlands	13
Greece	12
Czech Republic	12
Belgium	12
Hungary	12
Portugal	12
Sweden	10
Bulgaria	10
Austria	10

Slovakia	7
Denmark	7
Finland	7
Ireland	7
Lithuania	7
Latvia	4
Slovenia	4
Estonia	4
Cyprus	4
Luxembourg	4
Malta	3
Total	345

Acts of the Council shall require for their adoption at least 258 votes in favour, cast by a majority of members, where this Treaty requires them to be adopted on a proposal from the Commission.

In other cases, for their adoption acts of the Council shall require at least 258 votes in favour cast by at least two thirds of the members.

When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.'

A Council decision by QMV would thus require at least 170 votes (or 71.73%) in the EU-15 and at least 258 votes (or 74.78%) in the EU-27, and at least a majority of member states. In addition, a member state could ask for verification of whether the qualified majority comprised at least 62% of the total EU population. If this was not the case, the respective decision would not be made.

In terms of the changing QMV threshold in the course of successive accessions of new member states, the text of the final Protocol differed from SN 521/00 of 10 December 2000 in that it was stated that it might not exceed the threshold resulting from the table in the Declaration on the enlargement of the European Union (i.e. 258 votes or 74.78% in the EU-27). At the same time, another Declaration was included 'on the qualified majority threshold and the number of votes for a blocking minority in the context of enlargement':

'On 1 January 2005, when the new vote weightings take effect and insofar as all the candidate countries listed in the declaration to be included in the Final Act of the Conference on the enlargement of the European Union have not yet acceded to the Union, the percentage of votes constituting a qualified majority will be lower than the current percentage. The applicable percentage will increase until it reaches a maximum of 73.4%. When all the candidate countries mentioned above have acceded, the blocking minority will rise from 88 to 91 votes.'

The number of 91 votes, however, corresponded with a qualified majority of 255 votes or 73.91%, which was different from the qualified majority of 258 votes or 74.78% mentioned in the Declaration on the enlargement of the European Union.

Therefore, SN 533/00 had to be revised after the formal end of the IGC, which resulted in SN 533/1/00 rev1, adopted on 22 December 2000. The Declaration on the qualified

majority threshold and the number of votes for a blocking minority in the context of enlargement was changed to the following:

'Insofar as all the candidate countries listed in the Declaration to be included in the Final Act of the Conference on the enlargement of the European Union have not yet acceded to the Union when the new vote weightings take effect (1 January 2005), the threshold for a qualified majority will move, according to the pace of accessions, from the percentage below the current one to a maximum of 73.4%. When all the candidate countries mentioned above have acceded, the blocking minority, in a Union of 27, will be raised to 91 votes, and the qualified majority threshold resulting from the table given in the Declaration on enlargement of the European Union will be automatically adjusted accordingly.'

The revision implied that the Declaration on the qualified majority threshold in fact overruled the Declaration on the enlargement: when the EU consisted of 27 member states the qualified majority would not be 258 votes (74.78%) but lower – 255 votes (73.91%).

In addition, the 170 votes (or 71.73%) required for the EU-15 was replaced with 169 votes (or 71.31%).

In the Official Journal version of the Nice Treaty, the outcome has been laid out in Article 3 of the Protocol on the enlargement of the European Union and in Declarations 20 (on the enlargement of the European Union) and 21 (on the qualified majority threshold and the number of votes for a blocking minority in an enlarged Union). This version differs from SN 533/1/00 rev1 in the sense that some editorial changes have been made, but the outcome is substantially the same.

The outcome of the negotiation process was officially a re-weighting of votes under the existing system (D, E and mostly F), but in practice also included elements of the other decision options (A, B, C). First, in order to achieve a qualified majority, a qualified majority of weighted votes is required (C, D, E, F). This QMV threshold is set at 71.31% for EU-15 (F) and 73.91% for EU-27 (F). Second, a qualified majority should be supported by a majority of member states (A, B). This would no longer automatically be the case in EU-27, as it would be possible to achieve a qualified majority with less than half of the member states if all the biggest member states would be in favour of a decision and all the smallest member states would be against it. Although this is a rather hypothetical situation, the smaller member states were principally in favour of the member state condition as a safeguard (Galloway, 2001:80-81). Third, the minimum population threshold in EU-27 is 58.29%, but a member state may ask for the application of a 62% population threshold (B, C; see Section 5.7.3). Because of these three separate conditions that must be met, the outcome may be called a 'triple majority' system.

#### *The Dutch cabinet's preference and goal-achievement*

According to its position paper (CONFER 4720/00, 6 March 2000), the Dutch cabinet was in favour of a re-weighting of votes, which leaves open whether it preferred D, E or F. In the first Benelux memorandum of 6 December 1999 (CONFER 4721/00, 7 March 2000), it was stated that one was open to discussing both a re-weighting of votes and a dual majority system. This statement, however, was made due to the fact that Belgium and Luxembourg, in contrast with the Dutch cabinet, were in favour of a dual majority system



(see Section 6.7.1). All informal written sources confirm the Dutch cabinet's preference for a re-weighting. One of them confirms the Dutch preference for a re-weighting, but states that a dual majority system would only be acceptable for the Dutch cabinet if the 'simple' majorities were maintained (option A, as proposed by the Commission). As it was probable that these majorities would be increased in the course of the negotiations, the Commission proposal was considered to be unattractive after all. Moreover, some of the informal written sources make it clear that the Dutch cabinet was in favour of a QMV at or possibly below the current level. All in all, the Dutch cabinet was therefore in favour of E(/D).

As the outcome of the negotiation process was a re-weighting of votes under the existing system (D, E and mostly F), but also contained elements of the three dual majority options (A, B, C), all actors have achieved their goals at least to a certain extent. Some options are, however, better represented than others. The member state and population conditions (A, B and – partially – C) of the triple majority outcome are considered to be less important than the primary condition of a qualified majority of weighted votes (D, E, F and – partially – C). In keeping with this, the following goal-achievement values are attributed. Actors preferring option F are attributed a goal-achievement of 3, actors in favour of D, E and also the hybrid option C get a goal-achievement of 2 and actors preferring A or B get a score of 1. The Dutch cabinet, preferring E(/D), is therefore attributed a goal-achievement of 2.

### 5.7.2 *General weighting*

In terms of the weighting distribution, an important question that was raised during the negotiation process was whether the big member states should only be compensated for the loss of their second Commissioner or also for the coming accession of mainly small member states that would further deteriorate the imbalance between big and small member states in the Union. The former was in keeping with Article 1 of the institutional Protocol, whereas the latter was more consistent with Article 2 of this same Protocol. Not surprisingly, the small member states tended towards a 'single' compensation, whereas (most) big member states were in favour of a 'double' compensation.

In general, it could thus be stated that the big member states were in favour of weighting population size more heavily in determining the number of votes. That is to say that they wanted to tone down the 'degressive proportionality' system, which would result in more votes for the big member states. The smaller member states, on the other hand, did not want to lose too much weight. That is to say, they wanted to maintain the 'balance' between the big and small member states as much as possible and thus the 'degressive proportionality' system (cf. FA/DIE note of December 1999). The possible outcomes of the negotiation process can therefore be reconstructed and simplified as follows:

*General weighting:* the general distribution of votes between the member states in the new weighting

A = toning down the 'degressive proportionality' system, i.e. weighting the population size of a member state more heavily

B = maintaining the 'degressive proportionality' system as much as possible, i.e. weighting the population size of a member state not too much

T = not-decision

N = non-decision

The outcome was laid out in the Declaration on the enlargement of the European Union (see Section 5.7.1). In general, the existing votes of the member states were doubled, but additional votes were provided to the medium-sized member states and, to a greater extent, the big member states. With regard to the 15 member states that participated in the Nice Treaty negotiations, the votes of Luxembourg were doubled (4), the votes of Denmark, Finland and Ireland were doubled plus one (7), the votes of Sweden and Austria were doubled plus two (10), the votes of Greece, Belgium and Portugal were doubled plus two (12), the votes of the Netherlands were doubled plus three (13), the votes of Spain were doubled plus 11 (27) and the votes of Germany, the United Kingdom, France and Italy were doubled plus nine (29).

Although the 'degressive proportionality' system has certainly been maintained to a certain extent (B), it has to a greater extent been weakened to the advantage of the big member states (A). The outcome of the negotiation process was therefore  $A > B$ .

#### *The Dutch cabinet's preference and goal-achievement*

The Dutch cabinet stated in its formal position paper that population size should be the deciding factor in the re-weighting of votes (A), but also that the balance between the big and small member states should be preserved (B). Similarly, the first Benelux memorandum indicated that both the global balance between big and small countries (B) and the 'representativeness of the decisions' should be taken into account. An informal FA/DIE memorandum following consultations on the draft Benelux memorandum on 1 December 1999 confirms that 'representativeness of the decisions' referred to the importance of population size (A), which connected to the Dutch position. The Dutch cabinet thus had a dual interest in this respect. All other informal written sources, except for one, also refer to option A as well as B. As the outcome was  $A > B$ , actors preferring A have achieved more of their goals (2) than actors preferring B (1). It could be argued that the Dutch cabinet, which preferred A/B, has achieved its goal even more than actors favouring A, but it is still – conservatively – attributed a goal-achievement of 2 as well.

### **5.7.3 Individual weighting**

In addition to the general weighting distribution, several actors also had specific preferences on their individual weightings. One controversial issue, particularly for France and Belgium, was whether Germany and the Netherlands, respectively, should get additional votes because of their greater population size compared to the other member states in their cluster (in the case of Germany: France, Italy and the United Kingdom; in the case of the Netherlands: Belgium, Greece and Portugal). Regarding the Netherlands and Belgium, the possible outcomes of the negotiation process were as follows:

*Individual weighting:* the individual number of votes of specific member states in the new weighting

A = the Netherlands gets a greater weight than Belgium (also if Germany does not get a greater weight than France)

B = the Netherlands does not get a greater weight than Belgium if Germany does not get a greater weight than France

T = not-decision

N = non-decision

As has already been made clear by the General weighting outcome, the outcome of the negotiation process was option A: the Netherlands (13) got a greater weight than Belgium (12), even though Germany (29) did not get a greater weight than France (29).

*The Dutch cabinet's preference and goal-achievement*

In its formal position paper, the Dutch cabinet pointed out that it wanted a relatively greater weight (in general), which is confirmed by several informal written sources (FA/DIE/Preparation preparatory note for COREPER II meeting, 7 September 1999; FA/DIE note, January 2000; FA/DIE memorandum, 27 January 2000). Although Belgium was not specifically mentioned in these sources, it is logical to assume that it was about having a greater weight than Belgium (and Greece and Portugal) as together, they formed the cluster with five votes, but the Netherlands had a significantly greater population size.

The other informal written sources that have been found certainly make it clear that the Dutch cabinet particularly wanted more weight than Belgium (A). One of these sources stated that for the Dutch cabinet, it was not about getting one or two votes more than Belgium, but about the 'politically psychological effect' that after the enlargement the Netherlands was not going to belong to the group of small member states (FA/DIE note, December 1999).

Belgium, on the other hand, could only accept a greater weight for the Netherlands if Germany would get a greater weight than the other three big member states (B) (FA/DIE London embassy note, 24 November 1999; FA/DIE memo following consultations on draft Benelux memorandum, 1 December 1999; FA/DIE preparatory note for Benelux summit on 6 December 1999, unknown date; FA/DIE Paris embassy report of bilateral meetings with France on 13 December 1999, 16 December 1999; FA/DIE preparatory note for bilateral meeting with Belgium on 31 January 2000, 27 January 2000).

The difference of opinion between the Dutch cabinet and Belgium can be nicely illustrated by the consultations on the draft Benelux memorandum on 1 December 1999 (FA/DIE memorandum, 1 December 1999) and the final version of the Benelux memorandum of 6 December 1999 (CONFER 4721/00, 7 March 2000). In an earlier version of the Benelux memorandum, it was stated that in addition to the factors of the global balance between big and small member states and the representativeness of decisions, the 'equal application of differentiation to equal situations' should be included as a decisive factor. According to the FA/DIE memorandum of the consultations on 1 December 1999, this implied that Belgium maintained the right to reject a difference between Belgium and the Netherlands, if there would be no difference between the big member states. This coupling could be problematic for the Dutch cabinet in due time. Therefore, it was proposed to replace the passage mentioned with '*as much as possible* equal application of differentiation to *similar* situations'. The words '*as much as possible*' would express the intention to re-weight according to equality principles, but reality demanded that each re-weighting was a political choice. The Dutch cabinet could not accept that the current voting distribution ('situation') between member states was a fixed point and that re-weighting according to equal differentiation methods was applied to all member states to exactly the same degree. In the final Benelux memorandum, the passage was phrased as 'equal differentiation ap-

plication to similar situations', which in turn could be considered to be a compromise between the passage in the earlier draft version and in the Dutch proposal just discussed (A/B).

As the outcome of the negotiation process was that the Netherlands got a greater voting weight than Belgium, although Germany did not get a greater weight than France (A), the Netherlands has completely achieved its goal (3), whereas Belgium has not achieved its goal (0).

Table 5.6 *The extent of the Dutch cabinet's goal-achievement for the Weighting of votes* (see Tables 5a-b in Annex 4 for more details)

Weighting of votes	Preference	Outcome	Extent of goal-achievement
Type of system (and QMV threshold)	Decision option E (possibly D)	Decision option D/E/F (mostly)-A/B/C	Partial (2)
General weighting	Decision option A/B	Decision option A>B	Partial (2)
Individual weighting	Decision option A	Decision option A	Full (3)

All in all, the Dutch cabinet has completely achieved its goal on one issue of the Weighting of votes dossier (Individual weighting) and partially on two issues (Type of system (and QMV threshold) and General weighting) (see Table 5.6).

## 5.8 Conclusion

This chapter has measured the extent of goal-achievement of the Dutch cabinet on all Nice Treaty issues within the five dossiers selected for this study, on which the Dutch cabinet has expressed a preference in its formal position paper (24 issues in total). The results can be summarised as follows. The Dutch cabinet has achieved its goal fully for six issues and partially for seven of the issues. For another 11 issues, the Dutch cabinet has not achieved its goal, interestingly enough not due to the fact that the outcomes for these issues were decision options that the Dutch cabinet did not prefer, but instead because they resulted in not-decisions (six issues) or non-decisions (five issues) from its perspective.

The goal of this before-after analysis for the Dutch cabinet was to establish for which and how many issues the Dutch cabinet could be considered as a potentially necessary condition for the outcomes and thus a potentially influential actor. It can be concluded that this is the case for the 13 (out of 24) issues on which the Dutch cabinet has partially or fully achieved its goal. Whether or not the Dutch cabinet has actually been influential – as far as the 'sample selection' of issues is concerned (see Section 6.2) – will be assessed in Chapter 7. Before that, the next chapter will determine the extent of goal-achievement of the other participating actors on the sample selection of issues.



## CHAPTER 6

# The before-after analysis

## Assessing the extent of the other participating actors' goal-achievement

### 6.1 Introduction

In the previous chapter, the first part of the influence analysis, a before-after analysis, was carried out for the Dutch cabinet. This before-after analysis involved establishing the extent of the Dutch cabinet's goal-achievement for all 24 Nice Treaty issues in the five dossiers selected for this study. In this chapter, the before-after analysis is conducted for the other actors participating in the Nice Treaty negotiation process. The extent to which these actors have achieved their goals with regard to the 'sample selection' of issues will be assessed. This sample selection, which is a subset of 16 issues from the original pool of issues, is first justified in Section 6.2. In Sections 6.3 to 6.7, the assessment of the extent of goal-achievement of the other actors is done concerning the sample selection of issues for each of the five dossiers. This is to determine which of the other participating actors can be considered as potentially necessary conditions for the respective outcomes, i.e. as potentially influential. Although this study does not aim to assess the extent of influence of each of the participating actors, an assessment of their goal-achievement is required in order to be able to assess and explain the Dutch cabinet's influence *in the context of* the other participating actors (see Section 1.3.4). The assessment and explanation of the extent of the Dutch cabinet's influence is the aim of the process analysis, which is the subject of the next chapter. Each of the Sections 6.3 to 6.7 ends with a summary table indicating the extent of goal-achievement of the other participating actors on the issues of the respective dossier. Detailed tables, particularly presenting all sources used to assess the other actors' preferences, can be found in Annex 5. The Council Secretariat is only addressed in this chapter and included in the summary and detailed tables if evidence on it was found in the data. Some conclusions and reflections are made in Section 6.8.

### 6.2 Sample selection of issues

In principle, the issues that are selected are those that, according to Chapter 5, offer the greatest variety in the extent of the Dutch cabinet's goal-achievement as to the three pos-

sible outcomes of the negotiation process: decisions (0c, 1, 2 or 3), not-decisions (0b) and non-decisions (0a). In case there are issues with the same value, the selection is based on additional specified criteria. The sample selection is made in consideration of the process analysis in Chapter 7, so as to be able to examine the extent to which the different variables of the conceptual model can explain the Dutch cabinet's extent of influence. As the (variation in the) extent of the Dutch cabinet's influence is not yet known at this stage of the study, a selection is made on the basis of the (variation in the) Dutch cabinet's extent of goal-achievement, although both variables can, of course, not be equated with each other.

Regarding the Court of Auditors dossier, the following issues are selected: Size (the Dutch cabinet's goal-achievement: 3), SOA (2), Contact Committee (1), Appeal ECJ (0b) and Instruction (0a). Size is selected over Internal chambers because the Size issue is one of the two categories of the dossier (the second category being issues related to the functioning of the Court). Appeal ECJ is selected over Same powers, Financial management or OLAF because it is more representative of the second category of the dossier. The Instruction issue is selected because it is the only non-decision from the perspective of the Dutch cabinet in this dossier.

With regard to the ESDP dossier, the following issues are selected: Treaty change (the Dutch cabinet's goal-achievement: 3), PSC (2), NATO (0b) and Military Staff (0a). Treaty change is selected over WEU because it was the general, basic issue in the dossier, of which the WEU and other issues were substantive specifications. NATO is selected over Military Committee because much more data were available on the former than on the latter. Military Staff is selected over Financial articles because it had a higher priority for the Dutch cabinet considering that the Financial articles proposal was only presented as a possibility in its position paper.

In terms of the Closer cooperation dossier, the following issues are selected: Minimum requirement (the Dutch cabinet's goal-achievement: 3), Veto possibility (1) and Differentiated membership (0a). The Minimum requirement and Veto possibility issues are the only issues in this dossier with the respective goal-achievement value for the Dutch cabinet. The Differentiated membership issue is selected over Treaty division because more data were available on this issue.

The Commission dossier consists of only one issue in this study, Size (the Dutch cabinet's goal-achievement: 2), which is therefore automatically selected.

Finally, regarding the Weighting of votes dossier, all three issues are selected because they are closely interlinked and only separated from one another in this study for analytical purposes: Type of system (the Dutch cabinet's goal-achievement: 2), General weighting (2) and Individual weighting (3).

The justification of the sample selection of 16 issues is visually reflected in Table 6.1.



Table 6.1 *Justification of the sample selection of Nice Treaty issues*

<u>Dossier</u>	Outcome	Extent of the Dutch cabinet's goal-achievement
<b>Selected issues (additional selection criterion)</b>		
Court of Auditors	Decision	3
<b>Size (representativeness)</b>		
Internal chambers	Decision	3
<b>SOA</b>	Decision	2
<b>Contact Committee</b>	Decision	1
<b>Appeal ECJ (representativeness)</b>	Not-decision	0b
Same powers	Not-decision	0b
Financial management	Not-decision	0b
OLAF	Not-decision	0b
<b>Instruction</b>	Non-decision	0a
<b>ESDP</b>	Decision	3
<b>Treaty change (basic issue)</b>		
WEU	Decision	3
<b>PSC</b>	Decision	2
<b>NATO (data availability)</b>	Not-decision	0b
Military Committee	Not-decision	0b
<b>Military Staff (priority)</b>	Non-decision	0a
Financial articles	Non-decision	0a
<u>Closer cooperation</u>	Decision	3
<b>Minimum requirement</b>		
<b>Veto possibility</b>	Decision	1
<b>Differentiated membership (data availability)</b>	Non-decision	0a
Treaty division	Non-decision	0a
<u>Commission</u>	Decision	2
<b>Size and composition</b>		
<u>Weighting of votes</u>	Decision	2
<b>Type of system</b>		
<b>General weighting</b>	Decision	2
<b>Individual weighting</b>	Decision	3

## 6.3 Court of Auditors

### 6.3.1 Size

*Size:* size of the Court of Auditors

A = one member from each member state

B = status quo; old Article 247(1) TEC: 'The Court of Auditors shall consist of 15 Members'

C = decreasing to less than 15 members (e.g. 12)

T = not-decision

N = non-decision

In terms of the participating actors other than the Dutch cabinet, the following actors had a preference for decision option A: Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Luxembourg, Portugal and Sweden. Denmark (CONFER 4722/00, 7 March 2000) and Finland (CONFER 4723/00, 7 March 2000) had made their preference explicitly clear in formal position papers tabled at the start of the IGC. Their preference for A is confirmed by FA/DIE's and the Commission's informal reports of the Preparatory Group of 25 February 2000 (dated 28 February 2000 and 14 March 2000, respectively). The other actors that preferred option A did not table formal position papers (Belgium, France, Ireland, Luxembourg, Portugal, Sweden) or did not include a preference on this issue in their position papers (Austria, Greece), but all of them preferred option A according to FA/DIE's and/or the Commission's informal reports of the Preparatory Group of 25 February 2000. Belgium and Luxembourg did not express a clear preference in the first Benelux memorandum (CONFER 4721/00, 7 March 2000). Portugal, which held the Presidency during the first half of 2000, expressed a preference for A, based on the Commission's report, in which it is presented as 'Portugal' and not as 'Presidency'. However, it is not completely certain that Portugal expressed its preference as a member state actor and not as the Presidency.

Italy left some room for interpretation in its position paper of 3 March 2000, by stating that 'the number of members (currently 15, one per State) is due to rise' (CONFER 4717/00). This statement tends to suggest a preference for A rather than B or C. However, from an earlier informal source from 28 February 2000 (FA/DIE's report of the Preparatory Group of 25 February 2000), it becomes clear that Italy could agree to B/C. Yet, it is questionable whether 'Italy could agree to B/C' is the same as 'Italy preferred B/C'; perhaps Italy preferred A, but could also agree to B/C. However, since the formal source is unclear, it cannot take complete precedence over the informal source. Therefore, Italy's preference is summarised as A-B/C (equally in favour of A and B/C). As the outcome of the negotiation process was option A, all actors preferring A have completely achieved their goals (3), while Italy can be attributed a goal-achievement of 1.

The European Commission, on the other hand, preferred option C. In its contribution of 10 November 1999, its preference for a fixed-size Court of Auditors remained implicit (European Commission, 1999), but in its formal opinion paper of 26 January 2000 the Commission explicitly proposed C (12 members; CONFER 4701/00, 1 February 2000). In doing this, the Commission was actually 'responsible' for this option. The United Kingdom did not include a preference on the size of the Court of Auditors in its position paper, but indicated – just like Italy (see above) and Spain (see below) – that it could agree with B/C, during the Preparatory Group of 25 February 2000 according to the FA/DIE's and Commission's informal reports of this meeting. Again, this does not necessarily imply that the United Kingdom did actually prefer B/C (over A). However, contrary to Italy's case as discussed above, no (possible) evidence was found that the United Kingdom did (also) prefer A, so it can be concluded that its goal-achievement, as with that of the Commission, is 0.

Germany did not include a preference in its formal position paper (CONFER 4733/00, 30 March 2000). It indicated during the Preparatory Group of 25 February 2000, just like Spain, that the issue of the Court of Auditor's size was a derivation of the issue of the size of the European Commission (FA/DIE report, 28 February 2000). This could be interpreted

in the sense that the German and Spanish preferences on the Court of Auditor's size were dependent on the outcome of the Commission size issue and that they were thus open to A, B and C. However, according to a preparatory note by the Commission for the Preparatory Group of 16 May 2000, Germany did not indicate that it could agree with B/C during the Preparatory Group of 25 February 2000, whereas Spain did. Therefore, following the same line of reasoning as in the case of the United Kingdom, Spain can be said to prefer B/C and has not achieved its goal. The German preference, on the other hand, is actually unknown, as is its goal-achievement.

The European Parliament did not include a preference in its resolution of 18 November 1999 (European Parliament, 1999). In its resolution of 13 April 2000 (CONFER 4736/00, 3 May 2000), however, it did express a preference for a fixed number of members, which would possibly be lower than the number of member states. This can be summarised as a preference for B/possibly C. As the decision options are rather clear-cut for this issue, it is argued that even a (partial) preference for B yields no goal-achievement for an actor, so the European Parliament's goal-achievement is also 0.

### 6.3.2 SOA, Contact Committee, Appeal ECJ and Instruction

*SOA*: producing, in addition to the 'overall' statement of assurance (SOA), 'sectoral' SOAs on specific policy areas

A = yes: producing, in addition to the 'overall' SOA, 'sectoral' SOAs on specific policy areas

B = no: not producing, in addition to the 'overall' SOA, 'sectoral' SOAs on specific policy areas

T = not-decision

N = non-decision

*Contact Committee*: establishing a Contact Committee, consisting of the Presidents of the Court of Auditors and the national auditing bodies

A = yes: establishing in the Treaty itself a Contact Committee, consisting of the Presidents of the Court of Auditors and the national auditing bodies

B = yes: establishing in a Declaration attached to the Final Act of the IGC a Contact Committee, consisting of the Presidents of the Court of Auditors and the national auditing bodies

C = no: not establishing in the Treaty itself or in a Declaration attached to the Final Act of the IGC a Contact Committee, consisting of the Presidents of the Court of Auditors and the national auditing bodies

T = not-decision

N = non-decision

*Appeal ECJ*: granting the Court of Auditors the right of appeal at the European Court of Justice (ECJ) against a member state that fails to comply adequately with its request for information

A = yes: granting the Court of Auditors the right of appeal at the ECJ against a member state that fails to comply adequately with its request for information

B = no: not granting the Court of Auditors the right of appeal at the ECJ against a member state that fails to comply adequately with its request for information

T = not-decision

N = non-decision

*Instruction*: instructing the EU ‘legislator’ to specify in more detail the information and auditing competences of the Court of Auditors

A = yes: instructing the EU ‘legislator’ to specify in more detail the information and auditing competences of the Court of Auditors

B = no: not instructing the EU ‘legislator’ to specify in more detail the information and auditing competences of the Court of Auditors

T = not-decision

N = non-decision

No clear data have been found on the preferences of the other participating actors regarding the SOA, Contact Committee, Appeal ECJ and Instruction issues prior to the deadline of the before-preference. The actors that issued position papers did not express themselves on these issues and neither did Belgium and Luxembourg in their first Benelux memorandum. As was made clear in Section 5.3, these issues were specific Dutch proposals rather than general negotiation issues. Except for the Instruction issue, which resulted in a non-decision from the perspective of the Dutch cabinet, they were part of an agenda-setting process until 20 September 2000, when the Presidency put them on the agenda of the IGC. This might explain why the other actors did not express a (clear) preference on these issues during this period of time.

Some data were, however, found on the preferences of most of the other actors, although they were unclear. The Commission report of the Preparatory Group of 25 February 2000 states that the great majority of the member states were of the opinion that the discussion on the ‘other institutions’, such as the Court of Auditors, should be limited to their size and composition and not cover their mandate or functioning. This implies that this ‘great majority’ was also not in favour of discussing the SOA, Contact Committee, Appeal ECJ and Instruction issues. It can subsequently be argued that when actors were against discussing these issues, they were eventually also against the Dutch proposals and thus in favour of option B.

The FA/DIE report of the same meeting does offer a more nuanced – although still not very detailed – view. The report indicates that there was much support for the Dutch view that cooperation between the Court of Auditors and the national audit institutions should be improved upon, the internal organisation of the Court of Auditors strengthened and its instruments refined. The four specific Dutch proposals come under these three general descriptions. The European Parliament, Italy, Finland, Greece, Denmark, Belgium, Luxembourg and the United Kingdom expressed their support. France, Spain, Sweden and Germany, on the other hand, took a reserved position. However, firstly, it is not completely clear whether or not the Dutch cabinet has actually already mentioned and mobilised support for its *specific* proposals during this meeting. Secondly, even if this was the case, the report provides insufficient details on *which* proposals were supported or rejected by *which* actors.

In the absence of clear preferences from most of the other actors in favour or against the Dutch proposals, it is in fact not possible to speak in terms of the extent of their goal-achievement, as they had no (clear) ‘goal’ to begin with. Following this line of reasoning, these actors had no clear preference to begin with and therefore their goal-achievement is also described as ‘unclear’. No data were found on the Commission at all, so its preference and goal-achievement is unknown.

Table 6.2 *The extent of the other actors' goal-achievement for the Court of Auditors* (see Tables 1-5 in Annex 5 for more details)

Court of Auditors	Size	SOA	Contact Committee	Appeal ECJ	Instruction
Austria	Full (3)	Unclear	Unclear	Unclear	Unclear
Belgium	Full (3)				
Denmark	Full (3)				
Finland	Full (3)				
France	Full (3)				
Germany	Unknown				
Greece	Full (3)				
Ireland	Full (3)				
Italy	Partial (1)				
Luxembourg	Full (3)				
Portugal	Full (3)				
Spain	Zero (0c – not preferred decision option)				
Sweden	Full (3)				
United Kingdom	Zero (0c – not preferred decision option)				
European Commission	Zero (0c – not preferred decision option)	Unknown	Unknown	Unknown	Unknown
European Parliament	Zero (0c – not preferred decision option)	Unclear	Unclear	Unclear	Unclear

The goal-achievements of the other participating actors regarding the five Court of Auditors issues from the sample selection are summarised in Table 6.2.

## 6.4 ESDP

### 6.4.1 *Treaty change*

*Treaty change*: whether or not to establish the European Security and Defence Policy (ESDP) in the Treaty

A = Treaty change (now)

B = no Treaty change now, but in the future (announced in a separate text, for example a Declaration)

C = no Treaty change (at all)

T = not-decision

N = non-decision

Italy expressed a preference for option A in its formal position paper (CONFER 4717/00, 3 March 2000). Earlier it had pleaded for this option during the General Affairs Council of 6 December 1999 (Commission report, 6 December 1999). Greece took a prudent position on the Treaty change issue during the COREPER meeting of 10 November 1999 (Commission report, 12 November 1999), but indicated in its formal position paper that it was in favour of A (CONFER 4719/00, 3 March 2000). The European Commission did not express a preference in its formal opinion paper of 26 January 2000 (CONFER 4701/00, 1 February 2000), but had already stated that it was in favour of option A in its formal contribution of 10 November 1999 considering the Finnish Presidency report to the Helsinki European Council (European Commission, 1999).

The other actors that did table a formal position paper did not explicitly express that they were either in favour of or against Treaty change, but on close reading they could still be differentiated. Austria indicated that the ESDP 'might require Treaty amendments that could be dealt with by the Intergovernmental Conference at a later date' (CONFER 4712/00, 15 February 2000). Finland, on the other hand, stated that 'the development of crisis management capabilities does not automatically require amendments to the Treaty on European Union. The examination to be made during the Portuguese Presidency should focus on the delegation of decision-making powers. In case it were concluded that amendments to the Treaty are necessary, the issue should be thoroughly prepared and included on the agenda of the Intergovernmental Conference towards the end of the Conference' (CONFER 4723/00, 7 March 2000). Denmark pointed out, concerning the ESDP, that 'it cannot be excluded, that these discussions could result in demands for Treaty amendments to reflect the agreement reached. The Danish government will monitor carefully the developments in this area and will participate actively in all discussions to safeguard Danish interests and positions in the ongoing process – with due respect for Denmark's opt-out' (CONFER 4722/00, 7 March 2000).

A close reading of these three position papers and a mutual comparison leads to the conclusion that Austria tends towards option A, but Finland and more obviously Denmark tend towards C. No informal written sources prior to the deadline were available for Austria, so it is concluded that it preferred A>C. With regard to Finland, only a Commission report of the COREPER meeting of 10 November 1999 that stated that the Finnish *Presidency* found it premature at that stage to decide on the necessity of Treaty change has been found. Thus, it is concluded that it was in favour of C>A. Commission reports of COREPER meetings of 10 and 30 November 1999 and 3 December 1999 confirm Denmark's preference for C.

During the COREPER meeting of 10 November 1999, Germany was of the opinion that it is necessary to have a separate body that makes the decisions in the case of a crisis situation (i.e. delegating authority to the PSC; see Section 6.4.2). This would require Treaty change, which implies that the issue should be taken up at the IGC 2000 (Commission report, 12 November 1999). Germany did not make a choice in its position paper when indicating that in light of the Presidency report to the Feira European Council, which should indicate whether or not Treaty amendment is judged to be necessary, 'it will have to be decided to what extent the intergovernmental conference will also take up this question' (CONFER 4733/00, 30 March 2000). This can be interpreted as a preference for A/C, which is confirmed by an informal written source indicating that Germany had not yet answered the question of whether or not Treaty change is needed (FA/DIE Berlin embassy note, 22 March 2000).

The United Kingdom stated during the COREPER meeting of 10 November 1999 that for the most part, the existing Treaty did suffice for the ESDP (option C), but that the situation would become more complicated in the case of a military intervention, which would require a new decision-making body with a mandate from the Council (i.e. delegating authority to the PSC; see Section 6.4.2) (Commission report, 12 November 1999). The United Kingdom left the possibility of Treaty change open in its position paper by stating that if the ESDP discussions parallel to the IGC 'result in the need for Treaty change, these changes could be folded into the IGC process later in the year' (CONFER 4718/00, 3 March 2000). In an FA/

DIE note of the London embassy from 6 March 2000, it is stated that the United Kingdom has 'yet' come to the conclusion that Treaty change is necessary, which is confirmed by an informal FA/DIE note from 16 March 2000. The word 'yet' is taken to mean that the United Kingdom was originally not in favour of Treaty change (thus, option C).

The European Parliament included no preference in its resolution of 18 November 1999 (European Parliament, 1999) and left open whether or not the Treaty should be changed regarding the ESDP in its resolution of 13 April 2000 by stating that 'where appropriate, the following modifications should be made to the EU Treaty (...)' (CONFER 4736/00, 3 May 2000). This could at best be interpreted as a preference for A/C.

Belgium and Luxembourg did not present a position paper, but the first Benelux memorandum of 6 December 1999 stated with regard to the ESDP that 'the IGC can be used to modify or to complete the Treaty if this should turn out to be necessary' (CONFER 4721/00, 7 March 2000). This statement in fact leaves open whether or not the Treaty should indeed be changed. As it is known for sure that the Dutch cabinet wanted to change the Treaty, this prudent formulation could be due to the fact that Belgium and Luxembourg were less sure about this. What is known from a Commission report (6 December 1999) is that only Italy and the Dutch cabinet explicitly pleaded for Treaty change during the General Affairs Council of 6 December 1999. No additional informal written sources prior to the deadline were available for Luxembourg. Belgium stated during the COREPER meeting of 10 November 1999 that Treaty change could not be excluded, but that before aiming at delegating authority to a new committee, which would require Treaty change, the existing instruments should first be examined (Commission report, 12 November 1999). It could at least be concluded from this that Belgium and Luxembourg were less in favour of A than the Dutch cabinet. This is interpreted as a preference for A/C.

During the COREPER meeting of 10 November 1999, France stated that ESDP Treaty changes should be as limited as possible (Commission report, 12 November 1999). The following informal written source found on France, a FA/DIE DVB memorandum from 16 March 2000, reveals a preference for C. This does not exclude a preference for B, which appears from most subsequent informal written sources on France after the deadline, the first of which is dated 28 April 2000. However, as these sources date from after the deadline, it is concluded that France preferred C. Although option B lies between A (the ultimate outcome) and C, for the attribution of the extent of goal-achievement it does not, for that matter, make any difference whether France preferred C or B.

The Legal Service of the Council Secretariat had explicitly been asked for its advice on the necessity of ESDP Treaty change, which was written by the Legal Adviser to the IGC Piris and presented on 8 May 2000 (see Section 5.4). In it, the Legal Service expressed in principle a preference for C, but indicated some conditions under which Treaty change would be necessary from a juridical point of view, and otherwise stated that it was up to the member states to determine whether Treaty change would be politically desirable or operationally opportune. This could be summarised as C>A. This advice was presented after the deadline, but the Council Secretariat's advice, i.e. its preference for C>A, had already come into focus in the Commission report of the COREPER meeting of 10 November 1999.

From the Commission reports of the COREPER meetings of 10 and 30 November and 3 December, and of the General Affairs Council of 6 December 1999, it appears that Spain preferred option C. From the Commission report of the COREPER meeting of 10



November 1999, it is clear that Sweden generally deemed Treaty change to be unnecessary, but the issue could be taken up at the end of the IGC. An informal FA/DIE note of 2 February 2000 confirms the former statement, and thus it is concluded that Sweden preferred C. According to the Commission report, Ireland agreed with what Sweden had put forward during the COREPER meeting of 10 November 1999, adding that any Treaty change would require a referendum, which could create some difficulties. From this, it is concluded that Ireland also preferred C. For Portugal, only one, rather unclear Commission source (report COREPER meeting of 10 November 1999) has been found. It is therefore concluded that both its preference and goal-achievement are unknown.

As the outcome of the negotiation process was option A, all the actors in favour of A have completely achieved their (original) goals. Austria, which was in favour of A>C, and Belgium, Germany, Luxembourg and the European Parliament, which favoured A/C, can be attributed a goal-achievement value of 2. Actors in favour of C>A, Finland and the Council Secretariat, get a goal-achievement of 1. All the actors favouring option C have not achieved their goals at all.

#### 6.4.2 PSC

*PSC*: establishing a Political and Security Committee (PSC) in the Treaty and formulating its responsibilities with regard to EU-led crisis management operations

A = yes: establishing a PSC in the Treaty and formulating its responsibilities with regard to EU-led crisis management operations

B = no: not establishing a PSC in the Treaty and formulating its responsibilities with regard to EU-led crisis management operations

T = not-decision

N = non-decision

For many actors, no data or inadequate data have been found to establish their preference on the PSC issue. The lack of data might have to do with the fact that actors may only have expressed a preference on this substantive issue after the ESDP became a part of the IGC agenda in general, which was only the case in Nice itself. In general, however, it can be argued that actors that were not in favour of Treaty change on the ESDP in general and to begin with were not in favour of changing the Treaty with regard to the PSC in particular either.

An exception should be made for those actors that, although not (very much) in favour of ESDP Treaty change in general, were of the opinion that establishing the PSC and delegating authority to it would require Treaty change. This opinion was expressed by Belgium, the United Kingdom and the Council Secretariat during the COREPER meeting of 10 November 1999 (Commission report, 12 November 1999). Germany, which was in favour of A/C with regard to the Treaty change issue, also expressed this opinion during this meeting. This opinion is interpreted as a preference for A regarding the PSC issue. In its formal position paper, Finland tended towards option C on the Treaty change issue, but left open the possibility of A with regard to the PSC issue (CONFER 4723/00, 7 March 2000). Except for Finland, all these actors can be attributed a goal-achievement value of 3. Finland, which considered A as a possibility, is attributed a goal-achievement of 2.

The preference on the PSC issue of the other opponents of Treaty change – Denmark, France, Ireland, Spain and Sweden – is derived from their opposition to ESDP Treaty change in general: they were (probably) also not in favour of establishing the PSC and its responsibilities in the Treaty, thus favouring option B. The preference of Denmark and France for B is – albeit indirectly – confirmed by an informal written source (Commission report COREPER of 30 November 1999 and 3 December 1999, 3 December 1999 and FA/DIE embassy Berlin note, 22 March 2000, respectively). All these actors have not achieved their goals.

During the COREPER meeting of 10 November 1999 (Commission report, 12 November 1999), Italy stated that a possible crisis management mechanism should have decision-making powers that were currently not provided for by the Treaty. This could be interpreted as a preference for option A, which is confirmed by a FA/DIE Rome embassy note of 15 March 2000. Italy has thus also completely achieved its goal. Greece's preference for A was less clear in that it wanted the 'status' of the PSC to be settled in the Treaty (CONFER 4719/00, 3 March 2000). Therefore it receives a goal-achievement value of 2. The European Parliament was in favour of replacing the PoCo with the PSC in Article 25 TEU, in case the Treaty would indeed be changed with regard to the ESDP (CONFER 4736/00, 3 May 2000). As it does not express itself on the possible responsibilities of the PSC, this can be considered to be a preference for A/B, which corresponds to a goal-achievement value of 1.

For the other (moderate) proponents of Treaty change – Austria, Luxembourg and the European Commission, no data on their preference on the PSC issue have been found. It is argued that actors that were in favour of Treaty change in general cannot necessarily be said to also favour Treaty change on the PSC in particular. Therefore, it is concluded that the preferences and goal-achievements of Austria, Luxembourg and the European Commission are unknown. This also applies to Portugal, whose preference on the Treaty change issue was unknown.

### 6.4.3 *NATO*

*NATO*: establishing the relationship and cooperation with the North Atlantic Treaty Organisation (NATO) in the Treaty

A = yes: establishing the relationship and cooperation with NATO in the Treaty

B = no: not establishing the relationship and cooperation with NATO in the Treaty

T = not-decision

N = non-decision

For most actors, no data or inadequate data have been found to establish their preference. The lack of data might have to do with the fact that actors would only express a preference on this substantive issue after the ESDP became a part of the IGC agenda in general, which was only the case in Nice itself. In general, however, it can be argued that actors that were not in favour of Treaty change on the ESDP in general and to begin with were also not in favour of changing the Treaty with regard to the NATO in particular. Therefore, their preference on the NATO issue may be derived from their opposition to ESDP Treaty change in general: option B. The preference for B of some of these opponents – France

and the 'neutral countries', is explicitly confirmed by informal written sources. However, except for France, albeit implicitly (FA/DIE DVB memorandum, 16 March 2000), these sources date from after the deadline. For that matter, it is unclear whether and to what extent the preference for B applies to the individual actors – Austria, Finland, Ireland and Sweden – that make up the neutral countries (see Section 7.6.2). As Austria was in favour of ESDP Treaty change in general rather than against it, it cannot be derived from this that it preferred B on the NATO issue. Therefore, it is concluded that its preference and goal-achievement are unknown. As the outcome of the negotiation process was a not-decision, which practically boiled down to the same as option B, all opponents of Treaty change in general have completely achieved their goals on the NATO issue.

According to informal written sources after the deadline, some of the (moderate) proponents of Treaty change – Belgium, Luxembourg and Italy, also appeared to be more or less against NATO Treaty change during the negotiation process. Yet, their original preferences are simply not known. As pointed out in Section 6.4.2 for the PSC issue, they cannot be derived from their support for ESDP Treaty change in general either. Therefore, the preferences and goal-achievements on the NATO issue of the (moderate) proponents of Treaty change are also unknown. This applies to Portugal as well, whose preference on the Treaty change issue was unknown.

#### 6.4.4 *Military Staff*

*Military Staff*: establishing a Military Staff in the Treaty, supporting the Military Committee

A = yes: establishing a Military Staff in the Treaty, supporting the Military Committee

B = no: not establishing a Military Staff in the Treaty, supporting the Military Committee

T = not-decision

N = non-decision

Except for Greece, no data on the preferences of any of the other participating actors were found with regard to the Military Staff issue. Greece implicitly indicated that it was in favour of option A in its formal position paper (CONFER 4719/00, 3 March 2000). Again the lack of data might have to do with the fact that actors may only have expressed a preference on this issue after it had been put on the agenda. This never happened, because the issue was not part of the Italy and Benelux proposals that formed the basis of the discussion on the substantive ESDP Treaty changes in Nice. As a result, the Military Staff issue eventuated in a non-decision from the perspective of the Dutch cabinet (see Section 5.4.6).

However, as in the case of the PSC and NATO issues, it could be argued that the actors that were against ESDP Treaty change in general were also against changing the Treaty with regard to the Military Staff in particular and thus in favour of option B. As the Military Staff issue resulted in a non-decision, which practically coincided with option B, these actors have completely achieved their goals. The preferences and goal-achievements of the other actors are again unknown. Only Greece, which implicitly preferred A, can be said to not have achieved its goal.

Table 6.3 *The extent of the other actors' goal-achievement for the ESDP* (see Tables 6-9 in Annex 5 for more details)

ESDP	Treaty change	PSC	NATO	Military Staff
Austria	Partial (2)	Unknown	Unknown	Unknown
Belgium	Partial (2)	Full (3)	Unknown	Unknown
Denmark	Zero (0c – not preferred decision option)	Zero (0c – not preferred decision option)	Full (3)	Full (3)
Finland	Partial (1)	Partial (2)	Full (3)	Full (3)
France	Zero (0c – not preferred decision option)	Zero (0c – not preferred decision option)	Full (3)	Full (3)
Germany	Partial (2)	Full (3)	Unknown	Unknown
Greece	Full (3)	Partial (2)	Unknown	Zero (0a – non-decision)
Ireland	Zero (0c – not preferred decision option)	Zero (0c – not preferred decision option)	Full (3)	Full (3)
Italy	Full (3)	Full (3)	Unknown	Unknown
Luxembourg	Partial (2)	Unknown	Unknown	Unknown
Portugal	Unknown	Unknown	Unknown	Unknown
Spain	Zero (0c – not preferred decision option)	Zero (0c – not preferred decision option)	Full (3)	Full (3)
Sweden	Zero (0c – not preferred decision option)	Zero (0c – not preferred decision option)	Full (3)	Full (3)
United Kingdom	Zero (0c – not preferred decision option)	Full (3)	Full (3)	Full (3)
European Commission	Full (3)	Unknown	Unknown	Unknown
European Parliament	Partial (2)	Partial (1)	Unknown	Unknown
Council Secretariat	Partial (1)	Full (3)	Full (3)	Full (3)

The goal-achievements of the other participating actors on the four ESDP issues from the sample selection are shown in Table 6.3.

## 6.5 Closer cooperation

What were the preferences of the other participating actors in the Closer cooperation dossier? In general, an important 'direct' informal written source, just at the deadline, concerns the Dutch report of the informal Preparatory Group in Sintra on 14 April 2000 (FA/DIE report, 17 April 2000). As this report clearly indicates which actor preferences on the minimum requirement and veto possibility conditions were changing – only a few – the original preferences of the actors can be derived from this. In this way, the report serves as a confirmation of the preferences found in earlier formal and/or informal sources.

### 6.5.1 *Minimum requirement*

*Minimum requirement:* the minimum number of member states required for engaging in a closer cooperation initiative

A = at least eight member states

B = at least one third of the member states

C = status quo: at least a majority of the member states

T = not-decision

N = non-decision

The first Benelux memorandum of 6 December 1999 (CONFER 4721/00, 7 March 2000) stated that closer cooperation 'should also be possible with the same number of member states as is the case today', which boiled down to eight member states (A). Belgium and Luxembourg thus preferred A, although two informal written sources do not discriminate between A and B when indicating that Belgium and Luxembourg were in favour of changing the minimum requirement condition (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000; FA/DIE report, 17 April 2000). The latter also applies to Italy, which indicated in its formal position paper that it was in favour of lowering the threshold (CONFER 4717/00, 3 March 2000). Italy's preference is therefore interpreted as A/B (A and/or B, which is unclear).

France did not table a position paper, but from informal written sources it appears that France also favoured A/B (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000; FA/DIE report, 17 April 2000). Germany did not express a preference in its formal position paper. According to the FA/DIE report, Germany did (probably) express a preference for A and/or B during the Preparatory Group of 14 April. Moreover, an 'indirect' informal written source confirming Germany's preference for A/B has been found (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000).

The Commission did not indicate a preference in its contribution of 10 November 1999 (European Commission, 1999), but in its opinion paper of 26 January 2000 (CONFER 4701/00, 1 February 2000) expressed a preference for B. The European Parliament indicated in its resolution of 18 November 1999 that 'the rules adopted should aim at reducing the possibility of blocking actions by any of the Member States' (European Parliament, 1999). This could be interpreted as a preference for lowering the minimum requirement (A/B), but it is at most an unclear preference. Yet the European Parliament clearly expressed a preference for B in its resolution of 13 April 2000 (CONFER 4736/00, 3 May 2000).

Greece expressed a preference for C in its formal position paper. Finland and the United Kingdom also indicated in their formal position papers that they were in favour of C, although implicitly rather than explicitly. The preference of these three member states is confirmed by informal written sources (FA/DIE London embassy note, 31 January 2000 (only for the United Kingdom); FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000; FA/DIE report, 17 April 2000).

According to an 'indirect' informal written source (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000) and the 'direct' Sintra report (FA/DIE report, 17 April 2000), the following actors were in favour of C: Denmark (which did not express a preference in its position paper), Ireland (see also Commission note, 12 April 2000), Portugal and Spain (see also Commission note, 12 April 2000). For Sweden, the Sintra report indicates that it provided some opening concerning the minimum requirement (thus A/B), from which it can be derived that its original preference was C (see also Commission note, 12 April 2000). The 'indirect' informal written source mentioned above still left some doubt about this.

Austria is the only actor for which (possibly) contradictory sources have been found. Austria did not express a preference in its position paper. The 'indirect' informal written source leaves some doubt about whether Austria's preference is unknown or A/B. The Sintra report, on the other hand, classifies Austria as being among the original opponents of relaxing the two conditions, indicates that Austria had no problem with abolishing the veto possibility, but provided no 'opening' in terms of the minimum requirement. From this, it can be concluded that Austria preferred C. This is confirmed by the fact that several later informal written sources (after the deadline) indicate a preference for C, which make it plausible that Austria's original preference was also C (as a preference change from A/B to C is theoretically not logical, but a preference change from C to A/B is what empirically occurred in several instances).

The actors preferring C get a goal-achievement value of 0, actors favouring A/B (where it is in fact unclear whether they preferred A and/or B) a goal-achievement of 1, actors in favour of B get a goal-achievement of 2 and actors preferring A get a goal-achievement of 3.

### 6.5.2 *Veto possibility*

*Veto possibility*: whether or not a member state has the ability to veto a closer cooperation initiative

A = abolishing the veto possibility, deciding by QMV

B = abolishing the veto possibility, but maintaining the possibility of referring the matter to the European Council

C = status quo: maintaining the veto possibility

T = not-decision

N = non-decision

Belgium and Luxembourg expressed a preference for option A in the first Benelux memorandum. This is confirmed by an 'indirect' informal written source (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000) and the 'direct' report of the Preparatory Group of 14 April 2000 in Sintra (FA/DIE report, 17 April 2000). Germany expressed a preference for A in its formal position paper, which is confirmed by the 'indirect' source just mentioned. Italy stated in its formal position paper that the veto possibility should be 'reviewed'. This can be interpreted as a preference for A. This preference is confirmed by two informal written sources (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000; FA/DIE report, 17 April 2000).

The Commission was in favour of A according to its opinion paper of 26 January 2000 (CONFER 4701/00, 1 February 2000). It had expressed this preference only implicitly in its earlier contribution of 10 November 1999 (European Commission, 1999). As became clear in the previous subsection, the European Parliament pointed in its resolution of 18 November 1999 to 'reducing the possibility of blocking actions by any of the Member States', which could be interpreted as a preference for A (European Parliament, 1999). The Parliament explicitly expressed this preference in its resolution of 13 April 2000 (CONFER 4736/00, 3 May). France did not present a position paper, but based on informal written sources it appears to have a preference for A (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000; FA/DIE report, 17 April 2000).

Finland, Greece and the United Kingdom expressed a preference for C in their formal position papers, although implicitly rather than explicitly. In addition to an 'indirect' informal written source (FA/DIE note, unknown date, probably between 31 January 2000 and 30 March 2000), the Sintra report (FA/DIE report, 17 April 2000) helps to confirm the (original) preference for C of the following actors: Denmark, Finland, Greece, Ireland (see also Commission note, 12 April 2000), Portugal, Spain (see also Commission note, 12 April 2000), Sweden and the United Kingdom (see also FA/DIE London embassy note, 31 January 2000). In Sintra, Greece, Portugal, Spain (first pillar), Sweden and the United Kingdom indicated that they were still in favour of C, whereas Denmark, Ireland and Finland provided some openings towards A. The 'indirect' informal written source leaves some doubt as to the preference of Sweden, but the Sintra report makes explicitly clear that its original preference was C (see also Commission note, 12 April 2000).

Austria is the only actor for which (possibly) contradictory sources have been found. Austria did not express a preference in its position paper. The 'indirect' informal written source leaves some doubt about whether Austria's preference is unknown or A, whereas the Sintra report treats Austria as an original opponent of relaxing the two conditions (thus favouring C), but now indicating that it has no problem with A. As the Sintra report is a clear source and gives an indication of the original preferences of the actors, it can safely be concluded that Austria preferred C.

As the ultimate outcome, option B/C, lies between A and C, all actors have achieved their goals at least to a certain extent. As the ultimate outcome approximates C more than A, it is justified to attribute actors preferring C a goal-achievement value of 2 and actors favouring A a goal-achievement of 1.

### 6.5.3 *Differentiated membership*

*Differentiated membership*: the possibility for a candidate member state to become a partial member, making it possible to accede earlier than when a candidate member may only become a full member (apart from possible derogations and transition periods)

A = yes: introducing the possibility for a candidate member state to become a partial member

B = no: not introducing the possibility for a candidate member state to become a partial member

T = not-decision

N = non-decision

No specific data on the preferences of the other actors on this issue have been found. The only general reference to other actors is made in an informal written source of the Dutch cabinet (FA/DIE note, unknown date, probably between 20 December 1999 and 31 January 2000). Here it is stated that 'many member states' consider option A as 'premature'. From this, it is derived that 'many' member state actors were in favour of B, but actually and specifically it is not known which actors favoured which options. If it is indeed true that several member states were in favour of B, these actors have certainly achieved their goals, as the outcome of the negotiation process was a non-decision. Yet as specific data on the other actors' preferences are lacking, it is concluded that the preferences and extent of goal-achievement of the other actors on this issue are unclear.



Table 6.4 *The extent of the other actors' goal-achievement for Closer cooperation* (see Tables 10-12 in Annex 5 for more details)

<b>Closer cooperation</b>	Minimum requirement	Veto possibility	Differentiated membership
Austria	Zero (0c – not preferred decision option)	Partial (2)	Unclear
Belgium	Full (3)	Partial (1)	
Denmark	Zero (0c – not preferred decision option)	Partial (2)	
Finland	Zero (0c – not preferred decision option)	Partial (2)	
France	Partial (1)	Partial (1)	
Germany	Partial (1)	Partial (1)	
Greece	Zero (0c – not preferred decision option)	Partial (2)	
Ireland	Zero (0c – not preferred decision option)	Partial (2)	
Italy	Partial (1)	Partial (1)	
Luxembourg	Full (3)	Partial (1)	
Portugal	Zero (0c – not preferred decision option)	Partial (2)	
Spain	Zero (0c – not preferred decision option)	Partial (2)	
Sweden	Zero (0c – not preferred decision option)	Partial (2)	
United Kingdom	Zero (0c – not preferred decision option)	Partial (2)	
European Commission	Partial (2)	Partial (1)	
European Parliament	Partial (2)	Partial (1)	

The extent to which the other participating actors have achieved their goals on the three sample selection issues of the Closer cooperation dossier is shown in Table 6.4.

## 6.6 Commission size

A = status quo (two Commissioners each for Germany, the United Kingdom, Spain, France and Italy, one each for the other 10 member states)

B = one Commissioner per member state

C = one Commissioner per member state, a fixed number of Commissioners – being less than the number of member states – later on or to be determined later on, from a certain date or a certain number of member states (with or without a strictly equal rotation system)

D = a fixed number of Commissioners now – being less than the number of member states (with or without a strictly equal rotation system)

T = not-decision

N = non-decision

What were the preferences of the other participating actors on the size and composition of the Commission? According to their formal position papers, the following actors preferred option B: Denmark (CONFER 4722/00, 7 March 2000), Finland (CONFER 4723/00, 7 March 2000) and Greece (CONFER 4719/00, 3 March 2000). While Ireland, Luxembourg, Portugal and Sweden did not present position papers, they also preferred B according to unanimous informal written sources. In the case of Luxembourg, its preference for B was formally established in the first Benelux memorandum of 6 December 1999 (CONFER 4721/00, 7 March 2000) and confirmed by informal written sources.

This also applies to Belgium, but there is one dissenting informal FA/DIE source dating from 15 February 2000 indicating that Belgium and also Austria were positive concerning a reduction of the Commission (under the condition of an equal rotation system). This is interpreted as complementing rather than replacing their primary preference for B (as confirmed by the other informal written sources). For Austria, its preference for B was also stated in its formal position paper (CONFER 4712/00, 15 February 2000). Austria and Belgium therefore preferred B more than D ( $B > D$ ).

In its contribution of 10 November 1999, the European Commission did not express a clear preference, but the contribution tended towards option D (European Commission, 1999). In its opinion paper of 26 January 2000 (CONFER 4701/00, 1 February 2000), the Commission presented D (20 Commissioners) and B as two alternative options. This is confirmed by several informal written Commission sources. However, in an informal preparatory Commission briefing note for the presentation of this opinion paper, dated 12 January 2000 and presented by President Prodi and Commissioner Barnier, the following is stated: 'Does the Commission agree to consider that stabilising the number of Commissioners is an objective to pursue during the next IGC? Given the existing viewpoints of a significant number of Member States, should we also present the option of a Commission composed with all the nationalities whatever the future number of Member States?' It may be concluded from this that formally the Commission remained neutral by expressing a preference for B/D, but in actual fact, its representatives in the IGC Prodi and Barnier preferred D in any case. All in all, the Commission's preference is therefore summarised as  $D > B$ .

The European Parliament did not express a preference in its resolution of 18 November 1999 (European Parliament, 1999), but expressed an equal preference for D (20 Commissioners) and B in its resolution of 13 April 2000 (CONFER 4736/00, 3 May 2000).

France did not table a position paper. According to the FA/DIE report of the first technical meeting preparing the IGC on 14 July 1999 (Satuli Group; see Section 2.3.1), none of the member states were willing to abandon the principle of one Commissioner per member state (B). The big member states, which included France, were prepared to forgo their second Commissioner, but wanted to be compensated with more votes in the Council. However, three informal written sources closer to the deadline of the before-preference indicate that France preferred D (FA/DIE memorandum, 15 February 2000; Commission preparatory note for General Affairs Council of 20 March 2000, unknown date; Commission report of Preparatory Group of 28 March 2000, 28 March 2000). In the informal written source of 15 February 2000, it becomes clear that France was in favour of an equal rotation system in this respect. As has already been explained in Section 5.6, the developments in the area of enlargement had accelerated since the first meeting on the subject in July 1999, which probably explains why France now preferred D instead of B. The informal sources closer to the deadline, indicating a preference for D, are therefore considered to represent the French preference.

Following the same line of reasoning, the July 1999 source indicating a preference for B of the other big member states is disregarded. Germany expressed a preference for D in its formal position paper, adding that 'the related issue of a second Commissioner for Germany depends, however, on a satisfactory outcome in other areas, particularly as regards the weighting of votes' (CONFER 4733/00, 30 March 2000). That Germany did not intend

to give up its second Commissioner *a priori* is confirmed by the informal written source of 15 February 2000, in which it is stated that Germany preferred D, but seemed to be in favour of an unequal rotation system (in which only the small member states would be rotated). This also becomes clear in an informal Commission note considering the General Affairs Council of 20 March 2000, which indicates that Germany had informally pointed out that it could support the reduction of the Commission to 20 Commissioners according to a system that assured a place for a German Commissioner.

Italy stated in its position paper that it could accept D, but also, 'as a compromise', B (CONFER 4717/00, 3 March 2000). In the FA/DIE memorandum of 15 February 2000 and the Commission report of the Preparatory Group of 28 March 2000, it is made clear that Italy preferred option D. The former source indicates that Italy was in favour of an equal rotation system in this respect. Italy's preference is all in all summarised as D>B.

For Spain, which did not present a position paper, two contradictory informal written sources have been found. The FA/DIE memorandum of 15 February 2000 states that Spain was in favour of D and also of an unequal rotation system in which only the small member states would rotate. The informal Commission preparatory note for the General Affairs Council of 20 March 2000, on the other hand, indicates that according to Spain, option B was 'the most realistic'. The most realistic decision option according to Spain need not, of course, necessarily coincide with the most preferred decision option of Spain, which might still be D. An informal Commission report of the Preparatory Group of 28 March 2000 confirms Spain's preference for D, although the negotiation process regarding the Commission issue had already been underway for some time and this might therefore not represent the original Spanish preference. All in all, it is concluded that Spain (probably) preferred D.

The United Kingdom stated in its position paper that the IGC should 'examine' option D, recognised that there were also arguments in favour of B and presented as a possible solution option C (CONFER 4718/00, 3 March 2000). According to the FA/DIE memorandum of 15 February 2000 and the Commission report of the Preparatory Group of 28 March 2000, the United Kingdom was in favour of D. The FA/DIE memorandum points out that it preferred an equal rotation system in this respect. It is concluded that the United Kingdom preferred D/C.

As the final outcome of the negotiation process (C) was a compromise between B and D and all actors were in favour of B and/or D, they have all achieved their goals to a certain extent. Actors in favour of B or D are attributed a goal-achievement value of 1. This applies to Denmark, Finland, France, Greece, Ireland, Luxembourg, Portugal and Sweden. Germany and Spain, which were in favour of D, also get a goal-achievement score of 1, although they were in favour of an unequal rotation system, which was not realised in the final outcome. The actors that were in favour of B and D are attributed a goal-achievement of 2: Austria, Belgium, Italy, the European Commission and the European Parliament. The United Kingdom can be said to have achieved its goal to the greatest extent, since it was in favour of D/C and of an equal rotation system, resulting in a goal-achievement score of 3.

The goal-achievements of the other participating actors regarding the size and composition of the Commission are summarised in Table 6.5.

Table 6.5 *The extent of the other actors' goal-achievement for the Commission* (see Table 13 in Annex 5 for more details)

European Commission	Size and composition
Austria	Partial (2)
Belgium	Partial (2)
Denmark	Partial (1)
Finland	Partial (1)
France	Partial (1)
Germany	Partial (1)
Greece	Partial (1)
Ireland	Partial (1)
Italy	Partial (2)
Luxembourg	Partial (1)
Portugal	Partial (1)
Spain	Partial (1)
Sweden	Partial (1)
United Kingdom	Full (3)
European Commission	Partial (2)
European Parliament	Partial (2)

## 6.7 Weighting of votes

### 6.7.1 Type of system

*Type of system (and QMV threshold):* the type of system and, if applicable, QMV threshold for the new weighting of votes

A 'Simple' dual majority system (a simple majority of member states + a simple majority of the EU population)

B Dual majority system (a (simple) majority of member states + a majority of the EU population)

C 'Weighted' dual majority system (a majority of weighted votes + a majority of the EU population)

D 'Re-weighting' of votes under the existing system, QMV threshold below the current level (71.26%)

E 'Re-weighting' of votes under the existing system, QMV threshold at the current level

F 'Re-weighting' of votes under the existing system, QMV threshold above the current level

T = not-decision

N = non-decision

What did the other participating actors prefer as the type of system for the weighing of votes? Option A was originally proposed by the European Commission in its opinion paper of 26 January 2000 (CONFER 4701/00, 1 February 2000). According to a FA/DIE memorandum of 27 January 2000, this part of the Commission's advice had 'according to Commission sources' been proposed at the last moment by Commission President Prodi himself. In its earlier contribution of 10 November 1999 (European Commission, 1999), the Commission did not express a preference for a particular type of system, but did indicate wanting to fix the QMV threshold at the current level or perhaps even lower: E(/D).

Strictly speaking, this was not at odds with option A of the opinion paper in which the QMV threshold would indeed be replaced by lower, 'simple' majorities, but the opinion paper, which was officially presented to the IGC, takes precedence anyway. The Commission thus preferred option A. The Commission proposal was supported by the European Parliament in its resolution of 13 April 2000 (CONFER 4736/00, 3 May 2000). It had presented no preference in its earlier resolution of 18 November 1999 (European Parliament, 1999).

According to informal written sources, the following actors were in favour of a dual majority system (probably option B): Austria, Belgium, Ireland, Luxembourg and Portugal. It is not completely clear whether these countries preferred the Commission option (A) or option B. The FA/DIE report of the Preparatory Group of 4 April 2000, which was the first Preparatory Group meeting on this dossier, indicates that none of these countries supported the Commission option, but rather, that most of them preferred a simple majority of member states combined with 60% of the EU population (option B). The Commission report of this meeting states that Belgium and Luxembourg preferred a dual majority system, while Austria and Portugal were open to discussing this option. Contrary to the FA/DIE report, the Commission report indicates that Ireland preferred a re-weighting. All previous informal written sources for Ireland, however, indicate a preference for a dual majority system, so that the conclusion that it preferred this option is maintained.

Although this meeting was the first Preparatory Group on the dossier and it could be argued that actors expressed their original preferences on this occasion, it was also a rather late occasion. The possibility can therefore not completely be excluded that (some of) these actors originally preferred option A and, only after that, B. For Austria, all informal written sources indicate that it was in favour of – or at least open to – a dual majority system, except for the first, albeit 'indirect', FA/DIE source from 2 March 2000 (re-weighting). Austria is concluded to have preferred a dual majority system, but the fact that it may have originally preferred a re-weighting of votes cannot simply be excluded. In the first Benelux memorandum of 6 December 1999, it was stated that one was open to discussing both a re-weighting of votes and a dual majority system. However, this formulation was due to the fact that the Dutch cabinet, unlike Belgium and Luxembourg, was in favour of a re-weighting (see Section 5.7.1).

In its formal position paper (CONFER 4719/00, 3 March 2000), Greece stated that 'if the system were to be changed', it preferred option B (60% of member states plus 60% of the EU population). However, this is contradicted by a FA/DIE source, although an 'indirect' one, which reported that Greece preferred a re-weighting. The formal 'direct' source, which is confirmed by the two informal reports of the Preparatory Group of 4 April 2000, precedes the informal 'indirect' source. Therefore, it is concluded that Greece preferred B. Denmark indicated in its formal position paper that it was in favour of option C, with a QMV threshold around the current level and at least 50% of the population of the EU (CONFER 4722/00, 7 March 2000). The informal written sources that were found state that Denmark preferred a (kind of) dual majority system, with the Commission report of the Preparatory Group of 4 April 2000 confirming its specific preference for C. In its position paper of 30 March 2000 (CONFER 4733/00), Germany stated that it could consider both option C (with e.g. 60% of the EU population) and a re-weighting of votes. Yet the informal written sources that were found state that Germany preferred a

dual majority system and three of them specify that it preferred B. Germany's preference for both a dual majority system and a re-weighting of votes included in its position paper might be an example of a 'bargaining' preference concealing its 'real' preference for a dual majority system. All in all, it is therefore concluded that Germany preferred B/C.

Finland and Italy preferred option E according to their formal position papers (CONFER 4723/00, 7 March 2000 and CONFER 4717/00, 3 March 2000, respectively). Their preference for a re-weighting type of system is unanimously confirmed by informal written sources.

The FA/DIE and Commission reports of the Preparatory Group of 4 April 2000 specifically indicate that in the case of re-weighting, all member states were in favour of E with regard to the QMV threshold. France was in favour of a re-weighting according to all informal written sources. Only one source indicates that France was in favour of lowering the QMV threshold (Commission note, 31 March 2000). This is interpreted conservatively by concluding that France preferred E/D. Sweden was also in favour of a re-weighting according to all informal written sources. The two reports of the Preparatory Group of 4 April 2000 specify its position with regard to the QMV threshold (E).

For Spain, two Commission notes indicate that it was 'reserved concerning a dual majority system' (Commission preparatory note for General Affairs Council of 20 March 2000, unknown date; Commission note, 31 March 2000). The other informal written sources state that Spain preferred a re-weighting, with one source making clear that Spain wanted to increase the QMV threshold and another one at least hinting at this (FA/DIE/Preparation PR report of 2<sup>nd</sup> technical meeting on 15 September 1999, 16 September 1999; Commission note, 31 March 2000). This is again interpreted conservatively by concluding that Spain was in favour of E/F. According to the FA/DIE report of the Preparatory Group of 4 April 2000, Spain indicated that it was in favour of a 70% population threshold in case of a dual majority outcome. These Spanish preferences were related to its desire to be treated as a big member state and as a 'special case' (see Section 6.7.3).

The United Kingdom was in favour of a re-weighting according to its formal position paper (CONFER 4718/00, 3 March 2000). This is confirmed by all informal written sources, three of which state that the United Kingdom wanted to maintain the current QMV threshold. It is therefore concluded that it preferred option E. For the Council Secretariat, only a preference for a QMV threshold below the current level has been found (FA/DIE/Preparation PR report of 2<sup>nd</sup> technical meeting on 15 September 1999, 16 September 1999). Its general preference is unclear, as is the extent of its goal-achievement.

As the outcome of the negotiation process was a re-weighting of votes under the existing system (D, E and mostly F), but also contained elements of the three dual majority options (A, B, C), all the actors have achieved their goals at least to a certain extent. As has already been discussed in Section 5.7.1, however, some options are better represented than others. In keeping with this, actors that (partially) prefer option F are attributed a goal-achievement value of 3, actors in favour of D and/or E or (partially) the hybrid option C get a goal-achievement of 2 and actors preferring A or B get a score of 1.



### 6.7.2 *General weighting*

*General weighting:* the general distribution of votes between the member states in the new weighting

A = toning down the 'degressive proportionality' system, i.e. weighting the population size of a member state more heavily

B = maintaining the 'degressive proportionality' system as much as possible, i.e. weighting the population size of a member state not too much

T = not-decision

N = non-decision

Although not many data were found for most of the member state actors, the divide between the big and small member states with regard to the general weighting was at least clearly put forward during the Preparatory Group of 4 April 2000 (FA/DIE report, 5 April 2000). The small member states did not want to give much more weight to population size in order to keep the balance between big and small member states (B), whereas the big member states preferred to give much more weight to population size (A). According to the data, all big and smaller member states fit into the categories of A and B, respectively.

The small member states Austria and Denmark indicated their preference for B in their formal position papers (CONFER 4712/00, 15 February 2000 and CONFER 4722/00, 7 March 2000, respectively). Belgium and Luxembourg preferred A/B according to the first Benelux memorandum (CONFER 4721/00, 7 March 2000), but this compromise position was related to the dual interest of the Dutch cabinet (see Section 5.7.2). As small member states, they were first and foremost in favour of B, which is confirmed by informal written sources. Finland and Greece did not indicate a preference on this issue in their position papers. The big member states Germany (CONFER 4733/00, 30 March 2000), Italy (CONFER 4717/00, 3 March 2000) and the United Kingdom (CONFER 4718/00, 3 March 2000) expressed their preference for A in their position papers. According to one informal written source, Germany was in favour of both A and B (FA/DIE memorandum, 9 February 2000). However, this does not exclude the fact that it may have primarily preferred A, and its formal position paper takes precedence anyway.

As the outcome of the negotiation process was A>B, the big member states have achieved their goals to a greater extent (2) than the small member states (1). No data have been found for the Commission and the Parliament on this issue. This might have to do with the fact that the issue does not directly concern them, but also with their preference for A with regard to the type of system (in which every member state holds the same weight in the first key). The preferences and goal-achievements of these two actors are therefore unknown.

### 6.7.3 *Individual weighting*

In addition to the general weighting distribution, several actors had specific preferences on their individual weightings. A controversial issue, particularly for France and Belgium, was whether Germany and the Netherlands, respectively, should get additional votes because of their greater population size compared to the other member states in their cluster. For Germany and France, the possible outcomes of the negotiation process were as follows:



*Individual weighting:* the individual number of votes of specific member states in the new weighting

A = Germany gets a greater weight than France, Italy and the United Kingdom

B = Germany does not get a greater weight than France, Italy and the United Kingdom

T = not-decision

N = non-decision

According to Galloway (2001:83), France could not accept during the endgame in Nice that Germany would get more votes than the United Kingdom, France and Italy, but this is not reflected in the data as France's original preference. The two informal sources that have been found in relation to this indicate that France could accept – or was at least open to – a 'decoupling' of Germany (A). This might, of course, be a 'bargaining' preference, France's 'real' – and most logical – preference being option B. Another possibility is that France was internally divided and that these sources only represent one side of the story. This internal divisiveness appears from a later informal written source after the deadline (FA/DIE memorandum, 20 September 2000; see Section 7.16.1, *Internal coherence*), but it is not clear whether this was already an issue at the start of the IGC, i.e. the deadline of the before-preference. All in all, it is concluded that France's preference is unclear.

Germany expressed no preference in its formal position paper (CONFER 4733/00, 30 March 2000). Yet it pointed out during the Preparatory Group of 4 April 2000 that the existing clusters were not a satisfactory form of voting distribution and that introducing more differentiation between member states on the basis of population size would be justified (FA/DIE report, 5 April 2000). In doing so, it (implicitly) expressed a preference for A. The FA/DIE memorandum of 20 September 2000 mentioned above also points to the possible internal divisiveness of Germany, but it is not clear whether a part of Germany actually preferred option B. The United Kingdom did not express a preference in its position paper (CONFER 4718/00, 3 March 2000), but the two informal written sources that were found indicate that it wanted the same number of votes as Germany (B). Italy also did not express itself on this issue in its position paper (CONFER 4717/00, 3 March 2000) and no informal sources were found for it. Therefore, Italy's preference is unknown.

After it became clear in Nice that France could not accept a decoupling of Germany, the following population threshold was agreed upon 'to reconcile that position with the German desire to see its greater relative size reflected' (Galloway, 2001:82):

'When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.'

This will enable Germany in EU-27 to form a blocking minority with any two of the following countries: the United Kingdom, France and Italy. As the blocking minority threshold is fixed at 91 in EU-27, the population condition has the same effect as giving four additional votes to Germany when it forms a blocking minority with two of the other three big member states. Therefore, formally no decoupling of Germany has taken place, but practically it has ( $A > B$ ). On this basis, it is concluded that Germany has for the greater part achieved its goal (2), but the United Kingdom has done so only to a limited extent (1). France's and Italy's extent of goal-achievement are unclear and unknown, respectively.

The possible outcomes of the negotiation process for Spain were as follows:

*Individual weighting:* the individual number of votes of specific member states in the new weighting

A = Spain gets the same weight as the four big member states

B = Spain does not get the same weight as the four big member states, but still (practically) more than is currently the case

C = neither A nor B (status quo)

T = not-decision

N = non-decision

Spain had been identified as a 'special case' in Declaration 50 attached to the Final Act of the Amsterdam IGC:

'Until the entry into force of the first enlargement it is agreed that the decision of the Council of 29 March 1994 ("the Ioannina Compromise") will be extended and, by that date, a solution for the special case of Spain will be found.'

As with Germany, the United Kingdom, France and Italy, Spain had two Commissioners, but it had two fewer votes in the Council than these member states. As a compensation for the loss of its second Commissioner, Spain wanted as many votes as the other big member states (FA/DIE/Preparation PR report of 2<sup>nd</sup> technical meeting on 15 September 1999, 16 September 1999). It was, however, not possible to give Spain the same number of votes as the other big member states because of its considerably lower population size. In order to be able to still treat Spain as a big member state, it was given 27 votes in Nice so that it would have the same blocking power as the other four big member states. This required the blocking minority threshold to be established at 88, which boiled down to a QMV threshold of 74.78% in EU-27 (Declaration on the enlargement of the European Union). However, this high threshold was not acceptable particularly to Belgium, Portugal and Finland. As a compromise, another Declaration was adopted in which it was stated that in EU-27 the blocking minority would be 91, which corresponded to a QMV threshold of 73.91% (Declaration on the qualified majority threshold and the number of votes for a blocking minority in the context of enlargement). The QMV threshold for EU-15 was established at 71.31% (blocking minority of 69), which was a compromise between a QMV threshold of 168 (blocking minority of 70) – the level immediately below the existing threshold – and a QMV threshold of 170 (blocking minority of 68) and which would improve Spain's current position in terms of blocking power (in the spirit of the 'Ioannina compromise') (Galloway, 2001:83-86).

Although Spain did not receive the same number of votes as the big member states (A), it certainly has achieved its goal to a great extent, in the sense that practically, its position in terms of blocking power, both in EU-15 and EU-27, has been improved (B), although not by as much as it aimed for during the end game in Nice and the subsequent renegotiations resulting in SN 533/00 rev1 at 22 December 2000 (see Section 5.7.1). Spain is therefore attributed a goal-achievement score of 2.

With regard to the other member states, Sweden wanted a relatively greater voting weight in any case, according to informal written sources. The possible outcomes of the negotiation process for Sweden were as follows:

*Individual weighting*: the individual number of votes of specific member states in the new weighting

A = Sweden gets a greater weight than is currently the case

B = Sweden does not get a greater weight than is currently the case

T = not-decision

N = non-decision

The outcome of the negotiation process was option A: Sweden got two additional votes (see Section 5.7.2). Sweden has therefore completely achieved its goal (3).

Table 6.6 *The extent of the other actors' goal-achievement for the Weighting of votes* (see Tables 14, 15 and 16a-c in Annex 5 for more details)

Weighting of votes	Type of system (and QMV threshold)	General weighting	Individual weighting
Austria	Partial (1)	Partial (1)	Not applicable
Belgium	Partial (1)	Partial (1)	Zero (0c – not preferred decision option)
Denmark	Partial (2)	Partial (1)	Not applicable
Finland	Partial (2)	Partial (1)	Not applicable
France	Partial (2)	Partial (2)	Unclear
Germany	Partial (2)	Partial (2)	Partial (2)
Greece	Partial (1)	Partial (1)	Not applicable
Ireland	Partial (1)	Partial (1)	Not applicable
Italy	Partial (2)	Partial (2)	Unknown
Luxembourg	Partial (1)	Partial (1)	Not applicable
Portugal	Partial (1)	Partial (1)	Not applicable
Spain	Full (3)	Partial (2)	Partial (2)
Sweden	Partial (2)	Partial (1)	Full (3)
United Kingdom	Partial (2)	Partial (2)	Partial (1)
European Commission	Partial (1)	Unknown	Not applicable
European Parliament	Partial (1)	Unknown	Not applicable
Council Secretariat	Unclear	Unknown	Not applicable

The extent to which the other participating actors have achieved their goals on the sample selection issues of the Weighting of votes dossier is outlined in Table 6.6.

## 6.8 Conclusion

This chapter has determined the extent to which the other participating actors have achieved their goals with regard to the sample selection of issues for each of the five Nice Treaty dossiers of this study (16 issues in total). The results have been presented in Tables 6.2-6.6. The goal of this before-after analysis was to establish which of the other participating actors could be considered to be potentially necessary conditions for the respective outcomes, i.e. potentially influential. These potentially influential actors are addressed in the process analysis in the next chapter, which will answer the question of the extent to which the Dutch cabinet – rather than these other potentially influential actors – has actually exerted its influence with regard to the sample selection of 16 issues, and how this can be explained.

## CHAPTER 7

# The process analysis

## Assessing and explaining the extent of the Dutch cabinet's influence

### 7.1 Introduction

The first part of this study's influence analysis was conducted in Chapters 5 and 6. This involved a before-after analysis, i.e. establishing the extent of goal-achievement of the Dutch cabinet and the other participating actors with regard to all 24 Nice Treaty issues selected and the sample selection of 16 issues, respectively. In this chapter, the second part of the influence analysis, a process analysis, is conducted. The process analysis consists of three steps. The first step is an assessment of whether the Dutch cabinet has actually exerted its influence with regard to the issues in the sample selection on which it has partially or fully achieved its goals. The second, deductive step aims to explain the extent of the Dutch cabinet's influence thus found by testing the expectations of the agency and structural variables of the conceptual model. The third, inductive step is to consider whether yet other variables that were not included in the model can offer an explanation for the extent of the Dutch cabinet's influence.

Some general remarks are made in Section 7.2, particularly with regard to the specific operationalisation and measurement of some variables in the process analysis. The process analysis is then conducted for the issues of the sample selection. The three sections after that are successively devoted to an assessment of the extent of the Dutch cabinet's influence, its explanation on the basis of deduction and conclusions and reflections for each of the five dossiers (Sections 7.3-7.17). In the latter section, the explanatory value of the conceptual model for the respective dossier is evaluated and the third, inductive step is conducted. The empirical material presented for the three steps of the process analysis enable us to answer the research question of this study in Section 7.18, but the next, final chapter further elaborates on this.

### 7.2 General remarks

The process analysis carried out in this chapter consists of three steps, namely an assessment (first step) and an explanation (second and third steps) of the extent of the Dutch

cabinet's influence. In terms of the first step, how do we know whether the Dutch cabinet has caused its goal-achievement resulting from the before-after analysis by itself, i.e. has it actually exerted its influence? To answer this question, the descriptive before-after analysis should be complemented with an explanatory process analysis. It is precisely this process, or mechanism of causation that should be studied in order to examine whether a correlation between an actor's preference and a decision – an actor's goal-achievement – is also a matter of causation by the actor itself.

This study focuses primarily on influence attempts as the mechanism through which the exertion of influence takes place. Therefore, when the study wants to find out whether and to what extent the Dutch cabinet has actually exerted influence regarding the issues on which it has partially or fully achieved its goal, the influence attempts undertaken by the Dutch cabinet as well as the other participating actors are particularly important. The process analysis therefore begins with an examination of the influence attempts by the Dutch cabinet and the other participating actors. This is the topic of Sections 7.3.1 (Court of Auditors dossier), 7.6.1 (ESDP dossier), 7.9.1 (Closer cooperation dossier), 7.12.1 (Commission dossier) and 7.15.1 (Weighting of votes dossier). The number of influence attempts by the Dutch cabinet for each of the five dossiers is summarised in a table in three categories: low, medium and high. 'Low' corresponds to the number of influence attempts within the first third of the total number of occasions for influence attempts, 'medium' corresponds to the second third and 'high' to the last third. The total number of occasions consists of the sum of 'objective' occasions (the number of IGC meetings in which one or more issues of the dossier have been discussed) and 'subjective' occasions (the highest number of other kinds of influence attempts by the Dutch cabinet found for an issue within the dossier). Unlike influence attempts that *probably* have been undertaken, influence attempts that have *possibly* taken place are not counted. The former often includes influence attempts that are announced in notes and/or 'speaking points' to prepare for a specific IGC meeting. Detailed tables on the influence attempts of the Dutch cabinet and the other participating actors can be found in Annex 6. A description of the decision options – A, B etc. – for each issue is found in Chapters 5 and 6.

Based on this, the extent of the Dutch cabinet's influence is assessed by examining rival mechanisms – mechanisms other than explicit influence – to which specific combinations of (the lack of) Dutch influence attempts and goal-achievement might be attributed. These mechanisms were already suggested by the typology of possible combinations of influence attempts and goal-achievement, which was presented in Chapter 4 (Table 4.1). In doing so, the mechanisms that did plausibly apply (verification) and that did not (falsification) are considered for each of the issues of the sample selection. An assessment of the extent of the Dutch cabinet's influence is the subject of Sections 7.3.2 (Court of Auditors), 7.6.2 (ESDP), 7.9.2 (Closer cooperation), 7.12.2 (Commission) and 7.15.2 (Weighting of votes).

For a proper attribution of influence, the following four issues have to be split up into two issues each:

- SOA-1: producing, in addition to the 'overall' SOA, assessments on specific policy areas
- SOA-2: producing, in addition to the 'overall' SOA, 'sectoral' SOAs on specific policy areas

- Contact Committee-1: establishing in a Declaration attached to the Final Act of the IGC a possible Contact Committee
- Contact Committee-2: establishing in the Treaty itself a Contact Committee, which reports yearly on the results of its activities to the European Parliament and the Council
- PSC-1: establishing a PSC in the Treaty and formulating its responsibilities with regard to EU-led crisis management operations
- PSC-2: establishing a PSC in the Treaty and formulating its responsibilities with regard to EU-led crisis management operations, including the relationship between the responsibility of the PSC and that of COREPER and other committees
- Veto possibility-1: formally abolishing the veto possibility (but maintaining the possibility of referring the matter to the European Council and Council decision-making (by QMV) not guaranteed)
- Veto possibility-2: practically abolishing the veto possibility (Council actually deciding by QMV)

If it is adequate, reference is made to these issues separately, but this does not occur when the distinction is not relevant. The total number of issues of the sample selection is now 20 (instead of 16).

While the extent of the Dutch cabinet's *goal-achievement* is the dependent variable for the assessment of the extent of its influence, for the explanation (second and third steps), the extent of the Dutch cabinet's *influence* is the dependent variable. The second step consists of presenting the empirical evidence for each of the expectations of the variables in the conceptual model. This second step is made in Sections 7.4 (Court of Auditors), 7.7 (ESDP), 7.10 (Closer cooperation), 7.13 (Commission) and 7.16 (Weighting of votes). In order to indicate the level of support for the expectations, a distinction is made between no, very little, little, mixed, ample, considerable and full support. The particular label that applies in each particular situation is justified in Annex 3. Each time, the evidence is summarised in tables within the text, while more detailed tables can be found in Annex 6. The evidence presented in this chapter mainly concerns the Dutch cabinet, for which the expectations are tested. The evidence that has been found in the data for the other participating actors is also presented, particularly if it is relevant to an explanation of the extent of the Dutch cabinet's influence. All evidence found for all the participating actors is included in the detailed tables in Annex 6. The Council Secretariat is only addressed in this chapter and included in the detailed tables if evidence on it was found in the data.

Following the explanatory value of the conceptual model resulting from the second step, a third, inductive step is taken that considers whether still other variables can explain the extent of the Dutch cabinet's influence. The results of this step are presented in Sections 7.5 (Court of Auditors), 7.8 (ESDP), 7.11 (Closer cooperation), 7.14 (Commission) and 7.17 (Weighting of votes).

Finally, some remarks should be made on the precise measurement of some other variables in the process analysis. As with the influence attempts variable, a distinction is made between three categories of the network variable: hardly or not at all, considerable and much. Unlike the influence attempts variable, however, the total number of networks for an issue is not related to the total number of networks found within the dossier, but to the highest number of networks found within all five dossiers together. This is because networks do consist of 'subjective' rather than 'objective' 'occasions'. Thus, 'hardly or not

at all' corresponds to the number of networks within the first third of the total number of networks found in this study, 'considerable' corresponds to the second third and 'much' to the last third. As with the influence attempts variable, *probable* networks are counted whereas *possible* networks are not.

The median is used to measure the negotiation level variable.<sup>7</sup> It includes the IGC meetings during which an issue was *probably* discussed, but not the meetings during which an issue was *possibly* discussed. If deviating, the median placed between brackets includes the latter, indicating the 'uncertainty margin'.

With regard to the negotiation timing variable, the average IGC week number also includes the meetings during which an issue was *probably* discussed, but not those during which an issue was *possibly* discussed. If deviating, the number placed between brackets includes the latter, indicating the 'uncertainty margin'.

### 7.3 Court of Auditors: assessing the extent of the Dutch cabinet's influence

#### 7.3.1 *The extent of influence attempts*

##### *Formal individual written proposals*

The Dutch cabinet has undertaken an influence attempt by propagating its preferred decision option (A) with regard to all five issues in its position paper (see Section 5.3). In an additional contribution, it expressed a preference for A/B with regard to the SOA issue (a weakened version of its original proposal) and a preference for A with regard to the Contact Committee and Appeal ECJ issues (CONFER 4773/00, 20 September 2000). The Dutch cabinet also expressed a preference for B regarding the Size issue, but this is not counted as an influence attempt, because it is contrary to its official preference for A. No preference was stated on the Instruction issue.

In terms of the other participating actors, the following actors indicated their preferences on the Size issue in their position papers to the IGC: Denmark, Finland, Italy, the Commission and the European Parliament (see Section 6.3.1). Germany did not indicate a preference in its position paper, but expressed a preference for B/C with regard to the Size issue and a preference for B with regard to the SOA issue in an additional contribution to the IGC on 5 December 2000 (CONFER 4817/00). The other actors did not express themselves on the other issues in the form of individual written proposals.

##### *Formal joint written proposals*

The Benelux countries did not express a (clear) preference on the Court of Auditor issues in the first Benelux memorandum presented to the IGC (CONFER 4721/00, 7 March 2000). However, they preferred option A – albeit implicitly – with regard to the SOA, Contact Committee and Appeal ECJ issues in the second memorandum (CONFER 4787/00, 19 October 2000).

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7. The median is used rather than the average because this variable is measured at a nominal level; the average can only be used for variables that are measured at the interval or ratio level.



*Semi-formal individual and joint written proposals*

In the data examined in this study, no evidence of semi-formal individual or joint written proposals for the Court of Auditors dossier was found.

*Informal bilateral and multilateral contacts*

No evidence was found in the data on bilateral or multilateral contacts between the participating actors regarding the Court of Auditors dossier.

*Formal and informal IGC meetings*

Actors also undertook influence attempts by expressing their preferences during IGC meetings. The Size issue was discussed for the first time during the formal Preparatory Group of 25 February 2000 (FA/DIE report, 28 February 2000; Commission report, 14 March 2000). The Dutch cabinet, Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Luxembourg, Portugal and Sweden expressed a preference for option A. Italy, Spain and the United Kingdom could agree with B/C. Germany did not express a preference; it stated – just as Spain did – that the issue of the size of the Court of Auditors was a derivation of the issue of the size of the European Commission. The Commission was in favour of C and the European Parliament did not express a preference.

With regard to the other issues, the Commission report states that the great majority of the member states were of the opinion that the discussion on the ‘other institutions’, such as the Court of Auditors, should be limited to their size and composition and not cover their mandate or functioning. This implies that this ‘great majority’ was also not in favour of discussing the SOA, Contact Committee, Appeal ECJ and Instruction issues. It could subsequently be argued that when actors are against discussing these issues, they are eventually also against the Dutch proposals and thus in favour of option B.

The FA/DIE report of the same meeting does, however, offer a more nuanced – although still not very detailed – view. The report indicates that there was much support for the Dutch view that cooperation between the Court of Auditors and the national audit institutions should be improved, the internal organisation of the Court of Auditors strengthened and its instruments refined. The specific Dutch proposals – SOA, Contact Committee, Appeal ECJ and Instruction – come under these three general descriptions. Belgium, Denmark, Finland, Greece, Italy, Luxembourg, the United Kingdom and the European Parliament expressed support for this, whereas France, Germany, Spain and Sweden took a reserved position. However, it is not completely for sure whether the Dutch cabinet has actually already mentioned and mobilised support for these *specific* proposals during this meeting. In addition, even if this was the case, the report is insufficiently detailed with regard to *which* proposals were supported or rejected by *which* actors. It is concluded that the actors mentioned above have undertaken influence attempts regarding the other issues – albeit in a weak form because of their general and diffuse nature.

The Court of Auditors dossier was subsequently discussed during the formal Preparatory Group of 16 May 2000 (Commission reports, unknown date and 19 May 2000). Regarding the Size issue, the Dutch cabinet indicated a preference for option C during this meeting, which is not counted as an influence attempt because, due to internal divisiveness, it is contrary to the preference for A that is taken to be its official preference. Austria and Italy expressed that they were in favour of B, which in the case of Austria was contrary to

the preference for A that it expressed during the Preparatory Group of 25 February 2000. Belgium, Denmark, Finland, Greece, Ireland, Luxembourg, Portugal and Sweden again indicated that they were in favour of A. France and Spain stated that they were open to both B/C and A. This time Germany did express a preference, namely for C (12 members), just like the United Kingdom and the Commission. The European Parliament (implicitly) indicated that it was in favour of B and/or C (this is not made clear in the reports).

No explicit evidence has been found that the Dutch cabinet (again) mobilised support for the other Court of Auditor issues. The Commission report (unknown date) only indicates that the Dutch cabinet wanted to improve the link between the Court and the national audit institutions, referring to its proposal in this respect, which is probably the Contact Committee proposal (decision option A). Whether the Dutch cabinet also expressed its preference for A regarding the SOA and Appeal ECJ issues is thus unclear. According to the Commission report, only the European Parliament expressed that it was in favour of a stronger link between the Court and the national audit institutions, which can be interpreted as support for A on the Contact Committee issue.

The Court of Auditors dossier was discussed for the third time during the formal Preparatory Group of 25 September 2000 (FA/DIE report, 28 September 2000; Commission report, 25 September 2000). With regard to the Size issue, the Dutch cabinet expressed a preference for B, as laid out in its proposals that were presented to the IGC on 20 September 2000 (CONFER 4773/00). This is again not counted as an influence attempt, because it is contrary to the official Dutch preference. Germany, Spain, the United Kingdom, the Commission and the Parliament expressed a preference for B and/or C. However, Spain indicated that it could also agree with A. Austria, Belgium, Denmark, Finland, France (probably), Greece, Ireland, Italy, Luxembourg, Portugal and Sweden all expressed a preference for A, although Sweden did show sympathy towards the Dutch proposal (B).

In clarifying its proposals, after which they were discussed, the Dutch cabinet expressed a preference for A/B with regard to the SOA issue and a preference for A regarding the Contact Committee and Appeal ECJ issues. The FA/DIE report states that these Dutch proposals were 'generally welcomed by a number of delegations, the Commission and the Parliament, but most delegations first wanted to study them more closely'. This cannot be interpreted as wholehearted support for A regarding the SOA, Contact Committee and Appeal ECJ issues, but the Commission report at least states that they were kept under examination and thus not a priori rejected. This is supported by another Commission note of (around) 27 October 2000: 'The Netherlands have proposed a number of changes to the Treaty provisions (...). These proposals have only been discussed once [during the Preparatory Group of 25 September 2000], *but were not rejected*. Parts of it may end up in the Treaty of Nice' (emphasis added, SL). In terms of the Appeal ECJ issue, however, the Commission report explicitly indicates that there was 'very weak support' for the Dutch proposal (decision option A) and the FA/DIE report makes it clear that the Commission itself criticised the Dutch proposal, because it would damage the balance between the institutions and was thus in favour of B. As no draft amendments on this issue were included in the subsequent draft Treaty text proposals up to and including the final Treaty text, it seems that the Appeal ECJ proposal of the Dutch cabinet had already practically been rejected at this Preparatory Group meeting of 25 September 2000. In conclusion, apart from the Commission's influence attempt, it is not clear which actors have undertaken

which influence attempts with regard to the SOA, Contact Committee and Appeal ECJ issues during this meeting.

The Court of Auditors dossier was subsequently discussed during the informal Preparatory Group of 25 November 2000, the informal General Affairs Council (Conclave) of 3 December 2000 and the formal European Council of Nice of 7-11 December 2000. It is not completely clear which actors have undertaken influence attempts with regard to which Court of Auditor issues on these occasions.

No data have been found on the Dutch cabinet as far as the informal Preparatory Group of 25 November 2000 is concerned. According to its own 'speaking points', the Commission expressed its preference for B/C regarding the Size issue during this meeting (Commission preparatory note, unknown date).

The Dutch cabinet probably undertook influence attempts during the Conclave of 3 December 2000 (FA/DIE preparatory note, unknown date). According to the 'speaking points' in this note, probably in reference to the Presidency proposals of 30 November 2000 (CONFER 4815/00), the Dutch cabinet expressed a preference for option B with regard to the Size issue, indicated that it was glad with the fact that the overall SOA will be complemented with specific appreciations of the main Community priorities (compromise between A and B) and stated that it was important for the Declaration on the Contact Committee to be adopted (decision option B). Of these three expressions, only the one on the Contact Committee is counted as an influence attempt. Furthermore, it is stated in the informal note that the Presidency has taken up the proposal of a Declaration on the Contact Committee from the Dutch proposals. The note also points out that the Dutch cabinet maintained its proposal with regard to the Appeal ECJ issue (decision option A), although no 'speaking point' was included on this. However, it is concluded from this that the Dutch cabinet has probably undertaken an influence attempt with regard to this issue.

In a preparatory FA/DIE note for the Nice European Council, it is stated that the Dutch cabinet can agree with the current Presidency proposals on the Court of Auditors (probably CONFER 4816/00 of 6 December 2000), some of which (namely those regarding the SOA and Contact Committee issues) have been taken from the Dutch proposals. Thus, it is stated that the Dutch cabinet (Finance Ministry) rather preferred option B with regard to the Size issue but that it could agree with the Presidency proposal (option A), that it was positive that on Dutch insistence the overall SOA would be complemented by specific appreciations of the main Community priorities (compromise between A and B) and that it was important that the Declaration on the Contact Committee, for which there was broad support, would be adopted (option B). No 'speaking points' were included in this note, so it is unclear whether the Dutch cabinet has actually expressed itself in this way or not, but if so, only the recommendation to adopt the Declaration on the Contact Committee would count as an influence attempt. It is concluded from the note that an influence attempt has probably been undertaken. It is striking that no text is included (anymore) on the Appeal ECJ issue, which – also considering the statement mentioned that the Dutch cabinet 'can agree' with the current Presidency proposals – might point to the fact that the Dutch cabinet has dropped its proposal (option A).

Table 7.1 *The extent of the Dutch cabinet's influence attempts for the Court of Auditors* (see Tables 2a-e in Annex 6 for more details)

Goal-achievement	Influence attempts		
	Few	Considerable	Much
0	Instruction	Appeal ECJ	
1 or 2		SOA	Contact Committee
3	Size		

All in all, the Dutch cabinet undertook only a few influence attempts (in keeping with its official preference) with regard to the Size and Instruction issues (two out of 10 occasions), a considerable number with regard to the SOA (five) and Appeal ECJ (six) issues and many attempts with regard to the Contact Committee issue (eight). The other participating actors undertook at least as many influence attempts as the Dutch cabinet on the Size issue, but far less – and moreover of a general and diffuse nature – regarding the SOA, Contact Committee, Appeal ECJ (and Instruction) issues.

### 7.3.2 *The extent of the Dutch cabinet's influence*

The Dutch cabinet undertook only a few influence attempts in line with its official preference regarding the Size issue, but still fully achieved its goal. It is not plausible to conclude that the Dutch cabinet has exerted explicit influence in this case (type 1), because most of its influence attempts were not aimed at realising its official preference due to internal divisiveness. Although only imperfect data have been collected on this, no evidence has been found that other actors anticipated the behaviour of the Dutch cabinet (type 3). As the previous subsection made clear, the majority was in favour of option A (the eventual outcome) each time the Size issue was discussed during the negotiation process. As the Dutch cabinet barely did anything to realise this outcome, the two remaining mechanisms – free ride (type 2) and sheer luck (type 4) – seem to be the most plausible ones. It is concluded that this was a matter of *sheer luck* rather than a free ride, because the Dutch cabinet did not try to profit from its majority position at all, but instead undertook opposite influence attempts.

The Dutch cabinet hardly undertook any influence attempts with regard to the Instruction issue and did not achieve its goal. To assess which mechanism was at work here, the reason why the Dutch cabinet hardly undertook influence attempts must be uncovered. This was not out of neglect (type 9), as the issue had explicitly been included in the Dutch cabinet's position paper and was subsequently discussed between the Dutch Foreign Affairs Ministry, the Finance Ministry and the Dutch Court of Auditors during their preparations for the non-paper. In the informal notes and reports that consider these preparations, no evidence is included on the possible anticipation of (resistance from) other actors (type 12). Instead, it becomes clear from an informal note that the issue was not included in the non-paper due to *internal divisiveness* between three Dutch sub-actors (type 11). In addition, the issue may have been less important for the Foreign Affairs Ministry than some of the other issues in the dossier, as a result of which it did not make further attempts to include the issue (type 10). However, no explicit evidence has been found for this mechanism, so if it already applied at all, this was at most subordinate to the internal divisiveness mechanism.

The Dutch cabinet undertook a considerable number of influence attempts with regard to the SOA issue and many attempts regarding the Contact Committee issue. It partially achieved its goals on these issues. It also undertook a considerable number of influence attempts regarding the Appeal ECJ issue, but did not achieve its goal. No evidence has been found that any other actors attempted to put these issues on the agenda or to realise the Dutch proposals (option A) on these issues in the Treaty text. Some actors expressed (some) support for the Dutch proposals at the most, but this was rather general and diffuse. Two informal documents of FA/DIE (preparing the Conclave of 3 December 2000 and the Nice European Council of 7-11 December 2000) and one of the Commission (around 27 October 2000) make it plausible that the Presidency, in presenting its (draft Treaty) proposals, has taken the SOA and Contact Committee proposals from (and on the insistence of) the Dutch cabinet.

Given the Dutch initiative and activity regarding the SOA and Contact Committee issues, in contrast to the rather passive behaviour of the other actors, it is not plausible to conclude that the Dutch cabinet got a free ride in these instances. To the extent that the Dutch cabinet achieved its goal on the SOA and Contact Committee issues – SOA-1 and Contact Committee-1 – this seems therefore to indeed have been caused by its own influence attempts, so that it has exerted *explicit influence* (type 1).

It is not by accident that the Dutch cabinet has not achieved its goal regarding the SOA-2, Contact Committee-2 and Appeal ECJ issues. These issues have explicitly been discussed between the actors. Although the other actors perhaps did not reject the Dutch proposals outright, they were generally not really in favour of putting the Dutch proposals on the agenda and incorporating them in the Treaty text. The Appeal ECJ proposal in particular received very weak support during the Preparatory Group of 25 September 2000 and was probably (already) rejected during this meeting. Therefore it is not plausible to attribute the lack of goal-achievement to bad luck (type 7). In light of its isolated position in trying to reform the functioning of the Court of Auditors, the possibility that the Dutch cabinet exerted negative influence cannot be excluded in these instances – its influence attempts bouncing back on it (type 8). However, no explicit evidence has been found that points in this direction. It is more plausible that other actors have exerted explicit influence. From the perspective of the Dutch cabinet, its lack of goal-achievement can be attributed to *failures* (type 5).

Two other mechanisms should be considered in connection with this. First, the Dutch cabinet might have anticipated possible resistance against its proposals and weakened its original proposals on the SOA (from A to A/B) and Contact Committee (from A to B) issues in the course of the negotiations. Although no explicit evidence for this has been found, the fact is that the Dutch cabinet weakened its proposals. Other actors might have exerted anticipated influence in this respect. Even the fact that the Dutch cabinet (probably) dropped its Appeal ECJ proposal at the end of the negotiation process may be interpreted as anticipation of possible resistance after its influence attempts on this issue received so little support from the other actors. Although the main mechanism, as mentioned earlier, was explicit influence by other actors, anticipated influence on their side may have complemented this. From the perspective of the Dutch cabinet, these outcomes may therefore have (partly) been the result of *anticipation* (type 12). Second, although the Dutch cabinet had already realised the importance of gathering support for its reform

proposals in February 2000, they were eventually only submitted on 20 September 2000. This was rather late, and might have been too late for (completely) realising the controversial proposals. Thus, the lack of goal-achievement might also be (partly) attributed to an *unforced error* (type 6).

## 7.4 Court of Auditors: explaining the extent of the Dutch cabinet's influence

### 7.4.1 Influence resources

#### *Policy positions*

- The more advantageous policy positions the Dutch cabinet holds, the more influence it will exert.

Table 7.2 Court of Auditors: policy positions (see Table 1 in Annex 6 for more details)

Influence	Policy positions	
	No	Yes
No	SOA-2 Contact Committee-2 Appeal ECJ Instruction	Size ('majority' position)
Yes	SOA-1 Contact Committee-1	

The Dutch cabinet did not have a 'pivotal' position regarding the Court of Auditors issues, as it was in favour of (the 'extreme') option A for all the issues. The Dutch cabinet held a 'majority' position regarding the Size issue, because 11 other member state actors, who together constituted a majority, shared its preference for A.

The expectation gets *mixed* support. Although the Dutch cabinet did hold an advantageous policy position with regard to the Size issue, it did not exert influence because it hardly undertook any influence attempts in line with its official preference due to internal divisiveness (see Section 7.3.2 and *Internal coherence* section below). As to the SOA-1 and Contact Committee-1 issues, which do not meet the expectation, influence attempts can explain why the Dutch cabinet still exerted its influence on these issues (see Section 7.4.2).

#### *Networks*

- The more a part of a network the Dutch cabinet is, the more influence it will exert.

Table 7.3 *Court of Auditors: networks* (see Table 1 in Annex 6 for more details)

Influence	Networks	Hardly or not at all	Considerable	Much
No		Size SOA-2 Contact Committee-2 Appeal ECJ Instruction		
Yes		SOA-1 Contact Committee-1		

According to the data collected, the Dutch cabinet was not a part of a network with regard to the Court of Auditors dossier.

The expectation receives *ample* support. In terms of the Size and Instruction issues, internal divisiveness – rather than a lack of networks – as a result of which the Dutch cabinet undertook divergent and only a few influence attempts, respectively, can explain its lack of influence. A lack of networks may have contributed to the absence of influence on the Appeal ECJ issue, although the Dutch cabinet was also not a part of a network for both the SOA and Contact Committee issues. Influence attempts can explain why the Dutch cabinet still exerted influence with regard to the SOA-1 and Contact Committee-1 issues (see Section 7.4.2).

#### *Internal coherence*

- The more internally coherent the Dutch cabinet is, the more influence it will exert.

Table 7.4 *Court of Auditors: internal coherence* (see Table 1 in Annex 6 for more details)

Influence	Internal coherence	No: divided with regard to preferences and/or actions	Yes
No		Size Instruction	SOA-2 Contact Committee-2 Appeal ECJ
Yes			SOA-1 Contact Committee-1

According to the data collected, the Dutch cabinet was internally coherent with regard to the SOA, Contact Committee and Appeal ECJ issues. This was not the case with regard to the Size and Instruction issues. There were different preferences within the Dutch cabinet regarding the Size issue, which resulted in different actions at the EU level. According to a FA/DIE note of 5 April 2000, FA/DIE was in favour of one member per member state (A), whereas the Finance Ministry preferred to fix membership at the status quo level of 15 members (B). According to the note, FA/DIE was of the opinion that a provision concerning this issue should be added to the non-paper the Finance Ministry was working on in collaboration with the Foreign Affairs Ministry and the Dutch Court of Auditors. To this end, FA/DIE proposed a text that was in keeping with its own preference for one member per member state.

The internal divisiveness on preferences explains the fact that the Dutch cabinet also expressed different preferences, i.e. undertook different actions during different IGC meet-



ings, although all these preferences were articulated by representatives of the same Ministry (Foreign Affairs, which primarily represented the Dutch cabinet during the IGC). During the Preparatory Group of 25 February 2000, the Dutch cabinet indicated that it was in favour of one member per member state (FA/DIE report, 28 February 2000; Commission report, 14 March 2000); during the Preparatory Group of 16 May 2000, it expressed – in keeping with its third position paper of 9 May 2000 – a preference for 12 members (Commission report, unknown date); during the Preparatory Group of 25 September 2000, it was in favour of 15 members (FA/DIE report, 28 September 2000) – in keeping with the (English) non-paper versions of 6 June 2000 and 14 September 2000, which was finally presented to the IGC as CONFER 4773/00 on 20 September 2000.

There were also different preferences within the Dutch cabinet regarding the Instruction issue (see Section 5.3.9). Although option A had been proposed in the Dutch position paper, which was probably made up by FA/DIE, it was not reflected in the first draft of the non-paper mentioned above (FA/DIE note, 5 April 2000). According to the note of 5 April 2000, this proposal met resistance from the Dutch Court of Auditors, and the Finance Ministry also thought it went too far. As the proposal was not included in the non-paper, which was later presented to the IGC as the Dutch main influence attempt on this dossier, the Dutch cabinet (probably) did not undertake further influence attempts regarding putting this issue on the agenda and realising it in the Treaty text. The different preferences on this issue were thus not followed through with different actions at the EU level. The issue resulted in a non-decision from the perspective of FA/DIE.

All in all, the expectation receives *mixed* support. The Dutch cabinet's internal divisiveness on the Size issue seems to offer an explanation for the absence of influence, because as a result the Dutch cabinet did undertake divergent influence attempts. In other words, it undertook only a few influence attempts in keeping with its official preference. Internal divisiveness can also explain the lack of influence on the Instruction issue, because as a result the Dutch cabinet undertook – after and apart from its position paper presented to the IGC on 6 March 2000 – no further influence attempts regarding this issue. For the three issues that do not meet the expectation (SOA-2, Contact Committee-2 and Appeal ECJ), they cannot be satisfactorily explained by any of the variables in the conceptual model. Therefore, still other variables should be considered in these cases (see Section 7.5).

#### 7.4.2 *Influence attempts*

- The more influence attempts the Dutch cabinet undertakes, the more influence it will exert.

As has already been made clear in Section 7.3.1, the Dutch cabinet undertook only a few influence attempts regarding the Size and Instruction issues (two out of 10 occasions), a considerable number concerning the SOA (five) and Appeal ECJ (six) issues and many attempts regarding the Contact Committee issue (eight).

The expectation receives *mixed* support. The variable influence attempts offer an explanation for the absence of influence in the case of the Size and Instruction issues; as became clear in the previous subsection, the fact that the Dutch cabinet undertook only a few influence attempts (in line with its official preference) can in turn be explained by its internal divisiveness. The variable influence attempts seem to offer an explanation for the

Table 7.5 *Court of Auditors: influence attempts* (see Tables 2a-e in Annex 6 for more details)

Influence	Influence attempts		
	Few	Considerable	Much
No	Size Instruction	SOA-2 Appeal ECJ	Contact Committee-2
Yes		SOA-1	Contact Committee-1

extent of the Dutch cabinet's influence on the SOA-1 and Contact Committee-1 issues. Its lack of influence regarding the SOA-2, Contact Committee-2 and Appeal ECJ issues cannot be explained by this variable or satisfactorily by any other variable in the conceptual model. Yet other variables should therefore be considered (see Section 7.5).

#### 7.4.3 *Domestic actors and factors*

- The more the Dutch cabinet is enabled (constrained) by domestic actors (parliament, constitutional court) and factors (referendum, public opinion, elections, events and political conflicts), the more (less) influence it will exert.

No evidence has been found in the data that there were domestic actors or factors either enabling or constraining the Dutch cabinet (or the other actors) regarding the Court of Auditors dossier (see Table 3 in Annex 6). Therefore, the variable does not apply to this dossier and the expectation cannot be tested.

#### 7.4.4 *Negotiation level*<sup>8</sup>

- The lower the level at which an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.6 *Court of Auditors: negotiation level* (see Table 4 in Annex 6 for more details)

Influence	Negotiation level		
	High	Moderate	Low
No		SOA-2 Contact Committee-2 Appeal ECJ	Size
Yes		SOA-1 Contact Committee-1	

The Size issue has been discussed three times at the formal level 3 (Preparatory Groups of 25 February, 16 May and 25 September 2000), once at the informal level 3 (Preparatory Group of 25 November 2000), once at the informal level 2 (Conclave of 3 December 2000) and once at the formal level 1 (Nice European Council of 7-11 December 2000). The median is 3.

The SOA issue has been discussed at least once at the formal level 3 (Preparatory Group of 25 September 2000), possibly also during the formal Preparatory Group of 25 February

8. This variable does not apply to the Instruction issue, because this issue was not put on the agenda, let alone discussed and decided upon (non-decision).

2000, once at the informal level 3 (Preparatory Group of 25 November 2000), once at the informal level 2 (Conclave of 3 December 2000) and once at the formal level 1 (Nice European Council of 7-11 December 2000). The median is 2.5 (-3).

The Contact Committee issue has been discussed at least once at the formal level 3 (Preparatory Group of 25 September 2000), probably also during the formal Preparatory Group of 16 May 2000 and possibly during the formal Preparatory Group of 25 February 2000, possibly once at the informal level 3 (Preparatory Group of 25 November 2000), once at the informal level 2 (Conclave of 3 December 2000) and once at the formal level 1 (Nice European Council of 7-11 December 2000). The median is 2.5 (-3).

The Appeal ECJ issue has been discussed at least once at the formal level 3 (Preparatory Group of 25 September 2000), possibly also during the formal Preparatory Group of 25 February 2000, possibly once at the informal level 3 (Preparatory Group of 25 November 2000), probably once at the informal level 2 (Conclave of 3 December 2000) and possibly once at the formal level 1 (Nice European Council of 7-11 December 2000). The median is 2.5 (-3).

The expectation receives *mixed* support in the data. The lack of influence attempts by the Dutch cabinet in line with its official preference due to internal divisiveness can explain its lack of influence with regard to the Size issue, despite the fact that the issue was negotiated on a relatively low level (see Sections 7.4.1 and 7.4.2).

#### 7.4.5 *Negotiation timing*<sup>9</sup>

- The earlier an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.7 *Court of Auditors: negotiation timing* (see Table 4 in Annex 6 for more details)

Influence	Negotiation timing		
	Late	Moderate	Early
No	SOA-2 Appeal ECJ	Size Contact Committee-2	
Yes	SOA-1	Contact Committee-1	

The negotiation dates of the Size issue, which were already mentioned in the previous subsection, correspond to IGC weeks 2, 14, 33, 41, 42 and 43, resulting in an average of 29.2. The SOA issue was negotiated during IGC weeks 2 (possibly), 33, 41, 42 and 43, resulting in an average of 39.8 (-32.2). The Contact Committee issue was negotiated during IGC weeks 2 (possibly), 14 (probably), 33, 41 (possibly), 42 and 43, resulting in an average of 33 (-29.2). The Appeal ECJ issue was negotiated during IGC weeks 2 (possibly), 33, 41 (possibly), 42 (probably) and 43 (possibly), resulting in an average of 37.5 (-32.2).

The expectation receives *mixed* support. The fact that the Dutch cabinet still exerted influence on the SOA-1 issue, which does not meet the expectation, can be explained by its influence attempts (see Section 7.4.2).

9. This variable does not apply to the Instruction issue, because this issue was not put on the agenda, let alone discussed and decided upon (non-decision).

### 7.4.6 External events and developments

- The more the Dutch cabinet is enabled (constrained) by external events and developments, the more (less) influence it will exert.

Table 7.8 *Court of Auditors: external events and developments* (see Table 4 in Annex 6 for more details)

Influence	External events and developments	
	Constrained	Enabled
No	Size	SOA-2 Contact Committee-2 Appeal ECJ Instruction
Yes		SOA-1 Contact Committee-1

Regarding the Size issue, the impending enlargement was an external development constraining the Dutch cabinet, as it acted as an external pressure to diminish the size of the Court of Auditors, whereas the Dutch cabinet wanted to maintain one member per member state for this institution.

The stepping down of the Santer Commission in March 1999, due to accusations of fraud and irregularities within the Commission, was an external event that enabled the Dutch cabinet in its goal to reform the organisation and functioning of this institution, in the shape of its proposals on the SOA, Contact Committee, Appeal ECJ and Instruction issues. The Dutch cabinet itself also laid out this connection in a FA/DIE note of 17 June 1999, in which it was pointed out that the stepping down of the Santer Commission would create 'momentum' for reforms, in the form of better financial control and the fight against fraud.

The expectation receives *mixed* support. As indicated earlier, the Dutch cabinet's lack of influence regarding the SOA-2, Contact Committee-2 and Appeal ECJ issues cannot be satisfactorily explained by the conceptual model, so other variables should be considered (see Section 7.5). Internal divisiveness, which resulted in the Dutch cabinet undertaking only a few influence attempts, offers an explanation for the absence of influence regarding the Instruction issue (see Sections 7.4.1 and 7.4.2). These variables – rather than the constraining impending enlargement – also contribute to the explanation of the Dutch cabinet's lack of influence on the Size issue.

## 7.5 Court of Auditors: conclusions and reflections

The Dutch cabinet undertook only a few influence attempts regarding the Size and Instruction issues, a considerable number with regard to the SOA and Appeal ECJ issues and many attempts regarding the Contact Committee issue.

The Dutch cabinet has exerted explicit influence with regard to the SOA-1 and Contact Committee-1 issues and not with regard to the Size issue (sheer luck), Instruction issue (internal divisiveness) and SOA-2, Contact Committee-2 and Appeal ECJ issues (failures; possibly and subordinately also unforced error and anticipation).

The internal divisiveness of the Dutch cabinet regarding the Instruction issue, as a result of which the Dutch cabinet hardly undertook any influence attempts, offers an explanation for the absence of influence on this issue. The lack of influence attempts by the Dutch cabinet in keeping with its official preference – due to internal divisiveness – on the Size issue can explain why it did not exert influence in this regard.

The variable influence attempts offer an explanation for the Dutch cabinet's influence on the SOA-1 and Contact Committee-1 issues. The Dutch cabinet has undertaken a considerable number of influence attempts regarding the former issue and many regarding the latter. Two informal documents of FA/DIE (preparing the Conclave of 3 December 2000 and the Nice European Council of 7-11 December 2000), and one of the Commission (around 27 October 2000) make it plausible that in presenting its (draft Treaty) proposals, the Presidency has taken the SOA and Contact Committee proposals from (and on the insistence of) the Dutch cabinet.

With regard to the Appeal ECJ issue, the Dutch cabinet's absence of influence can at most only partly be explained by the lack of networks. After all, the Dutch cabinet was not part of a network with regard to the SOA and Contact Committee issues either, but still exerted its influence in these cases (i.e. SOA-1 and Contact Committee-1). Moreover, the difference cannot be explained by the number of influence attempts the Dutch cabinet has undertaken regarding these issues. Therefore, other variables that might have played a role in the case of the Court of Auditors dossier, particularly the SOA-2, Contact Committee-2 and Appeal ECJ issues, should be considered.

First, although no evidence has been found for this, a practical 'exchange' may have taken place among the various Dutch proposals. The Presidency may have included the SOA and Contact Committee proposals of the Dutch cabinet – albeit weakened versions – in its draft Treaty text proposals in order to compensate the Dutch cabinet for its other proposals, such as the Appeal ECJ issue, that did not make it into the final Treaty text at all.

This point also suggests an alternative or complementary explanation for the Dutch cabinet's goal-achievement with regard to the Size issue. In addition to the linkages mentioned between issues within one and the same (Court of Auditors) dossier, there was a linkage between two separate dossiers: the Court of Auditors and the Commission. The decision on the Court of Auditor's size was partly dependent on the decision on the Commission's size (and vice versa), which some actors explicitly pointed out during the negotiation process (see Section 7.3.1). Some (big) member states might have exerted less pressure to reduce the size of the Court, because they strived for, and (partly) realised, a reduction in the case of the Commission's size instead. After all, the actors that did completely achieve their goals regarding the Court size issue did so to a lesser extent regarding the Commission size issue. Galloway states that one reason that the outcome of the Court size issue was one member per member state was '(...) a tactical desire on the part of the Presidency not to push too hard on limiting the size of the Court of Auditors in order to deploy maximum political effort on limiting the size of the Commission' (Galloway, 2001:151).

Second, although the Dutch cabinet was timely – beginning in February 2000 – in realising the importance of gathering support for its reform proposals, they were eventually only submitted on 20 September 2000, right before the crucial Preparatory Group of 25 September 2000. It was during this meeting that the main decisions on the Court of Auditors – those related to its size and composition – seem to have been agreed upon. The

timing of the main Dutch influence attempt, 20 September 2000, was rather late, and might have in fact been too late to (completely) realise the controversial Dutch reform proposals. Thus, rather than being externally enabled or constrained by the 'negotiation timing' of issues (see Section 7.4.5), the negotiation timing of the SOA, Contact Committee and Appeal ECJ issues was (largely) in the Dutch cabinet's own hands.

Third, the Dutch cabinet may have anticipated (possible) resistance to its proposals from other actors during the negotiation process and weakened its original proposals on the SOA (from A to A/B) and Contact Committee (from A to B) issues in the course of the negotiations. Although no explicit evidence for this has been found, the fact remains that the Dutch cabinet weakened its proposals. The fact that the Dutch cabinet (probably) dropped its Appeal ECJ proposal at the end of the negotiation process might also be interpreted as an anticipation of (possible) resistance after its influence attempts on this issue received so little support from the other actors. The difference between the three issues is that the Dutch cabinet continued its influence attempts with regard to the SOA and Contact Committee issues until it (partly) realised its – albeit weakened – preferences, whereas it did not do so regarding the Appeal ECJ issue. Although its lack of goal-achievement was mainly a matter of failure, anticipation may have complemented this.

Fourth, from the Dutch reform proposals, the Appeal ECJ proposal appeared to be a particularly salient issue, getting very little support from the other participating actors. It may have been relatively difficult for the Dutch cabinet to exert its influence in such an instant.

## 7.6 ESDP: assessing the extent of the Dutch cabinet's influence

### 7.6.1 *The extent of influence attempts*

#### *Formal individual written proposals*

The Dutch cabinet undertook an influence attempt regarding all four issues in its position paper (see Section 5.4). Austria, Denmark, Finland, Germany, Greece, Italy, the United Kingdom and the European Parliament undertook influence attempts on the Treaty change issue. In addition, Finland, Greece and the Parliament undertook an influence attempt regarding the PSC issue and Greece did this also regarding the Military Staff issue (see Section 6.4).

#### *Formal joint written proposals*

The first Benelux memorandum presented on 7 March 2000 (CONFER 4721/00) left open whether or not the Treaty should be changed (option A/C) and did not express a preference regarding the other issues. The second Benelux memorandum of 19 October 2000 (CONFER 4787/00) propagated A with regard to the Treaty change, NATO and, implicitly, PSC and Military Staff issues. Italy and the Benelux countries officially presented their proposals on 23 October 2000 (CONFER 4788/00), pleading for option A with regard to the Treaty change, PSC and NATO issues. The Military Staff issue was not included in the proposals.

*Semi-formal individual and joint written proposals*

The Legal Service of the Council Secretariat had explicitly been asked for advice on the necessity of ESDP Treaty change, which was presented – although not officially to the Conference – on 8 May 2000 (see Section 5.4). In it, the Legal Service expressed a preference for C in principle, but indicated some conditions under which Treaty change would be legally necessary, one of which was the delegation of the Council's decision-making powers to a body made up of officials. This boiled down to option A of the PSC issue. Towards the end of the Conference, the Council Secretariat issued another paper entitled 'Suggestions for EU crisis management procedures', in which it propagated option C regarding the Treaty change issue and B with regard to the PSC issue. These two Council Secretariat documents have played an important role in the discussion on the necessity of Treaty change during the negotiation process.

On 14 September 2000, France as the Presidency sent out a paper with a draft Declaration for Nice on future Treaty change (FA/DIE note, 14 September 2000) and tabled a draft text on this during the PoCo meeting of 28 November 2000 (Commission report, 30 November 2000).

On 14 March 2000, Italy and the Dutch cabinet made public a joint text with points of agreement for the IGC, which however was not officially presented to the IGC (FA/DIE Rome embassy note, 15 March 2000). In it, they stated that they were in favour of option A regarding the Treaty change issue and, implicitly, the PSC and Military Staff issues.

*Informal bilateral and multilateral contacts*

According to the data found in this study, the Dutch cabinet had informal contact with another actor during the negotiation process 13 times for sure and four times in all probability in order to promote its preferences regarding the ESDP dossier. It is not completely clear which issues, besides the Treaty change issue, were discussed in these meetings, but it is likely that the PSC and NATO issues were raised during most of these contacts as they were a part of the core of the Dutch stake in this dossier. The Military Staff issue, on the other hand, was probably not discussed, because the Dutch cabinet had probably already dropped its proposal (A) rather early in the negotiation process (see Section 7.6.2).

Prime Minister Kok had a conversation with President Chirac probably in early December 2000 about several IGC dossiers (FA/DIE/Weighting of votes preparatory note, unknown date). Kok (probably) supported option A with regard to the Treaty change, PSC and NATO issues.

In the margins of the Preparatory Group of 23 October 2000, a lunch meeting was held between the Dutch cabinet, Austria and Sweden about the weighting of votes and ESDP. During this meeting, the Dutch cabinet asked them to approach the proposals of Italy and the Benelux countries positively (option A with regard to the Treaty change, PSC and NATO issues). Austria and Sweden confirmed that A was an appealing element of the proposals for the NATO issue.



*Formal and informal (IGC) meetings<sup>10</sup>*

The Dutch cabinet probably pleaded for option A with regard to the Treaty change issue during the iPSC of 10 March 2000 (FA/DIE preparatory note, 9 March 2000).

The Dutch cabinet backed A regarding the Treaty change, PSC and NATO issues during the informal Conclave of 6-7 May 2000. Ireland stated that it had difficulties with Treaty change (C), but the United Kingdom and Germany were open to it (A/C) at this meeting (FA/DIE report, 9 May 2000).

On 11 May 2000, there was a PoCo meeting based on the advice of the Legal Service of 8 May 2000 (FA/DIE report, 12 May 2000). Only the Dutch cabinet supported option A with regard to the Treaty change issue. Belgium indicated that Treaty change was required, but did not specify when (A/B). France, Germany, Greece and Italy agreed with the advice (C>A), but indicated that Treaty change would be politically desirable in the longer term (B). Ireland, Spain and the United Kingdom were against Treaty change (C).

On 5 June, a PoCo meeting was held about a draft Presidency report to the Feira European Council of 19-20 June 2000 regarding the 'indication whether or not Treaty amendment is judged necessary' (FA/DIE report, 7 June 2000). In it, the Portuguese Presidency stated in principle that Treaty change was not necessary, but that the issue might be taken up in the IGC between Feira and Nice (A/C). The Benelux countries and Italy expressed themselves to be in favour of A with regard to the Treaty change and PSC issues. Austria, Denmark, Finland, France, Germany, Greece, Ireland, Spain, Sweden and the United Kingdom were in favour of C with regard to the Treaty change issue.

During the iPSC of 28 September 2000, the Dutch cabinet pleaded for option A regarding the Treaty change issue and was supported by Austria, Italy and Luxembourg (FA/DIE report, 29 September 2000). Belgium's intervention implied hesitation (A/C). This was related to the last Dutch proposal of 14 September 2000 to include option A regarding the NATO issue in the joint Italy and Benelux proposals (see Section 7.7.1, *Networks*). This was not acceptable to Belgium, so much so that it threatened to drop out. Germany and the United Kingdom were in favour of C. This also applied to the French Presidency, who declared that the Treaty change discussion was 'out of order', because it belonged to the IGC. The Council Secretariat stated that it was in favour of B with regard to the PSC issue.

Italy and the Benelux countries presented their proposals (option A regarding the Treaty change, PSC and NATO issues) during the informal Biarritz European Council of 13-14 October 2000 (Commission fax containing Italy and Benelux proposals of 13 October 2000, 16 October 2000).

During the iPSC of 27 October 2000 on the permanent structures of the ESDP, the Dutch cabinet expressed a general reservation: its remarks had a preliminary character and did not prejudice the debate within the IGC about Treaty change. It was supported in this by Italy, Belgium and Luxembourg. This can, at least implicitly, be considered as support for option A regarding the Treaty change issue. Portugal, however, stated that the issue of possible Treaty change was situated in the IGC (FA/DIE report, 30 October 2000).

10. The ESDP dossier was, for the most part, discussed outside of but parallel to the IGC before it was officially put on the agenda on 30 November 2000. Considering the specific nature of this dossier, the respective non-IGC meetings are – by way of exception – also discussed here.

During the Preparatory Group of 30 October 2000, the Dutch cabinet, on behalf of Belgium, Italy and Luxembourg, clarified their joint ESDP proposals (FA/DIE report, 31 October 2000; Commission report, 31 October 2000). This implied that they preferred option A with regard to the Treaty change, PSC and NATO issues. As the ESDP dossier was still not part of the IGC agenda, the other actors primarily took a position regarding the Treaty change issue. Greece and the European Parliament indicated that they could agree with the proposals (A). Austria was positive about the proposals and wanted to look at them again (A/C). Portugal showed sympathy for the proposals and was of the opinion that they should be discussed in the IGC (A/C). Sweden had doubts about Treaty change, but did not want to close the discussion (A/C). Finland took the advice of the Legal Service as a starting point, but was open (C>A). Germany had no problems with the proposals with regard to content, but did not believe that Treaty change should take place at that time. If it was feasible, then Germany would be in favour of this, but it would support the Presidency to find a feasible solution in Nice (B/C>A). Similarly, Spain expressed that it was in favour of A/B-C. The European Commission stated that it agreed with the advice of the Legal Service (C>A), but that it understood the positions held by Italy and the Benelux countries. Denmark, France, Ireland and the Council Secretariat were in favour of C. The French Presidency concluded that there was no consensus as yet, so the issue was not part of the agenda for the moment.

On 31 October 2000, a lengthy discussion about the Treaty change issue initiated by the Dutch cabinet took place during a PoCo meeting (FA/DIE report, 1 November 2000). The Dutch cabinet, supported by Italy and Austria, supported option A. Finland, Greece, Ireland and the United Kingdom were in favour of C. This also applied to Sweden, but it called the Italy and Benelux proposals 'elegant and understandable'. Germany and Spain stated that Treaty change should take place once in the future (B). Belgium wanted to discuss the Treaty change issue at the time, but stated that it would not be feasible to expect agreement in Nice. Instead, a Declaration on future Treaty change should be adopted (B). Germany and Spain had sympathy for this solution. The French Chairman of the meeting exploited the divisions within the Benelux camp by encouraging the Belgian approach for everyone. However, the Dutch cabinet indicated that it was not willing to talk about texts for Declarations; the dossier had to be discussed in the IGC. Yet the Chairman concluded that it was not a decided upon matter that the ESDP proposals would be put on the agenda of the IGC. According to him, there was no consensus on this. Although none of the actors completely excluded the possibility of Treaty change, a large majority was of the opinion that it was not the right moment for it. The Declaration was a good solution. The already heavy agenda of the IGC did not need to be further loaded up.

On 8 November 2000, an iPSC meeting took place concerning the PSC text for Nice (FA/DIE report, 10 November 2000). The Dutch cabinet, supported by Luxembourg, Italy, Austria and to a considerably lesser degree Belgium, again expressed the reservation that this would be without prejudice to Treaty change. This can again be interpreted as support for option A with regard to the Treaty change issue. The French Presidency, supported by the United Kingdom, Germany, Denmark and Ireland, did not want this reservation within the text itself. This can be interpreted as a preference for B/C. Belgium explicitly expressed that it was in favour of B/C. In the end, the Chairman concluded that the reservation would be put in the 'relevé de conclusions', which the Dutch cabinet,

Luxembourg and Italy agreed to. By now, Germany, Spain and the United Kingdom could agree with the position that delegating authority to the PSC required Treaty change.

On 14 November 2000, a PoCo meeting about the PSC text for Nice was held (FA/DIE report, 16 November 2000). The Dutch cabinet, supported by Luxembourg, again asked for a general reservation in the 'relevé de conclusions' (option A with regard to the Treaty change issue). Belgium did not express any preference. Italy stated that it supported the Dutch cabinet with regard to content (A), but was of the opinion that the texts did not prejudge Treaty change. Spain took a neutral position (A/B-C). Germany referred to the Belgian proposal of a Declaration in Nice (B). At first the Presidency did not want to meet the Dutch cabinet, but after Dutch insistence and British mediation, a general reservation was accepted by the Chairman: political decision-making would take place in Nice on the entire package including the Treaty change issue (A/B-C).

The Dutch cabinet probably repeated its request for a general reservation during an extra COREPER II meeting on 16 November 2000 (FA/DIE preparatory note, 16 November 2000). During an iPSC meeting on the same day about the draft Presidency report on the ESDP for Nice, the Dutch cabinet did the same and was supported by Austria, Belgium, Italy and Luxembourg (FA/DIE report, 16 November 2000).

During the informal Conclave of 19 November 2000, the Dutch cabinet probably insisted, possibly with the other three partners in the network, on discussing the Treaty change issue (FA/DIE preparatory note, unknown date).

The Dutch cabinet supported option A regarding the Treaty change, PSC and NATO issues during the General Affairs Council of 20 November 2000 (Council report, unknown date; FA/DIE report, 21 November 2000). Austria, Italy and Luxembourg supported the Dutch cabinet. Belgium did not intervene. Germany and the United Kingdom supported the French Presidency's suggestion of a political Declaration in Nice foreseeing future Treaty change (B). Ireland was against any Treaty change at all (C).

During a COREPER meeting on 22 November 2000, the Benelux countries repeated their position with regard to the Treaty change issue (A). However, several delegations indicated not wanting to take up the issue in this IGC. Following this, one delegation, probably Italy (see below), suggested considering the Treaty change issue as a post-Nice subject. This boiled down to option B (FA/DIE report, 23 November 2000).

A FA/DIE memorandum of 23 November 2000 stated that it became increasingly clear that France already aimed to conclude the discussion regarding content about the ESDP-related decisions of Nice during the General Affairs Council of 4 December 2000. During this meeting, France wanted to have a 'politically binding' text about the Treaty change issue, understanding that Treaty change would be necessary (after this IGC), but that would allow the ESDP to become operational in the meantime.

During the PoCo meeting of 28 November 2000 (as well as the COREPER of 29 November 2000; FA/DIE report, 29 November 2000), Italy proposed the inclusion of an inventory of the Treaty articles that should be adapted considering the ESDP in the mandate of the incoming Presidency (option B). The Dutch cabinet and Luxembourg supported this as a second-best option. The French Presidency proposed including the issue of Treaty change as part of the broader package on the ESDP to be presented to Nice. At the same time, the Presidency tabled a draft text on future Treaty change, to be included in the Presidency conclusions of Nice, a separate Declaration or a Declaration attached to

the Final Act of the IGC. It asked the delegations for comments on this draft text (Commission report, 30 November 2000; FA/DIE preparatory note for Benelux summit of 1 December 2000, unknown date).

The Dutch cabinet, supported by Italy, Luxembourg and Austria, supported option A regarding the Treaty change, PSC and NATO issues during the General Affairs Council of 4 December 2000 (FA/DIE report, 4 December 2000). Most member states, including Belgium, Denmark and Germany, were of the opinion success was now required in Nice and could live well with the political Declaration proposed by the Presidency (option B with regard to the Treaty change issue). Sweden took an open position (A/C), whereas Finland and particularly Ireland were very reserved (B/C and C, respectively).

Finally, the Dutch cabinet supported option A with regard to the Treaty change, PSC and NATO issues during the Nice European Council of 7-11 December 2000 (FA/DIE preparatory note, unknown date). It was decided during this meeting that the Treaty would indeed be changed with regard to the ESDP and that the decisions regarding the substantive amendments would be made. It is known from an informal written source that the neutral countries Ireland and probably Finland and Sweden were only convinced in Nice, and that first Ireland and after that France were the last to agree (FA/DIE preparatory note for legislative consultation in Dutch Second Chamber on 12 November 2001 concerning the Treaty of Nice, unknown date). According to an interview with State Secretary Benschop, a bilateral consultation between the Dutch cabinet and Ireland on 3 December 2000 was crucial in this regard.

Table 7.9 *The extent of the Dutch cabinet's influence attempts for the ESDP* (see Tables 6a-h in Annex 6 for more details)

Goal-achievement	Influence attempts		
	Few	Considerable	Much
0	Military Staff	NATO	
1 or 2			PSC
3			Treaty change

In sum, the Dutch cabinet has undertaken only a few influence attempts regarding the Military Staff issue (three out of 45 occasions), a considerable number on the NATO issue (29) and many attempts with regard to the Treaty change (43) and PSC (31) issues. In terms of the other participating actors, the other partners of the Italy and Benelux network undertook many influence attempts in this dossier, but not as much as the Dutch cabinet. To a lesser extent, Austria (proponent) as well as France, Germany, Ireland and the United Kingdom (opponents) also undertook influence attempts.

### 7.6.2 *The extent of the Dutch cabinet's influence*

The Dutch cabinet undertook only a few influence attempts regarding the Military Staff issue and did not achieve its goal on this issue. It initially undertook influence attempts to establish the Military Staff in the Treaty. It made a proposal to this end in its position paper of 15 November 1999, which was formally presented to the IGC as CONFER 4720/00 on 6 March 2000. It was also a part – albeit implicitly – of the semi-formal joint written

proposal by Italy and the Dutch cabinet from 14 March 2000. In an internal FA/DIE position paper of 17 May 2000, however, the Dutch position on the ESDP dossier was reconsidered, in the sense that 'considering the position of other member states, focusing on a limited number of Treaty changes will probably be more successful'. Part of this reconsideration was that the Military Staff proposal was now only presented as a possibility and no longer as a necessity.

The proposal was thus probably dropped after the 17 May 2000 position paper and no other influence attempts have been made since then. It was not a part of the coalition consultations between Italy and the Benelux countries, which would result in the main, joint influence attempt on the ESDP dossier on 23 October 2000, when these four member states presented their substantive proposals to the IGC (CONFER 4788/00). Therefore, the Dutch cabinet has not exerted its influence on the Military Staff issue, because it did not (continue to) undertake influence attempts. Although the Dutch proposals concerning the PSC (delegation of authority) and NATO issues were reconsidered in the same way, the Dutch cabinet continued to persist in its influence attempts on these issues.

The lack of influence attempts therefore cannot be attributed to negligence (type 9), as after the inclusion in its position paper it was a part of the Dutch stake in this dossier for some time according to internal preparatory notes. Also, no evidence has been found that the Dutch cabinet was internally divided on this issue (type 11). Yet explicit evidence was found that the Dutch cabinet anticipated possible resistance to its proposal from other member state actors that were against ESDP Treaty change (*anticipation*; type 12). As a result, the Dutch cabinet adapted its strategy to focus on only a limited number of Treaty changes, not including the Military Staff issue. The focus on a limited number of Treaty changes also implied that some ESDP issues were more important to the Dutch cabinet than others. Therefore, it was at the same time out of *non-priority* that the Dutch cabinet did not continue to undertake influence attempts with regard to the Military Staff issue (type 10).

The Dutch cabinet has undertaken many influence attempts regarding the Treaty change and PSC issues. It has fully achieved its goal on the Treaty change issue and partially on the PSC issue. The fact that the Dutch cabinet has achieved its goal on the Treaty change and PSC-1 issues may not be attributable to a free ride (type 2). Apart from its network partners (Italy, Belgium and Luxembourg) and Austria, the other actors were either against ESDP Treaty change, reserved or took an ambivalent position. Within the network, the Dutch cabinet was most consistently in favour of Treaty change and took the lead in this dossier rather than getting a free ride from its partners. Therefore, it can safely be concluded that the many influence attempts of the Dutch cabinet have resulted in *explicit influence* regarding these issues (type 1). This is not to deny that the Dutch network partners Italy, Belgium and Luxembourg might also have exerted their influence in particular.

That the Dutch cabinet did not completely achieve its goal on the PSC issue had to do with a specific part of its preference – establishing the relationship between the responsibility of the PSC and that of COREPER and other committees – which was not realised (PSC-2). Apart from its position paper, the Dutch cabinet may have neglected this part of its preference in the course of the negotiation process (type 9), although no explicit evidence of this was found. However, considering the perceived necessity, outlined above, to focus on a limited number of Treaty changes, it is more likely that the Dutch cabinet



anticipated possible resistance from other actors (*anticipation*; type 12) and/or this part of the PSC issue was less important than the other parts and issues (*non-priority*; type 10).

Although the Dutch cabinet did undertake a considerable number of influence attempts with regard to the NATO issue, it did not achieve its goal on this issue. Apart from the general issue of whether or not to change the Treaty with regard to the ESDP, the NATO issue was perhaps the most controversial of all the ESDP issues. The proponents and opponents of Treaty change in general had rather pronounced preferences on this. The proponents, i.e. Italy and the Benelux countries, discussed the matter rather fiercely amongst themselves and the issue was (probably) also sharply debated between the proponents and opponents, particularly France and (most of) the neutral countries during the end game in Nice. The absence of goal-achievement on the part of the Dutch cabinet was therefore not a matter of bad luck (type 7), nor a case of bad influence attempts (type 6). Given the sensitivity of the issue and the insistence of the Dutch cabinet, the absence of goal-achievement might have been the result of negative influence (type 8), but no explicit evidence for this mechanism was found. It makes the most sense to conclude that the absence of goal-achievement was the result of unsuccessful influence attempts by the Dutch cabinet (*failure*; type 5), or – from the perspective of the opponents – the successful influence attempts of the opponents.

Although evidence has mainly been found on influence attempts aimed at blocking ESDP Treaty change in general, they were also – and probably particularly – aimed at blocking the establishment of the relationship and cooperation with NATO. Only ‘indirect’ informal sources – i.e. other actors reporting the preference – have been found that report a preference for B of France and the ‘neutral countries’ (FA/DIE report of meeting between Italy and the Benelux countries, 30 June 2000). Several sources indicate, however, that France has used its (future) position as Presidency during the second half of 2000 to promote its own preference as a member state in this dossier.

According to three sources from March 2000, France was halting the discussion on relations between the EU and NATO and relations with the so-called third countries (non-EU European NATO members) in the context of the development of the ESDP in general, for tactical reasons. France wanted to maintain control over these vital dossiers during its own Presidency. It thought that it could force its position regarding these dossiers by consistently saying no to Treaty change in general and thus also to establishing the relationship and cooperation with NATO in the Treaty in particular (FA/DIE DVB memorandum, 16 March 2000; FA/DIE Berlin embassy note, 22 March 2000; FA/DIE Madrid embassy note, 29 March 2000). In keeping with this, France as the Presidency sent out a paper with a draft Declaration for Nice on future Treaty change on 14 September 2000 (FA/DIE note, 14 September 2000). It tabled a draft text on future Treaty change during the PoCo meeting of 28 November 2000, which was also discussed during the General Affairs Council of 4 December 2000 and probably the Nice European Council of 7–11 December 2000.

The FA/DIE report of the meeting between Italy and the Benelux countries (30 June 2000) refers to the ‘neutral countries’ in general (being in favour of option B with regard to the NATO issue), without specifying the (intensity of the) preferences of each individual actor – Austria, Finland, Ireland and Sweden. Austria was in favour of Treaty change in general. The multilateral meeting between the Dutch cabinet, Austria and Sweden about the ESDP proposals on 23 October 2000 does suggest, however, that Austria and Sweden had

to be convinced of option A with regard to the NATO issue and that they were originally not in favour of A but rather, of B. Finland and Sweden were probably only convinced of ESDP Treaty change in Nice, while Ireland and France were the last to agree to it.

In addition, France, as the Presidency, was supported by Germany and the United Kingdom, that all formed a network in opposition to the Italy and Benelux network (see Section 7.7.1, *Networks*). Finally, the opponents were also enabled by domestic actors and factors in their attempts to block ESDP Treaty change in general and the inclusion of NATO in the Treaty in particular (see Section 7.7.3).

In addition, but subordinate to the failure mechanism, the Dutch cabinet's lack of goal-achievement with regard to the NATO issue might be attributed to the *internal divisiveness* of the Italy and Benelux network regarding this issue (type 11). Due to this internal divisiveness, less, or at least less coherent, influence attempts were undertaken in keeping with the Dutch preference on this issue (see Section 7.7.1, *Internal coherence*).

## 7.7 ESDP: explaining the extent of the Dutch cabinet's influence

### 7.7.1 Influence resources

#### *Policy positions*

- The more advantageous policy positions the Dutch cabinet holds, the more influence it will exert.

Table 7.10 ESDP: policy positions (see Table 5 in Annex 6 for more details)

	Policy positions	No	Yes
Influence			
No		PSC-2 NATO Military Staff	
Yes		Treaty change PSC-1	

The Dutch cabinet did not have a 'pivotal' position concerning the ESDP issues, as it was in favour of (the 'extreme') option A for all the issues. It also did not hold a 'majority' position, because there was no majority of (member state) actors in favour of A for any of the ESDP issues.

The expectation receives only *mixed* support. Networks and influence attempts can explain why the Dutch cabinet still exerted influence regarding the Treaty change and PSC-1 issues, which do not meet the expectation (see *Networks* and Section 7.7.2).

#### *Networks*

- The more a part of a network the Dutch cabinet is, the more influence it will exert.

According to the FA/DIE archive, there have been two Benelux summits during which the ESDP dossier was discussed (30 May 2000 and 1 December 2000). It is not completely clear which particular issues were discussed on these occasions. The Treaty change and PSC-1 issues were probably discussed on 30 May 2000 and the Treaty change, PSC-1 and



NATO issues were probably discussed on 1 December 2000. In addition, there has been some kind of contact two, possibly three times, between the Benelux countries about the Treaty change, PSC-1 and NATO issues in the context of and considering the second Benelux memorandum in which all three issues were explicitly or implicitly included (CONFER 4787/00, 19 October 2000; see Section 7.6.1). Thus, there have been at least four contacts between the Benelux countries concerning the Treaty change and PSC-1 issues in total, and three with regard to the NATO issue.

Another network was formed between Italy and the Benelux countries that resulted in joint Treaty text proposals on the ESDP (CONFER 4788/00, 23 October 2000; see Section 7.6.1). On 31 May 2000, Italy sent draft proposals to the Dutch cabinet on the PSC issue, among others. These proposals were (probably) also sent to the other partners in the network, Belgium and Luxembourg, considering the meeting of the network in Rome on 30 June 2000. Italy sent an invitation to this meeting to the other partners on 22 June 2000. The Dutch cabinet reacted to this invitation on 23 June 2000, confirming its attendance. During the meeting on 30 June 2000, Italy and the Benelux countries consulted on the PSC and NATO issues, among others, on the basis of a draft text Italy had distributed before the meeting and a short paper distributed by Belgium. Based on this meeting, Italy drew up new draft text proposals on the PSC issue, among others, and distributed them to the other partners. The Dutch cabinet reacted to Italy with a letter on 21 July 2000, in which it pleaded for the inclusion of the NATO issue (option A). There had already been contact about this between Italy and the Dutch cabinet in the margins of the Preparatory Group of 14 July 2000.

A second consultation between Italy and the Benelux countries on joint text proposals took place in The Hague on 28 August 2000 (PSC and NATO issues). On that same day, the Dutch cabinet sent a letter to its partners thanking them for attending the meeting, with the agreements that had been made. These agreements did not include the NATO issue (A) due to resistance from Belgium in particular, but also Italy and Luxembourg. On 12 September 2000, a bilateral meeting between Italy and the Dutch cabinet was held on the ESDP dossier, where it became obvious that Italy had doubts about whether it could agree with submitting the joint proposals due to the NATO issue. On (or somewhat after) 14 September 2000, the Dutch cabinet sent a letter to its partners, in which it indicated that the Dutch Minister of Foreign Affairs did not agree with the text of the last meeting in The Hague as it did not include the NATO issue (A). In the letter, the Dutch cabinet proposed text on this. Following this, Italy consulted with the Benelux countries about their proposals (PSC and NATO issues) in the margins of the General Affairs Council of 9 October 2000 and the Biarritz European Council of 13-14 October 2000 before officially presenting them to the IGC on 23 October 2000. In addition, there was contact about the Italy and Benelux proposals between the Dutch cabinet (Kok) and Belgium (Verhofstadt) on 16 November 2000 and possibly also during the Belgian-Dutch conference that took place around 20 November 2000 (FA/DIE preparatory note, 20 November 2000). Moreover, the Dutch cabinet contacted Belgium, Luxembourg and Italy about the proposals shortly before 23 November 2000 (FA/DIE memorandum, 231100).

All in all, nine contacts have been found in the data between Italy and the Benelux countries and, within this network, five contacts between Italy and the Dutch cabinet, at least two between Belgium and the Dutch cabinet and one between Luxembourg and the

Dutch cabinet. It is not completely clear which ESDP issues were discussed during these contacts, but obviously the Treaty change issue and probably the PSC-1 issue were part of them. This probably does not apply to the PSC-2 issue, which was not a part of the Dutch cabinet's stake during the negotiation process, except for its position paper (see Section 7.6.2).

However, it has become clear that the network was internally divided with regard to the NATO issue. The other partners of the network were, to a greater or lesser extent, not in favour of establishing relations and cooperation with NATO in the Treaty. This means that although there have been contacts on this issue between the Benelux countries and between Italy and the Benelux countries, they did not have *common* preferences, so the network actually did not exist for this issue. The Military Staff issue was (probably) also not a part of the networks mentioned, because the Dutch cabinet had already dropped its proposal on this in May 2000 (see Section 7.6.2).

Table 7.11 ESDP: networks (see Table 5 in Annex 6 for more details)

	Networks	Hardly or not at all	Considerable	Much
Influence				
No		PSC-2 NATO Military Staff		
Yes				Treaty change PSC-1

This expectation receives *full* support. The Dutch cabinet's influence on the Treaty change and PSC-1 issues can at least partly be explained by its networks. The fact that the Dutch cabinet was not a part of a network regarding the PSC-2, NATO and Military Staff issues at least partially explains why it did not exert influence on these issues. In addition, and related, to not being part of a network, a lack of influence attempts on the part of the Dutch cabinet also offers an explanation for the absence of influence with regard to the PSC-2 and Military Staff issues (see Section 7.7.2).

In terms of the other actors, a network existed between France and the United Kingdom and between France and Germany. In the course of the negotiation process, France and the United Kingdom agreed that a political Declaration would be the desirable outcome of the Treaty change issue in Nice (option B), after which some Treaty changes could still be made in 2001 during the ratification of the Nice Treaty or otherwise in a new IGC (FA/DIE London embassy note, 15 May 2000). The note calls this a 'tough coalition'. This agreement is confirmed by another FA/DIE note of 16 November 2000. In addition, according to a FA/DIE preparatory note for the Nice European Council, the United Kingdom and Germany had promised to support the Presidency with regard to (its resistance to) ESDP Treaty changes, although they had few problems with the content of the Italy and Benelux proposals. Germany's support is confirmed by a FA/DIE Berlin embassy note of 20 September 2000 and the FA/DIE report of the Preparatory Group of 30 October 2000, during which it explicitly stated that it would support the Presidency to reach a feasible solution in Nice. Assuming that these instances were based on contacts between the actors, the United Kingdom and France as well as Germany and France have had contact at least three times.

*Internal coherence*

- The more internally coherent the Dutch cabinet is, the more influence it will exert.

Table 7.12 ESDP: *internal coherence* (see Table 5 in Annex 6 for more details)

Influence	Internal coherence	
	No: divided with regard to preferences and/or actions	Yes
No	PSC-2	NATO Military Staff
Yes	PSC-1	Treaty change

According to the data, the Dutch cabinet was internally coherent with regard to the Treaty change, NATO and Military Staff issues. According to a FA/DIE note of 17 May 2000, however, there was internal divisiveness regarding the PSC issue between the director of DVB, who was in favour of option A, and the director of DIE, who was in favour of B. No additional evidence has been found that the Dutch cabinet was (structurally) divided on this. Moreover, based on the sources consulted, the different preferences have not resulted in different actions at the EU level. The Dutch cabinet has consistently pleaded for option A during the negotiation process (see Section 7.6.1).

The expectation receives *mixed* support. That the Dutch cabinet still exerted influence regarding the PSC-1 issue might be explained by the fact that internal divisiveness on preferences did not result in divergent actions, i.e. influence attempts at the EU level. The fact that the Dutch cabinet was not part of a network regarding the NATO and Military Staff issues can (partly) explain why it did not exert its influence regarding the NATO issue (see *Networks*). A lack of influence attempts on the part of the Dutch cabinet offers a complementary explanation for the absence of influence with regard to the Military Staff issue (see Section 7.7.2).

According to an informal written source, Germany was internally divided on the Treaty change issue (FA/DIE Berlin embassy note, 16 May 2000). The German 'DGES' was in favour of A, whereas the German 'DGPZ' was in favour of C. A FA/DIE Berlin embassy note from 30 May 2000 mentions that the internal divisiveness was settled on a preference for B. Internal divisiveness within the Greek government became clear during the Preparatory Group of 30 October 2000, where the representative backed option A regarding the Treaty change issue, whereas the political director stated that it was in favour of C during a PoCo meeting the next day (FA/DIE reports, 31 October 2000 and 1 November 2000, respectively).

**7.7.2** *Influence attempts*

- The more influence attempts the Dutch cabinet undertakes, the more influence it will exert.

As became clear in Section 7.6.1, the Dutch cabinet has undertaken only a few influence attempts regarding the Military Staff issue (three out of 45 occasions), a considerable number on the NATO issue (29) and many attempts with regard to the Treaty change (43) and PSC-1 (31) issues. As pointed out in Section 7.6.2, apart from its position paper, the Dutch cabinet probably did not undertake any influence attempts on the PSC-2 issue.

Table 7.13 *ESDP: influence attempts* (see Tables 6a-h in Annex 6 for more details)

Influence	Influence attempts		
	Few	Considerable	Much
No	PSC-2 Military Staff	NATO	
Yes			Treaty change PSC-1

All in all, the expectation receives *considerable* support. In addition and related to not being part of a network (see Section 7.7.1), a lack of influence attempts on the part of the Dutch cabinet can indeed offer an explanation for the absence of influence in the case of the PSC-2 and Military Staff issues. The variable influence attempts can also explain that the Dutch cabinet exerted its influence with regard to the Treaty change and PSC-1 issues. The Dutch cabinet has undertaken many influence attempts both individually and in the context of the Italy and Benelux network to put the ESDP dossier on the agenda and to realise its substantive preference with regard to the PSC-1 issue in the Treaty text. Although the Dutch cabinet also undertook a considerable number of influence attempts with regard to the NATO issue, it did not exert its influence on this issue. This can partly be explained by the absence of the Italy and Benelux network for this issue as a result of internal divisiveness (see Section 7.7.1).

### 7.7.3 *Domestic actors and factors*<sup>11</sup>

- The more the Dutch cabinet is enabled (constrained) by domestic actors (parliament, constitutional court) and factors (referendum, public opinion, elections, events and political conflicts), the more (less) influence it will exert.

Table 7.14 *ESDP: domestic actors and factors* (see Table 7 in Annex 6 for more details)

Influence	Domestic actors and factors	
	Constrained	Enabled
No		PSC-2 NATO
Yes		Treaty change PSC-1

According to the data, the Dutch cabinet referred at least twice during meetings to (possible) ratification problems by its parliament in the case of no ESDP Treaty changes. In doing so, it was enabled by its parliament to realise option A regarding the Treaty change, PSC and NATO issues.

The expectation receives *mixed* support. The fact that the Dutch cabinet did not exert its influence with regard to the NATO issue, although it was enabled by domestic actors and factors, can be (partly) explained by the internal divisiveness of the Italy and Benelux network on this issue (see Section 7.7.1). In the case of the PSC-2 issue, this had to do with

11. This variable does not apply to the Military Staff issue, because it was not a part of the Dutch influence attempts when it referred to its parliament.

a lack of networks and influence attempts (see Sections 7.7.1 and 7.7.2). It is difficult to assess the contribution of this variable to the explanation of the Dutch influence regarding the Treaty change and PSC-1 issues. It seems at the most complementary to the explanation offered earlier, by networks and influence attempts.

The following opponents of Treaty change in general (and the inclusion of NATO in the Treaty in particular) were enabled by their parliaments: Ireland (twice), Sweden (1), Finland (1), Denmark (1), France (1) and the United Kingdom (3). France was enabled once by its constitutional court. Ireland (twice), Denmark (1) and Finland (1) were enabled by a (possible) referendum. The following actors were enabled by their parliaments and/or a (possible) referendum ('ratification'): Sweden (six times), Ireland (6), Finland (5) and Denmark (5). Sweden (once), Ireland (3), Finland (1), Denmark (1) and the United Kingdom (2) were enabled by public opinion. Upcoming elections in spring 2002 enabled France. A domestic event (a no-vote during the referendum on the possible introduction of the euro on 28 September 2000) enabled Denmark and at the same time constrained the proponents of Treaty change, which included the Dutch cabinet (see Section 7.7.6). Austria held an ambivalent position in the sense that it was in favour of ESDP Treaty change in general, but probably not of the inclusion of NATO in the Treaty in particular (see Section 7.6.2). It was enabled once by its parliament and twice by its parliament and/or a (possible) referendum ('ratification').

#### 7.7.4 *Negotiation level*<sup>12</sup>

- The lower the level at which an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.15 *ESDP: negotiation level* (see Table 8 in Annex 6 for more details)

	Negotiation level	High	Moderate	Low
Influence				
No			PSC-2 NATO	
Yes			Treaty change PSC-1	

Although the Presidency only put the ESDP dossier on the agenda in its report on the ESDP of 30 November 2000 (see Section 5.4), practically the Treaty change issue has been discussed once at the formal level 3 (Preparatory Group of 30 October 2000), twice at the formal level 2 (General Affairs Councils of 20 November 2000 and 4 December 2000), once and possibly twice at the informal level 2 (Conclave of 6-7 May 2000 and possibly Conclave of 19 November 2000), once at the informal level 1 (Biarritz European Council of 13-14 October 2000) and once at the formal level 1 (Nice European Council of 7-11 December 2000). The median is 2.

Although it is not clear whether and to what extent the other participating actors discussed the PSC and NATO issues specifically during these meetings, the Dutch cabinet at least

<sup>12</sup>. This variable does not apply to the Military Staff issue, because it was not put on the agenda, let alone discussed and decided upon (non-decision).

mentioned them on all these occasions, which is considered as constituting a discussion in this study. The median for these issues is therefore also 2.

The expectation receives *mixed* support. As pointed out earlier, internal divisiveness within the Italy and Benelux network offers an (partial) explanation for the fact that the Dutch cabinet did not exert its influence on the NATO issue (see Section 7.7.1). In terms of the Treaty change and PSC-1 issues, which do not completely meet the expectation, networks and influence attempts may explain why the Dutch cabinet exerted its influence (see Sections 7.7.1 and 7.7.2).

### 7.7.5 *Negotiation timing*<sup>13</sup>

- The earlier an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.16 *ESDP: negotiation timing* (see Table 8 in Annex 6 for more details)

Influence \ Negotiation timing	Late	Moderate	Early
No		PSC-2 NATO	
Yes		Treaty change PSC-1	

The Treaty change, PSC and NATO issues were discussed on 6-7 May 2000 (IGC week number 12), 13-14 October 2000 (35), 30 October 2000 (38), possibly 19 November 2000 (40), 20 November 2000 (41), 4 December 2000 (43) and 7-11 December 2000 (43), resulting in an average of 35.3 (-36).

The expectation receives *mixed* support. As pointed out earlier, internal divisiveness within the Italy and Benelux network offers an (partial) explanation for the fact that the Dutch cabinet did not exert its influence on the NATO issue (see Section 7.7.1). In terms of the Treaty change and PSC-1 issues, networks and influence attempts may explain why the Dutch cabinet exerted its influence (see Section 7.7.1 and 7.7.2).

### 7.7.6 *External events and developments*

- The more the Dutch cabinet is enabled (constrained) by external events and developments, the more (less) influence it will exert.

Table 7.17 *ESDP: external events and developments* (see Table 8 in Annex 6 for more details)

Influence \ External events and developments	Constrained	Enabled
No		PSC-2 NATO Military Staff
Yes		Treaty change PSC-1

<sup>13</sup>. This variable does not apply to the Military Staff issue, because it was not put on the agenda, let alone discussed and decided upon (non-decision).

The development of the ESDP in general, which began at the Cologne European Council of June 1999, was an external development that enabled the Dutch cabinet, because objectively there was a good chance that this would result in a need for Treaty changes (particularly regarding the PSC issue).

In addition, the Kosovo war in 1999 was an external event that enabled the Dutch cabinet, because it provided an impetus for the development of the ESDP in general (which might result in a need for Treaty changes). More specifically, the Danish referendum on the possible introduction of the euro on 28 September 2000 was an external event that potentially constrained the Dutch cabinet and its coalition partners Italy, Belgium and Luxembourg, particularly the timing of their joint proposals. They discussed this timing during their meeting in The Hague on 28 August 2000. Italy was of the opinion that the proposals could be presented soon, but Belgium felt that it should not occur before the Danish referendum. The Dutch cabinet in turn stated that the proposals should not be presented too late either, because otherwise it would no longer be possible to discuss them. They came to an agreement that the proper moment would be some weeks before the Biarritz European Council of 13-14 October and right after the Danish referendum (FA/DIE report, unknown date). In addition, from a FA/DIE Berlin embassy note of 18 October 2000, it is clear that Germany expected the Dutch cabinet to withdraw its proposals after the Danish 'no' against the euro rather than presenting them at the Biarritz European Council.

It is concluded that the Dutch cabinet was more enabled than constrained by external events and developments in this dossier. The potentially constraining Danish referendum eventually appeared not to be harmful to the proper timing of the Italy and Benelux proposals.

The expectation receives *mixed* support. As mentioned earlier, internal divisiveness within the Italy and Benelux network offers an (partial) explanation for the fact that the Dutch cabinet did not exert its influence on the NATO issue (see Section 7.7.1). A lack of networks and influence attempts can explain the Dutch cabinet's absence of influence with regard to the PSC-2 and Military Staff issues (see Sections 7.7.1 and 7.7.2).

## 7.8 ESDP: conclusions and reflections

The Dutch cabinet has undertaken only a few influence attempts regarding the PSC-2 and Military Staff issues, a considerable number on the NATO issue and many attempts with regard to the Treaty change and PSC-1 issues.

The Dutch cabinet exerted explicit influence with regard to the Treaty change and PSC-1 issues, but not the PSC-2 (non-priority and/or anticipation) and Military Staff issues (non-priority in combination with anticipation), as well as the NATO issue (failure; subordinately internal divisiveness Italy and Benelux network).

The variable influence attempts offer an explanation for the extent of the Dutch cabinet's influence with regard to the Treaty change, PSC and Military Staff issues. A lack of influence attempts on the part of the Dutch cabinet partly explains the absence of influence on the PSC-2 and Military Staff issues.

On the other hand, the Dutch cabinet has undertaken many influence attempts regarding the Treaty change and PSC-1 issues, which explains its exertion of influence with regard to



these issues. These influence attempts were often undertaken in the context of the Benelux network and, particularly, the Italy and Benelux network. Thus, the network variable also explains the Dutch cabinet's influence on the Treaty change and PSC-1 issues. With regard to the PSC-2, NATO and Military Staff issues, the fact that the Dutch cabinet was not part of a network regarding these issues partly explains why it did not exert its influence. With regard to the NATO issue, this was due to internal divisiveness within the network.

This combination of variables still does not seem to be able to fully explain the extent of the Dutch cabinet's influence in this dossier. In particular, the Dutch cabinet's absence of influence on the NATO issue cannot completely be explained by the internal divisiveness of the Italy and Benelux network concerning this issue or the fact that it undertook less influence attempts than in the case of the Treaty change and PSC-1 issues. Therefore other variables should be considered.

First, contrary to the Court of Auditor's case, the Dutch cabinet was *timely* in forming a network with like-minded member states and undertaking influence attempts to realise its preferences in the ESDP dossier.

Second, explicit and implicit evidence has been found that suggests that the proponents and opponents of ESDP Treaty change have exchanged issues among one another. This was not only the case regarding issues and not-issues that were actually put on the agenda (Treaty change and PSC vs. NATO), but also non-issues that were not (Military Staff).

Third and in the context of this exchange taking place, anticipation by the Dutch cabinet of (possible) resistance from other actors might also have played a role in this dossier. The remainder of this section elaborates on the second and third points.

For the greater part of the negotiations, the ESDP was an agenda-setting issue, i.e. the issue of whether or not Treaty change should take place with regard to (parts of) the ESDP. Only during the Nice European Council, when the ESDP was a part of the agenda for the first time, did decision-making take place on the substance of these Treaty changes (WEU, PSC, NATO, Military Committee). However, the strict distinction between agenda-setting and decision-making cannot be maintained in this case (nor in the case of the Nice Treaty negotiation process in general; see Sections 2.4.3 and 8.5.1). The issue of possible Treaty change and the substance of the ESDP in general and of the Treaty changes in particular were not completely separated during the agenda-setting process. From the reconstruction, it appears that not only did actors have a preference in favour or against Treaty change, they also had a preference on *which* – substantive (with regard to content) – changes should (not) be made. On the one hand, the proponents of Treaty change used substance as an argument to persuade opponents of the necessity of Treaty change. Proponents argued that if the opponents agreed on the necessity of a certain substantive part of the ESDP, then this would also necessitate changing the Treaty.

A good example of this is the issue of the Council delegating (part of its) decision-making authority to the PSC during a crisis management operation. Several opponents of Treaty change were in favour of this substantive point, as it would increase the efficiency of decision-making prior to and during an operation. Realising this, however, required Treaty change.

On the other hand, substance played a role in the acceptability of Treaty change to various actors that were principally not in favour of it. As a result, actors in favour of Treaty change such as the Dutch cabinet lowered their ambitions and demands with regard

to substance in the course of the negotiation process, in order to keep the issue on the agenda and attempt to make Treaty change sufficiently acceptable to opponents. Although the preference for Treaty change was realised in the end, the preferences on the substance of Treaty change were not completely realised. The resulting decision in favour of Treaty change was ultimately a compromise (in addition to the issue of how the ESDP Treaty change decision fits into the Nice compromise as a whole). Thus, although the opponents had to accept in the end that the Treaty would indeed be changed regarding the ESDP, they did manage to keep some substantive issues from the agenda that some proponents of Treaty change wanted to establish in the Treaty, which thus resulted in non-decisions from the perspective of these proponents.

Two examples of this were already discussed in Section 7.6.2. The Dutch cabinet probably withdrew its proposal on the Military Staff issue in anticipation of the (possible) resistance of the opponents of ESDP Treaty change. With regard to the PSC issue, the Dutch stake was originally broader than establishing the PSC and possibly delegating authority to the PSC in the Treaty (i.e. PSC-1). According to its position paper, the Dutch cabinet also wanted to establish the relationship between the responsibility of the PSC and that of COREPER and other committees (i.e. PSC-2). The latter was not realised in the Treaty, so the Dutch cabinet only partially (2) achieved its goal (see Section 5.4.3). Based on the data, however, this part of the Dutch stake in the ESDP dossier was not included in the (other) influence attempts during the negotiation process. The actual withdrawal of this part of the PSC issue may also have been the result of the anticipation of (possible) resistance, or of non-priority of this part of the issue (although no explicit evidence has been found for this).

The exchange of substantive points between proponents and opponents of Treaty change continued during the decision-making on the possible ESDP Treaty changes in Nice itself. The result was that although the opponents – and even some proponents! – of Treaty change had to ‘accept’ that some substantive ESDP issues were a part of the agenda in Nice, they still managed to prevent a decision from being made on these issues that would be in keeping with the preference of some proponents of Treaty change, which thus resulted in non-decisions from the perspective of these proponents. An example of this was the NATO issue (also, the Military Committee issue, discussed in Section 5.4.5). It is very likely that the opponents, particularly France and (most of) the neutral countries, only agreed to Treaty change in general in exchange for the non-inclusion of a reference to NATO in the Treaty.

## 7.9 Closer cooperation: assessing the extent of the Dutch cabinet’s influence

### 7.9.1 *The extent of influence attempts*

#### *Formal individual written proposals*

The Dutch cabinet undertook an influence attempt in its position paper for all three issues (see Section 5.5). Finland, Greece, Italy, the United Kingdom, the Commission and the Parliament expressed their preferences in position papers with regard to the Minimum requirement and Veto possibility issues. Germany did the same, but only regarding the Veto possibility issue. The other actors did not express themselves on the Differentiated membership issue (see Section 6.5).

Belgium initially did not table a position paper, but later during the negotiation process it issued a formal contribution expressing a preference for A and possibly B regarding the Minimum requirement issue and a preference for A regarding the Veto possibility issue (CONFER 4765/00, 28 August 2000).

#### *Formal joint written proposals*

The Benelux countries expressed a preference for A with regard to the Minimum requirement and Veto possibility issues in both of the Benelux memoranda (see Sections 5.5 and 6.5). Germany and Italy issued a joint proposal indicating a preference for A and possibly B regarding the Minimum requirement issue and a preference for A regarding the Veto possibility issue (CONFER 4783/00, 4 October 2000).

#### *Semi-formal individual and joint written proposals*

The Presidency asked the participating actors to deliver written comments on its note of 18 October 2000 (CONFER 4786/00), to be discussed during the Preparatory Groups of 23 October 2000 and 30 October 2000. However, it is unclear whether this actually happened during the Preparatory Group of 23 October 2000. Some delegations only submitted their comments after the Preparatory Group of 30 October 2000.

Finland indicated in its comments that it accepted that option A was the majority view regarding the Minimum requirement issue, but repeated its preference for C. Concerning the Veto possibility issue, Finland welcomed B instead of C, but asked whether the statement (reference possibility) had legal value. In its comments, Austria stated that it was in favour of C concerning the Minimum requirement issue in principle, and was only willing to talk about option A if an agreement on which areas may (not) be subject to closer cooperation could be reached. The Dutch cabinet indicated its agreement with A with regard to the Minimum requirement issue, but had fundamental problems with B regarding the Veto possibility issue (thus indicating a preference for A). Greece stated that option B of the Veto possibility issue should be deleted (thus expressing a preference for A). Sweden pointed out that it was still too early to discuss a specific formula regarding the 'critical mass' (Minimum requirement issue), which should be considered in light of other proposed solutions. Regarding the Veto possibility issue, Sweden backed a solution that was more in line with C (rather than B). The European Parliament supported option B instead of A regarding the Minimum requirement issue and A (including the right of approval for the European Parliament) regarding the Veto possibility issue. Ireland stated in its comments that it preferred C in principle regarding the Minimum requirement issue, but that it was prepared to consider A/B if this was the general desire. Ireland agreed with option B instead of C concerning the Veto possibility issue, but asked some specific questions about the decision-making procedure in case of a reference to the European Council. The Commission, the United Kingdom and Portugal also delivered comments, but did not make any proposals regarding the Minimum requirement and Veto possibility issues. No written comments on these issues were found for the other actors, but it is unclear whether this is because they actually did not submit them.

No evidence on semi-formal joint written proposals with regard to the Closer cooperation dossier was found.

*Informal bilateral and multilateral contacts*

During the negotiation process, there was contact between the Dutch cabinet and Spain on 6 September 2000 and with Sweden on 13 September 2000 concerning closer cooperation in general and (probably) the Minimum requirement and Veto possibility issues in particular. On 14 November 2000, contact was made between the Dutch cabinet and Finland about (option A of) the Minimum requirement issue.

Prime Minister Kok had a conversation with President Chirac probably in early December 2000 about several IGC dossiers (FA/DIE/Weighting of votes preparatory note, unknown date). Kok (probably) indicated his approval of A with regard to the Minimum requirement issue. However, he was unhappy with the reference possibility to the European Council (option B with regard to the Veto possibility issue), which looked like a ceiled veto. A closer reading of this text would be required in the form of a firm Declaration. During the Nice European Council, the Dutch cabinet contacted the Council Secretariat regarding the Veto possibility issue (see *Formal and informal IGC meetings*).

No evidence has been found in the data on multilateral contacts between the participating actors regarding the Closer cooperation dossier.

*Formal and informal IGC meetings*

During the formal Preparatory Group of 25 February 2000, the Dutch cabinet (probably) pleaded for option A with regard to the Minimum requirement and Veto possibility issues, and the Commission (probably) supported B regarding the Minimum requirement issue and A regarding the Veto possibility issue (FA/DIE/Court of Auditors preparatory note, unknown date; Commission preparatory note, 24 February 2000).

During the informal Preparatory Group in Sintra of 14 April 2000, the following actors expressed a preference for option A (and/or B; this is not clear for all actors) regarding the Minimum requirement issue: the Dutch cabinet, Belgium, France, Germany (probably), Italy, Luxembourg and the Commission (B; probably). Austria, Denmark, Finland, Greece, Ireland, Portugal, Spain and the United Kingdom stated that they were in favour of C. Sweden was also in favour of C in principle, but was somewhat open to A/B. The Dutch cabinet, Belgium, France, Germany (probably), Italy, Luxembourg and (probably) the Commission supported option A on the Veto possibility issue. Greece, Portugal, Spain, Sweden and the United Kingdom supported option C. Austria, Denmark, Finland and Ireland were also in favour of C in principle, but were somewhat open to A as well. The European Parliament pleaded for the right of approval instead of the current right of consultation (FA/DIE report, 17 April 2000; Commission report, 17 April 2000).

During a dinner of the General Affairs Council on 12 June 2000, the Foreign Affairs Ministers discussed whether or not closer cooperation should be included on the IGC agenda. The Dutch cabinet, Belgium (probably), Italy, France, Germany and Luxembourg were in favour of including closer cooperation on the agenda in general and of option A (and/or B) regarding the Minimum requirement issue and option A regarding Veto possibility issue in particular. Greece also stated that it was in favour of A on both issues. Portugal indicated that 'we need to revise what was agreed in Amsterdam, especially the veto' (Commission report, 13 June 2000). This can be interpreted as support for A and/or B regarding the Minimum requirement issue (implicitly) and A regarding the Veto possibility issue (explicitly). Finland, Sweden, the United Kingdom, Denmark and Spain

were in favour of discussing closer cooperation in the IGC, but took a reserved position on relaxing the (two) conditions. According to the FA/DIE report of the meeting, Sweden, Denmark and Ireland were the least positive. Austria, Denmark, Finland, Ireland, Spain, Sweden and the United Kingdom explicitly or implicitly expressed that they were in favour of C with regard to the Minimum requirement and Veto possibility issues (FA/DIE report, 14 June 2000; Commission report, 13 June 2000). The Commission (probably) expressed itself to be in favour of B with regard to the Minimum requirement issue and A with regard to the Veto possibility issue (Commission preparatory note, unknown date).

During the Feira European Council of 19-20 June 2000, the Commission (probably) backed option B regarding the Minimum requirement issue and A regarding the Veto possibility issue (Commission preparatory note for Feira European Council, unknown date). No reports of this meeting have been found, so there are no data on the influence attempts of the other actors.

During a General Affairs Council dinner on 10 July 2000, the Commission and the European Parliament pleaded for option B of the Minimum requirement issue and option A of the Veto possibility issue. Greece and Italy were open to discussing (making more flexible) closer cooperation. This can be interpreted as support for A (and/or B) regarding the Minimum requirement issue and A regarding the Veto possibility issue. Sweden, Spain and Denmark, on the other hand, took a prudent position on closer cooperation, which can be considered as support for option C of the Minimum requirement and Veto possibility issues. Austria stated that it was in favour of A regarding the Veto possibility issue and Finland indicated that it favoured C regarding the Minimum requirement issue (Commission report, 11 July 2000).

On 14 July 2000, there was a formal Preparatory Group lunch meeting to discuss closer cooperation. The Dutch cabinet, Germany, Italy (implicitly) and Luxembourg (implicitly) stated that they were in favour of A and/or B with regard to the Minimum requirement issue. Belgium and (probably) the Commission backed option B. Greece, Ireland and Portugal were open to A/B. Denmark and Sweden favoured C. The Dutch cabinet, Austria, Belgium, Finland, Germany, Italy (implicitly), Luxembourg (implicitly) and the Commission (probably) were in favour of A with regard to the Veto possibility issue. Greece and Portugal were open to A. Ireland was possibly in favour of A, but would be in favour of C if the minimum requirement was reduced (A/B of the Minimum requirement issue). Denmark, Spain, Sweden and the United Kingdom remained more or less in favour of option C with regard to the Veto possibility issue. The European Parliament wanted to replace the veto with a right of approval for the European Parliament (Commission report, 14 July 2000; FA/DIE report, 14 July 2000; Commission preparatory note, unknown date).

According to the Commission report of the informal Conclave of 24 July 2000, 12 delegations, coinciding with the Euro 12 group, showed themselves to be open to option A regarding the Veto possibility issue. This group consisted of all 15 member states, except for Denmark, Sweden and the United Kingdom, that probably preferred C. Six delegations accepted the Commission proposal regarding the majority requirement (B), while the other six preferred C or a variable system (C combined with an even more strict system). The report does not specify the actors within these 'delegations', but the six delegations accepting B probably coincided more or less with the six founding member states,

while most other member states probably preferred C or a variable system. The European Parliament proposed compensating for the abolition of the veto possibility with the right of approval for the Parliament. The Commission (probably) pleaded for option B of the Minimum requirement issue and A of the Veto possibility issue (Commission preparatory note, unknown date).

During the formal Preparatory Group of 4 September 2000, the Dutch cabinet, Germany and Italy supported option A/B regarding the Minimum requirement issue. Austria, Greece, Ireland and Portugal expressed a preference for C, while the other member states actors did not indicate any preference. With regard to the Veto possibility issue, there was a clear majority in favour of scratching the veto possibility. Sweden and the United Kingdom were, however, in favour of C, while Spain and Denmark did not express themselves on this yet. Only Germany and the Dutch cabinet chose option one of the Presidency document (CONFER 4766/00, 30 August 2000), which was A. This implies that the other actors favouring abolishing the veto possibility – Austria, Belgium, Finland, France, Greece, Ireland, Italy, Luxembourg and Portugal were in favour of option two of the Presidency document, which was a combination of options A and B (FA/DIE report, 5 September 2000; Commission report, 5 September 2000). The Commission (probably) supported B concerning the Minimum requirement issue and A regarding the Veto possibility issue (Commission preparatory note, unknown date).

On 8 October 2000, there was an informal Conclave on closer cooperation. With regard to the Minimum requirement issue, the Dutch cabinet and Luxembourg were in favour of A, Belgium of A/B, Germany, Italy and the Commission of A and possibly B, while France favoured B. Austria (in principle C), Greece, Ireland (in principle C) and Portugal made their support for A/B regarding the Minimum requirement issue dependent on heavier decision-making (i.e. at least option C with regard to the Veto possibility issue). Denmark, Finland, Sweden and the United Kingdom were in favour of C. Concerning the Veto possibility issue, the Dutch cabinet, Belgium, France, Germany, Italy, Luxembourg and the Commission were in favour of A. Denmark, Finland, Portugal, Spain, Sweden and the United Kingdom favoured C in principle. However, Spain and the United Kingdom (probably) could agree to abolishing the veto possibility (A) on the condition that a so-called 'negative list' (excluding specific policy areas from closer cooperation) would be introduced. Greece could agree to scratching the veto possibility (A) on the condition that it would still be possible to postpone the decision on closer cooperation for a year. The Dutch cabinet, Austria, Belgium and Germany were, on the other hand, against this possibility for postponement. It is not completely clear whether and how the postponement possibility is different from option B, particularly whether it also implied that the matter was referred to the European Council. In any case, the postponement possibility lies somewhere between the extreme options A and C (FA/DIE report, 10 October 2000; Commission report, 9 October 2000; FA/DIE preparatory note for Biarritz European Council of 13-14 October 2000, unknown date).

During the Biarritz European Council of 13-14 October 2000, the Dutch cabinet (probably) backed A (rather than B) regarding the Minimum requirement issue and A (and no postponement period instead of C) regarding the Veto possibility issue (FA/DIE preparatory note for Biarritz European Council of 13-14 October 2000, unknown date). No data on the other participating actors were found.



The Presidency had asked for written comments on its note of 18 October 2000 (CONFER 4786/00), to be discussed during the formal Preparatory Groups of 23 and 30 October 2000 (see *Semi-formal individual written proposals*). However, it is unclear whether or not this discussion actually took place during the meeting of 23 October 2000.

During the meeting of 30 October 2000, Greece and Portugal indicated that they were in favour of A regarding the Minimum requirement issue. Denmark and Finland expressed that they were in favour of C. Belgium stated that the existing conditions could be better taken as a starting point, but it is not clear what this implies in terms of the options Belgium was in favour of. Luxembourg said that it was not in favour of drastically changing the conditions, but it is unclear which options it preferred. Germany and Italy (implicitly) backed A regarding the Veto possibility issue. Ireland stated that it could now agree to scratching the veto possibility, but it is unclear whether this implies that Ireland preferred A or, more probable, B, which was included in the Presidency document for this meeting (CONFER 4786/00, 18 October 2000).

On 4 November 2000, an informal Preparatory Group took place in Paris on the basis of the first progress report of the French Presidency (CONFER 4790/00, 3 November 2000) and an additional, specific note (SN 506/00, 3 November 2000). Most actors, except for Denmark (C), agreed with option A regarding the Minimum requirement issue included in the progress report. Many member states, including the Dutch cabinet, considered the reference possibility to the European Council regarding the Veto possibility issue (B), included in the report, as a 'veto in disguise' (C) and therefore rejected it. On the insistence of the United Kingdom and Denmark, however, the French Presidency concluded that the text would not be altered.

During the formal Preparatory Group of 13 November 2000, there was support everywhere for option A, which was included in the Presidency document (CONFER 4798/00, 9 November 2000) with regard to the Minimum requirement issue, although the European Parliament repeated its preference for B. The Dutch cabinet, Belgium, Germany, Italy and the Commission were not happy with the reference possibility to the European Council concerning the Veto possibility issue (B) as laid out in the Presidency document. This can be interpreted as these actors favouring option A (FA/DIE report, 15 November 2000; Commission report, 15 November 2000). The European Parliament also wanted more clarity on the appeal possibility to the European Council and was in favour of including its approval in the provision. According to the FA/DIE report of this meeting, the French Presidency gave the impression that the text on the Veto possibility issue could not be debated. According to the French Presidency, what may precisely occur in the European Council should not be spelt out. Something (a necessary minimum) should be formulated on this point. The proposal would not include a veto or emergency brake.

The Closer cooperation dossier would be discussed during the Conclave of 19 November 2000, but there was no time left. The General Affairs Council the following day discussed closer cooperation in relation to the ESDP, but no evidence has been found that the Minimum requirement and Veto possibility issues were raised (in relation to the first pillar).

On 25 November 2000, an informal Preparatory Group meeting took place about closer cooperation on the basis of the revised progress report of 23 November 2000 (CONFER 4810/00). The Presidency proposals on the Minimum requirement issue (A) and the Veto possibility issue (B) were generally accepted. Sweden indicated that an appeal possibility



to the European Council was essential (B). Greece, Germany, Austria, Belgium, the Dutch cabinet and the Commission wanted the approval of the European Parliament to be included in the decision-making on closer cooperation (Veto possibility issue). The French Presidency subsequently concluded accordingly.

As part of the 'speaking points' for the informal Conclave of 3 December 2000, it is stated that the Dutch cabinet kept having doubts about the vague text on the reference possibility to the European Council (option B), which may not be a ceiled veto. It is also stated that the Dutch cabinet wanted the IGC to accept a Declaration explaining the proper reading of this provision. It is unclear whether the Dutch cabinet actually expressed these points and insisted – along with like-minded countries, as the note suggests – on a Declaration. It is concluded that the Dutch cabinet probably undertook an influence attempt regarding the Veto possibility issue, and in any case expressed its doubts about option B. Denmark expressed a preference for C with regard to the Minimum requirement issue (FA/DIE preparatory note for Nice European Council of 7-11 December 2000, unknown date).

According to the 'speaking points' in the FA/DIE preparatory note for the Nice European Council of 7-11 December 2000, the Dutch cabinet expressed that it was a great gain that from now on, closer cooperation would be possible with eight member states (option A of the Minimum requirement issue), but that the reference possibility to the European Council (option B of the Veto possibility issue) might not be a ceiled veto. Regarding the latter, a possible speaking point was included proposing that a Declaration be adopted by the IGC containing the proper reading of this provision. This Declaration would state that the reference possibility to the European Council was without prejudice to the normal decision-making process of the Council (with QMV). The note further indicates that the Dutch cabinet could propose this Declaration together with Belgium and Luxembourg. Again, it is unclear whether or not the Dutch cabinet actually expressed these points and proposed the Declaration, with or without Belgium and Luxembourg. It is again concluded that the Dutch cabinet probably and in any case expressed its objections to option B regarding the Veto possibility issue. Its approval of option A with regard to the Minimum requirement issue is not counted as an influence attempt.

Up until the draft Treaty text of 6 December 2000 (CONFER 4816/00) was presented to the Nice European Council, option B of the Veto possibility issue was formulated as follows (see Section 5.5.2):

'A member of the Council may request that the matter be referred to the European Council before the Council takes a decision [by QMV]'.

In the course of the Nice European Council itself, however, the provision was changed to the following final outcome, which was a compromise between B and C (SN 533/00, 12 December 2000):

'A member of the Council may request that the matter be referred to the European Council. After that referral, the Council *may* take a decision in accordance with the provisions of the first subparagraph [i.e. by QMV]' (emphasis added, SL).

Thus, the way in which the outcome was ultimately formulated left open whether the Council would actually make a decision (by QMV).

A FA/DIE memorandum of 22 December 2000 makes it clear that the Dutch cabinet placed a ‘reservation’ on the words ‘may take a decision’ during the COREPER meetings of 20 and 21 December 2000. The Dutch cabinet wanted to replace this formulation with ‘takes a decision’, but was the only actor who wanted to do so. From the memorandum it appears that the Dutch cabinet made this reservation in light of an agreement with the acting Secretary-General of the Council Secretariat, made during the Nice European Council, that ‘may take decision’ should be replaced with ‘takes a decision’.

The French Presidency (Vimont) reacted by confirming the agreement with the Council Secretariat. In keeping with this, the Presidency had proposed the Dutch amendment in the Nice European Council. The United Kingdom had subsequently made an objection against it in the European Council. After this, the Presidency (Chirac) had proposed maintaining the old text (‘may take a decision’) and had asked if anyone objected to this. None of the actors, not even the Dutch cabinet, had reacted, so the Presidency concluded accordingly. The French Presidency (Vimont) reported that he listened with three persons to the recording of the European Council meeting; this was how it had evolved and therefore the Presidency had no room to meet the Dutch reservation.

During the discussions in COREPER on 20 and 21 December 2000, the Dutch Permanent Representative indicated several times that the Dutch cabinet had not explicitly agreed with the change at the request of the United Kingdom. In light of the French Presidency’s reaction, however, the Permanent Representative advised lifting the reservation. There was no outlook for the Dutch demand to be met and maintaining the reservation meant that, if the compromise on the weighting of votes was accepted, the Dutch reservation was the only remaining blockade to the Treaty. The memorandum indicates that this advice should be taken and the Dutch Foreign Affairs Minister was asked to agree with lifting the reservation during the next COREPER meeting on 22 December 2000 accordingly.

Although the COREPER meetings took place after and outside the IGC that was concluded during the Nice European Council, by way of exception the Dutch influence attempt to replace ‘may take a decision’ with ‘takes a decision’ during the COREPER meetings of 20 and 21 December 2000 is still included.

Table 7.18 *The extent of the Dutch cabinet’s influence attempts for Closer cooperation* (see Tables 10a–g in Annex 6 for more details)

Goal-achievement	Influence attempts		
	Few	Considerable	Much
0	Differentiated membership		
1 or 2			Veto possibility
3			Minimum requirement

To sum up, the Dutch cabinet has undertaken only a few influence attempts with regard to the Differentiated membership issue (1 out of 25 occasions) and many attempts with regard to the Minimum requirement (19 out of 25 occasions) and Veto possibility (22 out of 27 occasions) issues. In terms of the other participating actors, no data on influence attempts regarding the Differentiated membership issue were found. With regard to the Minimum requirement and Veto possibility issues, the other actors have also undertaken a

substantial number of influence attempts. It is striking that the proponents of relaxing the two conditions were mainly the six founding member states plus the Commission, while the opponents roughly consisted of the other member states.

### 7.9.2 *The extent of the Dutch cabinet's influence*

The Dutch cabinet undertook only a few influence attempts regarding the Differentiated membership issue and did not achieve its goal on this. The reason why it did not undertake (further) influence attempts might have been that this issue was less important to it than the other issues (of the dossier) (*non-priority*; type 10). The Dutch cabinet had, after all, included its preference on this issue in its position paper only as a possibility. The lack of influence attempts was not the result of neglect (type 9), as the issue was initially explicitly discussed within the Dutch cabinet, according to informal notes. One note drawn up by the Dutch Permanent Representation points to the possibility that the Dutch cabinet was internally divided on this issue (type 11) (FA/DIE PR note, unknown date, probably between 31 January 2000 and 30 March 2000; see Section 7.10.1, *Internal coherence*). However, no evidence has been found for this in notes drawn up by FA/DIE. In one of these notes, in which it is discussed how closer cooperation would become negotiable, it is indicated that closer cooperation should not be applied in the framework of the enlargement process (option B). Many member states would consider this to be premature and the Second Chamber had, in a motion, also expressed that it was against partial accession (FA/DIE note, unknown date, probably between 20 December 1999 and 31 January 2000). Therefore, resistance from other member states and the Second Chamber are mentioned as reasons for abandoning the original Dutch proposal (option A). The Dutch cabinet therefore seems to have anticipated (possible) resistance from other member states with regard to the Differentiated membership issue (*anticipation*; type 12).

The Dutch cabinet undertook many influence attempts with regard to the Minimum requirement and Veto possibility issues and completely achieved its goal regarding the former issue, but only partially for the latter. The influence attempts of the Dutch cabinet were initially aimed at putting the dossier on the agenda to begin with and after that, at realising its substantive preferences on the two issues. The Dutch cabinet was certainly a pioneering proponent in this respect, but from the beginning was, to a greater or lesser degree, supported by Belgium, France, Germany, Italy and Luxembourg – i.e. the other five founding member states – plus the Commission. The opponents consisted of the Scandinavian member states, the United Kingdom, Ireland and Spain. Initially, there was a lot of resistance to including these issues in the IGC. In the course of the negotiation process, however, there was growing support, which resulted in their official inclusion on the agenda during the Feira European Council of June 2000. After that, the support for lowering the minimum requirement (option A or B instead of C) gradually grew, but the opponents continued to resist the abolition of the veto possibility (A). As a result, a compromise outcome took shape in the last few months of the negotiation process in the form of formally abolishing the veto possibility, but maintaining the possibility of referring the matter to the European Council (option B).

In light of the contentiousness of the matter, it is not plausible to conclude that the inclusion of the issues on the agenda and the (partial) realisation of the Dutch preferences

in the Treaty text involved sheer luck (type 4). Nor do the (imperfect) data point to the anticipation of the Dutch cabinet's behaviour by other actors (type 3). It seems plausible, also considering its pioneering role, that the Dutch cabinet has exerted *explicit influence* (type 1) with regard to the Minimum requirement and Veto possibility-1 issues.

As mentioned earlier, the Dutch cabinet was supported by the other five founding member states – including three (of the five) big member states. It may therefore have profited from the support of these, particularly the big, founding member states. Data have been found indicating that some actors did refer to the support of the six founding member states. Moreover, the big member states of Germany and Italy formed a network with regard to the Minimum requirement and Veto possibility issues (see Section 7.10.1, *Networks*). Therefore, it seems likely that the Dutch cabinet, in addition to exerting explicit influence itself, got a *free ride* (type 2) from the other (big) member states that exerted explicit influence with regard to the Minimum requirement and Veto possibility-1 issues.

The fact that the Dutch cabinet did not achieve its goal on the Veto possibility-2 issue seems to be a good example of a *failure* (type 5). Although the Dutch cabinet undertook many influence attempts, it still only partially achieved its goal due to resistance, i.e. influence attempts from opponents of relaxing the two conditions in general and the veto possibility condition in particular. Moreover, evidence has been found that the opponents Sweden, the United Kingdom and Ireland were enabled by domestic actors and factors in their resistance (see Section 7.10.3). The objection of the United Kingdom to the Dutch amendment during the Nice European Council resulted in an extent of Dutch goal-achievement of 1 instead of 2, the latter corresponding with the outcome until the Nice European Council. As the final outcome had already been established before the clash between the Dutch cabinet and the United Kingdom, it is not likely that the Dutch cabinet exerted negative influence (type 8) (during this part of the negotiations). According to the data, the Dutch cabinet and French Presidency disagreed on the course of things during the Nice European Council. This disagreement gives rise to two other, albeit subordinate, mechanisms that may have been at work. From the French view, the Dutch cabinet might have played it badly during the endgame in Nice (*unforced error*, type 6); from the Dutch view this might also have been a matter of *bad luck* (type 7).

## 7.10 Closer cooperation: explaining the extent of the Dutch cabinet's influence

### 7.10.1 *Influence resources*

#### *Policy positions*

- The more advantageous policy positions the Dutch cabinet holds, the more influence it will exert.

Table 7.19 *Closer cooperation: policy positions* (see Table 9 in Annex 6 for more details)

		Policy positions	No	Yes
Influence	No		Differentiated membership Veto possibility-2	
	Yes		Minimum requirement Veto possibility-1	

The Dutch cabinet did not hold a ‘pivotal’ position on the Closer cooperation issues, as for all the issues it was in favour of (the ‘extreme’) option A. It also did not hold a ‘majority’ position, because there was no majority of (member state) actors in favour of option A for all of these issues.

The expectation receives *mixed* support. Influence attempts can explain why the Dutch cabinet still exerted influence regarding the Minimum requirement and Veto possibility-1 issues (see Section 7.10.2).

### Networks

- The more a part of a network the Dutch cabinet is, the more influence it will exert.

Table 7.20 *Closer cooperation: networks* (see Table 9 in Annex 6 for more details)

		Networks	Hardly or not at all	Considerable	Much
Influence	No		Differentiated membership Veto possibility-2		
	Yes		Minimum requirement Veto possibility-1		

During the meeting between Italy and the Benelux countries on 30 June 2000 in Rome on possible ESDP Treaty changes, these actors also talked about closer cooperation. In opposition to the idea recently expressed by France to make closer cooperation possible outside the Treaty framework (see Section 7.10.6), Italy and the Benelux countries were of the opinion that closer cooperation should take place within the Treaty framework. Although there is no explicit evidence that they actually discussed the Minimum requirement and Veto possibility issues, this contact is related to these issues, as these were the main issues in this dossier and for both issues they were all in favour of option A.

On 12 September 2000, a meeting was held between the Dutch cabinet and Italy about closer cooperation, among other things. The Dutch cabinet and Germany held a meeting about closer cooperation on 19 October 2000. Although it is unclear whether the actors actually discussed the Minimum requirement and Veto possibility issues during these meetings, as they shared the same preferences on these issues, these contacts come under networks (at least closer cooperation in general) and not under influence attempts (informal bilateral contacts).

On 1 December 2000, Benelux consultations took place in The Hague about, among other matters, closer cooperation. According to a FA/DIE preparatory note for this meeting, the Presidency texts would no longer be altered with regard to the first and third pillars. This implied that option A would be included in the Treaty with regard to the Minimum requirement issue, in accordance with the preference of the Benelux countries, but that

option B would be taken along regarding the Veto possibility issue. The Dutch cabinet was afraid that B actually boiled down to a veto possibility, because of the reference possibility to the European Council. Therefore, the Dutch cabinet wanted to adopt a Declaration explaining this provision. The Benelux countries (probably) discussed this during their meeting. The contact is thus only related to the Veto possibility issue.

All in all, the expectation receives *mixed* support. A lack of networks does not seem to offer an explanation for the Dutch cabinet's absence of influence with regard to the Differentiated membership and Veto possibility-2 issues, as it was not part of a network regarding the Minimum requirement and Veto possibility-1 issues either. Influence attempts can explain why the Dutch cabinet still exerted influence regarding the latter two issues (see Section 7.10.2).

In terms of the other participating actors, at least Germany and Italy formed a network, as they presented joint proposals on the Closer cooperation dossier in general and the Minimum requirement and Veto possibility issues in particular (CONFER 4783/00, 4 October 2000; see Section 7.9.1, *Formal joint written proposals*). It is assumed that these joint written proposals were based on previous contact(s) between the two countries.

#### *Internal coherence*

- The more internally coherent the Dutch cabinet is, the more influence it will exert.

Table 7.21 *Closer cooperation: internal coherence* (see Table 9 in Annex 6 for more details)

Influence	Internal coherence	No: divided with regard to preferences and/or actions	Yes
	No	Differentiated membership	Veto possibility-2
Yes			Minimum requirement Veto possibility-1

Based on the data, the Dutch cabinet was internally coherent regarding the Minimum requirement and Veto possibility issues. With regard to the Differentiated membership issue, the Dutch cabinet may have been internally divided between the Foreign Affairs Ministry in The Hague on the one hand and the Permanent Representation in Brussels on the other. From a note of the Permanent Representation, it appears that it had criticisms about the Differentiated membership proposal included in the position paper of 15 November 1999 (FA/DIE PR note, unknown date, probably between 31 January 2000 and 30 March 2000).

All in all, the expectation is *amply* supported by the data. Regarding the Differentiated membership issue, informal documents drawn up by FA/DIE do not refer to any possible internal divisiveness on this issue (see Section 7.9.2). From one of these documents it appears that it is because of other member states and a motion of the Second Chamber rather than due to internal divisiveness that the original proposal was abandoned and no (further) actions, i.e. influence attempts, were taken (FA/DIE note, unknown date, probably between 20 December 1999 and 31 January 2000). It is therefore more probable that the absence of influence attempts and subsequently of influence regarding the Differentiated membership issue is (partly) the result of resistance from the Second Chamber (see Section 7.10.3). Concerning the Veto possibility-2 issue, which does not meet the expectation, the Dutch cabinet's absence of influence cannot be explained by the number

of influence attempts or by the other variables of the conceptual model. Still other variables should be considered in this case (see Section 7.11).

In terms of the other actors, the United Kingdom was internally divided to a certain extent as to whether or not the Closer cooperation dossier should be dealt with in the IGC in general and if the conditions should be relaxed in particular. According to a FA/DIE report of a meeting between the Dutch cabinet and the United Kingdom on 20 December 1999, the Foreign Cabinet Office was prudently favourable in this respect, but the Cabinet Office was much more dismissive, referring to the ‘domestic political context’ (see Section 7.10.3). France was similarly internally divided on this (FA/DIE/Weighting of votes Paris embassy report, 16 December 1999). Some in France were of the opinion that the conditions should be relaxed, whereas others wanted to lessen the load on the IGC agenda as far as possible and felt that if need be, closer cooperation might also be regulated outside the Treaty. For both France and the United Kingdom, no evidence was found that their internal divisiveness as to preferences resulted in divergent actions, i.e. influence attempts, during the negotiation process.

### 7.10.2 *Influence attempts*

- The more influence attempts the Dutch cabinet undertakes, the more influence it will exert.

Table 7.22 *Closer cooperation: influence attempts* (see Tables 10a-g in Annex 6 for more details)

	Influence attempts	Few	Considerable	Much
Influence				
No		Differentiated membership		Veto possibility-2
Yes				Minimum requirement Veto possibility-1

As was made clear in Section 7.9.1, the Dutch cabinet has undertaken only a few influence attempts with regard to the Differentiated membership issue (1 out of 25 occasions) and many attempts with regard to the Minimum requirement (19 out of 25 occasions) and Veto possibility (22 out of 27 occasions) issues.

All in all, the expectation receives *ample* support. The Dutch cabinet’s lack of influence on the Differentiated membership issue can be explained by the fact that it undertook only a few influence attempts on this issue, which in turn was (partly) the result of resistance from the Dutch parliament (see Section 7.10.3). The influence attempts of the Dutch cabinet offer an explanation for its influence regarding the Minimum requirement and Veto possibility-1 issues. However, they cannot explain why the Dutch cabinet did not exert influence with regard to the Veto possibility-2 issue. Other variables, not included in the conceptual model, should also be considered (see Section 7.11).



### 7.10.3 Domestic actors and factors

- The more the Dutch cabinet is enabled (constrained) by domestic actors (parliament, constitutional court) and factors (referendum, public opinion, elections, events and political conflicts), the more (less) influence it will exert.

Table 7.23 *Closer cooperation: domestic actors and factors* (see Table 11 in Annex 6 for more details)

	Domestic actors and factors	Constrained	Enabled
Influence			
No		Differentiated membership	
Yes			

The Second Chamber of the Dutch parliament adopted a motion on 14 December 1999, in which it called upon the Dutch cabinet to clearly express itself against option A – and thus in favour of B – regarding the Differentiated membership issue (Tweede Kamer, vergaderjaar 1999-2000, 26 800 V, nr. 36). In this way, the Dutch cabinet was constrained by its parliament in realising its (original) preference for A on this issue. According to the data, there were no domestic actors or factors enabling or constraining the Dutch cabinet with regard to the Minimum requirement and Veto possibility issues. Therefore, the variable does not apply to these two issues and the expectation cannot be tested.

As far as the expectation can be tested, it is *fully* supported by the data. The resistance from the Dutch parliament as expressed in the motion mentioned above, in addition to the resulting lack of influence attempts (see Section 7.10.2), offer an (partial) explanation for the fact that the Dutch cabinet did not exert its influence regarding the Differentiated membership issue.

In terms of the other actors, the United Kingdom was enabled by several actors (parliament) and factors (future referendum on the possible introduction of the euro, future elections and public opinion) in its resistance to putting the Closer cooperation dossier on the IGC agenda in general and relaxing the Minimum requirement and Veto possibility issues in particular (FA/DIE London embassy note, 31 January 2000). Sweden was similarly enabled by its 'sceptical parliament', which could cause ratification problems (FA/DIE/ESDP report of meeting with Sweden on 13 September 2000, unknown date; Commission report of General Affairs Council of 12 June 2000, 13 June 2000). Ireland was enabled by the possibility of a future referendum on the Nice Treaty, which would become more likely as the IGC agenda would be loaded with more dossiers, such as closer cooperation (Commission note, 12 April 2000).

### 7.10.4 Negotiation level<sup>14</sup>

- The lower the level at which an issue is negotiated, the more influence the Dutch cabinet will exert.

<sup>14</sup> This variable does not apply to the Differentiated membership issue, because it was not put on the agenda, let alone discussed and decided upon (non-decision).

Table 7.24 *Closer cooperation: negotiation level* (see Table 12 in Annex 6 for more details)

	Negotiation level	High	Moderate	Low
Influence				
No			Veto possibility-2	
Yes			Minimum requirement Veto possibility-1	

During the negotiation process, the Minimum requirement and Veto possibility issues were discussed five, possibly six, times at the formal level 3 (Preparatory Groups of 25 February 2000, 14 July 2000, 4 September 2000, 23 October 2000 (possibly), 30 October 2000 and 13 November 2000), three times at the informal level 3 (Preparatory Groups of 14 April 2000, 4 November 2000 and 25 November 2000), two and possibly three times at the formal level 2 (General Affairs Councils of 12 June 2000, 10 July 2000 and possibly 20 November 2000), three times at the informal level 2 (Conclaves of 24 July 2000, 8 October 2000 and 3 December 2000), twice at the formal level 1 (European Councils of 19-20 June 2000 (Feira) and 7-11 December 2000 (Nice)) and once at the informal level 1 (Biarritz European Council of 13-14 October 2000). This results in a median of 2.5.

The expectation receives only *mixed* support. The issues do not completely meet the expectation. Influence attempts on the part of the Dutch cabinet offer an explanation for its influence on the Minimum requirement and Veto possibility-1 issues (see Section 7.10.2). As indicated before, the Dutch cabinet's lack of influence with regard to the Veto possibility-2 issue cannot be explained by the conceptual model (see Section 7.11 for further discussion).

### 7.10.5 *Negotiation timing*<sup>15</sup>

- The earlier an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.25 *Closer cooperation: negotiation timing* (see Table 12 in Annex 6 for more details)

	Negotiation timing	Late	Moderate	Early
Influence				
No			Veto possibility-2	
Yes			Minimum requirement Veto possibility-1	

The Minimum requirement and Veto possibility issues were discussed on 25 February 2000 (IGC week number 2), 14 April 2000 (9), 12 June 2000 (18), 19 June 2000 (19), 10 July 2000 (22), 14 July 2000 (22), 24 July 2000 (24), 4 September 2000 (30), 8 October 2000 (34), 13-14 October 2000 (35), possibly 23 October 2000 (37), 30 October 2000 (38), 4 November 2000 (38), 13 November 2000 (40), possibly 20 November 2000 (41), 25 November 2000 (41), 3 December 2000 (42) and 7-11 December 2000 (43). This results in an average week number of 28.6 (-29.7).

The expectation receives only *mixed* support. The issues do not completely meet the expectation. Influence attempts on the part of the Dutch cabinet can explain its influence

<sup>15</sup> This variable does not apply to the Differentiated membership issue, because it was not put on the agenda, let alone discussed and decided upon (non-decision).

regarding the Minimum requirement and Veto possibility-1 issues (see Section 7.10.2). As mentioned, the Dutch cabinet's lack of influence with regard to the Veto possibility-2 issue cannot be explained by the conceptual model (see Section 7.11 for further discussion).

#### 7.10.6 External events and developments

- The more the Dutch cabinet is enabled (constrained) by external events and developments, the more (less) influence it will exert.

Table 7.26 Closer cooperation: external events and developments (see Table 12 in Annex 6 for more details)

Influence	External events and developments	
	Constrained	Enabled
No		Veto possibility-2 Differentiated membership
Yes		Minimum requirement Veto possibility-1

The impending enlargement was an external development that enabled the Dutch cabinet to realise its preference for option A with regard to the Minimum requirement and Veto possibility issues. Without relaxing these two conditions, the formation of closer cooperation would be more difficult in an enlarged Union, which at the same time would be more diverse, and in turn increase the chances that the closer cooperation provisions would actually be called upon in the future. The impending enlargement also enabled the Dutch cabinet to realise its preference for option A regarding the Differentiated membership issue. After all, realising this option in the Treaty increased the chances of the enlargement (with a large and diverse number of member states) actually taking place.

In addition, the German Foreign Affairs Minister Fischer and the French President Chirac delivered speeches on 12 May and 27 June 2000, respectively, pointing to the possibility of further integration by a limited number of member states outside the Treaty framework. These external events were on the one hand a constraint for the Dutch cabinet, because further integration outside the Treaty framework could reduce the necessity of relaxing the two conditions within the Treaty, as the Dutch cabinet wanted. On the other hand, they enabled the Dutch cabinet, because opponents of closer cooperation in general probably preferred the relaxation of the two conditions within the Treaty above further integration by a limited number of member states outside the Treaty framework. As for the opponents of closer cooperation in general the Dutch proposals to relax the two conditions lay between not relaxing them at all and going outside the Treaty framework, it is concluded that these external events were more enabling than constraining for the Dutch cabinet.

The expectation receives *mixed* support. The lack of influence attempts on the part of the Dutch cabinet, in turn (partly) the result of being constrained by its parliament, can explain why the Dutch cabinet did not exert its influence regarding the Differentiated membership issue (see Sections 7.10.2 and 7.10.3). The conceptual model cannot explain why the Dutch cabinet did not exert its influence on the Veto possibility-2 issue (see Section 7.11).

## 7.11 Closer cooperation: conclusions and reflections

The Dutch cabinet has undertaken only a few influence attempts with regard to the Differentiated membership issue and many attempts with regard to the Minimum requirement and Veto possibility issues.

It has exerted explicit influence with regard to the Minimum requirement and Veto possibility-1 issues. In addition, it received a free ride from the five other founding member states on this. The lack of goal-achievement on the Veto possibility-2 issue reflects a failure, possibly combined with the subordinate mechanisms of bad luck or unforced error. With regard to the Differentiated membership issue, for which it did not achieve its goal either, the Dutch cabinet anticipated (possible) resistance from other member states and the issue was a non-priority. As a result, the Dutch cabinet undertook only a few influence attempts.

The extent of the Dutch cabinet's influence attempts can explain the extent of its influence on the Minimum requirement, Veto possibility-1 and Differentiated membership issues. Whereas the Dutch cabinet undertook many influence attempts in the case of the first two issues, it undertook only a few influence attempts regarding the latter. With regard to the Differentiated membership issue, the lack of influence attempts was in turn (partly) the result of the fact that the Dutch cabinet was constrained by its parliament on this issue.

The variables of the conceptual model are unable to offer a sufficient explanation for the extent of the Dutch cabinet's influence in this dossier. The extent of the Dutch cabinet's influence attempts cannot explain why the Dutch cabinet did not exert influence regarding the Veto possibility-2 issue. Three other variables may have played a role here.

First, as the Minimum requirement and Veto possibility conditions were treated in connection with each other, at least practically a kind of exchange seems to have taken place between the two issues and between the proponents and opponents of relaxing the closer cooperation conditions: one of the conditions could be relaxed, but only if the other remained stringent. This mechanism and the level of resistance became painfully clear for the Dutch cabinet during the endgame in Nice, when the outcome regarding the Veto possibility issue became even worse for the Dutch cabinet (option B, but closer to C than before).

Second, the salience of the two issues differed. The Veto possibility issue was more salient than the Minimum requirement one. As a result, it seems to have been more difficult for the Dutch cabinet to exert its influence on the former issue than on the latter.

Third, the Dutch cabinet did not just undertake only a few influence attempts regarding the Differentiated membership issue due to a constraining parliament, but also because it anticipated (possible) resistance from other actors to its proposal.

## 7.12 Commission size: assessing the extent of the Dutch cabinet's influence

### 7.12.1 *The extent of influence attempts*

#### *Formal individual written proposals*

The Dutch cabinet undertook an influence attempt regarding the Commission size issue in its position paper (see Section 5.6). Austria, Denmark, Finland, Germany, Greece,

Italy, the United Kingdom, the Commission and the Parliament also undertook influence attempts by presenting their preferences in position papers (see Section 6.6). In an additional contribution to the IGC, Italy expressed a preference for D (20 Commissioners), in combination with an equal rotation system (CONFER 4746/00, 26 May 2000).

#### *Formal joint written proposals*

The Benelux countries stated that they were in favour of B in both the Benelux memorandum.

#### *Semi-formal individual and joint written proposals*

The Commission developed a theoretical rotation model for the composition of the Commission assuming a Union of 28 member states and a Commission of 20 members (Commission note, 30 May 2000). It distributed the note during the Preparatory Group of 30 May 2000. According to this note, its objective was not to propose a concrete rotation, but to illustrate the feasibility of an equal rotation. In doing so, the Commission can be said to have implicitly promoted option D. Commission President Prodi presented a letter to the Heads of State or Government on 10 October 2000 on the eve of the Biarritz European Council of 13-14 October 2000, in which he pleaded for C in combination with an equal rotation system (Commission letter, 10 October 2000). Luxembourg presented a memorandum to the IGC on 19 October 2000. In it, Luxembourg pleaded for option B regarding the Commission issue. Italy drew up a document on the Commission, 'Le nombre des Commissaires', which was distributed to the six founding member states and related to a system of rotations regarding the different EU institutions (FA/DIE memorandum, 21 November 2000). It is not clear whether Italy proposed a specific option in this document.

No evidence has been found in the data on semi-formal joint written proposals with regard to the Commission size issue.

#### *Informal bilateral and multilateral contacts*

According to the data, bilateral meetings have been held between the Dutch cabinet and Italy (three times, one of which was a written fax), Germany (two times), the Council Secretariat and the Commission (several meetings on the same day). It is unclear whether the Dutch cabinet actually mobilised support for its own preference during these meetings, but these meetings are considered as 'informal bilateral contacts', because the respective actors had different preferences on the size of the Commission.

A bilateral meeting between the Commission and Ireland was held on 10 March 2000. Germany (Schröder) met bilaterally with Denmark on 17 November 2000, Luxembourg on 20 November 2000, Austria on 21 November 2000 and Belgium on 21 November 2000. The French Presidency held a series of bilateral meetings with several small member states, starting with Belgium on 24 October 2000 (Commission telexpress, 23 October 2000). It is not entirely clear which small member states were involved, evidence has been found of meetings with Belgium, Portugal, Luxembourg, Denmark and Sweden. The French Presidency charged the Finnish Prime Minister Lipponen in November 2000 with collecting the positions of all the small member states considering the Nice European Council in December 2000 and in particular regarding the French proposal to fix the

Commission later at 20 Commissioners in combination with a rotation system (option C; Commission telexpress, 6 November 2000). Although Finland, as a small member state, had the same preference on the Commission issue as the other small member states, these bilateral contacts are not considered as 'networks', because Finland was charged by the French Presidency with a clear assignment: to collect the positions of the small member states on the French proposal for a ceiling, which was contrary to the (original) preferences of the small member states.

A French-German summit was held in Vittel (probably) on 14 November 2000 during which the size of the Commission was (also) discussed. The German Chancellor appeared to very firmly call for an immediate ceiling for the Commission (option D) (Commission political flash report, 14 November 2000).

Prime Minister Kok had a conversation with President Chirac probably in early December 2000 about several IGC dossiers (FA/DIE/Weighting of votes preparatory note, unknown date). With regard to the Commission size, Kok (probably) pleaded for option C (20 Commissioners as of 2010) in combination with an equal rotation system. He felt that this system should be decided on right away rather than later on.

No evidence has been found in the data on multilateral contacts between the participating actors regarding the Commission size issue.

#### *Formal and informal IGC meetings*

After a COREPER II meeting on 14 July 1999, the first technical meeting preparing the IGC took place on the first leftover – the size and composition of the Commission (on the basis of SN 506/99, 9 July 1999).<sup>16</sup> None of the member state actors were willing to abandon the principle of one Commissioner per member state (option B). The small member states wanted equality, while the big member states were prepared to give up their second Commissioner, but wanted to be compensated in the Council (weighting of votes) (FA/DIE PR report, 16 July 1999).

During lunch at the formal Preparatory Group on 7 March 2000, an open discussion (not based on a Presidency document) took place on the Commission issue in preparation for the next ministerial meeting on 20 March 2000 (Commission/Organisation note, 3 March 2000). No evidence on influence attempts was found in the data.

This ministerial meeting occurred in the margins of the General Affairs Council of 20 March 2000 on the basis of a (semi-formal) letter from the Portuguese Presidency (Minister Gama). The Commission (probably) expressed a preference for D/B during this meeting (two Commission preparatory notes, unknown dates). No evidence was found in the data on influence attempts by the other actors.

On 28 March 2000, a formal Preparatory Group took place on the size and composition of the Commission on the basis of a Presidency note (CONFER 4727/00, 24 March 2000). The five big member states (France, Germany, Italy, Spain and the United Kingdom) expressed a preference for around 20 Commissioners (D), whereas the other, small member states preferred a Commission with one Commissioner per member state (B) (Commission report, 28 March 2000). In a FA/DIE preparatory note for this meeting,

<sup>16</sup> Although this preparatory meeting took place before and thus outside the IGC, it is included here as an exception.



it is stated that option B was the Dutch point of departure and that D would only be imaginable in combination with an equal rotation system. However, it is unclear whether the Dutch cabinet also expressed the latter preference during the meeting.

On the basis of CONFER 4744/00 of 24 May 2000, the next formal Preparatory Group was held on 30 May 2000. In the document, the Presidency presented as three possible scenarios the options B, D and – for the first time – C (although it was left open whether a ceiling would indeed be established after introducing one Commissioner per member state for the time being). The five big member states indicated that they were in favour of D, whereas the small member states expressed a preference for B. Most big member states, except for Germany and Spain, stated that they were in favour of an equal rotation system in this respect. The FA/DIE report indicates that it appeared from the interventions by the big member states that they also expected that B would be the outcome in Nice, but they stressed that this would only be accepted if sufficient compensation in other dossiers was offered (read: more votes in the Council). The report also notes that other than Spain's desire not to remove C from the table, there was hardly any support for this option. Most member states in fact considered this option – which would become the final outcome! – as a postponement (FA/DIE report, 31 May 2000). The Commission (probably) indicated that C was not acceptable and expressed a preference for B/D (Commission preparatory note, unknown date).

It is likely that the Commission size issue, as part of the Presidency report of 14 June 2000 (CONFER 4750/00), was discussed during the Feira European Council of 19-20 June 2000, but no data on influence attempts have been found in this regard.

There was a ministerial dinner on 10 July 2000 about, among other matters, the size and composition of the Commission (Commission report, 11 July 2000). Belgium, Denmark, Finland, Greece, Ireland, Luxembourg, Portugal and Sweden indicated that they were in favour of B. Austria was also in favour of B, but in combination with a hierarchy within the Commission. Germany and the United Kingdom stated that they favoured D. Spain expressed a preference for D, or otherwise B, but combined with distinguishing two categories of Commissioners (hierarchy). The Commission and the European Parliament indicated their preference for D (20)/B. The Dutch cabinet and Italy did not express a preference, according to the report. The French Presidency (Minister Moscovici) did not hide its major doubts on the possibility of maintaining a collective functioning in case of an enlarged Commission. In doing so, France (as a member state) implicitly expressed its preference for D.

In CONFER 4757/00 of 11 July 2000, preparing the Preparatory Group of 14 July 2000, the Presidency indicated that it deemed it not worthwhile to resume the discussion on the size of the Commission at that stage and therefore proposed coming back to it later. Instead, the Presidency asked for attention to be paid to the internal organisation of the Commission. The FA/DIE report of the meeting, however, indicates that many delegations still related to the size of the Commission. Commission representative Barnier stressed that the question of size should also be seriously studied until the end of the IGC. The French Presidency (Vimont) joined in by stating that reforming the Commission might be useful if a smaller Commission was chosen, but would be an absolute necessity if one Commissioner per member state was chosen (FA/DIE report, 18 July 2000).

During the informal Conclave on 24 July 2000, which was also about the internal organisation of the Commission, certain delegations according to the Commission report



repeated their interpretation of the Amsterdam Protocol on the institutions with the prospect of enlargement: one Commissioner per member state (B) would be 'acquis'.

During the formal Preparatory Group of 11 September 2000, the 10 small member states clearly confirmed their preference for B (Commission reports, 12 and 13 September 2000; FA/DIE report, 12 September 2000). According to the Commission report of this meeting, the Dutch cabinet stated: 'three things are certain: death, taxation, one Commissioner per member state'. The European Parliament also pleaded for B. The five big member states, on the other hand, confirmed their preference for D, in the case of France even below 20 Commissioners. They stated that the system of one Commissioner per member state would inevitably result in the entrenchment of a hierarchy. France and Germany asked why they would give up their second Commissioner if the Commission would not have a fixed size. Although Luxembourg explicitly asked which mode of composition would apply for such a fixed-size Commission, only Italy indicated that it was in favour of an equal rotation system in this regard. According to the FA/DIE report, Presidency Vimont concluded that the formula of one per member state would probably be the outcome of Nice, but that this highly political matter would have to be left to the European Council itself.

The Ministers discussed the Commission size issue during a restricted session at the end of the General Affairs Council of 18 September 2000 (two Commission reports, 19 September 2000). The Presidency outlined two options during the meeting: one Commissioner per member state with a hierarchy or a fixed number of Commissioners based on an equal rotation system. According to the report, the French Presidency openly supported an equal rotation system for the first time. The small member states again pleaded for one Commissioner per member state (B) but without a hierarchy, whereas the big member states were in favour of a ceiling (D). Germany indicated that there should be a hierarchy in the case of one Commissioner per member state, while Spain also touched upon the hierarchy issue in the context of the status quo option in which the big member states have two Commissioners (A). Italy, which was in favour of fixing the size of the Commission at 20, pleaded for an equal rotation system. Germany and Spain, on the other hand, rejected the Presidency proposal on equal rotation. The United Kingdom did not comment on the type of system. The Commission initially presented options D and B in a seemingly equal manner, but it later stated, rather threatened, that three member states had stated that they would keep their second Commissioner if no ceiling was agreed upon. The European Parliament was no participant in this restricted session. The small member states stated that the Presidency should accept the majority view of one Commissioner per member state and use the final weeks of the negotiation process to focus on the powers of the President and the weighting of votes in Council. Towards the end of the meeting, the Presidency stated that it could not see itself accepting a large Commission with no hierarchy and at the very end, it stated that the risk of no progress would be the status quo (A).

During the Biarritz European Council of 13-14 October 2000, the well-known division between the big (D) and small (B) member states came to the forefront. Option C was also introduced on this occasion. At least the Dutch cabinet and Belgium, in addition to their basic preference for B, showed themselves to be willing to consider C, under the condition of an equal rotation system (FA/DIE preparatory note for bilateral meetings on 19 and 23 October 2000, unknown date). The Commission (probably) pleaded for D/C (Commission preparatory note, unknown date). According to a Commission report

of the Preparatory Group of 30 October 2000, Prime Minister Kok had asked in Biarritz whether all big member states agreed to an equal rotation system. President Chirac had subsequently asked this question of the five Heads of State or Government, which all reacted positively.

A lunch meeting was held to deal with the size of the Commission during the Preparatory Group of 23 October 2000. According to the Commission report of 25 October 2000, most actors were not very specific in terms of their preferred options. Italy stated that 'one Commissioner per member state' should not be established in the Treaty, as it would be irreversible. Germany pointed out that it should be possible to find a solution with an equal rotation system. Greece stated that a fixed-size Commission would be a weaker Commission and this would not be acceptable to the Greek parliament.

On 30 October 2000, a Preparatory Group lunch meeting was held on the size of the Commission (FA/DIE report, 31 October 2000; Commission report, 30 October 2000). In principle, the respective positions of the big and small member states had not changed. However, some small member states (the Dutch cabinet, Belgium, Luxembourg and Finland) were willing to consider C, but only under the condition of an equal rotation system. The Dutch cabinet indicated that after having reached 27 Commissioners, the Commission could be reduced to, for example, 20 Commissioners and that a decision on the rotation should already be made (in a Protocol, or at least the principle in the Treaty). Italy (favouring an equal rotation system), France (as Presidency) and, with some hesitation, Germany, the United Kingdom and Spain were also willing to consider C. Germany still indicated that a decision should be made right then (on the precise number of Commissioners). The United Kingdom wanted the Commission to increase to 25 rather than 27 or 28 Commissioners, after which it should decrease. According to the FA/DIE report of the meeting, there was an impression that only Spain was not yet completely convinced of the correctness of an equal rotation system, although the Spanish representative had to admit that Prime Minister Aznar had agreed to this principle in Biarritz. Greece, Austria, Portugal, Denmark, Ireland and Sweden continued to stick to their preference for B. Several delegations had doubts about the possibility of 'selling' to public opinion the solution of a ceiling in the long run. Thus, Luxembourg indicated that if C was the outcome, the principle of one per member state should be maintained in the Treaty. According to the two reports of the meeting, the Commission and the European Parliament did not express a preference for any option. The French Presidency concluded that the rotation system could only be based on equality. It asked the question of whether C was okay and whether a fixed-size Commission should apply from a specific Commission term of office or from a specific number of member states.

Another Preparatory Group lunch meeting was held on the size of the Commission on 13 November 2000. The FA/DIE report of this meeting indicates that although the small member states continued to stick to the principle of one Commissioner per member state and the big member states to the idea of a smaller Commission, it was gradually becoming clear that the 'Biarritz model' (option C) was considered by everyone to be a possible compromise. The Commission report makes it clear that the delegations agreed that C should be coupled with a date (Commission term of office) and not the number of member states. Belgium and the United Kingdom mentioned 2010 in this regard. According to the FA/DIE report, the Dutch cabinet was still of the opinion that B would be the proper formula,

but expressed a willingness to take C into consideration, under the condition of an equal rotation system. The Dutch representative asked the Presidency whether he had already developed further ideas about such a system. This appeared not to be the case. The French Presidency thought that such a system could not be worked out anymore before Nice. It would be better to include a clause in the Treaty, specifying that the Council would arrange a rotation system later through unanimity and that until then, the principle of one Commissioner per member state would apply. The Commission report indicates that several representatives agreed with the Presidency, stating that it would suffice to inscribe in the Treaty the conditions and modalities, leaving a concrete rotation schedule to a later decision. The Commission (probably) pleaded for C in combination with an equal rotation system and coupled with a specific date from which the fixed-size Commission would apply (Commission preparatory note, unknown date).

On 19 November 2000, there was a Conclave about the size of the Commission (Commission report, 19 November 2000). During this meeting, the well-known positions of principle of the big and small member states were again raised. Several delegations rejected the remark made in the Presidency preparatory document for the meeting (CONFER 4802/00, 16 November 2000) that 'the majority of delegations are prepared to consider the possibility of an upper limit on the number of Commission members'. The Presidency still concluded during the meeting that a majority of the delegations were willing to explore the 'third way' (C). The most cited scenario was a Commission composed of one Commissioner per member state from 2005 and a fixed-size Commission from 2010 (Italy, Belgium, the Dutch cabinet, Germany, Denmark, the United Kingdom, Spain and France), with a possible transgression to add new member states (point particularly made by the Dutch cabinet, Germany, Denmark and Finland). Those that expressed themselves on the starting point for the ceiling preferred the start of a Commission term of office and not a specific number of member states. Yet others only wanted to consider this issue when it was at hand, with the adaptation of the number during a next Commission (Sweden, Austria, Luxembourg, Portugal, Finland and Greece). It is not completely clear whether and to what extent these countries as well as Ireland actually expressed that they were willing to consider option C in addition to their basic preference for B. With regard to the number of Commissioners, Italy, Germany, the United Kingdom and France preferred a maximum of 20 while Belgium and the Dutch cabinet wanted more than 20. An equal rotation system, insisted upon by the small member states, was generally accepted; however, the United Kingdom proposed a system of free choice for the President of the Commission between the candidates proposed by the member states. According to a FA/DIE preparatory note for the meeting, the Dutch cabinet (probably) stressed that it would only accept a ceiling if the conditions for an equal rotation system were very clearly established in the Treaty. In the words of Prime Minister Kok, the conditions should be 'written in stone'. Therefore, the Dutch cabinet did not want to leave the conditions for a rotation system to a future unanimous decision by the Council. This would also be of great importance to political feasibility. The Commission (probably) indicated that for C, the ceiling should apply from a certain date, the number of Commissioners should be fixed at 20 and the principle of equal rotation should be established in the Treaty, while leaving the establishment of the concrete list to a future decision by the Council (Commission preparatory note, unknown date).

On 24 November 2000, an informal Preparatory Group dinner meeting was held to discuss the size of the Commission. The FA/DIE report of the meeting states that there still appeared to be three schools, one that assumed a ceiling that would start from when the EU had 27/28 members without mentioning a specific date, one that assumed a fixed date of 2010 and one that did not accept a ceiling at all. Only three member states, Sweden, Greece and Denmark, tended towards this last solution (B). The other small member states could see that further resistance was in vain and that they would have to accept a fixed-size Commission in due course (C). Opinion was still divided as to the number of Commissioners (varying from 20 to 27).

Another Conclave was held on the size and composition of the Commission on 3 December 2000. A FA/DIE preparatory note for this meeting indicates that the Dutch cabinet wanted a ceiling of 20 Commissioners from 2010, but at the same time (the guarantees for) an equal rotation system should be established in the Treaty (C). The criteria that the Presidency proposed in this regard for the meeting in CONFER 4813/00 of 1 December 2000 would not be sufficiently tough. Among other matters, they would not guarantee that each member state over a certain period of time could nominate a Commissioner. It is unclear whether and to what extent the Dutch cabinet actually expressed these points during the meeting, but it probably did.

The negotiations on the size and composition of the Commission were concluded during the Nice European Council of 7-11 December 2000. According to a FA/DIE preparatory note for this meeting, the Dutch cabinet (probably) pleaded for C (for example, 20 Commissioners from a certain date, such as 2010), but on the condition of an equal rotation system, the conditions of which would be established precisely in the Treaty. It is again concluded that the Dutch cabinet probably undertook an influence attempt.

Table 7.27 *The extent of the Dutch cabinet's influence attempts for the Commission* (see Tables 14a-c in Annex 6 for more details)

	Influence attempts	Few	Considerable	Much
Goal-achievement				
0				
1 or 2				Size
3				

All in all, the Dutch cabinet has undertaken many influence attempts regarding the Commission size issue (26 out of 32 occasions). In terms of the other participating actors, the other member state actors (and the Commission) have undertaken roughly as many influence attempts as the Dutch cabinet during the IGC meetings. Moreover, for the greater part of the negotiation process, the member states were clearly divided based on their size between the 'block' of small member states (favouring option B) and the 'block' of big member states (favouring option D).

### 7.12.2 *The extent of the Dutch cabinet's influence*

The Dutch cabinet has undertaken many influence attempts with regard to the Commission size issue and has partially achieved its goal (2). There is a positive correlation between the influence attempts of the Dutch cabinet and its extent of goal-achievement, but it is

difficult to assess whether this is also a matter of causation in terms of influence. This is particularly so, because all the participating actors have achieved their goals to a greater or lesser extent and all (member state) actors have undertaken many influence attempts. Moreover, for a long time, there was little movement of the relative positions of the actors during the negotiation process, with the small member states in favour of B and the big member states preferring D. It must be recognised that the Dutch cabinet was one of the few small member states that first indicated during the negotiation process that it was willing to consider C as a compromise under the condition of an equal rotation system. This may have been a strategic move, in the sense that a fixed-size Commission in the longer run (C) and in combination with an equal rotation system was more preferable for the Dutch cabinet than a fixed-size Commission right away (D) without equal rotation. Yet, it should be noted that the Dutch cabinet preferably wanted to establish in the Treaty not only the *conditions* for an equal rotation system – as was the final outcome – but also the *system* itself. All in all, it still seems plausible to conclude that the Dutch cabinet has exerted *explicit influence* in this regard (type 1).

However, explicit influence seems not to be the only mechanism and not necessarily the most important one. In any case, the Dutch cabinet clearly had a good starting point in the sense that its most preferred option, introducing one Commissioner per member state (B), was shared by all the small member states. In total, there was a clear majority of 10 member states in favour of this option. In addition, the Dutch cabinet’s preference also left room for D (under the condition of an equal rotation system), so that its ‘overall’ preference on this issue lay in between the two main and extreme options of B and D. Put differently, its preference was less extreme than for many of the other Nice Treaty issues. Thus, the Dutch cabinet had a higher chance of achieving its goal on this issue. In addition to exerting explicit influence on the basis of undertaking influence attempts itself, the Dutch cabinet has therefore also profited from the fact that a majority of actors shared its basic preference and that its ‘overall’ preference was an intermediate one (*free ride*, type 2). It is precisely because the Dutch cabinet has undertaken many influence attempts itself, however, that it cannot be concluded that its goal-achievement was (also) a matter of sheer luck (type 4).

### 7.13 Commission size: explaining the extent of the Dutch cabinet’s influence

#### 7.13.1 Influence resources

##### Policy positions

- The more advantageous policy positions the Dutch cabinet holds, the more influence it will exert.

Table 7.28 *Commission: policy positions* (see Table 13 in Annex 6 for more details)

	Policy positions	No	Yes
Influence			
No			
Yes			Size ('pivotal' and 'majority' position)

The only real ‘pivotal’ position is option C (fixed-size Commission later). B also lies between other options, but is in fact a rather ‘extreme’ one (one Commissioner per member state), as with A (status quo) and D (fixed-size Commission now). Therefore, strictly speaking, only the United Kingdom, which preferred D/C, (partially) had a pivotal position during the negotiation process on the Commission issue. The Dutch cabinet preferred B in principle, but was willing to accept D on the condition that it was combined with an equal rotation system. In doing so, the Dutch cabinet also held a kind of pivotal position. The Dutch cabinet held a ‘majority’ position, because in total 10 (small) member states were more or less in favour of B (with two in favour of B>D).

The expectation is *fully* supported by the data. However, just the possession of policy positions (pivotal and majority) cannot explain why the Dutch cabinet exerted its influence in this case. Rather, its influence was the result of the strategic use of its pivotal position in particular, via influence attempts (see Section 7.13.2).

Networks

- The more a part of a network the Dutch cabinet is, the more influence it will exert.

Table 7.29 *Commission: networks* (see Table 13 in Annex 6 for more details)

	Networks	Hardly or not at all	Considerable	Much
Influence				
No				
Yes		Size		

A bilateral meeting on the Commission issue was held between the Dutch cabinet and Denmark on 23 October 2000 and with Finland on 14 November 2000. Although it is unclear what was discussed during these meetings, these contacts are considered as ‘networks’ because the respective actors had the same preferences concerning this issue.

Consultations between the Benelux countries were held on the Commission issue on 1 December 2000 in The Hague. A FA/DIE preparatory note stated that the Presidency was willing to establish the principle of an equal rotation system in the Treaty, but not the details of the arrangement, which would now be too complex. However, a ceiling was unacceptable to the Dutch cabinet without a written arrangement. The Dutch cabinet wanted a precise arrangement to now be established. The note also indicated that the Dutch cabinet rejected the Belgian idea to couple things in (the IGC of) 2004 to further competences for the Commission. This would not be a good idea: a good ‘deal’ could never be obtained in due time as was now the case. Although the Benelux countries had the same preferences on the size of the Commission and probably consulted with one another in order to realise these preferences, the note also makes clear that opinion was divided at least between the Dutch cabinet and Belgium. It is not clear whether Belgium and Luxembourg were also of the opinion that a precise arrangement on the equal rotation system should be established.

All in all, the Dutch cabinet was hardly a part of a network with regard to the Commission size issue. The expectation is therefore *not* supported. The fact that the Dutch cabinet undertook many, particularly strategic, influence attempts can explain why it still exerted its influence (see Section 7.13.2).



A bilateral meeting between the Commission (Prodi) and Germany (Schröder) was held on 24 September 2000 on the Commission issue. Another meeting between the two took place on 22 November 2000. Germany (Schröder) met bilaterally with the United Kingdom on 16 November 2000. A multilateral meeting of the Nordic Council (Denmark, Iceland, Finland, Norway and Sweden) took place on 6 November 2000 (Commission telexpress, 6 November 2000). It is not clear whether and to what extent these countries consulted on the IGC in general and the Commission issue in particular, but it is rather likely. In any case, these contacts are considered as networks, because the actors shared the same preferences on the issue.

*Internal coherence*

- The more internally coherent the Dutch cabinet is, the more influence it will exert.

Table 7.30 *Commission: internal coherence* (see Table 13 in Annex 6 for more details)

Influence	Internal coherence	
	No: divided with regard to preferences and/or actions	Yes
No		
Yes		Size

Based on the data, the Dutch cabinet was internally coherent with regard to the Commission issue. The expectation is therefore *fully* supported.

Some evidence on the internal divisiveness of the Commission on preferences has been found. In a German newspaper on 20 October 2000 that is included in the Commission archive, it is stated that the German Commissioner was in favour of B (whereas the actual preference of the Commission was D, certainly at the time of the negotiations). According to a FA/DIE report of several bilateral contacts of the Dutch cabinet with the Commission and the Council Secretariat on 8 November 2000, all Commissioners had blamed the Commission representative to the IGC, Barnier, that he stood too much in the publicity behind the French position in favour of C. In reaction the College would now almost unanimously have chosen option B, which was also the reason why President Prodi expressed this to the press. At the request of the College, a document was now drafted that should prove that a big Commission might function very well with internal organisational reforms. According to the data, however, this internal divisiveness on preferences has not resulted in divergent actions, i.e. influence attempts during IGC meetings.

**7.13.2** *Influence attempts*

- The more influence attempts the Dutch cabinet undertakes, the more influence it will exert.

Table 7.31 *Commission: influence attempts* (see Tables 14a-c in Annex 6 for more details)

Influence	Influence attempts		
	Few	Considerable	Much
No			
Yes			Size



As indicated in Section 7.12.1, the Dutch cabinet has undertaken many influence attempts concerning the Commission size issue (26 out of 32 occasions). The expectation is therefore *fully* supported by the data. The many influence attempts of the Dutch cabinet, particularly its strategic move towards the end of the negotiation process – its willingness to consider option C as a compromise under the condition of an equal rotation system (see Section 7.12.2) – contribute to the explanation of its influence.

### 7.13.3 Domestic actors and factors

- The more the Dutch cabinet is enabled (constrained) by domestic actors (parliament, constitutional court) and factors (referendum, public opinion, elections, events and political conflicts), the more (less) influence it will exert.

Table 7.32 *Commission: domestic actors and factors* (see Table 15 in Annex 6 for more details)

	Domestic actors and factors	Constrained	Enabled
Influence			
No			
Yes			Size

During the Preparatory Group of 23 October 2000, Greece stated that a fixed-size Commission (option D) was not acceptable to its parliament. Greece was thus enabled by its parliament to realise its preference for B. On 25 October 2000, the Danish parliament declared that it was against the French proposal for a fixed-size Commission (C), demanding that each member state should have a Commissioner (B) (Commission telexpress, 25 October 2000). In doing so, the Danish parliament enabled its government to realise option B. During the Preparatory Group of 30 October 2000, the Dutch cabinet and Portugal (implicitly) negatively referred to their parliaments in connection with C. The Dutch cabinet wondered how this option could be sold to the national parliaments (FA/DIE report, 31 October 2000). Portugal indicated that it had major doubts about this option because of the difficult 'political situation' in Portugal (Commission report, 30 October 2000). This enabled them to realise their preferences for B.

In a FA/DIE preparatory note for the Nice European Council, it is stated that Sweden, Portugal, Denmark, Finland and Ireland kept resisting a maximum number of Commissioners (C), which would be partly domestically politically motivated (ratification, referendum). Their parliaments and/or a possible referendum enabled these countries to realise their preference for B.

During the General Affairs Council of 18 September 2000, Ireland referred to public opinion while pleading for B (Commission report, 19 September 2000). During the Biarritz European Council of 13-14 October 2000, the Dutch cabinet (probably) referred to its citizens while pleading for B. A FA/DIE preparatory note for bilateral meetings on 19 and 23 October 2000 refers to 'a recognisable face in Brussels for the citizens' (public opinion in general) as an argument used by the small member states in favour of B. During the Preparatory Group of 30 October 2000, Portugal, Germany and Ireland questioned whether C could be sold to public opinion (Commission report, 30 October 2000). The

Dutch cabinet did the same (FA/DIE report, 30 October 2000). During the Preparatory Group of 13 November 2000, Germany stated that, in any case, a final decision should be made in Nice on the size of the Commission, referring to the effect on public opinion if there would be leftovers from Nice (Commission report, 14 November 2000). The Dutch cabinet (probably) did the same during the Nice European Council of 7-11 December 2000 (FA/DIE preparatory note, unknown date). In all these instances, the respective actors were enabled by public opinion in general or in particular in realising their preferences.

The Dutch cabinet was enabled by domestic actors and factors regarding the Commission size issue and exerted its influence. The expectation is therefore *fully* supported. However, as it was only modestly enabled and this structural variable is theoretically subordinate to the agency variables of the conceptual model, its explanatory value is concluded to be at most complementary to the influence attempts explanation (see Section 7.13.2).

#### 7.13.4 *Negotiation level*

- The lower the level at which an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.33 *Commission: negotiation level* (see Table 16 in Annex 6 for more details)

	Negotiation level	High	Moderate	Low
Influence				
No				
Yes				Size

The Commission issue was discussed eight times at the formal level 3 (Preparatory Groups of 7 March 2000, 28 March 2000, 30 May 2000, 14 July 2000, 11 September 2000, 23 October 2000, 30 October 2000 and 13 November 2000) and once at the informal level 3 (Preparatory Group of 24 November 2000). It was discussed three times at the formal level 2 (General Affairs Councils of 20 March 2000, 10 July 2000 and 18 September 2000) and three times at the informal level 2 (Conclaves of 24 July 2000, 19 November 2000 and 3 December 2000). In addition, the issue was discussed once at the formal level 1 (Nice European Council of 7-11 December 2000) and once at the informal level 1 (Biarritz European Council of 13-14 October 2000). The median is 3.

The expectation is *fully* supported by the data. It is difficult to assess the contribution of this variable to the Dutch cabinet's extent of influence. It was during the highest level of the Biarritz European Council that the Dutch cabinet indicated that it was willing to consider C with the condition of an equal rotation system. It was during the Nice European Council that the outcome was finally agreed upon. Between these two meetings at the highest level, however, several meetings of the Preparatory Group were held, during which the final outcome took shape. The fact that these were low-level meetings might have contributed to the consolidation of this outcome and thus to the Dutch cabinet's influence. Yet this explanation seems subordinate to the influence attempts explanation discussed earlier (Section 7.13.2).

### 7.13.5 Negotiation timing

- The earlier an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.34 *Commission: negotiation timing* (see Table 16 in Annex 6 for more details)

Influence	Negotiation timing		
	Late	Moderate	Early
No			
Yes			Size

The Commission issue was discussed on 7 March 2000 (IGC week 4), 20 March (6), 28 March (7), 30 May (16), 10 July (22), 14 July (22), 24 July (24), 11 September (31), 18 September (32), 13-14 October (35), 23 October (37), 30 October (38), 13 November (40), 19 November (40), 24 November (41), 3 December (42) and 7-11 December (43). This results in an average IGC week number of 25.9.

The expectation is *fully* supported by the data. It must, however, be recognised that the final outcome on the Commission size issue took shape only towards the end of the negotiation process. Until then, the issue had been negotiated for a long time, with little movement of the relative positions of the actors. It is therefore not plausible to conclude that this variable can explain the extent of the Dutch cabinet's influence.

### 7.13.6 External events and developments

- The more the Dutch cabinet is enabled (constrained) by external events and developments, the more (less) influence it will exert.

Table 7.35 *Commission: external events and developments* (see Table 16 in Annex 6 for more details)

Influence	External events and developments	
	Constrained	Enabled
No		
Yes	Size	

The impending enlargement was an external development constraining the Dutch cabinet, as it formed an external pressure to reduce the size of the Commission (option D), whereas the Dutch cabinet was in principle in favour of one Commissioner per member state (option B).

The expectation is therefore *not* supported by the data. As mentioned in Section 7.13.2, (strategic) influence attempts can explain why the Dutch cabinet exerted influence with regard to the Commission size issue.

## 7.14 Commission size: conclusions and reflections

The Dutch cabinet has undertaken many influence attempts with regard to the Commission size issue.

It has exerted explicit influence, but has also profited from the fact that a majority of the member states shared its basic preference and that its 'overall' preference lay in between two extreme preferences (free ride).

The influence attempts of the Dutch cabinet, particularly its strategic move towards the end of the negotiation process – its willingness to consider option C as a compromise under the condition of an equal rotation system – can explain why the Dutch cabinet exerted its influence regarding the Commission size issue.

However, the extent of the Dutch cabinet's influence cannot be completely explained by the conceptual model. The *exchange* variable, which already appeared to play a role in previous dossiers, was probably most important regarding the Commission and Weighting of votes dossiers. The outcome for the Commission size issue was the result of a complex package deal, which also included the Court of Auditor's size, the weighting of votes in the Council and the allocation of seats in the European Parliament. The exchange among the actors concerning these interrelated dossiers and issues seems to have contributed to the final outcomes. In particular, the fact that the Court of Auditor's size was not reduced created room for a reduction – albeit in the longer term – of the Commission's size.

## 7.15 Weighting of votes: assessing the extent of the Dutch cabinet's influence

### 7.15.1 *The extent of influence attempts*

#### *Formal individual written proposals*

The Dutch cabinet has undertaken an influence attempt regarding all three issues in its position paper (see Section 5.7). Austria, Denmark, Germany, Italy and the United Kingdom undertook an influence attempt with regard to the Type of system and General weighting issues. Finland, Greece, the Commission and the Parliament did so only regarding the Type of system issue (see Section 6.7). In an additional contribution to the IGC on this dossier (CONFER 4751/00, 16 June 2000), Italy supported option E with regard to the Type of system issue, A with regard to the General weighting issue and B with regard to the Individual weighting issue (it proposed giving the four biggest member states the same number of votes (33)).

#### *Formal joint written proposals*

In the first Benelux memorandum, the Benelux countries stated that they were open to discuss both a re-weighting of votes and a dual majority system, and expressed a preference for A/B with regard to the General and Individual weighting issues (CONFER 4721/00, 7 March 2000). These preferences represent compromise positions as a result of the opposing preferences of the Dutch cabinet on the one hand and Belgium (and Luxembourg) on the other (see Sections 5.7 and 6.7). In the second Benelux memorandum, the same positions on the three issues were included, using somewhat different formulations (CONFER 4787/00, 19 October 2000).

*Semi-formal individual and joint written proposals*

According to the FA/DIE archive, many actors drafted all kinds of weighting of votes proposals during the negotiation process, which were to a greater or lesser extent distributed and discussed among (particular) actors. Based on the data, however, it is hardly or not at all possible to examine the precise number and nature of these proposals for each of the actors.

*Informal bilateral and multilateral contacts*

On 1 December 1999, the Benelux countries consulted on their first Benelux memorandum (FA/DIE memorandum, 1 December 1999), which resulted in a new draft that was distributed among the three by fax. The most amount of time was spent on the section about the weighting of votes (all three issues), particularly the three factors that should be taken into account in the new weighting (see Section 5.7.3). The Benelux countries had common preferences concerning several IGC dossiers, but with regard to the weighting of votes in fact had divergent preferences regarding the Type of system issue and, as far as the Dutch cabinet and Belgium were concerned, the Individual weighting issue. Even regarding the General weighting issue, the Dutch cabinet held an ambivalent position – different from its partners – in that it wanted both to maintain the global balance between big and small member states and weighting the population size of a member state heavier. Therefore, when drafting the Benelux memorandum, the Benelux countries both tried to lay down common preferences and undertook influence attempts to realise their individual preferences. On 6 December 1999, a Benelux summit took place during which they probably discussed at least the Type of system and Individual weighting issues (FA/DIE preparatory note, unknown date).

On 31 January 2000, a lunch meeting was held between the Dutch and Belgian Foreign Affairs Ministers in Brussels, which probably also dealt with the Weighting of votes dossier, particularly the Type of system and Individual weighting issues (FA/DIE memorandum, 27 January 2000).

Benelux consultations were held in The Hague on 1 December 2000 (FA/DIE preparatory note, unknown date). The note indicates that the Italian model (3-33, without differentiation) was not acceptable to the Dutch cabinet, because the big member states were running out too much and three of them could block a decision, and the Dutch weight was not being differentiated from the countries with 10 million inhabitants. Belgium wanted to introduce four new clusters: 24-10-7-4. Verhofstadt had supposedly stated that the variant with a small differentiation would also be possible (so Germany 26, France 24, the Netherlands 11 and Belgium 10 votes). These proposals were probably acceptable to Luxembourg. The Dutch cabinet saw nothing in new clusters. Belgium and Luxembourg maintained their preference for a dual majority system. Belgium maintained its bottom line that in the case of re-weighting, no differentiation between the Dutch cabinet and Belgium should take place. Luxembourg wanted a high minimum number of votes per member state (three, if possible four votes) in a re-weighting.

On 28 and 29 February 2000, President Chirac and Prime Minister Kok met and agreed to conduct bilateral consultations on the IGC and particularly concerning the weighting of votes (FA/DIE Paris embassy note, 18 April 2000). On 17 April 2000, a Dutch official held separate conversations with three French colleagues at least about the Type of system

and Individual weighting issues, which was the first follow-up of this agreement (FA/DIE Paris embassy note, 18 April 2000). The Dutch official indicated that it was in favour of a re-weighting of votes. However, one French official stated that this should not result in a relatively higher number of votes for Germany. A greater voting weight for Germany could be achieved through a double majority system. Another French official stated that France was strongly in favour of a re-weighting and saw Germany as an attractive ally in this respect. After all, a double majority system was much more favourable for Germany than a couple of votes more. Germany would not yet have approached France with its desire for differentiation vis-à-vis France. Neither Schröder nor Fischer had raised this point to Chirac and Védrine, respectively. An authoritative French reasoning was therefore that the Germans would not raise this subject themselves. Germany would rather fence with the double majority that would solve the German problem seemingly less directly. The French official agreed with the Dutch official that France would do well to anticipate a more direct German request. The French official also indicated wanting to make an appointment in the margins of the 'Six seminar' of 28 and 29 April 2000 for a conversation between the Dutch cabinet, Germany and France in May 2000.

In keeping with this, Dutch, French and German officials met about the weighting of votes in Paris on 5 May 2000 (FA/DIE memorandum, 8 May 2000). The memorandum, which includes a report of the meeting, makes it clear that it was particularly about the Type of system and Individual weighting issues. The positions of Germany and France were clearly adapted, but in opposite ways. Unlike earlier conversations, the German official completely supported the Dutch desire for a greater voting weight at that moment. Formally, he continued to state that Berlin's first preference was the double key (including a light re-weighting to the advantage of the big member states). Germany, however, realised that this was not acceptable to France. The German official now openly put on the table the demand of more votes for Germany and a disconnection vis-à-vis the other big member states. The official added that the wishes of the Foreign Affairs Ministry were still modest. The Chancellor would want to go much further. He put several models on the table, including an Italian idea in which both Germany and the Netherlands were disconnected from their groups. The Italian model had a greater range than the others: Germany 33, Luxembourg three votes. The French official was also clear: Paris rejected both a German and a Dutch disconnection. The French Presidency would not put any proposals or models on the table that contained a 'décrochage' of Germany and/or the Netherlands. In reaction to the objection that Chirac had provided an opening to both Kok and Schröder, the official eventually hinted that some movement at the highest political level might not be completely excluded. It was first necessary for the Chancellor to make his wishes unambiguously clear. Concerning the Netherlands, the French official allowed no doubt that The Hague should itself convince Belgium. During bilateral conversations, the Belgians had given no opening at all to the French. The official clearly showed that Paris wanted to avoid every direct conflict with Belgium. France, the United Kingdom, Spain and Belgium were against the Dutch cabinet. The French official indicated that the meeting had been useful and proposed that the Ministers continue the discussion. The report concludes that it was clear that the French did not want to commit themselves to anything and wanted to test how powerful the political level would carry the positions taken. Paris realised that it was in a very difficult position: eventually it would have to choose between two evils: either



the double key or re-weighting with a German disconnection. The aversion to the double key was strong because then the German weight really counted.

A summit was held between France and Germany in Mainz, at some point during the first half of the IGC, during which they probably talked about the weighting of votes (FA/DIE memorandum, 12 September 2000).

The Dutch and Italian State Secretaries met in Rome on 14 March 2000, where the Dutch State Secretary indicated that the Dutch cabinet held a tough position concerning the weighting of votes and closer cooperation/QMV, but was willing to be more flexible on other subjects, such as the ESDP and the necessity of Treaty change (FA/DIE/ESDP memorandum, 15 March 2000).

Prime Ministers Blair and Kok met on 15 March 2000 (probably also) about the Weighting of votes dossier (FA/DIE London embassy note, 11 May 2000). The next day, Blair called Chirac to secure French support on no differentiation between the Dutch cabinet and Belgium, so that there would also be no differentiation between Germany and France. Chirac would have promised this support.

On 10 April 2000, a meeting was held between Dutch and British officials about (probably all three) Weighting of votes issues (FA/DIE memorandum, 12 April 2000). During this meeting, the British official put two re-weighting proposals on the table. The United Kingdom had already consulted about these models with Germany, France, Italy and Spain. According to the official, they had been received well by these countries. One day after this meeting, the British official sent a fax to his Dutch colleague containing the two British weighting proposals (FA/DIE fax, 11 April 2000).

A Dutch and a British official had a conversation in London in May (precise date unknown) at least about the General and Individual weighting issues (FA/DIE London embassy note, 11 May 2000).

A Dutch official and an Italian official made contact about the Weighting of votes dossier after a general briefing of the latter about the Feira European Council (precise date unknown; FA/DIE Rome embassy fax, 16 June 2000). On this occasion, Italy also passed a proposal, which would be presented to the IGC on 16 June 2000 (see *Formal individual written proposals*).

E-mail contact between Dutch officials in The Hague and the Athens embassy makes it clear that there have been several contacts between Dutch and Greek officials (probably) in Athens probably about the Type of system and Individual weighting issues (FA/DIE e-mail, June 2000).

Dutch and Italian officials had a conversation around 12 September 2000 about, among other matters, the Weighting of votes dossier. The Italian official understood that The Hague was disappointed with the Italian model, but thought that it was able to offer perspective on this point. He did not think that Schröder would present the desire for differentiation (between Germany and Italy) during the bilateral summit with Amato the following week. However, differentiation was not non-negotiable for Rome. In that case, the Dutch cabinet could also look for differentiation (with Belgium) (FA/DIE/ESDP Rome embassy report, 12 September 2000).

In the margins of the Preparatory Group of probably 23 October 2000, there was contact between a Dutch official and his French and British colleagues about the weighting of votes. The French and British officials confirmed the strategy of the French Presidency



not to come too early with texts about the Commission and the weighting of votes. This strategy was fine-tuned with the big member states. The progress report of 3 November 2000 therefore would not include texts on these two dossiers. The British official stated that if the weighting of votes proposal was put forward too early, the (small) member states would dig themselves in and nothing would result in Nice. Only in Nice should the text be put on the table. The British official stated that the Netherlands came out well regarding the weighting of votes. His Dutch colleague replied that it could be even better and that in particular, the gap vis-à-vis Romania was a problem in The Hague. The British stated that the Dutch cabinet should not complain as long as it was over-represented. According to the Dutch official, it also had to do with the degree of over-representation of other member states (Romania, Spain and Poland). The British official admitted that a certain choice had been made on this (FA/DIE e-mail, unknown date).

The Dutch State Secretary visited Copenhagen on 26 October 2000 and the Weighting of votes dossier was (probably) discussed during this meeting (FA/DIE preparatory note, unknown date).

A FA/DIE memorandum of 2 November 2000 makes it clear that there would be an 'old six' meeting in Berlin probably in November 2000, during which the weighting of votes would probably be discussed.

France visited Portugal in Lisbon on 2 November 2000. It is not clear which subjects were discussed during this meeting, but the Weighting of votes dossier was likely one of them (Bulletin Quotidien Europe 7829, 26 October 2000; included in Commission archive).

There was a French-German summit in Vittel (probably) on 14 November 2000 during which the Type of system and Individual weighting issues were (also) discussed. According to a Commission report, the German Chancellor, while favouring a dual majority system, showed himself to be willing to support the Presidency. If a global agreement on the IGC was in sight in Nice, the Chancellor would not endanger it by asking for a differentiation vis-à-vis France (Commission political flash report, 14 November 2000). In light of this summit, the German Foreign Affairs Ministry was concerned about the 'firmness' of the position of the Chancellor concerning differentiation vis-à-vis France. The German official was under the impression that for the sake of French-German relations, the Chancellor would give in on this point. 'Massive pressure' would have been exerted on him in Vittel. Another German official made a connection with the Dutch position: 'if you don't stick to your position, we can forget the *décrochage*' (FA/DIE Berlin embassy note, 15 November 2000).

A FA/DIE memorandum of 20 November 2000 states that a 'recent meeting' between the Dutch and Belgian Prime Ministers Kok and Verhofstadt was held and that there had been a 'possible meeting' between the Dutch Foreign Affairs Minister Van Aartsen and Verhofstadt. The memorandum deals with all three Weighting of votes issues, which were therefore probably discussed during these meetings.

After the Preparatory Group of 24 November 2000, the Dutch Permanent Representative spoke with Chairman Vimont, who said that the Presidency planned to present an 'alternative proposal' (probably similar to the Italian model) as the best solution (FA/DIE/Commission report, 27 November 2000; see *Formal and informal IGC meetings*). This proposal would particularly take account of the Dutch desire for differentiation (option A regarding the Individual weighting issue).

Prime Minister Kok had a conversation with President Chirac probably in early December 2000 about several IGC dossiers (FA/DIE preparatory note, unknown date). With regard to the Weighting of votes dossier, the Dutch Prime Minister (probably) pleaded for a re-weighting of votes (E), but was open to a dual majority system (A or B). In addition, he backed option A/B regarding the General weighting issue and A regarding the Individual weighting issue.

A FA/DIE report of the Paris embassy of 1 December 2000 reports conversations Dutch officials had with four French colleagues. In Nice and not earlier, a compromise proposal would be put on the table with a simple weighting, in which the voting weight of each member state would be established in a 'fork'. The point of departure would be something 'in between Italy and the other proposals'. The intention was that negotiations about the precise number of votes would be done within the margins presented. One of the French officials noted that 'bigger margins between big and small member states increase the possibility to realise the special desires of certain countries', referring explicitly to Spain and the Netherlands. The small member states were met by building in a 'safety net', so a member state might request that a decision was also carried by a majority of the member states. Concerning the blocking minority, it was known that France had a preference for three big member states, but this did not seem to be a crucial point for France. Regarding the voting difference with Germany, the French Matignon official still trusted the often repeated statement 'that this subject may not result in a problem between both countries'. In other words, France did not give in and if it would, this would be in exchange for what was in the eyes of France a very good arrangement.

The commentary included in the report states that the French insistence on equality with Germany became increasingly strong. Chirac probably publicly confirmed in Madrid (as part of his 'tour des capitales') that France could not accept a differentiation. The big question was what the prize (for Germany or France) would be to give in on this point. One of the French officials had mentioned as an element of a 'good enough agreement', among other things a Commission arrangement along the lines of the original French proposal (a ceiling right away at less than 20 Commissioners). According to the Dutch commentator of the report, it seemed improbable that this was really the most essential for France (FA/DIE Paris embassy report, 1 December 2000).

#### *Formal and informal IGC meetings*

On 15 September 1999, the second technical meeting preparing the IGC took place about the weighting of votes after a COREPER II meeting (FA/DIE PR report, 16 September 1999).<sup>17</sup> Almost all Permanent Representatives did not have definite instructions, so that it was not accidental that most of them were in line with their governments at the end of the Amsterdam IGC. There appeared to be hardly any support for double majorities, even from the United Kingdom. France was open to Germany getting more votes (option A regarding the Individual weighting issue). The big member states accepted the over-representation of small member states, but wanted a balance (option A with regard to the General weighting issue). Spain indicated that it wanted to have as many votes as the other

<sup>17</sup> Although this preparatory meeting took place before and thus outside the IGC, it is included here by way of exception.

big member states (option A of the Individual weighting issue). The Council Secretariat (De Boissieu) indicated that it was no longer taboo to give Germany more votes than France, if revision was also applied to the countries that followed below (mentioning the Netherlands as an example). In addition, the Council Secretariat was in favour of D as far as the QMV threshold was concerned. The Dutch Permanent Representative was in principle not against this option. Spain, on the other hand, wanted to increase the QMV threshold (F), while others, including the United Kingdom, tended towards maintaining the current threshold (E).

During lunch at the formal Preparatory Group on 7 March 2000, an open discussion (not based on a Presidency document) took place on the Weighting of votes dossier in preparation for the next ministerial meeting on 20 March 2000 (Commission/Organisation note, 3 March 2000). No evidence of influence attempts was found in the data.

This ministerial meeting occurred in the margins of the General Affairs Council of 20 March 2000 on the basis of a (semi-formal) letter from the Portuguese Presidency (Minister Gama). The Commission (probably) expressed a preference for A with regard to the Type of system issue during this meeting (two Commission preparatory notes). In terms of the other actors, no specific evidence was found in the data on influence attempts. However, the Commission report of the following Preparatory Group on 4 April 2000 indicates that the positions of the delegations on the Type of system issue had not changed from the General Affairs Council of 20 March 2000 (Commission report, 4 April 2000). Therefore, it is concluded that the evidence on influence attempts found for the Preparatory Group of 4 April 2000, which is presented below, also applies to the General Affairs Council of 20 March 2000.

On 4 April 2000, the first Preparatory Group on the Weighting of votes dossier took place, as there was no time left for the subject during the previous Preparatory Group of 28 March 2000 (Commission report, 4 April 2000; FA/DIE report, 5 April 2000). The Dutch cabinet, Finland, France, Italy, Spain, Sweden and the United Kingdom expressed themselves to be in favour of a re-weighting of votes with a QMV threshold around the current level (E). Austria, Belgium, Denmark, Germany, Greece, Ireland, Portugal and Luxembourg were in favour of a dual majority system. None of these countries were in favour of A in this regard. The FA/DIE report of this meeting indicates that most of these countries preferred a simple majority of the member states and 60% of the population (B). This is confirmed by the Commission report, which indicates that Denmark was in favour of a dual majority system in accordance with the 'Amsterdam formula'. This boils down to option C. Spain indicated that in the case of a dual majority system, the population percentage should be 70%. The Commission and the European Parliament preferred A. The only contradiction between the two reports concerns the position of Ireland. The FA/DIE report states that Ireland was in favour of a dual majority system, whereas the Commission report indicates that it was in favour of a re-weighting. Therefore, it is not known what kind of influence attempt Ireland has undertaken, but it is concluded that it has in any case undertaken one.

The divide between the big and small member states with regard to the General weighting issue was also put forward clearly during the meeting. The small member states did not want to give much more weight to population size and wanted to maintain the balance between big and small member states (B), whereas the big member states preferred to give

much more weight to population size in light of previous and future enlargements involving mainly small member states, and/or wanted to be compensated for giving up their second Commissioner (A). It is unclear whether the Dutch cabinet, as with the other small member states, pleaded for B, or whether it took a more ambivalent position in keeping with its original preference (A/B). The Commission (probably) supported A.

Regarding the Individual weighting issue, the Dutch cabinet probably pleaded for A (FA/DIE preparatory note, unknown date). Belgium indicated that the population element could weigh heavier via differentiation if applied to all groups, which boils down to option B. Germany stated that the existing clusters were not a satisfying form of voting distribution and pleaded for differentiation on the basis of population size. In doing so, Germany (implicitly) pleaded for option A. Sweden thought that the member states were currently not placed well in the clusters, thus implicitly pleading for A.

On 30 May 2000, a formal Preparatory Group took place on the weighting of votes on the basis of a Presidency note, CONFER 4745/00 of 24 May 2000 (FA/DIE report, 31 May 2000). The Dutch cabinet, France, Italy and Sweden expressed that they were in favour of E regarding the type of system. Spain was in favour of F. Belgium, Luxembourg, Greece, Ireland and the Commission were in favour of a dual majority system. Of these actors, the Commission preferred A. Belgium and Ireland (Germany also mentioned this option) pleaded for extrapolation, possibly combined with a correcting population test of 60% (C). Luxembourg also found such a combined model to be interesting. It is assumed that Greece preferred B, which was probably also the point of departure for Germany and Luxembourg.

Regarding the General weighting issue, Germany and France stated that they were in favour of A. They wanted the big member states to receive extra votes both for the loss of their second Commissioner and their population size. In particular Sweden, the Dutch cabinet and Germany had criticisms on the annexes of the Presidency document, which contained several weighting tables. As all three countries remained in their respective clusters with the same number of votes, it is concluded from this that they were not happy with the number of their votes, (implicitly) pleading for A concerning the Individual weighting issue. At least as far as the Dutch cabinet is concerned, this interpretation is confirmed by the FA/DIE preparatory instructional note for the meeting.

The round table was not completed during this meeting and was therefore continued during the Preparatory Group of 6 June 2000 (Commission report, 6 June 2000; FA/DIE report, 7 June 2000). Finland and the United Kingdom were in favour of option E with regard to the type of system. The United Kingdom was in favour of giving the big member states more votes as compensation for the loss of their second Commissioner and their deteriorated position resulting from previous enlargements (option A of the General weighting issue). Denmark had a first preference for a double weighting (B), but expressed itself also, as with Portugal and Austria, to be in favour of the Amsterdam model of maintaining more or less the current weighting of votes in combination with a population test of 60% (C).

A formal Preparatory Group was held on the weighting of votes on 6 July 2000 (FA/DIE report, 7 July 2000). Belgium, Denmark, Greece, Ireland, Portugal and Luxembourg expressed themselves to be for a dual majority system (probably B or C). Greece indicated that it was also willing to consider a re-weighting of votes. Finland, Italy, Sweden and the United Kingdom were in favour of E. Spain stated that if a dual majority system was

chosen, a decision should be supported by 70% of the population. According to the report, Germany did not express a preference for a re-weighting or dual majority system. Yet, it stated that if there was a dual majority system, a decision should be supported by at least 60% of the population. The report does not indicate a preference regarding the type of system for the Dutch cabinet, Austria, France and Spain, but states at the beginning that 'all member states stuck to their original positions'. It is derived from this that the Dutch cabinet and France preferred E, Spain F and Austria B or C. The Commission (probably) pleaded for option A (Commission preparatory note, unknown date). As to the General weighting issue, the following actors more or less explicitly expressed a preference: the Dutch cabinet (A/B), Austria, Belgium, Finland and Sweden (B), and the United Kingdom (A). The Dutch cabinet and Sweden indicated that they were in favour of A concerning the Individual weighting issue, Belgium preferred B and Germany and Spain more implicitly expressed a preference for A. The United Kingdom stated that it had no position on differentiation; this would emerge later on in the negotiations.

On 25 September 2000, a formal Preparatory Group took place on the weighting of votes. The Commission and FA/DIE reports (both from 26 September 2000) note that the positions of the delegations had not changed. The Commission report indicates that Belgium, Greece and Sweden pleaded for a dual majority system (probably B). Denmark and Ireland were in favour of the Amsterdam model (C). The Commission preferred A. Spain was in favour of a re-weighting (probably F). The positions of the other actors can be derived from their positions expressed during the previous Preparatory Group of 6 July 2000. With regard to the General weighting issue, the Commission report makes it clear that there was again a discussion as to whether the big member states should only be compensated for the loss of their second Commissioner, as argued by the small member states, or also considering their deteriorated position in an enlarged Union if nothing changed. This discussion boiled down to the question of whether Article 1 of the Amsterdam Protocol applied, Article 2 or something in between (as the French Presidency defended). The FA/DIE report indicates that the Dutch cabinet again took an ambivalent position (A/B). The Commission report specifically notes that Germany, Italy and the United Kingdom, but also the French Presidency (implicit), were in favour of A. Belgium, Denmark, Finland (implicit), Greece, Portugal, Sweden and Luxembourg pleaded for B. Spain implicitly pleaded for A regarding the Individual weighting issue.

On 8 October 2000, there was an informal Conclave about the weighting of votes (Commission report, 9 October 2000; FA/DIE report, 10 October 2000). The Dutch cabinet was in favour of option D with regard to the type of system. France (3-33 votes), Italy (3-33), Sweden and the United Kingdom preferred E. Spain supported F. Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Portugal and Luxembourg were in favour of a dual majority system ('according to different models'). The Commission report indicates that several countries in this group, particularly Finland and Germany, were willing to consider a re-weighting of votes. This resulted in the Presidency's conclusion that there was movement in the direction of a re-weighting. The FA/DIE report notes that Ireland was also willing to accept a re-weighting and Portugal was willing to discuss a re-weighting on the basis of concrete numbers. The Commission (probably) supported A (Commission preparatory note, unknown date). Regarding the General weighting issue, the well-known positions on whether or not the big member states should be 'doubly' compensated were



again put forward (with the big member states preferring A and the small member states B). The Dutch cabinet again backed A and B at the same time. It pleaded for A concerning the Individual weighting issue according to the FA/DIE report.

The informal Biarritz European Council of 13-14 October 2000 subsequently discussed the Weighting of votes dossier. According to a FA/DIE preparatory note for this meeting, the Dutch cabinet pleaded for E with regard to the Type of system issue and A regarding the Individual weighting issue. Concerning the General weighting issue, the Dutch cabinet stated rather unambiguously that the big member states should get more votes and that their population weight should be taken into account (A). No report of this meeting was found in the data. Therefore, it is unknown which (other) actors have undertaken which influence attempts during this meeting.

During lunch at the Preparatory Group on 23 October 2000, the delegations reacted to the Biarritz European Council with regard to the size of the Commission and the weighting of votes in the Council (Commission/Commission report, 25 October 2000). Regarding the Type of system issue, Finland indicated that it was flexible on the formula, but stated that in principle at least 50% of the population and the member states should be represented. Luxembourg made it clear that it was against the Italian model (E). Germany was in favour of a dual majority system. The European Parliament and Greece supported A. Denmark stated that there were various possibilities, but that one should always reckon with a second parameter (either population or number of member states). Sweden implicitly indicated that it was in favour of a re-weighting. The report does not contain evidence on influence attempts by the other actors.

During their informal meeting in Paris on 4 November 2000, the Preparatory Group also talked about the weighting of votes. The short FA/DIE report of 9 November 2000 only states that 'there seemed to emerge a growing consensus about the Finnish proposal [of the Preparatory Group of 23 October 2000] that a decision made by QMV should always represent the majority of the member states and of the population, whether one would choose for a dual majority system or not'. According to a Commission preparatory note, the Commission (probably) pleaded for option A with regard to the type of system.

The next formal Preparatory Group on the weighting of votes occurred on 13 November 2000 (FA/DIE report, 14 November 2000). It was made clear during the lunch meeting, as in Paris, that all delegations stuck to the principles of a majority of member states and a majority of population in a new weighting formula. According to the report, this meant progress in so far as one was no longer sticking to either a dual majority system or a re-weighting of votes; a single formula containing both principles might suffice. A clear division appeared from the discussion between the big and small member states concerning the blocking minority. The big member states claimed that, as was the case now, three big member states should be able to block a decision. Spain wanted the same number of votes as the other big member states (option A of the Individual weighting issue). The report notes that much would depend on the question of whether France was willing to differentiate vis-à-vis, for example, Germany. If it was, then Spain would possibly also be willing to step back.

A majority of the small member states, on the other hand, appeared to be willing to abandon a dual majority system if the blocking minority was formed by at least four member states and the population percentage was not too high. Some were indifferent to the even-

tual formula chosen if the basic principles were ensured, others expressed themselves to be clearly for the Swedish model (E) if it could be explained with examples. However, Greece and Luxembourg remained proponents of a dual majority system, as did Portugal and the Commission. The report states that it was clear that the Commission would change its opinion in due time if there were to be an acceptable compromise formula. Germany was willing to abandon the claim of a dual majority system and revert to a re-weighting formula under the condition that the 'demographic factor' would continue to play an important role (option A of the General weighting issue). France was in favour of E with regard to the Type of system issue and A with regard to the General weighting issue. Sweden defended its 'square root population model' (E) and was willing to consider variants of this model.

The Dutch cabinet indicated that the current QMV threshold and the practical population threshold of 58% should be maintained. The report does not make clear which options the Dutch cabinet supported during the meeting. In an instructional preparatory note for the meeting, it is stated that the Dutch cabinet maintained a preference for a 'general re-weighting', for example along the lines of the Swedish model. This did not imply that the Dutch cabinet excluded a dual majority system. Irrespective of the system chosen, the two thresholds mentioned should not increase. The instruction note also includes preferences for option A/B with regard to the General weighting issue and A with regard to the Individual weighting issue. It is thus not clear whether the Dutch cabinet actually expressed these preferences during the meeting, but it probably did. Although the specific contents of the influence attempts of the other actors are not known, the above makes it clear that they have undertaken influence attempts with regard to the Type of system issue.

During the Conclave of 19 November 2000, Ministers discussed the Weighting of votes dossier on the basis of a Presidency note containing three models (CONFER 4801/00, 16 November 2000): a weak re-weighting coupled with a 'population safety net' ensuring that a qualified majority would be supported by at least 58% of the EU population (Feira model); a moderate re-weighting (Swedish model); and a substantial re-weighting (Italian model). The Commission/Commission report of 19 November 2000 indicates that several delegations (Germany, Luxembourg, Greece, Ireland and Portugal) regretted that the Presidency had abandoned the dual majority system. A large majority, except for France and the United Kingdom, was of the opinion that a qualified majority should always be supported by a majority of the member states. These actors were therefore against the Italian model, of which most big member states were in favour (Italy, Spain, United Kingdom and France). Germany continued to take an open position, as long as the demographic factor was taken into account. Regarding the clusters, Denmark and Italy wanted to maintain the current situation, Germany opposed this, Spain was flexible depending on the re-weighting and Belgium wanted the same principles to be applied to all clusters. In terms of options with regard to the Individual weighting issue, this implies that Italy was in favour of B, Spain (implicitly) preferred A, Germany also preferred A and Belgium was in favour of B. According to a FA/DIE preparatory note for this meeting, the Dutch cabinet (probably) pleaded for A. In addition, it (probably) supported E with regard to the Type of system issue and A/B regarding the General weighting issue. The Commission (probably) stated that it still preferred A, but that it was open to other models under the condition that a majority of the population and of the member states were represented and the decision-making process would not become more difficult (Commission preparatory note, unknown date).



On 24 November 2000, a dinner meeting of the Preparatory Group was held about the weighting of votes (FA/DIE/Commission report, 27 November 2000). As there were criticisms of the different options on the table, Chairman Vimont had an alternative proposal. This was a re-weighting of votes (probably similar to the Italian model) with, in case a member state could not agree with the decision, as a 'safety net' the additional request of a majority of member states. In case there was no majority of member states, the decision was not made. This would enable the small member states to still agree to a re-weighting formula. The other re-weighting models, such as the Swedish model, did not (always) guarantee a majority of member states. As nobody possessed the alternative proposal, the delegations reacted prudently to it. The United Kingdom was very explicit in stating that it would boycott every solution in Nice that would not envision the possibility for three big member states to block a decision. If this was not realised, the United Kingdom would not collaborate on the solutions proposed for any of the other subjects. In this respect, only the Italian model (E) was acceptable. This resulted in some small member states stating that they would then fall back on the Commission's dual majority system (A). This again suggests that all the actors have probably expressed a preference with regard to the Type of system issue, although no specific data on this have been found.

The Weighting of votes dossier was the most difficult one during the Nice European Council of 7-11 December 2000. In a FA/DIE preparatory note for this meeting, it is indicated that the Dutch cabinet preferred a re-weighting of votes (probably E) and option A regarding the Individual weighting issue. It can be readily assumed that the Dutch cabinet actually expressed these preferences, but no data have been found on this. The preparatory note does not indicate a preference on the General weighting issue. It is likely that the Dutch cabinet stopped expressing its ambivalent position (A/B) in order to fully put its cards on the table, realising a re-weighting of votes with more votes than Belgium (A of the Individual weighting issue). According to the preparatory note, Belgium and France were in favour of B concerning the Individual weighting issue, and Germany, Spain and Sweden preferred A. The note is, however, only an indirect source.

As already outlined in Section 5.7.1, the weighting of votes outcome agreed upon during the Nice European Council had to be revised, because Declarations 20 and 21 contained conflicting numbers and percentages. This occurred during COREPER meetings on 20-22 December 2000. It is not exactly clear which actors undertook which influence attempts during these occasions. In a FA/DIE memorandum preparing the COREPER meeting of 22 December 2000, the Dutch Permanent Representative was instructed to agree with the eventual compromise – described in Section 5.7.1 – if all other member states were to do the same. If there was no consensus, the Permanent Representative would have to stick to the position it took earlier during the COREPER

Table 7.36 *The extent of the Dutch cabinet's influence attempts for the Weighting of votes* (see Tables 18a-g in Annex 6 for more details)

Goal-achievement	Influence attempts		
	Few	Considerable	Much
0			
1 or 2		General weighting	Type of system
3			Individual weighting

meetings. As mentioned, this position is not entirely clear. What is known is that the compromise was indeed agreed upon.

In sum, the Dutch cabinet has undertaken a considerable number of influence attempts with regard to the General weighting issue (30 out of 49 occasions) and many concerning the Type of system (42) and Individual weighting (40) issues. In terms of the other member state actors (and the Commission), they have undertaken roughly as many influence attempts as the Dutch cabinet during the IGC meetings regarding the Type of system issue. The situation is less clear with regard to the General and Individual weighting issues, but this probably has to do with the insufficiency of the data and the eventually arbitrary distinction between three otherwise closely interconnected issues.

### 7.15.2 *The extent of the Dutch cabinet's influence*

The Dutch cabinet undertook a considerable number of influence attempts regarding the General weighting issue and many regarding the Type of system and Individual weighting issues. The Dutch cabinet fully achieved its goal on the Individual weighting issue and partially on the Type of system and General weighting issues. As with the Commission dossier, it is very difficult to assess whether the Dutch cabinet has exerted influence, particularly with regard to the Type of system and General weighting issues. All (member state) actors have undertaken many influence attempts regarding the Type of system issue and all have achieved their goals to a greater or lesser extent. It is hardly or not at all possible to determine whether the Dutch cabinet has exerted explicit influence regarding this issue (type 1), as the outcome for this issue – and this dossier in general – was, more than any other outcome, a complex compromise and the result of a package deal between the participating actors. The actors tried fiercely to exert influence on one another and eventually all went home with a result that was at least partially in keeping with their desires. Therefore, it is concluded that it is simply not known whether the Dutch cabinet has exerted influence in this case (see Section 7.17 for further discussion).

For the General weighting issue, the Dutch cabinet – as in the case of the Commission size issue – profited from its intermediate preference, being in favour of weighting population size more heavily in the voting distribution, but not too much (A/B). As such, the Dutch cabinet got a *free ride* (type 2) from the other actors that were in favour of either A (the small member states) or B (the big member states). However, it should also be noted that the Dutch cabinet has strategically used its intermediate position – maintaining contact with and undertaking influence attempts vis-à-vis both ‘camps’ – to realise its preference (see Sections 7.16.1, *Networks* and 7.16.2). In doing so, it also exerted *explicit influence* (type 1).

The Individual weighting issue was primarily a matter between the Dutch cabinet and Belgium, with the former completely achieving its goal and the latter not. In this specific case involving two actors in particular, the correlation between the Dutch cabinet's influence attempts and goal-achievement can credibly be equated with causation. The Dutch cabinet has thus exerted *explicit influence* in this regard (type 1). This is not to deny that the Dutch cabinet has given in (vis-à-vis Belgium) in other dossiers in exchange (see Section 7.17).

## 7.16 Weighting of votes: explaining the extent of the Dutch cabinet's influence

### 7.16.1 Influence resources

#### *Policy positions*

- The more advantageous policy positions the Dutch cabinet holds, the more influence it will exert.

Table 7.37 *Weighting of votes: policy positions* (see Table 17 in Annex 6 for more details)

Influence	Policy positions	
	No	Yes
No	Type of system?	
Yes	Type of system?	General weighting ('pivotal' position)
	Individual weighting	

Regarding the Type of system issue, the 'pivotal' position is option C, which is in fact a combination of a re-weighting of votes and a dual majority system. The Dutch cabinet held no pivotal position, as it preferred E(/D). Denmark did prefer C and therefore held a pivotal position. Germany also (partially) held a pivotal position, because it was in favour of C/B. As for the General weighting issue, the Dutch cabinet could be said to have had a pivotal position, as it was in favour both of taking further account of population size and maintaining the balance between big and small member states (A/B). This can be explained by the fact that the Dutch cabinet had a double interest here: on the one hand, it was in favour of weighting population size heavier so that it could itself get a greater weight than Belgium, but on the other hand it did not want the big member states to be able to run out too much vis-à-vis the small member states (which included the Netherlands; see Section 5.7.2). The Dutch cabinet did not hold a pivotal position with regard to the Individual weighting issue, since it was in favour of (the 'extreme') option A.

The Dutch cabinet did not hold a 'majority' position concerning any of the Weighting of votes issues (this is actually unknown for the Individual weighting issue). As for the Type of system issue, there was a small majority of eight member states and, including the Commission and the Parliament, 10 actors in total who were in favour of a kind of dual majority system (A, B or C). In addition, there was a majority of nine (small) member states in favour of B with regard to the General weighting issue.

The expectation receives *mixed* support. Just the possession of a pivotal position, however, cannot explain why the Dutch cabinet exerted influence with regard to the General weighting issue. The Dutch cabinet's influence was instead the result of the *strategic use* of this position by networking with and undertaking influence attempts vis-à-vis both the camp of the small member states and that of the big member states (see *Networks* and Section 7.16.2). Influence attempts and networks can also explain why the Dutch cabinet still exerted influence with regard to the Individual weighting issue.

#### *Networks*

- The more a part of a network the Dutch cabinet is, the more influence it will exert.

Table 7.38 *Weighting of votes: networks* (see Table 17 in Annex 6 for more details)

	Networks	Hardly or not at all	Considerable	Much
Influence				
No				Type of system?
Yes				Type of system? General weighting Individual weighting

The Benelux countries had common preferences concerning several IGC dossiers, but with regard to the weighting of votes, they had divergent preferences regarding the Type of system issue and, as far as the Dutch cabinet and Belgium were concerned, the Individual weighting issue. Therefore, their contacts are discussed under the heading of ‘informal bilateral and multilateral contacts’ (Section 7.15.1).

Sweden sent a fax to the Dutch cabinet containing the Swedish square root model on 29 February 2000 and 13 April 2000. On 1 March 2000, a meeting was held between Dutch and Swedish officials (probably) in The Hague (FA/DIE fax, 29 February 2000).

On 10 March 2000, the Dutch cabinet and Germany agreed in Berlin to collaborate on the Individual weighting issue (FA/DIE memorandum, 12 September 2000). The memorandum instructs the Dutch Foreign Affairs Minister to remind his German colleague about this agreement. The memorandum indicates that the intent was also to involve France, but now that France held the Presidency, this was a bit difficult. This did not exclude the possibility that Germany and the Dutch cabinet could together fiercely plead for differentiation at the Presidency.

Telephonic contact was made between Dutch and German officials on 20 September 2000 about the weighting of votes, particularly about the Individual weighting issue and a new German weighting proposal about which informal agreement would have been reached with Spain. In this model, the Netherlands would have 12 votes, while Belgium and the other members of this cluster would have 10. Spain supposedly agreed with this formula under the condition that a blocking minority with three big member states was possible. Spain would be considered as a big member state, which would imply a blocking minority of 87 votes. Italy and the United Kingdom supposedly found the proposal interesting, but France remained against it. However, it was interesting for Paris as the Presidency, because it solved the Spanish problem. The report of this telephone call indicates that the German proposal was ‘very interesting’ for the Dutch cabinet (because of the differentiation with Belgium). The German official had again confirmed that Berlin supported the Dutch cabinet (FA/DIE memo, 20 September 2000). Subsequently there were several contacts between the Dutch cabinet and Germany about the German proposal. Dutch officials from both the Foreign Affairs and General Affairs Ministries probably discussed the model with their German colleagues. These conversations were in turn preparations for meetings between Dutch and German Foreign Affairs Ministers and Heads of Government shortly before the Biarritz European Council (FA/DIE memorandum, 28 September 2000). The model was probably also discussed during the Dutch State Secretary’s visit to Berlin on 19 October 2000 (FA/DIE note, 9 October 2000).

In the margins of the Preparatory Group of 23 October 2000, a lunch meeting was held between the Dutch cabinet, Austria and Sweden about the weighting of votes (and ESDP) (FA/DIE/ESDP report, 24 October 2000). Austria foresaw that the big five member states

were in agreement about a simple weighting of votes that would leave the other 10 member states far behind. The French ideas about a far-reaching reduction of the Commission were an attempt to intimidate the smaller member states and realise a big re-weighting of votes. In that light, the 10 other member states could try to unite for an alternative that compensates the big member states for the second Commissioner, but does no more than that. Portugal, Belgium, Finland and Luxembourg had already been contacted, now so were Sweden and the Dutch cabinet. Austria wondered whether the Dutch cabinet was open to consulting with these 10 or it guessed that it reached an agreement with the five (related to its ambivalent position with regard to the General weighting issue). Sweden stated that the Austrian model needed to be studied, but at first did not offer it much. Luxembourg later stated that it expected that it would support this model. The Dutch official outlined the Dutch goals (accepting some compensation in conformance with the Amsterdam Protocol, but differentiation within the groups in order to account for population weight). The Dutch official promised to come back to these issues after consultation with the Dutch Foreign Affairs Minister.

The Austrian paper assumed a population test, besides a re-weighting. According to the report, it was positive that the big member states were running out less vis-à-vis the smaller member states and the three biggest member states less vis-à-vis the smaller member states, and that they could not form a blocking minority. The commentary included in the report states that the Dutch involvement in the camp against the five while at the same time being a conversation partner of the five, should be maintained. Considering the Dutch double interest making its position special, the Dutch cabinet should keep both channels open for as long as possible. According to the commentary, that meant that a reserved positive reaction to the Austrian paper was useful.

On 31 October 2000, Sweden sent an e-mail to the Dutch cabinet, Denmark and Finland, containing three weighting proposals, two of which were based on the square root. On 2 November 2000, a Swedish official called his Dutch colleague to sound out a reaction. The latter gave an initial, prudently positive reaction and suggested that the Dutch DGES and Permanent Representative could possibly exchange ideas with their Swedish colleagues about the drafts that coming weekend (FA/DIE memorandum, 2 November 2000). A Finnish official reacted to the Swedish proposals in an e-mail on 3 November 2000 to the Dutch cabinet, Denmark and Sweden.

A Dutch official received a Finnish proposal on the weighting of votes in Brussels, which Prime Minister Lipponen would probably present to Kok in The Hague on 14 November 2000. In the proposal, the big member states were running out somewhat vis-à-vis the small ones and the current voting groups were differentiated. Thus, the Netherlands got 12 votes, whereas Belgium, Greece and Portugal got 10. Yet the Netherlands was placed below Romania (14 votes) in the model (FA/DIE memorandum, 14 November 2000). In another FA/DIE preparatory note, it is stated that in a system with maximally 33 and minimally three votes, the Netherlands should have at least 14 votes. It could not accept the situation in which Romania received much more votes than the Netherlands.

Germany consulted with the Dutch cabinet, Spain and the United Kingdom about three German proposals of 23 November 2000 (FA/DIE note, 'Rules of thumb for the new weighting of votes in the Council. December 2000').

All in all, the Dutch cabinet was to a high degree a part of a network for all the Weighting of votes issues. The expectation is therefore *fully* supported. In addition to influence attempts (see Section 7.16.2), the Dutch cabinet's networks – particularly with Germany – can offer an explanation for its influence with regard to the Individual weighting issue. This also applies to the General weighting issue on which the Dutch cabinet had an ambivalent preference and as such remained in contact with both the big and small member states to realise its preference.

*Internal coherence*

- The more internally coherent the Dutch cabinet is, the more influence it will exert.

Table 7.39 *Weighting of votes: internal coherence* (see Table 17 in Annex 6 for more details)

Influence	Internal coherence	
	No: divided with regard to preferences and/or actions	Yes
No		Type of system?
Yes		Type of system?
		General weighting
		Individual weighting

According to the data, the Dutch cabinet was internally coherent with regard to all the Weighting of votes issues. The expectation is therefore *fully* supported.

According to a FA/DIE memorandum of 20 September 2000, reporting a telephonic contact between the Dutch cabinet and Germany, both France and Germany were internally divided on their preferences regarding the Individual weighting issue. There was still no final agreement between France and Germany about this. President Chirac was supposedly willing to give Germany more votes than the other big member states (A), but Prime Minister Jospin and Minister Védrine were against this (B). Minister Moscovici had assumedly argued for it: though Germany had more inhabitants, France was a nuclear power and a permanent member of the Security Council. These elements should also count. As for Germany, the Foreign Affairs Ministry was striving to disconnect Germany (A), but the Chancellor still did not express himself clearly. This did not necessarily imply that the Chancellor was in favour of B, but that there was at least some division or tension visible within this actor.

**7.16.2** *Influence attempts*

- The more influence attempts the Dutch cabinet undertakes, the more influence it will exert.

Table 7.40 *Weighting of votes: influence attempts* (see Tables 18a-g in Annex 6 for more details)

Influence	Influence attempts		
	Few	Considerable	Much
No			Type of system?
Yes		General weighting	Type of system?
			Individual weighting



As outlined in Section 7.15.1, the Dutch cabinet has undertaken a considerable number of influence attempts with regard to the General weighting issue (30 out of 49 occasions) and many concerning the Individual weighting (40) issue (and Type of system issue (42)).

The expectation receives *mixed* support. Influence attempts, in addition to networks, can (partly) explain why the Dutch cabinet exerted its influence with regard to the Individual weighting issue. The Dutch cabinet's influence on the General weighting issue can be explained by its strategic use of its pivotal position to network with and undertake influence attempts vis-à-vis both the camp of the small member states and that of the big member states (for networks, see Section 7.16.1).

### 7.16.3 *Domestic actors and factors*

- The more the Dutch cabinet is enabled (constrained) by domestic actors (parliament, constitutional court) and factors (referendum, public opinion, elections, events and political conflicts), the more (less) influence it will exert.

No evidence was found in the data that the Dutch cabinet was enabled or constrained by domestic actors or factors regarding the Weighting of votes dossier. The variable therefore cannot be tested in this case.

The Commission was enabled by public opinion when (probably) stating during the General Affairs Council of 20 March 2000 that its preferred option (A) could be explained to public opinion during the ratification of the Treaty (Commission preparatory note, unknown date). This also applies to the Preparatory Groups of 4 April 2000, 30 May 2000 (also referring to parliaments), 6 July 2000 and 4 November 2000 (Commission preparatory notes, unknown dates).

During the Preparatory Group of 4 April 2000, several delegations underlined that a change in the number of votes should be 'explainable' to the population of their country (Belgium, Denmark, Austria, Spain, France, Ireland) (Commission report, 4 April 2000). According to the FA/DIE report of this meeting, in addition to Denmark and Ireland, Greece and Luxembourg pointed to public opinion, i.e. that the public should understand and accept future results (also considering the possibility of a referendum). In doing so, they were enabled by their specific public opinions to realise their preferences with regard to the General and Individual weighting issues.

France was enabled by its public opinion and parliament to realise option B regarding the Individual weighting issue when it stated during a bilateral meeting between a Dutch and French official that it could not explain to the parliament and the public that Germany would receive a greater voting weight than France (FA/DIE Paris embassy report, 18 April 2000). According to the same report, France was constrained by 'electoral obstacles' (in 2002) in formulating and expressing its position on the Weighting of votes dossier. However, this could at the same time be considered and used as an enabling factor vis-à-vis other actors.

During the Preparatory Group of 30 May 2000, President Vimont was of the opinion that the under-representation of the big member states was increasingly difficult to explain to their populations (FA/DIE report, 31 May 2000). The big member states were enabled by their public opinions to realise option A with regard to the General weighting issue.

During the Preparatory Group of 25 September 2000, several member states (United Kingdom, Portugal, Ireland) indicated that they should be able to sell the result of the



Weighting of votes dossier to public opinion and/or parliament (Commission report, 26 September 2000).

A FA/DIE preparatory note for the Nice European Council of 7-11 December 2000 stated that, according to several actors, the Swedish square root model would not be explainable to the broader public and press. This implies that Sweden was constrained in realising its preferences with regard to the Weighting of votes dossier (see Table 19 in Annex 6 for more details).

7.16.4 *Negotiation level*

- The lower the level at which an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.41 *Weighting of votes: negotiation level* (see Table 20 in Annex 6 for more details)

Influence	Negotiation level		
	High	Moderate	Low
No			Type of system?
Yes			Type of system? General weighting Individual weighting

The Type of system issue was discussed eight times at the formal level 3 (Preparatory Groups of 7 March 2000 (probably), 4 April 2000, 30 May 2000, 6 June 2000, 6 July 2000, 25 September 2000, 23 October 2000 and 13 November 2000). It was discussed twice at the informal level 3 (Preparatory Groups of 4 November 2000 and 24 November 2000). The issue was discussed once at the formal level 2 (General Affairs Council of 20 March 2000) and twice at the informal level 2 (Conclaves of 8 October 2000 and 19 November 2000). It was discussed once at the formal level 1 (Nice European Council of 7-11 December 2000) and once at the informal level 1 (Biarritz European Council of 13-14 October 2000). This results in a median of 3.

The General weighting issue was negotiated six times at the formal level 3 (Preparatory Groups of 4 April 2000, 30 May 2000, 6 June 2000, 6 July 2000, 25 September 2000 and 13 November 2000) and possibly also during the formal Preparatory Groups of 7 March 2000 and 23 October 2000. It was possibly discussed during the informal Preparatory Groups of 4 November 2000 and 24 November 2000. In addition, the issue was possibly discussed at the formal level 2 once (General Affairs Council of 20 March 2000) and twice at the informal level 2 (Conclaves of 8 October 2000 and 19 November 2000). It was discussed once at the formal level 1 (Nice European Council of 7-11 December 2000) and once at the informal level 1 (Biarritz European Council of 13-14 October 2000). This results in a median of 3.

The Individual weighting issue was discussed five times at the formal level 3 (Preparatory Groups of 4 April 2000, 30 May 2000, 6 July 2000, 25 September 2000 and 13 November 2000) and possibly also during the formal Preparatory Groups of 7 March 2000, 6 June 2000 and 23 October 2000. It was possibly discussed during the informal Preparatory Groups of 4 November 2000 and 24 November 2000. In addition, the issue was possibly discussed at the formal level 2 once (General Affairs Council of 20 March 2000) and twice

at the informal level 2 (Conclaves of 8 October 2000 and 19 November 2000). It was discussed once at the formal level 1 (Nice European Council of 7-11 December 2000) and once at the informal level 1 (Biarritz European Council of 13-14 October 2000). This results in a median of 3.

The expectation is *fully* supported by the data. It must, however, be recognised that the final outcome of the Weighting of votes dossier was mainly agreed upon at the highest political level of the Nice European Council. Before that time, the dossier had been negotiated on a relatively low level for a long time, but without the participating actors making much progress. It is therefore not plausible to conclude that this variable can explain the extent of the Dutch cabinet's influence.

### 7.16.5 Negotiation timing

- The earlier an issue is negotiated, the more influence the Dutch cabinet will exert.

Table 7.42 *Weighting of votes: negotiation timing* (see Table 20 in Annex 6 for more details)

Influence	Negotiation timing		
	Late	Moderate	Early
No			Type of system?
Yes		General weighting Individual weighting	Type of system?

The Type of system issue was discussed on 7 March 2000 (IGC week 4; probably), 20 March 2000 (6), 4 April 2000 (8), 30 May 2000 (16), 6 June 2000 (17), 6 July 2000 (21), 25 September 2000 (33), 8 October 2000 (34), 13-14 October 2000 (35), 23 October 2000 (37), 4 November 2000 (38), 13 November 2000 (40), 19 November 2000 (40), 24 November 2000 (41) and 7-11 December 2000 (43). This results in an average IGC week number of 27.5.

The General weighting issue was discussed on 7 March 2000 (IGC week 4; possibly), 20 March 2000 (6; possibly), 4 April 2000 (8), 30 May 2000 (16), 6 June 2000 (17), 6 July 2000 (21), 25 September 2000 (33), 8 October 2000 (34), 13-14 October 2000 (35), 23 October 2000 (37; possibly), 4 November 2000 (38; possibly), 13 November 2000 (40), 19 November 2000 (40), 24 November 2000 (41; possibly) and 7-11 December 2000 (43). This results in an average IGC week number of 28.7 (-27.5).

The individual weighting issue was discussed on 7 March 2000 (IGC week 4; possibly), 20 March 2000 (6; possibly), 4 April 2000 (8), 30 May 2000 (16), 6 June 2000 (17; possibly), 6 July 2000 (21), 25 September 2000 (33), 8 October 2000 (34), 13-14 October 2000 (35), 23 October 2000 (37; possibly), 4 November 2000 (38; possibly), 13 November 2000 (40), 19 November 2000 (40), 24 November 2000 (41; possibly) and 7-11 December 2000 (43). This results in an average IGC week number of 30 (-27.5).

The expectation receives *mixed* support in the data. It must be recognised that the final outcome of the Weighting of votes dossier was mainly agreed upon during the Nice European Council at the end of the negotiation process. Until then, the dossier had been negotiated for a long time, but without the participating actors making much progress. It is therefore not plausible to conclude that this variable can explain the extent of the Dutch cabinet's influence.

7.16.6 External events and developments

- The more the Dutch cabinet is enabled (constrained) by external events and developments, the more (less) influence it will exert.

Table 7.43 *Weighting of votes: external events and developments* (see Table 20 in Annex 6 for more details)

Influence	External events and developments	Constrained	Enabled
No			
Yes		General weighting	Individual weighting

The impending enlargement was a constraining external development for the Dutch cabinet. This development cannot really be related to the Type of system issue – the choice for a re-weighting of votes or a dual majority system – but it constrained the Dutch cabinet with regard to the General and Individual weighting issues. In light of previous enlargements and the next one approaching soon, there was pressure to give the big member states relatively more weight than the small ones in order to maintain and restore the balance between them. This would be to the detriment of the small member states in general (General weighting issue) and the Netherlands in particular (Individual weighting issue).

The expectation receives *no* support. The influence of the Dutch cabinet with regard to the General weighting issue has to do with the fact that it strategically used its pivotal position via influence attempts and networks to realise its preference (see Sections 7.16.1 and 7.16.2). The Dutch cabinet’s influence on the Individual weighting issue can also be explained by influence attempts and networks.

7.17 Weighting of votes: conclusions and reflections

The Dutch cabinet has undertaken a considerable number of influence attempts with regard to the General weighting issue and many concerning the Type of system and Individual weighting issues.

While it is clear that the Dutch cabinet has exerted explicit influence with regard to the Individual weighting issue, this is very difficult to assess with regard to the Type of system issue. Therefore, it is concluded that it is simply not known whether the Dutch cabinet has exerted its influence in this case. (The feasibility of) measuring influence in complex negotiation processes on closely interlinked issues will be returned to in Sections 8.5.1 and 8.5.2. With regard to the General weighting issue, the Dutch cabinet not only profited from the fact that its preference lay in between the two main and extreme options (pivotal position), getting a free ride from the other participating actors. It also actively and strategically used this position to realise its preference. In doing so, it also exerted explicit influence.

The way the Dutch cabinet used its pivotal position with regard to the General weighting issue by networking with and undertaking influence attempts vis-à-vis both the camp of the small member states and that of the big ones can explain its influence in this regard.

The Dutch cabinet's influence attempts and networks can also explain why it exerted influence on the Individual weighting issue.

However, it is important to note that the extent of the Dutch cabinet's influence cannot completely be explained by the conceptual model. As was already indicated in Section 7.14, the *exchange* variable was probably the most important regarding the Commission and Weighting of votes dossiers. The outcome of the Weighting of votes dossier, which consisted of three interlinked issues that were only separated from one another in this study for analytical purposes, was linked to the Commission size and the allocation of seats in the European Parliament. The big member states' loss of a second Commissioner – and perhaps also the fact that the principle of one Commissioner per member state was introduced for the next Commission's term of office – was compensated with relatively more weight in the Council. The Dutch cabinet won the battle with Belgium about the individual weighting, but lost with regard to the allocation of seats in the European Parliament. Unlike the Netherlands, which went from 31 to 25 seats, Belgium lost two seats less than originally planned (as did Greece and Portugal). Besides that, it was arranged for the total number of votes of the Benelux countries ( $12 + 13 + 4 = 29$ ) to be the same as that of a big member state – to the benefit of them all, and Brussels was established as the venue for official European Council meetings (Galloway, 2001:82-83). The latter point may also be considered to be a specific gain for Belgium.

## 7.18 Conclusion

In this chapter, a process analysis has been carried out assessing the extent to which the Dutch cabinet has exerted its influence with regard to those issues of the sample selection on which it has partially or fully achieved its goal (first step) and how this can be explained (second and third steps).

For the assessment, it can be concluded from the first step that the Dutch cabinet has exerted influence regarding 9 of the 20 Nice Treaty issues of the sample selection (SOA-1, Contact Committee-1, Treaty change, PSC-1, Minimum requirement, Veto possibility-1, Commission size, General weighting and Individual weighting).

For the explanation, on the basis of the second, deductive step, it can be concluded that the extent to which the Dutch cabinet was a part of a network, was internally coherent, undertook influence attempts and was enabled or constrained by domestic actors and factors can, to a certain degree, explain its extent of influence.

However, the conceptual model does not offer a complete explanation. On the basis of the third, inductive step, it can be concluded that the exchange of dossiers and issues among the participating actors, the timeliness of influence attempts and networks, anticipation of (possible) resistance from other participating actors and the saliency of an issue also seem to contribute to the extent of the Dutch cabinet's influence.

This chapter has thus answered the research question of this study. The next and final chapter presents this answer in more detail and further elaborates and reflects on it.



## CHAPTER 8

# Conclusions and reflections

### 8.1 Introduction

This study has adopted a relational influence perspective to analyse the Nice Treaty negotiation process and explain its outcome, focusing on the influence of the Dutch cabinet in the context of the other participating actors. The study has attempted to answer the following research question:

*To what extent has the Dutch cabinet exerted its influence during the negotiation process that resulted in the Treaty of Nice, and how can this influence be explained?*

In order to answer this research question, the empirical analysis began with a before-after analysis for the Dutch cabinet (Chapter 5) and the other participating actors (Chapter 6). This analysis involved assessing the extent to which the Dutch cabinet and the other participating actors achieved their goals on the Nice Treaty issues selected for this study. The descriptive before-after analysis was subsequently complemented with an explanatory process analysis (Chapter 7). The process analysis was divided into three steps, based on as accurate a reconstruction of the negotiation process as possible and addressing all 18 participating actors. The first step aimed at assessing whether the Dutch cabinet actually exerted its influence regarding the issues on which it partially or fully achieved its goals. In doing this, the focus was on the relationship between influence attempts and goal-achievement, examining whether mechanisms other than explicit influence might account for the relationship between the two variables. The second step aimed at explaining the extent of the Dutch cabinet's influence thus found. This deductive step consisted of testing the expectations of the agency and structural variables of the conceptual model. The third, inductive step considered whether yet other variables – not included in the conceptual model – might explain the extent of the Dutch cabinet's influence. The before-after analysis and three-step process analysis should result in a plausible answer to the research question, which is presented in this chapter.

This chapter is structured as follows. Section 8.2 first summarises the line of reasoning of this study, developed in Chapters 2-4. The empirical results are then presented in Section 8.3. In Section 8.3.1, the results of the before-after analyses are laid out and in Sections 8.3.2-8.3.4, the results of the three steps of the process analysis are presented. Based on this, Section 8.4 presents the answer to the research question. The presentation of the empirical results organically leads to some reflections on this study in Section 8.5. Sections 8.5.1 and 8.5.2 reflect on the theory and methodology adopted by the study, respectively, and offer some suggestions for future research. Finally, practical lessons for the Dutch

cabinet's influence during EU Treaty negotiations are drawn out based on this study in Section 8.5.3.

## 8.2 Recapitulation of the argument

The aim of this study was to explain the outcome of the Nice Treaty negotiation process. Among EU studies, only a few scholars have examined the process of EU Treaty negotiations in order to explain its outcome (e.g. Smith, 2002; Beach, 2005). The literature on EU Treaty negotiations draws our attention to several agency and structural variables affecting the negotiation process and thus co-determining its outcome (see Chapter 2).

An EU Treaty negotiation process in general and the Nice Treaty negotiation process in particular can be characterised as an increasingly structured process, in which the participating actors negotiate with one another about many issues at several levels and during different phases. In terms of the participating actors, in addition to the formal participants of EU Treaty negotiations – the 15 member states of the EU, three EU level actors sat at the table of the Nice Treaty negotiation process. These were the European Commission, the European Parliament and the Council Secretariat (e.g. Christiansen, 2002; Beach, 2005). In view of its aim to assess the extent of the Dutch cabinet's influence, this study has addressed all these actors. However, as the participating actors cannot be considered to be unitary, this study also paid attention to possible internal divisiveness within an actor, in the form of divergent preferences and/or actions. Moreover, when negotiating an EU Treaty, the participating actors operate in a structured environment at both the national and EU levels that may either enable or constrain them in realising their preferences in the outcomes of the negotiation process. In this study, several domestic actors and factors have therefore been taken into account. These include the parliament, constitutional court, a potential referendum, the prevailing public opinion, elections that may be held and events and political conflicts that occur. In addition, events and developments at the European and global level external to the negotiation process may affect the agenda-setting and decision-making processes.

The structural context at the EU level is also formed by different negotiation levels and phases, particularly timing. Regarding negotiation levels, the Nice Treaty negotiation process, specifically the Nice IGC, took place at three levels: the Heads of State or Government during formal and informal European Councils, the Foreign Affairs Ministers during formal and informal (Conclaves) meetings in the margins of monthly General Affairs Councils and the Personal Representatives of the governments during regular formal and informal meetings of the Preparatory Group. A fourth level may be distinguished, the Friends of the Presidency Group, which dealt with the reforms of the European Court of Justice and the Court of First Instance.

Concerning negotiation phases, making a distinction between agenda-setting and decision-making, with both taking place at the EU level, enables us to distinguish three types of outcomes depending on the course of an issue through the two phases: issues that go through both phases (decisions), issues that go through the first phase but not the second (not-decisions) and issues that do not even enter the first phase to begin with (non-decisions). In addition, different issues appear to have different time courses through the agenda-setting and decision-making phases. Some issues were put on the agenda and

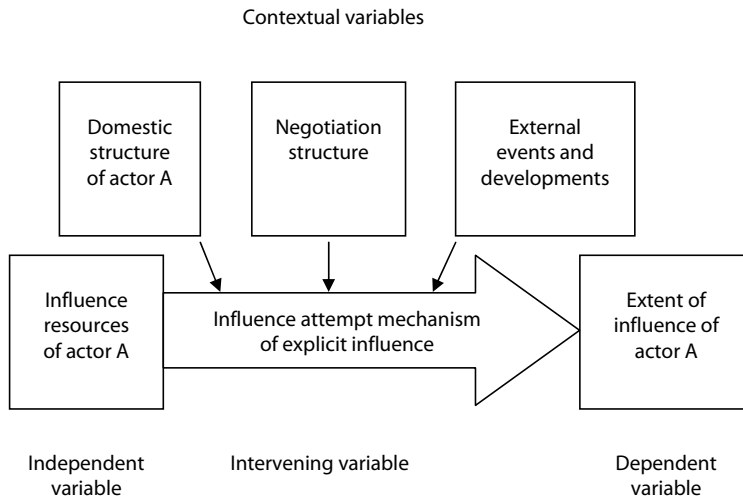


discussed early, whereas others were only added to the agenda and discussed later during the negotiation process. The specific time course of an issue has been called the 'negotiation timing' of an issue in this study. In Chapter 2, the sub-question of what the negotiation process resulting in the Treaty of Nice looked like, what its outcomes were and how it can be characterised was thus answered.

In our view, however, the agency and structural variables from the EU literature insufficiently touch on the core of an EU Treaty negotiation process: the mutual exertion of *influence* by the participating actors. For this, the Political Science and IR literature was approached in Chapter 3. Here, the debate on the concepts of power and influence was entered by discussing three important distinctions of this debate and indicating the choices this study made in light of the research question.

With regard to the first distinction between resources and relation (Lasswell & Kaplan, 1950:75; Van Doorn, 1962/63; Baldwin, 2002), the study primarily adopted a relational approach by taking actual, exerted influence as the dependent variable and resources (power) as the independent variable. With regard to the second distinction between explicit and implicit (anticipated) influence (Dahl, 1970), this study has conceptually accounted for both, but empirically mainly focused on explicit influence operating through the influence attempt mechanism. It is during this conversion mechanism, or process, that an actor has to successfully employ its influence resources before there is any actual influence. The third distinction concerned the existence of three faces of power (Bachrach & Baratz, 1962; Lukes, 1974; Dahl, [1961] 2005) and, related to this, the 'agency-structure dilemma' (e.g. Giddens, 1984; Clegg, 1989). As with the other two distinctions, this study has made its own choices, but at the same time aimed at integrating the distinction. Thus, the study has primarily been actor-oriented and focused on the first face of power of decision-making, but also analysed the agenda-setting process taking partial account of the second face of non-decision-making and, between the first and second face, of not-decision-making. Lukes' third face is considered to be too deterministic, but a middle road has been chosen of structure co-determining the behaviour of actors by providing opportunities and constraints. Overlapping with the agency and structural variables found in the EU literature, this study has, in addition to agency variables, derived several structural variables from empirical studies dealing with the agency-structure dilemma from the perspective of power and influence (e.g. Huberts, 1988; Arts, 1998). Thus, Chapter 3 answered the sub-question of how the process of EU Treaty negotiations can be analysed.

Combining the – partly overlapping – variables that have been put forward in the EU literature on the one hand (Chapter 2) and the Political Science and IR literature on the other (Chapter 3) resulted in the building blocks for the conceptual model of this study (see Figure 8.1). This model was further specified and presented in Chapter 4. The dependent variable is the extent of influence of actor A (the Dutch cabinet) on actor B (the other 17 actors) in making a decision on a specific Nice Treaty issue. The influence resources of actor A make up the independent variable. The crucial intervening variable is formed by the influence attempt mechanism of explicit influence, which has been deductively and inductively specified by all kinds of influence attempts that the Dutch cabinet as actor A, but also the other participating actors, undertook during the negotiation process. Finally, this conversion process is in turn affected by several structural, contextual variables, which enable or constrain the extent to which the influence resources of actor A are converted

Figure 8.1 *Conceptual model*

into actual influence through influence attempts. These are domestic structure (actors and factors), negotiation structure (levels and phases, particularly timing) and external events and developments at the European level. Chapter 4 thus answered the sub-question of which variables can explain the process of EU Treaty negotiations.

The next sub-question asked what kinds of expectations can be identified for each of the variables of the conceptual model. The first, general expectation was of the causal relation between the independent and dependent variables:

1. The more influence resources the Dutch cabinet has, the more influence it will exert.

The following influence resources have been selected for this study: policy positions, networks and internal cohesion. The specific expectations for these influence resources were as follows:

2. The more advantageous policy positions the Dutch cabinet holds, the more influence it will exert.
3. The more a part of a network the Dutch cabinet is, the more influence it will exert.
4. The more internally coherent the Dutch cabinet is, the more influence it will exert.

The following expectation focused on the conversion mechanism:

5. The more influence attempts the Dutch cabinet undertakes, the more influence it will exert.

The last series of expectations concerned the relationship between the contextual variables and the dependent variable:

6. The more the Dutch cabinet is enabled (constrained) by domestic actors (parliament, constitutional court) and factors (referendum, public opinion, elections, events and political conflicts), the more (less) influence it will exert.
7. The lower the level at which an issue is negotiated, the more influence the Dutch cabinet will exert.
8. The earlier an issue is negotiated, the more influence the Dutch cabinet will exert.
9. The more the Dutch cabinet is enabled (constrained) by external events and developments, the more (less) influence it will exert.

### 8.3 Empirical results

#### 8.3.1 *The before-after analysis: assessing the extent of goal-achievement*

As the research question of this study focuses on the exertion of actual influence during a negotiation process, a method was required that studies influence as a relation between actors and as an effect brought about during a process. Being a process-oriented method, Dahl's decision method – making a comparison between the influence attempts of the participating actors and the ultimate decisions – formed the starting point of the influence analysis. In our view, however, such an analysis should begin with establishing the original *preferences* of the participating actors on specific Nice Treaty issues and examining the extent to which they have realised these preferences in the outcomes of the negotiation process. In other words, the extent of goal-achievement of the participating actors should be assessed on the basis of a before-after analysis.

In Chapter 5, the before-after analysis was executed, establishing the extent of goal-achievement of the Dutch cabinet for all 24 selected issues within the five selected dossiers of the Nice Treaty negotiation process (Court of Auditors, ESDP, Closer cooperation, Commission and Weighting of votes). To what extent has the Dutch cabinet achieved its goal? The Dutch cabinet fully achieved its goals regarding six of the 24 issues and partially regarding seven of the 24 issues. In total, the Dutch cabinet therefore achieved its goals to a greater or lesser extent on 13 of the 24 issues (see Table 8.1). In general, the Dutch cabinet partially or fully achieved its goal for nine of the 20 issues of the Court of Auditors, ESDP and Closer cooperation dossiers and for all four issues of the Commission size and Weighting of votes dossiers.

In total, the Dutch cabinet has not achieved its goals on 11 of the 24 issues. This was not due to the fact that the outcomes for these issues were decision options the Dutch cabinet did not prefer, but because these issues either did not reach the agenda-setting and decision-making phases, resulting in non-decisions (five issues) from the perspective of the Dutch cabinet, or did reach these phases but were ultimately not decided upon, resulting in not-decisions (six issues). In other words, as far as issues were put on the agenda and decided upon, the Dutch cabinet partially or fully achieved its goals for all of these 13 issues. Yet merely focusing on decisions as outcomes of the negotiation process would conceal the fact that the Dutch cabinet did not achieve its goal for roughly the same number of issues (11 issues), because they resulted in not-decisions or non-decisions from its perspective.

The goal of the before-after analysis for the Dutch cabinet was to establish for which and how many issues the Dutch cabinet could be considered as a potentially necessary condition for the outcomes and thus a potentially influential actor. It can be concluded that this is the case for the 13 (out of 24) issues on which the Dutch cabinet has partially or fully achieved its goal.

In Chapter 6, the before-after analysis was carried out for the other participating actors, assessing the extent to which they achieved their goals concerning the 'sample selection' of 16 issues of the five dossiers. In general, with regard to the issues (resulting in decisions) on which the Dutch cabinet partially or fully achieved its goals, a considerable number of other actors also partially or fully achieved their goals (this is unclear only for the SOA and Contact Committee issues of the Court of Auditors dossier). Concerning some dossiers

Table 8.1 *The extent of the Dutch cabinet's goal-achievement*

Dossier Issue	Extent of goal-achievement
<b>Court of Auditors</b>	
Size	Full (3)
Internal chambers	Full (3)
SOA	Partial (2)
Contact Committee	Partial (1)
Appeal ECJ	Zero (0b – not-decision)
Same powers	Zero (0b – not-decision)
Financial management	Zero (0b – not-decision)
OLAF	Zero (0b – not-decision)
Instruction	Zero (0a – non-decision)
<b>ESDP</b>	
Treaty change	Full (3)
WEU	Full (3)
PSC	Partial (2)
NATO	Zero (0b – not-decision)
Military Committee	Zero (0b – not-decision)
Military Staff	Zero (0a – non-decision)
Financial articles	Zero (0a – non-decision)
<b>Closer cooperation</b>	
Minimum requirement	Full (3)
Veto possibility	Partial (1)
Differentiated membership	Zero (0a – non-decision)
Treaty division	Zero (0a – non-decision)
<b>Commission</b>	
Size and composition	Partial (2)
<b>Weighting of votes</b>	
Type of system	Partial (2)
General weighting	Partial (2)
Individual weighting	Full (3)

and issues – Closer cooperation (Veto possibility), Commission size and Weighting of votes (Type of system and General weighting), all the actors even achieved their goals to a greater or lesser degree. This makes it clear that even if a correlation between preference and outcome (decision) is considered as causation in terms of influence, it would still not be known which of the actors to which this correlation applies actually exerted their influence. In addition, other actors also achieved their goals on the issues (resulting in not-decisions or non-decisions) on which the Dutch cabinet has not achieved its goals. This applies most clearly to the NATO and Military Staff issues of the ESDP dossier, but probably also to one or more of the issues for which the extent of goal-achievement of the other actors is unclear or unknown: Appeal ECJ and Instruction (Court of Auditors dossier) and Differentiated membership (Closer cooperation dossier).

The goal of the before-after analysis for the other participating actors was to establish which of them could be considered as potentially necessary conditions for the respective

outcomes, i.e. potentially influential. Although this study did not aim to assess the extent of influence of each of the participating actors, the assessment of their goal-achievement was necessary in order to be able to assess and explain the Dutch cabinet's influence *in the context* of the other participating actors (see Section 1.3.4).

### 8.3.2 *The process analysis: assessing the extent of the Dutch cabinet's influence*

The goal of the three-step process analysis, carried out in Chapter 7, was to assess (first step) and explain (second and third steps) the extent of the Dutch cabinet's influence with regard to the 16 issues of the sample selection.

With regard to the first step, how do we know whether the Dutch cabinet caused its goal-achievement by itself, i.e. whether it actually exerted its influence? To answer this question, the descriptive before-after analysis should be complemented with an explanatory process analysis. It is precisely this process, or mechanism of causation, that should be studied in order to examine whether a correlation between an actor's preference and a decision – an actor's goal-achievement – is also a matter of causation by the actor itself. Thus, the second part of Chapter 3 answered the sub-question of what kinds of methods are available to measure influence and which is the most suitable for this research.

This study has focused primarily on influence attempts as the mechanism through which the exertion of influence takes place. Therefore, in uncovering whether the Dutch cabinet has actually exerted its influence regarding the issues on which it has partially or fully achieved its goals, the influence attempts undertaken by the Dutch cabinet as well as the other participating actors were particularly important. The first step of the process analysis therefore began with an examination of the influence attempts undertaken by the Dutch cabinet and the other participating actors regarding the 16 issues of the sample selection. The results for the Dutch cabinet are summarised in Table 8.2.

Based on this, the extent of the Dutch cabinet's influence was assessed by examining rival mechanisms – mechanisms other than explicit influence – to which specific combinations of (lack of) influence attempts and goal-achievement might be attributed. These mechanisms were already suggested by the typology of possible combinations of influence attempts and goal-achievement, which was presented in Chapter 4 (Table 4.1). In doing so, it was considered which mechanisms plausibly applied (verification) and which did not (falsification) for each of the issues of the sample selection.

For a proper attribution of influence, four issues resulting in decisions had to be split up into two issues each (SOA-1 and 2, Contact Committee-1 and 2, PSC-1 and 2, and Veto possibility-1 and 2), so that the total number of issues of the sample selection is 20. Compared to the original sample selection, the Dutch cabinet has not achieved its goal regarding the four extra issues (SOA-2, Contact Committee-2, PSC-2, and Veto possibility-2).

The results can now be summarised in a new typology, in which the mechanisms are matched with the issues (see Table 8.3).

The Dutch cabinet exerted *explicit influence* with regard to the following Nice Treaty issues in the sample selection: SOA-1, Contact Committee-1, Treaty change, PSC-1, Minimum requirement, Veto possibility-1, Commission size, General weighting and Individual

Table 8.2 *The extent of the Dutch cabinet's influence attempts*

Dossier Issue	Extent of influence attempts
<b>Court of Auditors</b>	
Size	Few
SOA	Considerable
Contact Committee	Much
Appeal ECJ	Considerable
Instruction	Few
<b>ESDP</b>	
Treaty change	Much
PSC	Much
NATO	Considerable
Military Staff	Few
<b>Closer cooperation</b>	
Minimum requirement	Much
Veto possibility	Much
Differentiated membership	Few
<b>Commission</b>	
Size and composition	Much
<b>Weighting of votes</b>	
Type of system	Much
General weighting	Considerable
Individual weighting	Much

weighting. In addition to exerting explicit influence, the Dutch cabinet got a *free ride* in the case of the Minimum requirement, Veto possibility-1, Commission size and General weighting issues.

With regard to the other issues in the sample selection, the Dutch cabinet did not exert its explicit influence. In one case, the Dutch cabinet's goal-achievement was a matter of *sheer luck* (Court of Auditors size issue). In another case, the Dutch cabinet's lack of goal-achievement was related to its *internal divisiveness* (Instruction issue). This mechanism played a subordinate role in the case of the NATO issue, on which the Italy and Benelux network was internally divided. In five cases, the Dutch cabinet's absence of goal-achievement had to do with *failure* (SOA-2, Contact Committee-2, Appeal ECJ, NATO and Veto possibility-2 issues). The *unforced error* mechanism possibly played a subordinate role with regard to the SOA-2, Contact Committee-2, Appeal ECJ and Veto possibility-2 issues. The *bad luck* mechanism possibly played a subordinate role regarding the Veto possibility-2 issue. In three cases, the Dutch cabinet's lack of goal-achievement had to do with the issues being a *non-priority* and/or with *anticipation* (Military Staff, Differentiated membership and PSC-2 issues). In addition, the anticipation mechanism possibly played a subordinate role with regard to the SOA-2, Contact Committee-2 and Appeal ECJ issues. Regarding the Type of system issue, it is not known whether or not the Dutch cabinet exerted explicit influence.

As becomes clear from Table 8.3, for several mechanisms that were identified beforehand, no empirical evidence was found in the data. Possible reasons for this will be reflected on in Section 8.5.2.

Table 8.3 *Evidence found for the relationship between the extent of the Dutch cabinet's influence attempts and the extent of its goal-achievement*

	Goal-achievement Yes	Issues	Goal-achievement No	Issues
Influence attempts Yes	1. Explicit influence	SOA-1; Contact Committee-1; Treaty change; PSC-1; Minimum requirement, Veto possibility-1, Commission size and General weighting (all in combination with 2.); Individual weighting	5. Failure	SOA-2; Contact Committee-2; Appeal ECJ; NATO; Veto possibility-2
			6. Unforced error	SOA-2, Contact Committee-2, Appeal ECJ and Veto possibility-2 (all possibly, and subordinate to 5.)
	2. Free ride	Minimum requirement, Veto possibility-1, Commission size and General weighting (all in combination with 1.)	7. Bad luck	Veto possibility-2 (possibly, and subordinate to 5.)
			8. Negative influence	No evidence found in the data
Influence attempts No	3. Implicit, anticipated influence	No evidence found in the data	9. Justified loss	No evidence found in the data
	4. Sheer luck	Court of Auditors size	10. Non-priority	Military Staff and Differentiated membership (both in combination with 12.); PSC-2 (and/ or 12.)
			11. Internal divisiveness	Instruction; NATO (subordinate to 5.)
			12. Anticipation	SOA-2, Contact Committee-2 and Appeal ECJ (all possibly, and subordinate to 5.); Military Staff and Differentiated membership (both in combination with 10.); PSC-2 (and/or 10.)

1. Goal-achievement that is positively associated with influence attempts in the sense of the active use of influence resources.
2. Goal-achievement that is positively associated with profiting from influence resources (notably advantageous policy positions) or other actors' influence attempts, while undertaking influence attempts itself.
3. Goal-achievement that is positively associated with simply possessing the influence resource 'reputation for influence', while not undertaking influence attempts.
4. Goal-achievement that is positively associated with luck, while not undertaking influence attempts.
5. No goal-achievement that is positively associated with unsuccessful influence attempts.
6. No goal-achievement that is positively associated with bad influence attempts.
7. No goal-achievement that is positively associated with bad luck, while undertaking influence attempts.
8. No goal-achievement that is positively associated with just the influence attempts themselves.
9. No goal-achievement that is positively associated with neglect resulting in not undertaking influence attempts.
10. No goal-achievement that is positively associated with non-priority resulting in not undertaking influence attempts.
11. No goal-achievement that is positively associated with internal divisiveness resulting in not undertaking influence attempts.
12. No goal-achievement that is positively associated with anticipation resulting in not undertaking influence attempts.

The empirical results make it clear that 'goal-achievement' cannot always be equated with 'influence' (see Section 3.6). Five of the 20 issues presented in Table 8.3 show that the conceptual distinction also applies in practice. In the case of the Court of Auditor's size, the Dutch cabinet fully achieved its goal, but did not exert its influence at all (sheer luck).



In the case of the Minimum requirement, Veto possibility-1, Commission size and General weighting issues, the Dutch cabinet did exert its influence, but also got a free ride. The process analysis thus provides a more adequate and nuanced view of what really happened in these situations.

At a more general level, the typology can be subdivided into four categories: ‘success’ (1), ‘profit’ (2-4), ‘fiasco’ (5-8), and ‘blame’ (9-12). It is interesting to see that an actor may not only achieve its goal by undertaking influence attempts (‘success’), but also without doing anything or that much (‘profit’). This might even be a part of an actor’s strategy during the negotiations. While for some issues it deliberately undertakes influence attempts, for others it may attempt to get a free ride, trust its reputation for influence or hope for a lucky deal. It can, of course, be questioned to what extent an actor, particularly a small member state such as the Netherlands, is able to achieve its goals in this way. In this study, this was the case for the Dutch cabinet for only five of the 20 issues, and for four of them this was combined with the ‘hard’ way (‘success’). With regard to the other two categories, an actor does well to draw lessons from its own behaviour during the negotiations. What was the reason that influence attempts were not successful (‘fiasco’) or were not undertaken to begin with (‘blame’)? Is it possible and desirable to operate differently next time and, if so, how (see Section 8.5.3 for further discussion)?

### 8.3.3 *The process analysis: explaining the extent of the Dutch cabinet’s influence (deduction)*

The next question is: how can the extent of the Dutch cabinet’s influence that was presented in the previous section be explained? To answer this question, the second step of the process analysis in Chapter 7 worked to examine the explanatory value of the variables in the conceptual model. To what extent are the expectations formulated for each of these variables supported by empirical evidence? The degree of support for the expectations, answering the following sub-question of this study, is summarised in Table 8.4.

Table 8.4 *Degree of support for the expectations of the conceptual model*

Variable	Degree of support for expectation
Policy positions	Mixed
Negotiation level	Mixed
Negotiation timing	Mixed
External events and developments	Mixed
Networks	Ample
Internal coherence	Ample
Influence attempts	Ample
Domestic actors and factors	Full (insofar testable)

The extent to which the Dutch cabinet was a part of a network, was internally coherent and undertook influence attempts can explain the extent of its influence to a certain extent. In addition, insofar as the structural variable domestic actors and factors could be tested, they received full support in this study. The other variables got only mixed support.

### 8.3.4 *The process analysis: explaining the extent of the Dutch cabinet's influence (induction)*

Considering the limited explanatory value of the conceptual model, the third and final step of the process analysis aimed to consider whether still other variables could offer an explanation for the extent of the Dutch cabinet's influence. The empirical evidence, which was also presented in Chapter 7, suggests the following four variables.

First and probably most important is the *exchange* of dossiers and issues taking place among the participating actors. Exchange occurred both within and between Nice Treaty dossiers and both implicitly and explicitly. Implicitly, exchange took place between different issues within the Court of Auditors, ESDP and Closer cooperation dossiers. In terms of the Court of Auditors dossier, while the Dutch cabinet (partly) realised its preferences on the SOA and Contact Committee issues, it had to accept that other proposals, such as the one on the Appeal ECJ issue, did not make it into the final Treaty text. Regarding ESDP, the exchange was related to issues as well as not-issues that were put on the agenda (Treaty change and PSC vs. NATO) and to non-issues that did not make it into the agenda (Military Staff). For the issues and not-issues, in exchange for the support of the opponents of ESDP Treaty change, among other issues regarding the PSC, the proponents had to give in on the NATO issue. For the non-issues, in exchange for making ESDP Treaty change sufficiently acceptable to the opponents during the agenda-setting phase, the Dutch cabinet lowered its ambitions with regard to substance withdrawing its proposal on the Military Staff issue (although this might also be considered as anticipation, a variable discussed in a moment). Regarding the Closer cooperation dossier, one condition – the Minimum requirement – was relaxed, but this occurred also or perhaps only because another condition – the Veto possibility – practically remained intact.

More explicitly, the participating actors exchanged the Court of Auditor's size with the Commission's size, and the Commission's size, weighting of votes and allocation of seats in the European Parliament (although the latter dossier was not part of this study). The fact that the Court of Auditor's size was not reduced created room for a reduction – albeit in the longer term – in the Commission's size. The big member states' loss of a second Commissioner – and perhaps also the fact that the principle of one Commissioner per member state was introduced for the next Commission's term of office – was compensated with relatively more weight allocated to them in the Council. The Dutch cabinet won the battle with Belgium on individual weighting, but lost on the allocation of seats in the European Parliament. Unlike the Netherlands, which went from 31 to 25 seats, Belgium lost two seats less than originally planned (as did Greece and Portugal). In addition, Brussels was established as the venue for official European Council meetings, which may also be considered as a specific gain for Belgium.

Second, in addition to the sheer number of influence attempts and networks, their *timeliness* seems to be at least just as important. Although the Dutch cabinet realised the importance of gathering support for its reform proposals on the Court of Auditors in a timely manner – already in February 2000, they were eventually only submitted on 20 September 2000, right before the crucial Preparatory Group of 25 September 2000. It was during this meeting that the main decisions on the Court of Auditors – those related to its size and composition – seem to have been agreed upon. The timing of the main Dutch influence attempt, 20 September 2000, might have been too late to (completely) realise the

controversial Dutch reform proposals (SOA, Contact Committee and Appeal ECJ issues). Unlike the case of the Court of Auditors, the Dutch cabinet was timely in undertaking influence attempts to realise its preferences in the ESDP dossier. At least for the Treaty change and PSC-1 issues, this resulted in the exertion of influence. These timely influence attempts were undertaken in the context of a network that was formed with like-minded member states in a timely manner (Italy and Benelux).

Third, the *anticipation* by the Dutch cabinet of (possible) resistance from other participating actors also seems to offer an explanation for the extent of its influence. In the case of the Court of Auditors dossier, for example, the Dutch cabinet weakened its original proposals on the SOA and Contact Committee issues, and eventually dropped its Appeal ECJ proposal. It similarly abandoned its proposals on the Military Staff and (possibly) PSC-2 issues (ESDP dossier) and on the Differentiated membership issue (Closer cooperation dossier). By anticipating (possible) resistance, the Dutch cabinet may have itself contributed to the fact that it only partially achieved its goal (SOA, Contact Committee and PSC issues) or to the fact that issues resulted in not-decisions (Appeal ECJ issue) or non-decisions (Military Staff and Differentiated membership issues) from its perspective. This is not to say that the Dutch cabinet had another choice in all these cases. Whether its anticipation was justified or not, it is clear that other actors have exerted *anticipated influence* in these cases. Although the anticipation mechanism of implicit influence was not included in the conceptual model for empirical testing (see Section 3.3.3), the empirical evidence already presented in Section 8.3.2 for the anticipation mechanism as part of the typology is suggestive evidence for this type of influence. This issue is revisited in Section 8.5.1.

Fourth, the *saliency* of an issue seems to have mattered to the extent of the Dutch cabinet's influence. A distinction could be drawn between the collective and individual saliency of an issue. With regard to the saliency of an issue for the participating actors collectively, that the Dutch cabinet did not achieve its goal and did not exert its influence on the Appeal ECJ, NATO and Veto possibility-2 issues seems at least partly to have been due to the fact that these issues were more salient than the issues of the respective dossiers on which it did achieve its goals and exert its influence. To the extent that an issue is more salient for more and particularly for powerful actors, it may simply be more difficult for a small member state, such as the Netherlands, to get its way. In terms of the saliency of an issue for the Dutch cabinet individually, the more important a dossier or issue is to the Dutch cabinet, the more intense seems to be its preference and the more insistent its influence attempts. This can be seen, for example, from a comparison between the Court of Auditors and ESDP dossiers, the latter of which was more important to the Dutch cabinet than the former (which, for that matter, also appeared from the different quantity and quality of the two dossiers in the archive of the Dutch Foreign Affairs Ministry). However, the empirical evidence does not suggest that there is also a positive correlation between individual saliency and the extent of influence. The individual saliency of an issue still seems to be a relevant variable, because an actor, at least theoretically, has more chances to exert its influence regarding those issues on which its preferences are more intense and its influence attempts more insistent.

## 8.4 Answering the research question

To what extent has the Dutch cabinet exerted its influence during the negotiation process that resulted in the Treaty of Nice, and how can this influence be explained?

It can be concluded that the Dutch cabinet has exerted explicit influence regarding nine of the 20 Nice Treaty issues from the sample selection (see Table 8.5). This was the case regarding the SOA-1 and Contact Committee-1 issues (Court of Auditors dossier), Treaty change and PSC-1 issues (ESDP dossier), Minimum requirement and Veto possibility-1 issues (Closer cooperation dossier), Commission size issue (Commission dossier) and General weighting and Individual weighting issues (Weighting of votes dossier). The Dutch cabinet has not exerted explicit influence regarding 10 of the 20 issues from the sample selection. This applies to the Size, SOA-2, Contact Committee-2, Appeal ECJ and Instruction issues (Court of Auditors dossier), PSC-2, NATO and Military Staff issues (ESDP dossier) and Veto possibility-2 and Differentiated membership issues (Closer cooperation

Table 8.5 *The extent of the Dutch cabinet's influence*

Dossier Issue	Influence
<b>Court of Auditors</b>	
Size	No
SOA	Yes: SOA-1 No: SOA-2
Contact Committee	Yes: Contact Committee-1 No: Contact Committee-2
Appeal ECJ	No
Instruction	No
<b>ESDP</b>	
Treaty change	Yes
PSC	Yes: PSC-1 No: PSC-2
NATO	No
Military Staff	No
<b>Closer cooperation</b>	
Minimum requirement	Yes
Veto possibility	Yes: Veto possibility-1 No: Veto possibility-2
Differentiated membership	No
<b>Commission</b>	
Size and composition	Yes
<b>Weighting of votes</b>	
Type of system	Unknown
General weighting	Yes
Individual weighting	Yes

dossier). For one issue, the Type of system issue (Weighting of votes dossier), it remains unknown whether or not the Dutch cabinet has exerted explicit influence.

When comparing Tables 8.1 and 8.5, it can moreover be concluded that the Dutch cabinet has exerted influence regarding an ample majority (nine) of the 15 – including the four extra issues – decisions of the sample selection. The Dutch cabinet has not exerted its influence regarding five decisions, but to a considerable degree the non-decisions and not-decisions (also five issues) account for its lack of influence during the negotiation process resulting in the Treaty of Nice. Focusing only on the decisions that have been made during the Nice Treaty negotiation process and the influence the Dutch cabinet has exerted would thus disregard the lack of influence of the Dutch cabinet – and the influence that other participating actors have exerted – with regard to the decisions that have *not* been made. For a proper assessment of an actor's influence, it is therefore important to include not only decisions, but also non-decisions and not-decisions in the analysis.

For an explanation of the extent of the Dutch cabinet's influence, the deductive and inductive steps result in the following conclusions.

On the basis of the deductive testing of the expectations of the conceptual model, it can be concluded that the extent to which the Dutch cabinet was a part of a network, was internally coherent, undertook influence attempts and was enabled or constrained by domestic actors and factors can, to a certain degree, explain the extent of its influence. In the nine cases where the Dutch cabinet exerted its influence, it was often a part of a network, internally coherent, undertook many influence attempts and was enabled by domestic actors and factors. In the 10 cases where the Dutch cabinet did not exert its influence, on the other hand, it was often a part of a divided network or of no network at all, was internally divided, undertook hardly any or few influence attempts and was constrained by domestic actors and factors.

#### Box 8.1 *Main conclusions of this study*

1. The Dutch cabinet has achieved its goal for roughly half of all Nice Treaty issues selected for this study, which resulted in decisions.
2. The Dutch cabinet has not achieved its goal for roughly half of all Nice Treaty issues selected for this study, which resulted in non-decisions or not-decisions.
3. The Dutch cabinet was therefore better at decision-making than at agenda-setting during the Nice Treaty negotiations.
4. The Dutch cabinet has exerted its influence with regard to roughly half of the sample selection of Nice Treaty issues, which resulted in decisions.
5. To a considerable degree, non-decisions and not-decisions account for the lack of the Dutch cabinet's influence during the Nice Treaty negotiations.
6. Partial or full goal-achievement by the Dutch cabinet cannot be equated with influence during the Nice Treaty negotiations.
7. The extent to which the Dutch cabinet was a part of a network, was internally coherent, undertook influence attempts and was enabled or constrained by domestic actors and factors can, to a certain degree, explain the extent of its influence.
8. The exchange of dossiers and issues among the participating actors, the timeliness of influence attempts and networks, anticipation of (possible) resistance and the saliency of an issue also seem to contribute to the extent of the Dutch cabinet's influence.

Yet these variables cannot fully explain the extent of the Dutch cabinet's influence. On the basis of induction, it can be concluded that the exchange of dossiers and issues among the participating actors, the timeliness of influence attempts and networks, anticipation of (possible) resistance from other participating actors and the collective and individual saliency of an issue also seem to contribute to the explanation.

The main conclusions of this study are presented in Box 8.1.

## 8.5 Looking to the future of EU Treaty negotiations

The presentation of the empirical results and the answer to the research question lead quite naturally to some reflections on the theory, methodology and practice of influence. These reflections or recommendations have to do with the last sub-question of this study. Beginning with some reflections on the theory and methodology of influence in Sections 8.5.1 and 8.5.2, the study also presents some suggestions for future research. The study is then closed with some recommendations for the practice of influence in Section 8.5.3.

### 8.5.1 *Theory: reflections and further research*

The reflections on theory are begun with a new proposal for a conceptual model for the analysis of EU (Treaty) negotiations (see Figure 8.2). This new conceptual model is, on the one hand, composed of those variables of this study's conceptual model that received sufficient support in the data (deduction). On the other hand, it is also composed of the variables that seemed to be important in this study, but were not included in the model (induction). The results of the deductive step of the process analysis show that internal coherence, the number of networks, the number of influence attempts and domestic actors and factors – on the condition that sufficient data are available – can, to a certain degree, explain the extent of the Dutch cabinet's influence during the Nice Treaty negotiation process. From the inductive step of the process analysis, it seems that the exchange of inter-linked dossiers and issues, an early timing of influence attempts and networks, anticipation of (possible) resistance and the collective and individual saliency of an issue also contribute to the explanation of the Dutch cabinet's influence.

As with the conceptual model of this study presented in Section 4.5 (Figure 4.1), the central relationship in the revised model is still the conversion of influence resources (independent variable) into influence (dependent variable) via influence attempts (intervening variable). With regard to influence attempts, not just their number but also their timeliness seems to be important. With regard to influence resources, internal coherence and the number and – plausibly – timeliness of networks are particularly relevant. As for the anticipation of (possible) resistance, it was already pointed out in Section 4.2.2 that an actor's reputation for influence can also be an important resource for the exertion of influence. Inadequate data were collected in this study to test this variable for the Dutch cabinet, but its value was discovered indirectly – via the other participating actors – in the sense that the Dutch cabinet seems to have anticipated the reputation of these actors in several instances. As a result, these actors seem to have exerted anticipated influence in this regard. In addition to the influence attempt mechanism of explicit influence, it is therefore

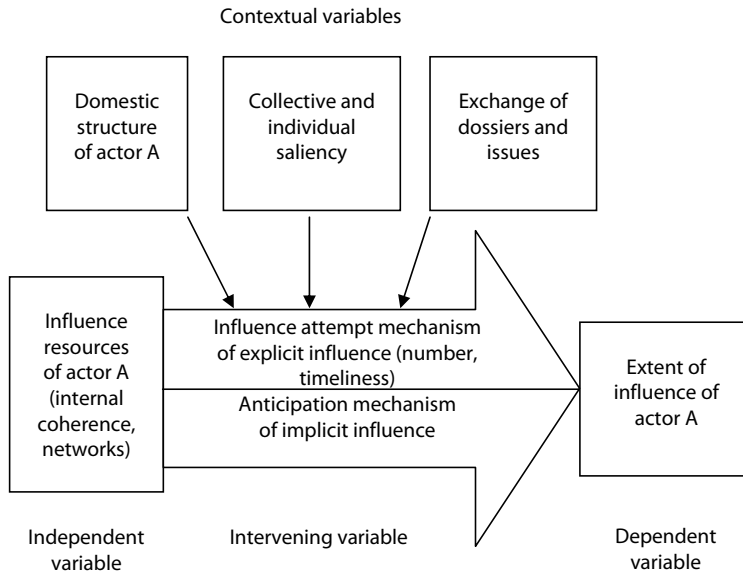


Figure 8.2 Revised conceptual model

proposed to include the anticipation mechanism of implicit influence, which is backed up by reputation for influence as an influence resource. In this mechanism, which was already theoretically discussed in Section 3.3.3, only the presence of actor A and its influence resource reputation for influence suffices for the conversion of this influence resource into actual influence.

The crucial conversion process is in turn affected by several contextual variables: domestic structure, collective and individual saliency and the exchange of dossiers and issues. Domestic actors and factors enable or constrain an actor in its attempts to convert its influence resources into influence. The other two contextual variables are less structural in nature. In addition, it is less clear how they affect the central relationship between influence resources and influence via influence attempts. A new study may investigate this by putting the revised model to the empirical test.

How might such a study look like? To test the revised model, the research question of assessing and explaining an actor's influence is maintained. The number of actors and EU Treaty negotiation processes – or international negotiation processes more generally (see below) – for which the research question will be answered may be varied (however, see Section 8.5.2 with regard to feasibility). After having assessed the extent of one or more actors' influence, the variables of the revised model aim to offer an explanation for the influence thus found. The operationalisations proposed in this study for the influence resources of internal coherence and networks, as well as for influence attempts, could again be used to measure these variables. Whether and to what extent networks and influence attempts have been undertaken in a *timely* manner may, for example, be examined by making a distinction between an early, median and late phase of the negotiation process.

In terms of the anticipation mechanism, the empirical results suggest that the Dutch cabinet anticipated the reactions, i.e. the *possible resistance* of other participating actors, in several cases and adapted its behaviour accordingly. The Dutch cabinet did not at all



or only partially achieve its goals on these issues and this was seemingly caused by the anticipated influence of other actors. A general indicator of anticipated influence based on a reputation for influence of an actor that emerges from this study is that *other actors* – in this case the Dutch cabinet – refer to this actor as influential, important or to be reckoned with in – most likely, informal – written sources or during interviews. A second, more specific, indicator is when an actor lowers its ambitions, i.e. undertakes influence attempts for *weakened proposals* or stops undertaking influence attempts by *abandoning proposals*, without other actors doing anything to let this actor do so. The latter is, of course, rather difficult to establish, but several instances have been traced in which the Dutch cabinet, seemingly unasked, weakened (SOA and Contact Committee issues) or abandoned (Appeal ECJ, Military Staff and Differentiated membership issues) its proposals.

What about the contextual variables of the revised model? This study's operationalisations of domestic structure could again be used, but ideally more data should be collected than have been for this study to adequately test this variable. The collective and individual saliency of an issue could be measured by asking the actors participating in a specific negotiation process orally or in written form to rank the different negotiation issues in terms of their saliency. In order to examine the effect of the exchange variable on the relationship between the central variables, it is necessary to make a comparison in time and/or place between two or more negotiation processes that differ in terms of the extent of exchange taking place.

What about the applicability of the model? Although the object of study, the Nice Treaty negotiation process, was in a sense unique, this model may be applied to other EU Treaty negotiations as well. The Amsterdam Treaty, Nice Treaty, Constitutional Treaty and Lisbon Treaty negotiations are comparable in the sense that they all aimed for institutional reforms to prepare the Union for or to catch up with enlargements. In addition, it would be interesting to find out the extent to which the model is also applicable to international political negotiations more generally. Negotiation processes may be thought of in the context of the United Nations or the World Trade Organisation.

The proposal for a revised model raises the question of how the relevant literature, discussed in Chapters 2 and 3, on which the original model was based, can be evaluated. First, the study confirms the relevance of moving beyond the unitary actor assumption to look at the degree of an actor's internal coherence, of being part of networks and undertaking influence attempts during the negotiation process, and the enabling or constraining effect on an actor of actors and factors at the home front. Second, it must be recognised that the variables that inductively seemed to have been relevant in this study have, to a greater or lesser extent, already been suggested by the literature. As far as the Political Science literature is concerned, this applies to the anticipation mechanism of implicit influence, as discussed in Section 3.3. Previous studies on EU Treaty negotiations have shown the relevance of the saliency of an issue (e.g. Schneider, 2005). Previous empirical analyses of international decision-making processes in general and of EU Treaty negotiations in particular have also pointed to the phenomenon of 'issue-linkage' (Cox & Jacobson, 1973; Moravcsik, 1998; Stubb, 2002; Dür & Mateo, 2004, 2006). In this way, the study thus also confirms the relevance of these variables. Third, considering the specific and limited context of this study about the Nice Treaty negotiation process, it is at the same time not trivial that the value of the revised model can be generalised to other EU or international negotiations. In

other negotiation contexts, the timeliness of networks and influence attempts might, for example, be less important, while the negotiation structure might be relevant after all.

With regard to the concepts of power and influence, how valuable and fruitful were the three distinctions and the choices made in this regard? In terms of the distinction between resources and relation, this study shows that a relational influence perspective enables one to assess the actual, exerted influence of the participating actors, in this case of the Dutch cabinet. Instead of deriving an actor's influence a priori from the resources it has at its disposal, it is more adequate and also feasible to establish the extent to which an actor has actually exerted its influence vis-à-vis and in the context of the other participating actors. Although this study has focused more on influence attempts than on influence resources, the evidence found on resources, particularly internal coherence and networks, suggests that they are indeed important and form a basis for the exertion of influence.

The exertion of influence by an actor, however, takes place during a *process*, in which it undertakes influence attempts and – as was also, albeit indirectly, discovered – other actors anticipate this actor's reactions. This touches on the second distinction between explicit and implicit, anticipated influence. It is remarkable that although the primary focus was on the influence attempt mechanism in this study, it was still discovered that the anticipation mechanism was plausibly also at work in several cases. This confirms the initial expectation that both are important to the analysis of influence (see Section 3.3).

In terms of the third distinction between three faces of power, this study confirms that power – in this study's terminology, influence – is exerted during the process of decision-making. This is in keeping with previous (relational) influence studies, most of which focused on the local level of decision-making. The added value of the study is its application to the realm of IR and EU level decision-making, particularly EU Treaty negotiations. In addition, as was already pointed out in Section 8.4, this study shows that for a proper assessment of an actor's influence it is necessary to also consider which of its preferences were not realised because no decisions were made on the respective issues, because they resulted in non-decisions or not-decisions from its perspective. In connection with this, the study has further enriched and specified the distinction between different faces of power by discerning *not-decisions* as a category between decisions and non-decisions. In our view, a proper influence analysis does not only take account of the first face of power (decision-making), but also of the second face (non-decision-making) and – between these two faces – of not-decision-making. The study has moreover shown that it is also empirically feasible – at least from the perspective of one actor – to study non-decision-making and not-decision-making.

The distinction made in this study between agenda-setting and decision-making is thus useful to take account of decisions, not-decisions and non-decisions as different types of outcomes of a negotiation process. At the same time, the study underlines the point that this conceptual distinction is empirically not tenable at a general level; in practice, the two phases overlap, with each issue having its own time course through the two phases. Some Nice Treaty issues, such as the three leftovers from Amsterdam, became a part of the agenda relatively early, whereas others, such as ESDP Treaty change, were only put on the agenda at the end of the negotiation process. In addition, the agenda-setting and decision-making of subsequent rounds of EU Treaty reform overlap with one another. The three leftovers were, on the one hand, in fact already put on the agenda at the end of the Amsterdam IGC.

Several issues that still resulted in non-decisions or not-decisions during the Nice IGC, on the other hand, popped up again during the negotiations resulting in the Constitutional Treaty. This applies most clearly and generally to the Treaty division issue, which lay at the basis of the drawing up of a 'European Constitution', but also to, for example, the Commission proposal to introduce a European Public Prosecutor (which however was not a part of this study).

This makes it all the more clear that EU Treaty reform is not static, but rather, a dynamic and ongoing process. It is suggested that future research be theoretically aware of the overlapping character of agenda-setting and decision-making both within and between EU Treaty negotiations and for the focus to be empirically on specific negotiation issues over time. The focus on issues enables one to both discern different types of outcomes of a single EU Treaty negotiation process as well as to study several EU Treaty negotiation processes in order to cover (a greater part of) the course of an issue through the agenda-setting and decision-making phases.

In terms of the third face of power and the related distinction between agency and structure, general conclusions cannot be drawn about the relative value of these concepts for the measurement and explanation of influence. After all, this study was clearly actor-oriented and only treated structure as a contextual and subordinate concept. Considering this, it is remarkable that the results of this study point to the explanatory value of one of the structural variables of the conceptual model: domestic actors and factors. An objection may be raised that these variables are not really structural in nature. This is true to a certain extent and has to do with the fact that structure has been conceived of in this study in a *contextual* way – contextual to actors. Yet this is, in our view, at the same time its strength, as a more 'hard' conception of structure runs the risk of becoming too abstract and, as a result of this, immeasurable.

In general, the concepts of power and influence and the distinctions made in this regard were thus useful for analysing the object of study, the Nice Treaty negotiation process. This is not to say that the other theoretical perspectives, discussed in Section 1.4, are not valuable for the study of EU Treaty negotiations. The study's findings on the importance of exchange are, for example, in keeping with the perspective of EU Treaty negotiations as incremental learning processes with their own negotiation dynamics. Getting tired and under intense time pressure to successfully conclude the negotiations during the end summit, Heads of State or Government might behave irrationally, resulting in all kinds of exchanges and unpredictable outcomes. Rather than abandoning the perspectives, it is suggested that they are applied, particularly intergovernmentalism and supranationalism, by *making use of* a relational influence perspective both theoretically and empirically. In this way, the relative explanatory value of intergovernmentalism and supranationalism may be found out by *actually measuring* the influence of member state actors on the one hand and supranational actors on the other. In this sense, a relational influence perspective on EU Treaty negotiations is complementary to the other perspectives discussed.

Above all, it is important that the theoretical perspectives are applied in the context of a *process* perspective on EU Treaties. As discussed in Section 1.2.1, there are several valuable perspectives on EU Treaties. Yet if and when one aims to analyse the extent to and ways in which actors succeed in getting their way with regard to the content of EU Treaties, a process perspective is indispensable. This is the case when applying a supranational

or intergovernmental perspective and all the more when adopting a relational influence perspective.

The plausibly predominant role of exchange of dossiers and issues among the participating actors in this study seems to challenge the value of the relational influence concept and perspective. It is almost impossible to grasp this complex exchange and to pinpoint who controlled all this, i.e. who has exerted influence to what degree. It might even be questioned whether actors were in control at all. The outcome seems rather to have been the result of all the actors attempting to exert their influence and finally – and miraculously – ending up with a perfectly balanced compromise that they could all be satisfied with. In fact, considering that exchange has probably played a role in all the dossiers selected for this study, the outcome of the Nice Treaty as a whole might be considered as one, big package deal between closely interlinked dossiers and issues. This raises several questions. What is the exact relationship between the exertion of influence and exchange? Is exchange a part of the exertion of influence between actors or is the influence concept rather subordinate to the exchange concept? Is it possible to analyse EU Treaty negotiations from a relational influence perspective when exchange plays such an important role? In particular, the question of whether it is in fact *feasible* to measure influence in complex negotiation processes about closely interlinked issues can be raised. This latter issue is revisited in the next subsection.

### 8.5.2 *Methodology: reflections and further research*

Regarding the method of influence measurement selected for this study, the study has proposed modesty in that the extent of an actor's goal-achievement should first be assessed before assessing and explaining the extent of its influence. How can this two-part method be evaluated? The first, descriptive part (before-after analysis) consisted of establishing the extent of an actor's goal-achievement by comparing its preference with the outcome of an issue. This already appeared to be a major undertaking. It was rather laborious to determine the precise outcome and, particularly, the 'original' preference of an actor. Yet in most cases the study managed to do this rather well, on the basis of formal written sources, complemented – in the case of the measurement of an actor's preference – with informal written sources. Taking preferences rather than decisions as the starting point has several advantages. First, it results in a reliable assessment of what an actor really and originally wanted with regard to a specific issue. Second, it enables us to consider whether and to what extent an actor did not realise specific preferences because issues resulted in non-decisions or not-decisions from its perspective. If decisions were taken as the starting point, these other types of outcomes could not have been detected. As already pointed out, this is problematic when the aim is to measure the extent of an actor's influence during a negotiation process.

Taking the preference concept as the starting point had its own disadvantages. These disadvantages are tied up with the aim of establishing the *original* preference of an actor. For several reasons, this appeared to not always be possible or, at least, to be difficult. First, one disadvantage of taking the preferences on specific issues of one actor, the Dutch cabinet, as the starting point is that the other participating actors do not always have (clear) preferences on these issues. This might have to do with the fact that some of these

issues are ‘hobbyhorses’ of this actor and (therefore) less important in the eyes of the other actors. Second, although the assessments have been based on both formal and informal written sources, the possibility that in some cases the ‘bargaining’ preference of an actor has been assessed rather than its ‘real’ preference cannot be excluded. In our view, however, the advantages for a proper influence analysis of being able to assess what an actor really and originally wanted and of including non-issues and not-issues weigh heavier than the disadvantages mentioned.

The second, explanatory part (process analysis) first involved assessing the extent of the Dutch cabinet’s influence. The study aimed to establish whether the Dutch cabinet had actually exerted its influence in the cases where it had partially or fully achieved its goal. The causality issue was approached by considering whether mechanisms other than explicit influence might account for the relationship found between influence attempts and goal-achievement. This appeared to be a fruitful approach, in the sense that empirical evidence was indeed found not only for the explicit influence mechanism, but also for most of the other mechanisms that were theoretically devised.

The two-part method thus enabled us to empirically show that ‘goal-achievement’ cannot be equated with ‘influence’ per se. This touches on the question of how the way in which the study dealt with the causality issue, in particular the three problems discussed in Section 4.3.1, can be evaluated. In general, it must be stressed that the issue was restricted beforehand by limiting this study’s research question to the assessment and explanation of the influence of the Dutch cabinet only. Considering that answering this limited research question was already a major undertaking, it is questionable whether it is feasible at all to assess and explain the influence of all actors participating in an EU Treaty negotiation process.

With regard to the first causality problem in particular, the *co-variation* between the influence attempts of the Dutch cabinet and the decision made by all member state actors together could rather easily be established. *Asymmetry* could be established insofar as there was generally a period of time between the Dutch cabinet’s influence attempts and the decision made. Asymmetry could, however, not be proven insofar as the other participating actors might also have exerted their influence on the Dutch cabinet in the cases where it exerted explicit influence itself. With regard to the SOA issue, for example, the Dutch cabinet has undertaken influence attempts resulting in explicit influence on the SOA-1 issue, but other actors seem at the same time to have exerted implicit, anticipated influence on the Dutch cabinet with the result that it undertook influence attempts for a weakened proposal. In general, the study aimed to establish whether or not the Dutch cabinet exerted its influence in a specific instance; the aim was not to prove whether other actors (also) exerted their influence, which can – and need – not be excluded. With regard to the third problem, the study fruitfully dealt with *spuriousness* insofar as evidence was indeed found of several cases in which the Dutch cabinet achieved its goal, but did not exert its influence. This conclusion could be drawn, because all participating actors, particularly their influence attempts, were addressed in the analysis. In this way, it was discovered for example that the Dutch cabinet, in addition to exerting explicit influence, got a free ride from other participating actors in the case of the Commission size issue. On the other hand, the possible influence of other third, non-participating actors was not established. In terms of possible relevant third variables, several contextual, structural variables were

included in the model, but apart from domestic actors and factors they appeared to have no explanatory value.

All in all, the two-part method has been fruitful to approach the causality issue with and has resulted in a *plausible* answer to the research question. Yet it is clear not only that it is impossible to *prove* causality, but also that it is very difficult to end up with plausibility. In the end, it remains very difficult to establish that there was no other, third actor's behaviour or variable being a necessary condition for the decision made. The matter is particularly complicated due to the exchange of dossiers and issues taking place among the participating actors. As a result, the feasibility of measuring influence in such negotiation processes is questionable. For this reason, no conclusions were drawn about the extent of the Dutch cabinet's influence regarding the Type of system issue of the Weighting of votes dossier. Although the study managed to open up the black box of the Nice Treaty negotiations a little in answering the research question, it is clear that it remains closed to a considerable extent.

Rather than abandoning the influence concept and not engaging in a measurement of influence at all – and thus allowing the black box to remain closed – a modest approach to this matter is suggested in keeping with this study. First, a causal process analysis should only be carried out after a precise before-after analysis. Second, the process analysis should only be applied to a limited research question, i.e. a limited number of actors and issues/negotiation processes, because of the importance of a detailed reconstruction. In addition, the assessment of influence can be made more plausible by applying a strategy of verification and falsification, while the explanation of influence should be based on a conceptual model that is tailored to the specific context of the study.

How can the lack of empirical evidence for some mechanisms – the blank cells of Table 8.3 – of the study's typology be explained? The mechanism of justified loss may overlap with the non-priority mechanism for which evidence was found. When an issue is of subordinate importance to an actor, this might result in negligence of the issue in the course of the negotiation process. With regard to the mechanisms of implicit, anticipated influence and negative influence, an important reason why no evidence was found for these mechanisms might be that they required an assessment of the 'motives' behind the behaviour of actors. In order to attribute anticipated influence to the Dutch cabinet, it should be established that one or more other actors anticipated its reactions. In order to attribute negative influence to the Dutch cabinet, it should be established that one or more other actors consciously allowed its influence attempts to bounce back on it. This is very difficult to assess and these kinds of data on the part of the other participating actors were not collected. As discussed in the previous subsection, to a certain extent these data on the part of the Dutch cabinet were collected as far as the anticipation mechanism is concerned.

With regard to the evaluation of the operationalisations and measurements more generally, the main challenge was to collect *sufficient* and *proper* data to answer the research question. In particular, these data for the Dutch cabinet were satisfactorily collected from the archive of the Dutch Foreign Affairs Ministry. As the study aimed to assess and explain the extent of the Dutch cabinet's influence *in the context of* the other participating actors, it was important to also collect these data for the other actors as much as possible. This was achieved by complementing the Dutch archive with the perhaps relatively objective archive of the European Commission. Yet ideally, one would have to visit all the capital cities



of the member states and study their archives in order to answer the research question, let alone answer this question for *all* the participating actors. Apart from possible access problems, it was clear from the outset that this was just not feasible in the context of this study. This resulted in the modest approach to carry out a precise before-after analysis for all participating actors and only after that to engage in a process analysis focusing on the Dutch cabinet.

As mentioned earlier, the before-after analysis was rather laborious just because it was so precise, but the fruits of this were adequate measurements. The process analysis focused mainly on the influence attempts of the Dutch cabinet, but also of the other participating actors, particularly the preferences expressed by them all during the IGC meetings. This was based on – and related to – the opportunity to study the two archives resulting in a detailed reconstruction of the negotiation process, particularly the preferences expressed during the meetings. With regard to the other variables of the process analysis, particularly influence resources and domestic structure, it was clear that the ideal condition of sufficient and proper data collection could not be met. The data that were found on the basis of the sources consulted for this study were simply collected and presented. In the case of the domestic structure variable, for example, this resulted to a large extent in a measurement of the (*strategic*) use of actors and factors on the home front by the participating actors during the negotiation process rather than of the actual existence and role of these actors and factors. Although this was not originally intended, it produced interesting side results in this study.

### 8.5.3 Practice: lessons for the Dutch cabinet

Regarding the practice of influence, what can be recommended to the Dutch cabinet to allow it to exert more influence during EU (Treaty) negotiations in the future? The following recommendations are based on the main conclusions of this study presented above, particularly with regard to the variables that deductively or plausibly inductively appeared to be relevant.

First and generally speaking, in order to exert influence it pays off to invest greatly in *agenda-setting* and *decision-making*. To a considerable extent, the Dutch cabinet's lack of influence during the Nice Treaty negotiation process had to do with the fact that issues resulted in non-decisions or not-decisions from its perspective. On the other hand, it often exerted its influence regarding issues that were put on the agenda and resulted in decisions. In other words, the Dutch cabinet has an interest in ensuring that issues are actually decided upon. In order to further this interest, it is first of all important that issues are actually made a part of the agenda. In several instances, the Dutch cabinet did not undertake influence attempts due to its internal divisiveness (Instruction issue) or the fact that an issue was a non-priority (Military Staff and Differentiated membership issues). Internal coherence and having clear preferences and priorities, followed by insistent influence attempts, can prevent issues from not being put on the agenda to begin with and therefore not being decided on. The Dutch cabinet may have less control over whether an agenda issue is eventually decided on or not. Yet, for example, in the case of the Appeal ECJ issue, it was partly due to the late timing of its influence attempts that the Dutch cabinet did not realise its preference.



Second, it must of course be recognised that the Dutch cabinet must weigh its priorities. It cannot realise all its preferences by just including them in its position paper and undertaking insistent influence attempts. As a specification of the first point, it is therefore recommendable to include a *limited number of clear and prioritised preferences* in its position paper and influence attempts rather than to include a lot of preferences, some of which are unclear and/or of minor importance. The Dutch cabinet has, at least on paper, more chances of exerting its influence when its preferences are intense and its influence attempts insistent. Establishing which issues are salient for the Dutch cabinet individually should be weighted against which issues are salient for the participating actors collectively. In this regard, the Dutch cabinet should consider that it is more difficult to exert its influence with regard to collectively salient issues.

Third, and as was already pointed out in the first point, being *internally coherent* contributes to the exertion of influence. Due to its internal divisiveness, the Dutch cabinet hardly undertook any influence attempts to put the Instruction issue on the agenda and realise its preference in the Treaty text. The Dutch cabinet undertook divergent influence attempts with regard to the Court of Auditor's size and it was only through sheer luck that it still achieved its goal on this issue. Although the Dutch cabinet was less in control, the internal divisiveness of the Italy and Benelux network with regard to the NATO issue can also partly explain its absence of influence.

Fourth, being part of a *network* matters to the extent of the Dutch cabinet's influence. The Dutch cabinet formed a network with Italy and the Benelux countries in the case of the ESDP Treaty change and PSC-1 issues, with both the camp of the big and that of the small member states in the case of the General weighting issue and particularly with Germany with regard to the Individual weighting issue. In all these cases, this resulted in the exertion of influence. In an increasingly expanded and differentiated Union, it is of course important to network with all kinds of member states, but the Dutch cabinet should not underestimate the value of old networks, such as the Benelux cooperation. Moreover, in all the cases mentioned, the *timeliness* of networking might have been at least as important for the exertion of influence.

Fifth, this study shows that *influence attempts* make a difference to the exertion of influence. A lack of influence attempts on the part of the Dutch cabinet resulted in a lack of influence regarding the Instruction, Military Staff and Differentiated membership issues. The many influence attempts on, for example, the ESDP Treaty change, Minimum requirement, Commission size and General and Individual weighting issues have contributed to the extent of the Dutch cabinet's influence in these cases. As was put forward in the second point, this is related to the fact that these involved prioritised issues that in turn resulted in insistent influence attempts. As with the network variable, the *timeliness* of the influence attempts seems to also have played an important role.

Sixth, although the anticipation mechanism was not included in the conceptual model, it is questionable whether the Dutch cabinet, as a small member state, has a reputation for influence in the EU that might result in exerting anticipated influence. This should all the more allow the Dutch cabinet to concentrate on influence attempts as the way to exert its influence. With regard to the Dutch cabinet's *anticipation* of the possible reactions, i.e. resistance from other participating actors, it would do well to regularly evaluate its estimation of their reputation for influence. This is particularly important in view of the

fact that the actual influence of (member state) actors might be changing in an enlarging Union.

Seventh, the Dutch cabinet has modestly experienced – in the Commission and Weighting of votes dossiers – that strategically making use of and referring to *domestic actors and factors*, such as the parliament and public opinion, may contribute to the exertion of influence. Though the conceptual model was not thoroughly tested on the other participating actors on this point, empirical evidence suggests that the opponents of ESDP Treaty change partly managed to get what they wanted – particularly with regard to the NATO issue – by referring – whether as a reflection of reality or rhetorically – to actors and factors in their member states. The Dutch cabinet would do well if it adopted this influence strategy more actively during EU (Treaty) negotiations. It might very well be the case that the Dutch cabinet managed to realise a considerable number of its preferences during the Lisbon Treaty negotiation process, because it relatively actively utilised this strategy against the backdrop of the no-vote of its population in 2005.

Eighth, the Dutch cabinet might examine in advance which dossiers and issues are inter-linked and will thus probably be *exchanged* during the negotiation process, and proactively consider what linkages it prefers (to construct) itself in order to realise more of its preferences.

The limited explanatory value of the original conceptual model suggests that the exertion of influence by the Dutch cabinet is very much *contingent* on the specific issue and situation concerned. In conclusion and perhaps most importantly, the matter of contingency should be addressed when recommendations are suggested.

If so much depends on the specific issue and specific situation when negotiating an EU Treaty, it is first of all important for the Dutch cabinet to invest heavily in *preparatory homework* (cf. Van Schendelen, 2005). This homework could successively consist of mapping the negotiation environment, prioritising the issues and one's preferences, and developing negotiation scenarios for these issues. The first step, *mapping the negotiation environment*, has to do with examining which issues will or should be at stake during the negotiations, which (participating) actors are involved with respect to these issues and which preferences and underlying interests these actors have with regard to these issues. The second step, *prioritising the issues and one's preferences* on these issues, involves ranking the present and absent, but desirable, issues in terms of their individual saliency and accordingly determine the intensity of one's preferences for each of these issues. The third and final step, *developing negotiation scenarios*, involves examining for each of the issues – classified in terms of their individual saliency and preference intensity, and in consideration of their specific negotiation environment – how many and what kind of networks and influence attempts will be undertaken with how much insistence and at which moments.

The recommendations presented above are thus acted upon within this contingency framework based on thorough preparatory homework. Considering that EU Treaty reform is an ongoing but contingent process and that the Dutch cabinet has major interests in this regard, it is recommendable to set up a semi-permanent, high-level *Taskforce* at the European Integration Department (DIE) of the Foreign Affairs Ministry to do this preparatory homework. By way of conclusion, the preparatory homework of such a Taskforce is illustrated with two issues in the context of the Lisbon Treaty re-negotiations, assuming that the Treaty would have been re-negotiated after the Irish no-vote of June 2008.

With regard to the first step of the preparatory homework, the negotiation environment is generally characterised by the need felt by European leaders to allay the worries of the Irish and presumably many other European citizens that the European integration process is going too fast and that the EU level is increasingly superseding the level of the member states. Therefore, issues that are considered to represent the increasing speed of the integration process and importance of the EU level are likely to pop up during the negotiations. For the member state governments, such as the Dutch cabinet, the re-negotiations at the same time offer opportunities to realise old or new preferences.

The Dutch cabinet decides that the Commission size issue and the European Council Presidency issue should again be put on the agenda of the Lisbon Treaty re-negotiations. In hindsight, the Dutch cabinet is not happy with the fact – as it sees it – that the then Prime Minister Kok gave up during the Nice Treaty negotiations the principle of one Commissioner per member state for the longer term, although it has to admit that he skilfully guaranteed that the fixed-size Commission would be based on a strictly equal rotation system. However, it is precisely this rotation system that will have to be decided upon unanimously, which offers member states that do not want to give up their own Commissioner the opportunity to block the reduction of the Commission after all. It is not just small member states, such as Ireland, that seem to have problems with giving up their Commissioner, but the French President Sarkozy has, for example, also voiced this concern. The Dutch cabinet considers this situation to be a ‘window of opportunity’. The perceived success of the Dutch Commissioner Kroes provided an impetus to the conviction that it is important to have one’s own Commissioner, particularly from a legitimacy point of view. Guaranteeing one’s own Commissioner can be presented as a real, substantive gain to the parliament and citizens, whereas the differences in form between the Lisbon Treaty and the Constitutional Treaty were rather cosmetic, as was also admitted to be the case within the Dutch cabinet.

Regarding the European Council Presidency issue, the Dutch cabinet was originally – before the start of the Constitutional Treaty negotiations – not in favour of a President for the European Council. In the course of the negotiation process, however, it changed its mind or, perhaps to be put in a better way, realised that opposition would be in vain. Yet the situation has now changed. A European President is considered to be one of the main indicators of an allegedly approaching European ‘superstate’. In addition, the Dutch cabinet again realises that a strengthening of the supranational institutions, such as the Commission (including its President), is more in keeping with its interests as a small member state than a strengthening of the intergovernmental institutions, such as the European Council. Many small member states share the Dutch preference on this, but this probably does not apply to the big member states. The Dutch cabinet is, however, conscious of the fact that the European Council President was to a great extent a personal project of the former French President and President of the European Convention preparing the Constitutional Treaty negotiations, Valéry Giscard d’Estaing.

With regard to the second step of the preparatory homework, the Dutch cabinet realises that it should prioritise both issues, because it will be difficult to realise both preferences, not the least considering that both issues are, or can easily be, interlinked. The Dutch cabinet considers the Commission size issue to be more important than the European Council Presidency issue. This is also related to its estimation that it has a higher chance of

realising its preference on the Commission size issue and that this will be considered to be a greater gain by the parliament and citizens.

With regard to the third step, the Dutch cabinet realises that it is of utmost importance that the representatives of the Dutch cabinet in The Hague, Brussels (Permanent Representation) as well as in the different capital cities (Dutch embassies) are internally coherent with regard to both preferences and actions. At the moment, there seems to be no division of opinion with regard to preferences. The Taskforce has been instructed to maintain close contact with the representatives mentioned, particularly the General Affairs Ministry and the Permanent Representation. It should also deliver clear and uniform instructions to the Dutch cabinet's representatives during the negotiation process at the EU level. In keeping with its priorities, the Dutch cabinet decides that it will primarily put its cards on realising the Commission size preference. It will undertake many and insistent influence attempts in a timely manner. This will be done in the context of networks formed in a timely manner with relevant, like-minded (member state) actors.

At the same time, the European Council Presidency issue should not be neglected; in fact, to the contrary. The Dutch cabinet considers that the best way to realise both its preferences is to also form networks and undertake influence attempts in a timely manner on the European Council Presidency issue and, if appropriate, construct a linkage between the two issues. First the Dutch cabinet will attempt to find out whether there is sufficient support for both of its preferences separately. When this appears not to be the case and/or both issues are considered to be linked to each other, the Dutch cabinet will try to realise the following second-best preferences on one of both issues. When particularly the big member states want to maintain the European Council President in combination with or in exchange for maintaining one Commissioner per member state, the Dutch cabinet can agree with this, but only under the condition that a political text is agreed upon in the form of, for example, a Declaration that the European Council President will only be of a 'technical' nature. In the less preferred and rather unlikely case that both the European Council President and the principle of one Commissioner per member state are planned to be abolished, the Dutch cabinet can attempt to introduce a kind of hierarchy in the Commission instead. A distinction could, for example, be made between Commissioners with and without voting rights. The Dutch cabinet considers that it is better to have a Commissioner without a voting right for some time than to have no Commissioner at all.

In the search for like-minded actors on both issues, the Dutch cabinet will try to form networks with the many other small member states, particularly the Benelux partners, and with the Commission, but also with France. The Dutch cabinet hopes that a kind of solidarity will emerge between Ireland, France and the Netherlands, as they have all been confronted with a no-vote of their citizens. The Dutch cabinet's influence attempts to gather support for its preferences will primarily be aimed at the big member states. Several big member states, such as the United Kingdom, Poland and also Germany, might be sensitive to the Dutch arguments because of their critical home fronts. In the United Kingdom, Prime Minister Brown has a weak position and faces a very critical parliament and public all the more since the Constitutional Treaty has been passed without holding a referendum. In Poland, there are worries both at the elite and mass levels about the speed of the integration process and the erosion of the national level. In Germany, the citizens might not really be critically involved, but the government is alarmed by the legal proceedings on

the constitutional character of the Lisbon Treaty that have been instituted at the Federal Court. In its contacts with these member states both at the political and official levels, the Dutch cabinet will not refrain from referring to these critical home fronts in order to gather support for its preferences.

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## Informal documents (archives)

### *FA/DIE archive*

The following files from the FA/DIE archive (Dutch Foreign Affairs Ministry, European Integration Department) have been used in this study:

- Preparation ('Voorbereiding'; ISN=659617)
- Court of Auditors ('Europese Rekenkamer'; ISN=661908)
- ESDP ('EVDB'; ISN=678632 and ISN=709017)
- Closer cooperation ('Flexibiliteit (nauwere samenwerking)'; ISN=678660 and ISN=709016)
- Size and composition of the Commission ('Omvang en samenstelling van de Commissie'; ISN=661787)
- Weighting of votes in the Council ('Stemmenweging in de Raad'; ISN=661809 and ISN=709018)

Except for the first file, these files correspond to the five Nice Treaty dossiers that were selected for this study.

In this study, reference is made to the FA/DIE archive in the following way:

FA/DIE [type of document], [date]

For example:

FA/DIE report, 23 May 2000

Unless otherwise indicated, a reference concerns the file that corresponds with the respective dossier that is under consideration. Thus, when the Court of Auditors dossier is under consideration, a reference to the FA/DIE archive concerns the Court of Auditors file of this archive. When this is – exceptionally – not the case, the respective file is explicitly mentioned.

For example:

FA/DIE/Closer cooperation note, 7 September 2000

In this example, the reference to the FA/DIE archive concerns the Closer cooperation files, while a dossier other than the Closer cooperation dossier is under consideration.

### *Commission archive*

The following files from the Commission archive (Secretariat-General, Taskforce Future of the Union and institutional matters) have been used in this study:

- Organisation of work ('Organisation des travaux'; 26)
- Court of Auditors ('Court des comptes'; 171)
- ESDP ('PESC/PESD'; 460 and 461)
- Closer cooperation ('Flexibilité/coopérations renforcées'; 258, 259, 260, 271 and 272)
- Size and composition of the Commission ('Commission-composition de la Commission'; 80 and 81)
- Weighting of votes in the Council ('Conseil-pondération des voix'; 127 and 128)

Except for the first file, these files again correspond to the five Nice Treaty dossiers selected for this study.

In this study, reference is made to the Commission archive in the same way as for the FA/DIE archive (see above).

## ANNEX I

# The research process

The research for this study began in March 2002. In order to prepare the empirical research, several informal contacts were made with (former) officials from the Dutch Foreign Affairs Ministry and the European Commission. These contacts were also made in view of the aim to gain access to the archives of the Foreign Affairs Ministry, European Integration Department (FA/DIE) and the Commission's Secretariat-General, Taskforce Future of the Union and institutional matters.

With regard to the FA/DIE archive, an initial formal request on the basis of the Freedom of Information Act ('WOB') was submitted to the Legal Affairs Department in July 2003. However, it became clear that the application of this Act would result in a refusal of access to most, primarily informal documents of the archive. Therefore, it was decided not to treat the request under this Act, but to provide the author with (practically) unrestricted access *under a number of specified conditions*. The author was one of the first to gain such special access to this archive. The request was submitted by the European Integration Department via the Director-General for European Cooperation to the Secretary-General, who granted access in December 2003. In addition, the request was submitted to the Dutch General Affairs Ministry, which also agreed to it.

One of the conditions was that access would only be allowed to the Commission and Weighting of Votes dossiers in 2005 (which had to do with the sensitivity of these dossiers related to the then ongoing Constitutional Treaty negotiations). Another was that copies were not allowed to be made. FA/DIE would also have to agree to the final manuscript before publication.

The archive was consulted in 2004 and the first half of 2005. As copies were not allowed to be made, all the documents deemed useful (which were a lot) had to be handwritten. These notes formed the basis of the detailed reconstructions made of the negotiation process for all five dossiers selected for this study. These reconstructions, or case reports, in turn formed the basis of the influence analysis, a before-after analysis complemented with a process analysis.

Similarly, the author gained special access to the archive of the Commission's Secretariat-General, Taskforce Future of the Union and institutional matters. The similarities with the FA/DIE procedure are striking. A conversation with and subsequent action by the former Head of this Taskforce during the time of the Nice Treaty negotiations was rather decisive in gaining access. Following this conversation and without even writing a letter, the author received a letter from the Director of the Taskforce granting access in September 2004. As the request would not fit Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents (a kind of European 'Freedom of Information Act'), (practically) unrestricted access was again received to the archive – including many

informal documents – subject to specified conditions. These conditions were considerably less stringent than in the case of the FA/DIE archive. Significantly, this time copies of the documents were allowed to be made.

The author visited and consulted the Commission archive a couple of times in the first half of 2005. The documents were a good complement to the FA/DIE documents in making the reconstructions that formed the basis of the influence analysis.

Encouraged by these good experiences, the author subsequently attempted to gain special access to the archive of the Council Secretariat. Unfortunately, this appeared not to be possible; only ‘normal’ access was provided to primarily formal documents on the basis of Regulation 1049/2001. This confirms the image of the Council as the least transparent institution of the EU. Remarkably, it was stated that there would be no so-called ‘neutral’ reports, i.e. minutes, of the IGC meetings made by Council Secretariat officials.

To fill some gaps that remained in the study, some concluding conversations were held with a FA/DIE and Commission official in July 2008.

The final manuscript was submitted to and assessed by FA/DIE during the summer of 2008. Following the same route as in the case of the access procedure (DIE, DGES, Secretary-General and General Affairs Ministry), FA/DIE eventually agreed to publication – without any changes worth mentioning – in November 2008.

## ANNEX 2

# List of respondents<sup>18</sup>

Dick Benschop, 10 December 2002

State Secretary for European Affairs, Dutch Foreign Affairs Ministry

Aldrik Gierveld, 12 April 2005 and 16 July 2008

Head of IGC Taskforce, Dutch Foreign Affairs Ministry, European Integration Department

Carmen Gonsalves, 12 May 2003

Dutch Foreign Affairs Ministry, European Integration Department

Pieter van Nuffel, 7 July 2004 and 15 July 2008

Head of Unit Intergovernmental Conference on institutional reforms, European Commission, Secretariat-General

Jaap de Zwaan, 13 March 2003

Professor Law of the European Union, Erasmus University Rotterdam

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<sup>18</sup>. The job description of the respondents is that during the time of the Nice Treaty negotiation process (2000).



## ANNEX 3

# Justification of measuring support for expectations

Depending on the number of sample selection issues of the respective Nice Treaty dossier, the support for the expectations of the conceptual model in Chapter 7 was measured as follows.

One issue:

- 1-0 full support
- 0-1 no support

Two issues:

- 2-0 full support
- 1-1 mixed support
- 0-2 no support

Three issues:

- 3-0 full support
- 2-1 ample support
- 1-2 little support
- 0-3 no support

Four issues:

- 4-0 full support
- 3-1 ample support
- 2-2 mixed support
- 1-3 little support
- 0-4 no support

Five issues:

- 5-0 full support
- 4-1 considerable support
- 3-2 mixed support
- 2-3 mixed support
- 1-4 very little support
- 0-5 no support

Six issues:

- 6-0 full support
- 5-1 considerable support
- 4-2 ample support
- 3-3 mixed support
- 2-4 little support
- 1-5 very little support
- 0-6 no support

Seven issues:

- 7-0 full support
- 6-1 considerable support
- 5-2 ample support
- 4-3 mixed support
- 3-4 mixed support
- 2-5 little support
- 1-6 very little support
- 0-7 no support



## ANNEX 4

# Detailed tables before-after analysis (Dutch cabinet)

The detailed tables should be read in connection with the text and summary tables in Chapter 5 and the operationalisations of the variables preference, outcome and extent of goal-achievement presented in Section 4.9.1. The numbering refers to these operationalisations. A description of the decision options – A, B etc. – for each issue is found in Chapter 5.

Legend:

060300 = 6 March 2000

0300 = March 2000

A(/B) = A, possibly B

A/B = 'A and B equally' or 'A and/or B' (depending on the situation)

A>B = A more than B

A, B = A or B

Table 1 Assessing the extent of the Dutch cabinet's goal-achievement for the Court of Auditors (see summary Table 5.2)

Court of Auditors	Size	Internal chambers	SOA	Contact Committee	Appeal ECJ	Same powers	Financial management	OLAF	Instruction
Preference	A	A	A	A	A	A	A	A	A
	1) - CONFER 4720/00, 060300: A (unclear)	1) - CONFER 4720/00, 060300: A (possibility)	1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A
	- CONFER 4721/00, 070300: unclear preference	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference
Outcome	2) - FA/DIE report PG of 250200, 280200 and Commission report PG of 250200, 140300: A	2) - FA/DIE note, 160200: A	2) - FA/DIE note, 160200: A	2) FA/DIE report of bilateral meeting with Bernicot (member Court of Auditors) on 081099, 111099: A (unclear)	2) FA/DIE/Preparation note, 170699: A	070300: no preference	070300: no preference	2) FA/DIE/Preparation note, 170699: A	070300: no preference
	- FA/DIE note, unknown date, probably between 280200 and 100300: A	- FA/DIE note, unknown date, probably between 280200 and 100300: A	- FA/DIE note, unknown date, probably between 280200 and 100300: A						
	280200 and 100300: A	- FA/DIE note, 050400: no preference	- FA/DIE note, 050400: no preference						
Goal-achievement	3	3	2	1	0b	0b	0b	0b	0a

Table 2 Assessing the extent of the Dutch cabinet's goal-achievement for the ESDP (see summary Table 5.3)

ESDP	Treaty change	WEU	PSC	NATO	Military Committee	Military Staff	Financial articles
Preference	A	A	A	A	A	A	A (possibility)
1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A (unclear)	1) - CONFER 4720/00, 060300: A (unclear)	1) - CONFER 4720/00, 060300: A (unclear)	1) - CONFER 4720/00, 060300: no preference	1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A	1) - CONFER 4720/00, 060300: A (possibility)
2) - Commission report COREPER of 101199, 121199: A	no preference	no preference	no preference	2) FA/DIE/Weighting of votes	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference	- CONFER 4721/00, 070300: no preference
- Commission report COREPER of 301199 and 031299, 031299: A	2) - FA/DIE DIE/DVB note, 150300: A	2) - FA/DIE DIE/DVB note, 150300: A	2) - FA/DIE DIE/DVB note, 150300: A (establishment; competences and/or delegation (possibility))	Paris embassy note, 161299: A	no preference	070300: no preference	2) FA/DIE DVB note, 160300: A (possibility)
- Commission report GAC of 061200, 061200: A	- FA/DIE DVB note, 160300: A	- FA/DIE DVB note, 160300: A	- FA/DIE DVB note, 160300: A (establishment; relations; delegation)				
- FA/DIE/Weighting of votes Paris embassy note, 161299: A							
Outcome	A	A	A	T	T	N	N
1a) No	1a) No	1a) No	1a) No	1a) No	1a) No	1a) No	1a) No
1b) Council of the European Union, 2000c	1b) Council of the European Union, 2000c (in hindsight)	1b) Council of the European Union, 2000c (in hindsight)	1b) Council of the European Union, 2000c (in hindsight)	1b) Council of the European Union, 2000c (in hindsight)	1b) Council of the European Union, 2000c (in hindsight)	1b) No	1b) No
2) Nice EC (level 1), 07-111200 (on the basis of CONFER 4788/00, 231000) (Galloway, 2001:56)	2) Nice EC (level 1), 07-111200 (on the basis of CONFER 4788/00, 231000) (Galloway, 2001:56)	2) Nice EC (level 1), 07-111200 (on the basis of CONFER 4788/00, 231000) (Galloway, 2001:56)	2) Nice EC (level 1), 07-111200 (on the basis of CONFER 4788/00, 231000) (Galloway, 2001:56)	2) Nice EC (level 1), 07-111200 (on the basis of CONFER 4788/00, 231000) (Galloway, 2001:56)	2) Nice EC (level 1), 07-111200 (on the basis of CONFER 4788/00, 231000) (Galloway, 2001:56)	2) No	2) No
3) A (art. 17 and 25 TEU)	3) A (art. 17 TEU)	3) A (art. 25 TEU)	3) A (art. 25 TEU)	3) No: T	3) No: T	3) No: N	3) No: N
Goal-achievement	3	3	2	0b	0b	0a	0a

Table 3 Assessing the extent of the Dutch cabinet's goal-achievement for Closer cooperation (see summary Table 5.4)

Closer cooperation	Minimum requirement	Veto possibility	Differentiated membership	Treaty division
Preference	A 1) - CONFER 4720/00, 060300: A/B ('revising': unclear) - CONFER 4721/00, 070300: A 2) - FA/DIE Paris embassy note, 161299: A/B (unclear) - FA/DIE note, unknown date (probably between 201299 and 310100): A/B ('adapting': unclear) - FA/DIE/Court of Auditors preparatory note for PG of 250200, unknown date: A/B ('relaxing': unclear) - FA/DIE note, unknown date (probably between 310100 and 300300): A (referring to CONFER 4720/00, 060300) - FA/DIE report PG of 140400, 170400: A	A 1) - CONFER 4720/00, 060300: A ('revising': unclear) - CONFER 4721/00, 070300: A 2) - FA/DIE Paris embassy note, 161299: A - FA/DIE note, unknown date (probably between 201299 and 310100): A - FA/DIE/Court of Auditors preparatory note for PG of 250200, unknown date: A ('relaxing': unclear) - FA/DIE note, unknown date (probably between 310100 and 300300): A (referring to CONFER 4720/00, 060300) - FA/DIE report PG of 140400, 170400: A	A (possibility) 1) - CONFER 4720/00, 060300: A (possibility) - CONFER 4721/00, 070300: no preference 2) - FA/DIE/Preparation preparatory note for visit of Lipponen and Solana of 011299, unknown date: A - FA/DIE London embassy report, 151299: B (referring to and overruling CONFER 4720/00, 060300) - FA/DIE note, unknown date (probably between 201299 and 310100): B (referring to and overruling CONFER 4720/00, 060300)	A (possibility) 1) - CONFER 4720/00, 060300: A (possibility) - CONFER 4721/00, 070300: A (possibility) 2) - FA/DIE/Preparation PR report bilateral meeting with Finnish PR Saulu, 191199: 'reserved' on A - FA/DIE/Preparation preparatory note for visit of Lipponen and Solana of 011299, unknown date: A (possibility)
Outcome	A 1a) SN 200/1/00 rev, 19-200600 (dossier in general) 1b) Presidency note CONFER 4761/00, 180700 2) e.g. PG (level 3), 140400 (FA/DIE report, 170400) 3) A (art. 43 TEU)	B/C 1a) SN 200/1/00 rev, 19-200600 (dossier in general) 1b) Presidency note CONFER 4761/00, 180700 2) e.g. PG (level 3), 140400 (FA/DIE report, 170400) 3) B/C (art. 11 TEC)	N 1a) SN 200/1/00 rev, 19-200600 (dossier in general) 1b) No 2) No 3) No: N	N 1a) SN 200/1/00 rev, 19-200600 (dossier in general) 1b) No 2) No 3) No: N
Goal-achievement	3	1	0a	0a

Table 4 Assessing the extent of the Dutch cabinet's goal-achievement for the Commission (see summary Table 5.5)

European Commission	Size and composition
Preference	B/D only in combination with equal rotation system) 1) - CONFER 4720/00, 060300: B/D only under 'stringent conditions') - CONFER 4721/00, 070300: B 2) - FA/DIE memo, 300699: B - FA/DIE report, 140799: B - FA/DIE memo, 150200: B - FA/DIE preparatory note for PG of 280300, unknown date: B/D only imaginable in combination with equal rotation system) - Commission report PG of 280300, 280300: B

European Commission	Size and composition
Outcome	C (in combination with equal rotation system) 1a) SN 150/99, 03-040699 1b) Presidency note CONFER 4727/00, 240300 2) e.g. PG (level 3), 280300 (Commission preparatory note, unknown date; Commission report, 280300) 3) C (Protocol on the enlargement of the European Union, Article 4; Provisions concerning the Commission)
Goal-achievement	2

Table 5 Assessing the extent of the Dutch cabinet's goal-achievement for the *Weighting of votes* (see summary Table 5.6)

Table 5a Type of system and General weighting

Weighting of votes	Type of system (and QMV threshold)	General weighting
Preference	E/D) 1) - CONFER 4720/00, 060300: re-weighting (thus D, E or F) - CONFER 4721/00, 070300: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) 2) - FA/DIE/Preparation preparatory note for COREPER II meeting, 070999; re-weighting (thus D, E or F) - FA/DIE/Preparation PR report of 2 <sup>nd</sup> technical meeting of 150999, 160900: not against D (on QMV threshold) - FA/DIE note, 1299; E/D) - FA/DIE preparatory note for Benelux summit of 061299, unknown date: re-weighting (thus D, E or F) - FA/DIE Paris embassy report of bilateral meetings with France of 131299, 161299: re-weighting (thus D, E or F) - FA/DIE memo, 270100: re-weighting (thus D, E or F) (dual majority system only acceptable if 'simple' majorities are maintained (=A), which is however not likely) - FA/DIE preparatory note for bilateral meeting with Belgium of 310100, 270100: re-weighting (thus D, E or F)	A ('population deciding factor')/B ('balance') 1) - CONFER 4720/00, 060300: A/B - CONFER 4721/00, 070300: A ('representativeness')/B ('balance') (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299) (1 <sup>st</sup> Benelux memo) 2) - FA/DIE/Preparation preparatory note for COREPER II meeting, 070999; A/B - FA/DIE note, 1299; A/B - FA/DIE memo following consultations on draft Benelux memo of 011299, 011299; A/B - FA/DIE note, 0100: A - FA/DIE memo, 270100: A/B - FA/DIE preparatory note for bilateral meeting with Belgium of 310100, 270100: A/B
Outcome	D/E/F (mostly)-A/B/C (qualified majority (threshold)-member state and population thresholds) 1a) SN 150/99, 03-040699 (dossier in general) 1b) CONFER 4728/00, 240300 2) e.g. PG (level 3), 040400 (Commission report, 040400; FA/DIE report, 050400) 3) D/E/F (mostly)-A/B/C (Protocol on the enlargement of the European Union, Article 3; Provisions concerning the weighting of votes in the Council; Declaration 20 on the enlargement of the European Union; Article 3; Provisions concerning the weighting of votes in the Council; Declaration 20 on the enlargement of the European Union)	A>B 1a) SN 150/99, 03-040699 (dossier in general) 1b) CONFER 4728/00, 240300 2) e.g. PG (level 3), 040400 (Commission report, 040400; FA/DIE report, 050400) 3) A>B (Protocol on the enlargement of the European Union, Article 3; Provisions concerning the weighting of votes in the Council; Declaration 20 on the enlargement of the European Union)
Goal-achievement	2	2

Table 5b Individual weighting

Individual weighting		Belgium
Preference	Dutch cabinet	
	A	B
	1) - CONFER 4720/00, 060300: A	1) - No formal position paper
	- CONFER 4721/00, 070300: A/B ('equal differentiation application to similar situations'; 1 <sup>st</sup> Benelux memo) (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299)	- CONFER 4721/00, 070300: A/B ('equal differentiation application to similar situations'; 1 <sup>st</sup> Benelux memo) (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299)
	2) - FA/DIE/Preparation preparatory note for COREPER II meeting, 070999: A (relatively greater weight in general)	2) - FA/DIE London embassy note, 241199: B
	- FA/DIE note, 1299: A	- FA/DIE memo following consultations on draft Benelux memo of 011299, 011299: B
	- FA/DIE memo following consultations on draft Benelux memo of 011299, 011299: A	- FA/DIE preparatory note for Benelux summit of 061299, unknown date: B
	- FA/DIE preparatory note for Benelux summit of 061299, unknown date: A	- FA/DIE Paris embassy report of bilateral meetings with France of 131299, 161299: B
	- FA/DIE note, 0100: A (relatively greater weight in general)	- FA/DIE preparatory note for bilateral meeting with Belgium of 310100, 270100: B
	- FA/DIE memo, 270100: A (relatively greater weight in general)	
Outcome	- FA/DIE preparatory note for bilateral meeting with Belgium of 310100, 270100: A	
	A	
	1a) SN 150/99, 03-040699 (dossier in general)	
	1b) CONFER 4728/00, 240300 (issue in particular)	
	2) e.g. PG (level 3), 040400 (Commission report, 040400; FA/DIE report, 050400) (issue in particular)	
Goal-achievement	3) A	
	(Protocol on the enlargement of the European Union, Article 3: Provisions concerning the weighting of votes in the Council; Declaration 20 on the enlargement of the European Union)	
	3	0

## ANNEX 5

# Detailed tables before-after analysis (other actors)

The detailed tables should be read in connection with the text and summary tables in Chapter 6 and the operationalisations of the variables preference, outcome and extent of goal-achievement presented in Section 4.9.1. The numbering – 1), 2) etc. – refers to these operationalisations. A description of the decision options – A, B etc. – for each issue can be found in Chapter 6. A legend can be found in Annex 4.



Table 1 Assessing the extent of the other actors' goal-achievement for the Court of Auditors (Size) (see summary Table 6.2)

Size	Preference	Outcome	Goal-achievement
Austria	A 1) CONFER 4712/00, 150200: no preference 2) FA/DIE report PG of 250200, 280200 and Commission report PG of 250200, 140300: A	A	3
Belgium	A 1) - No formal position paper - CONFER 4721/00, 070300: unclear preference 2) FA/DIE report, 280200: A	A	3
Denmark	A 1) CONFER 4722/00, 070300: A 2) FA/DIE report PG of 250200, 280200 and Commission report PG of 250200, 140300: A	A	3
Finland	A 1) CONFER 4723/00, 070300: A 2) FA/DIE report PG of 250200, 280200 and Commission report PG of 250200, 140300: A	A	3
France	A 1) No formal position paper 2) Commission report, 140300: A	A	3
Germany	Unknown 1) CONFER 4733/00, 300300: no preference 2) - FA/DIE report PG of 250200, 280200: 'derivation of Commission size issue' - Commission preparatory note for PG of 160500 with regard to PG of 250200, unknown date: not indicated that it preferred B/C	A	Unknown
Greece	A 1) CONFER 4719/00, 030300: no preference 2) Commission report PG of 250200, 140300: A	A	3
Ireland	A 1) No formal position paper 2) FA/DIE report PG of 250200, 280200 and Commission report PG of 250200, 140300: A	A	3
Italy	A-B/C 1) CONFER 4717/00, 030300: A (unclear) 2) FA/DIE report PG of 250200, 280200: 'could agree with B/C'	A	1
Luxembourg	A 1) - No formal position paper - CONFER 4721/00, 070300: unclear preference 2) FA/DIE report PG of 250200, 280200 and Commission report PG of 250200, 140300: A	A	3
Portugal	A 1) No formal position paper 2) Commission report PG of 250200, 140300: A	A	3

Size	Preference	Outcome	Goal-achievement
Spain	B/C	A	0c
	1) No formal position paper		
	2) - FA/DIE report PG of 250200, 280200: 'derivation of Commission size issue'		
	- Commission report PG of 250200, 140300: B/C is 'acceptable'		
Sweden	- Commission preparatory note for PG of 160500 with regard to PG of 250200, unknown date: 'could accept B/C'	A	3
	A		
	1) No formal position paper		
	2) FA/DIE report PG of 250200, 280200 and Commission report PG of 250200, 140300: A		
United Kingdom	B/C	A	0c
	1) CONFER 4718/00, 030300: no preference		
	2) - FA/DIE report PG of 250200, 280200: 'could agree with B/C'		
	- Commission report PG of 250200, 140300: B/C is 'acceptable'		
European Commission	C	A	0c
	1) - European Commission, 1999: B/C (unclear)		
	- CONFER 4701/00, 010200: C		
	B/(C)		
European Parliament	1) - European Parliament, 1999: no preference	A	0c
	- CONFER 4736/00, 030500: B/(C)		
	B/(C)		
	1) - European Parliament, 1999: no preference		

Table 2 Assessing the extent of the other actors' goal-achievement for the Court of Auditors (SOA) (see summary Table 6.2)

SOA	Preference	Outcome	Goal-achievement
Other actors in general	Unclear	A/B	Not applicable
	2) - Commission report PG of 250200, 140300: 'great majority of member states: discussion should be limited to size and composition'		
	- FA/DIE report PG of 250200, 280200: 'much support for Dutch view that cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'		
	Unclear (see other actors in general)		
Austria	1) CONFER 4712/00, 150200: no preference	A/B	Unclear
	Unclear		
	1) - No formal position paper		
	- CONFER 4721/00, 070300: no preference		
Belgium	2) FA/DIE report PG of 250200, 280200: support for Dutch view	A/B	Unclear
	Unclear		
	1) - No formal position paper		
	- CONFER 4721/00, 070300: no preference		
Denmark	2) FA/DIE report PG of 250200, 280200: support for Dutch view	A/B	Unclear
	Unclear		
	1) CONFER 4722/00, 070300: no preference		
	2) FA/DIE report PG of 250200, 280200: support for Dutch view		

SOA	Preference	Outcome	Goal-achievement
Finland	Unclear 1) CONFER 4723/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	A/B	Unclear
France	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	A/B	Unclear
Germany	Unclear 1) CONFER 4733/00, 300300: no preference 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	A/B	Unclear
Greece	Unclear 1) CONFER 4719/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	A/B	Unclear
Ireland	Unclear (see other actors in general) 1) No formal position paper	A/B	Unclear
Italy	Unclear 1) CONFER 4717/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	A/B	Unclear
Luxembourg	Unclear 1) - No formal position paper - CONFER 4721/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	A/B	Unclear
Portugal	Unclear (see other actors in general) 1) No formal position paper	A/B	Unclear
Spain	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	A/B	Unclear
Sweden	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	A/B	Unclear
United Kingdom	Unclear 1) CONFER 4718/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	A/B	Unclear
European Commission	Unknown 1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: no preference	A/B	Unknown

SOA	Preference	Outcome	Goal-achievement
European Parliament	Unclear 1) - European Parliament, 1995: no preference - CONFER 4736/00, 030500: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	A/B	Unclear

Table 3 Assessing the extent of the other actors' goal-achievement for the Court of Auditors (Contact Committee) (see summary Table 6.2)			
Contact Committee	Preference	Outcome	Goal-achievement
Other actors in general	Unclear 2) - Commission report PG of 250200, 140300: 'great majority of member states: discussion should be limited to size and composition' - FA/DIE report PG of 250200, 280200: 'much support for Dutch view that cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'	B/C	Not applicable
Austria	Unclear (see other actors in general) 1) CONFER 4712/00, 150200: no preference	B/C	Unclear
Belgium	Unclear 1) - No formal position paper - CONFER 4721/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	B/C	Unclear
Denmark	Unclear 1) CONFER 4722/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	B/C	Unclear
Finland	Unclear 1) CONFER 4723/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	B/C	Unclear
France	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	B/C	Unclear
Germany	Unclear 1) CONFER 4733/00, 300300: no preference 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	B/C	Unclear
Greece	Unclear 1) CONFER 4719/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	B/C	Unclear
Ireland	Unclear (see other actors in general) 1) No formal position paper	B/C	Unclear

Contact Committee	Preference	Outcome	Goal-achievement
Italy	Unclear 1) CONFER 4717/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	B/C	Unclear
Luxembourg	Unclear 1) - No formal position paper - CONFER 4721/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	B/C	Unclear
Portugal	Unclear (see other actors in general) 1) No formal position paper	B/C	Unclear
Spain	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	B/C	Unclear
Sweden	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	B/C	Unclear
United Kingdom	Unclear 1) CONFER 4718/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	B/C	Unclear
European Commission	Unknown 1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: no preference	B/C	Unknown
European Parliament	Unclear 1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	B/C	Unclear

Table 4 Assessing the extent of the other actors' goal-achievement for the Court of Auditors (Appeal ECJ) (see summary Table 6.2)

Appeal ECJ	Preference	Outcome	Goal-achievement
Other actors in general	Unclear 2) - Commission report PG of 250200, 140300: 'great majority of member states: discussion should be limited to size and composition' - FA/DIE report PG of 250200, 280200: 'much support for Dutch view that cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'	T	Not applicable
Austria	Unclear (see other actors in general) 1) CONFER 4712/00, 150200: no preference	T	Unclear

Appeal ECJ	Preference	Outcome	Goal-achievement
Belgium	Unclear 1) - No formal position paper - CONFER 4721/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	T	Unclear
Denmark	Unclear 1) CONFER 4722/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	T	Unclear
Finland	Unclear 1) CONFER 4723/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	T	Unclear
France	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	T	Unclear
Germany	Unclear 1) CONFER 4733/00, 300300: no preference 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	T	Unclear
Greece	Unclear 1) CONFER 4719/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	T	Unclear
Ireland	Unclear (see other actors in general) 1) No formal position paper	T	Unclear
Italy	Unclear 1) CONFER 4717/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	T	Unclear
Luxembourg	Unclear 1) - No formal position paper - CONFER 4721/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	T	Unclear
Portugal	Unclear (see other actors in general) 1) No formal position paper	T	Unclear
Spain	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	T	Unclear
Sweden	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	T	Unclear

<b>Appeal ECJ</b>	Preference	Outcome	Goal-achievement
United Kingdom	Unclear	T	Unclear
	1) CONFER 4718/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view		
European Commission	Unknown	T	Unknown
	1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: no preference		
European Parliament	Unclear	T	Unclear
	1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view		

Table 5 Assessing the extent of the other actors' goal-achievement for the Court of Auditors (Instruction) (see summary Table 6.2)

<b>Instruction</b>	Preference	Outcome	Goal-achievement
Other actors in general	Unclear	N	Not applicable
	2) - Commission report PG of 250200, 140300: 'great majority of member states: discussion should be limited to size and composition' - FA/DIE report PG of 250200, 280200: 'much support for Dutch view that cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'		
Austria	Unclear (see other actors in general) 1) CONFER 4712/00, 150200: no preference	N	Unclear
Belgium	Unclear	N	Unclear
	1) - No formal position paper - CONFER 4721/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view		
Denmark	Unclear	N	Unclear
	1) CONFER 4722/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view		
Finland	Unclear	N	Unclear
	1) CONFER 4723/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view		
France	Unclear	N	Unclear
	1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view		
Germany	Unclear	N	Unclear
	1) CONFER 4733/00, 300300: no preference 2) FA/DIE report PG of 250200, 280200: no support for Dutch view		



Instruction	Preference	Outcome	Goal-achievement
Greece	Unclear 1) CONFER 4719/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	N	Unclear
Ireland	Unclear (see other actors in general) 1) No formal position paper	N	Unclear
Italy	Unclear 1) CONFER 4717/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	N	Unclear
Luxembourg	Unclear 1) - No formal position paper - CONFER 4721/00, 070300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	N	Unclear
Portugal	Unclear (see other actors in general) 1) No formal position paper	N	Unclear
Spain	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	N	Unclear
Sweden	Unclear 1) No formal position paper 2) FA/DIE report PG of 250200, 280200: no support for Dutch view	N	Unclear
United Kingdom	Unclear 1) CONFER 4718/00, 030300: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	N	Unclear
European Commission	Unknown 1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: no preference	N	Unknown
European Parliament	Unclear 1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: no preference 2) FA/DIE report PG of 250200, 280200: support for Dutch view	N	Unclear

Table 6 Assessing the extent of the other actors' goal-achievement for the ESDP (Treaty change) (see summary Table 6.3)

Treaty change	Preference	Outcome	Goal-achievement
Austria	A>C 1) CONFER 4712/00, 150200: A>C	A	2

Treaty change	Preference	Outcome	Goal-achievement
Belgium	A/C 1) - No formal position paper - CONFER 4721/00, 070300: A/C 2) Commission report COREPER of 101199, 121199: C>A	A	2
Denmark	C 1) CONFER 4722/00, 070300: C>A (unclear) 2) - Commission report COREPER of 101199, 121199: C - Commission report COREPER of 301199 and 031299, 031299: C	A	0c
Finland	C>A 1) CONFER 4723/00, 070300: C>A 2) Commission report COREPER of 101199, 121199: 'prematuře' to make decision (Presidency)	A	1
France	C 1) No formal position paper 2) - Commission report COREPER of 101199, 121199: C>A ('as limited as possible') - FA/DIE DVB memo, 160300: C	A	0c
Germany	A/C 1) CONFER 4733/00, 300300: A/C 2) - Commission report COREPER of 101199, 121199: A (related to PSC issue) - FA/DIE Berlin embassy note, 220300: A/C	A	2
Greece	A 1) CONFER 4719/00, 030300: A 2) Commission report COREPER of 101199, 121199: C (unclear)	A	3
Ireland	C 1) No formal position paper 2) Commission report COREPER of 101199, 121199: agree with Sweden + A will result in, possibly problematic, referendum	A	0c
Italy	A 1) CONFER 4717/00, 030300: A 2) Commission report GAC of 061200, 061200: A	A	3
Luxembourg	A/C 1) - No formal position paper - CONFER 4721/00, 070300: A/C	A	2
Portugal	Unknown 1) No formal position paper 2) Commission report COREPER of 101199, 121199: unclear preference	A	Unknown

Treaty change	Preference	Outcome	Goal-achievement
Spain	C 1) No formal position paper 2) - Commission report COREPER of 101199, 121199; C - Commission report COREPER of 301199 and 031299; C - Commission report GAC of 061200, 061200; C	A	0c
Sweden	C 1) No formal position paper 2) - Commission report COREPER of 101199, 121199; C (generally), but A (possibly) - FA/DIE note; 020200; C	A	0c
United Kingdom	C 1) CONFER 4718/00, 030300; A/C 2) - Commission report COREPER of 101199, 121199; C (generally), but A (possibly) related to PSC issue - FA/DIE London embassy note; 060300; A ('yet') - FA/DIE note; 160300; A	A	0c
European Commission	A 1) - European Commission, 1999; A - CONFER 4701/00, 010200; no preference	A	3
European Parliament	A/C 1) - European Parliament, 1999; no preference - CONFER 4736/00, 030500; A/C	A	2
Council Secretariat	C>A 1) No formal opinion paper 2) Commission report COREPER of 101199, 121199; C>A	A	1

Table 7 Assessing the extent of the other actors' goal-achievement for the ESDP (PSC) (see summary Table 6.3)

PSC	Preference	Outcome	Goal-achievement
Austria	Unknown 1) CONFER 4712/00, 150200; no preference	A	Unknown
Belgium	A 1) - No formal position paper - CONFER 4721/00, 070300; no preference 2) Commission report COREPER of 101199, 121199; A (A requires Treaty change)	A	3
Denmark	B (also derived from Treaty change issue preference) 1) CONFER 4722/00, 070300; no preference 2) Commission report COREPER of 301199 and 031299, 031299; B (implicit)	A	0c

PSC	Preference	Outcome	Goal-achievement
Finland	A (possibility) 1) CONFER 4723/00, 070300: A (possibility)	A	2
France	B (also derived from Treaty change issue preference) 1) No formal position paper 2) FA/DIE embassy Berlin note, 220300: B (implicit)	A	0c
Germany	A 1) CONFER 4733/00, 300300: no preference 2) Commission report COREPER of 101199, 121199: A (A requires Treaty change)	A	3
Greece	A (unclear) 1) CONFER 4719/00, 030300: A (unclear)	A	2
Ireland	B (derived from Treaty change issue preference) 1) No formal position paper	A	0c
Italy	A 1) CONFER 4717/00, 030300: no preference 2) - Commission report COREPER of 101199, 121199: A - FA/DIE Rome embassy note, 150300: A	A	3
Luxembourg	Unknown 1) - No formal position paper - CONFER 4721/00, 070300: no preference	A	Unknown
Portugal	Unknown 1) No formal position paper	A	Unknown
Spain	B (derived from Treaty change issue preference) 1) No formal position paper	A	0c
Sweden	B (derived from Treaty change issue preference) 1) No formal position paper	A	0c
United Kingdom	A 1) CONFER 4718/00, 030300: no preference 2) Commission report COREPER of 101199, 121199: A (A requires Treaty change)	A	3
European Commission	Unknown 1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: no preference	A	Unknown
European Parliament	A/B (in case of Treaty change) 1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: A/B (in the case of Treaty change)	A	1

PSC	Preference	Outcome	Goal-achievement
Council Secretariat	A	A	3
	1) No formal opinion paper 2) Commission report COREPER of 101199, 121199; A (A requires Treaty change)		

Table 8 Assessing the extent of the other actors' goal-achievement for the ESDP (NATO) (see summary Table 6.3)

NATO	Preference	Outcome	Goal-achievement
Austria	Unknown 1) CONFER 4712/00, 150200: no preference	T	Unknown
Belgium	Unknown 1) No formal position paper CONFER 4721/00, 070300: no preference	T	Unknown
Denmark	B (derived from Treaty change issue preference) 1) CONFER 4722/00, 070300: no preference	T	3
Finland	B (derived from Treaty change issue preference) 1) CONFER 4723/00, 070300: no preference	T	3
France	B (also derived from Treaty change issue preference) 1) No formal position paper 2) FA/DIE DVB memo, 160300: B (implicit)	T	3
Germany	Unknown 1) CONFER 4733/00, 300300: no preference	T	Unknown
Greece	Unknown 1) CONFER 4719/00, 030300: no preference	T	Unknown
Ireland	B (derived from Treaty change issue preference) 1) No formal position paper	T	3
Italy	Unknown 1) CONFER 4717/00, 030300: no preference	T	Unknown
Luxembourg	Unknown 1) - No formal position paper - CONFER 4721/00, 070300: no preference	T	Unknown
Portugal	Unknown 1) No formal position paper	T	Unknown
Spain	B (derived from Treaty change issue preference) 1) No formal position paper	T	3
Sweden	B (derived from Treaty change issue preference) 1) No formal position paper	T	3

<b>NATO</b>	Preference	Outcome	Goal-achievement
United Kingdom	B (derived from Treaty change issue preference) 1) CONFER 4718/00, 030300: no preference	T	3
European Commission	Unknown 1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: no preference	T	Unknown
European Parliament	Unknown 1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: no preference	T	Unknown
Council Secretariat	B (derived from Treaty change issue preference) 1) No formal opinion paper	T	3

Table 9 Assessing the extent of the other actors' goal-achievement for the ESDP (Military Staff) (see summary Table 6.3)

<b>Military Staff</b>	Preference	Outcome	Goal-achievement
Austria	Unknown 1) CONFER 4712/00, 150200: no preference	N	Unknown
Belgium	Unknown 1) - No formal position paper - CONFER 4721/00, 070300: no preference	N	Unknown
Denmark	B (derived from Treaty change issue preference) 1) CONFER 4722/00, 070300: no preference	N	3
Finland	B (derived from Treaty change issue preference) 1) CONFER 4723/00, 070300: no preference	N	3
France	B (derived from Treaty change issue preference) 1) No formal position paper	N	3
Germany	Unknown 1) CONFER 4733/00, 300300: no preference	N	Unknown
Greece	A (unclear) 1) CONFER 4719/00, 030300: A (implicit)	N	0a
Ireland	B (derived from Treaty change issue preference) 1) No formal position paper	N	3
Italy	Unknown 1) CONFER 4717/00, 030300: no preference	N	Unknown
Luxembourg	Unknown 1) - No formal position paper - CONFER 4721/00, 070300: no preference	N	Unknown

<b>Military Staff</b>	Preference	Outcome	Goal-achievement
Portugal	Unknown 1) No formal position paper	N	Unknown
Spain	B (derived from Treaty change issue preference) 1) No formal position paper	N	3
Sweden	B (derived from Treaty change issue preference) 1) No formal position paper	N	3
United Kingdom	B (derived from Treaty change issue preference) 1) CONFER 4718/00, 030300: no preference	N	3
European Commission	Unknown 1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: no preference	N	Unknown
European Parliament	Unknown 1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: no preference	N	Unknown
Council Secretariat	B (derived from Treaty change issue preference) 1) No formal opinion paper	N	3

Table 10 Assessing the extent of the other actors' goal-achievement for Closer cooperation (Minimum requirement) (see summary Table 6.4)

<b>Minimum requirement</b>	Preference	Outcome	Goal-achievement
Austria	C 1) CONFER 4712/00, 150200: no preference 2) - FA/DIE note, unknown date, probably between 310100 and 300300: A/B? (unclear) - FA/DIE report PG of 140400 (Sintra), 170400: opponent of relaxing two conditions (in general), no indication of 'some opening' towards A	A	0c
Belgium	A 1) - No formal position paper - CONFER 4721/00, 070300: A 2) - FA/DIE note, unknown date, probably between 310100 and 300300: A/B (unclear) - FA/DIE report PG of 140400 (Sintra), 170400: A/B (unclear)	A	3
Denmark	C 1) CONFER 4722/00, 070300: no preference 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C - FA/DIE report PG of 140400 (Sintra), 170400: C	A	0c
Finland	C 1) CONFER 4723/00, 070300: C (unclear) 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C - FA/DIE report PG of 140400 (Sintra), 170400: C	A	0c



Minimum requirement	Preference	Outcome	Goal-achievement
France	A/B (unclear) 1) No formal position paper 2) - FA/D/E note, unknown date, probably between 310100 and 300300: A/B (unclear) - FA/D/E report PG of 140400 (Sintra), 170400: A/B (unclear)	A	1
Germany	A/B (unclear) 1) CONFER 4733/00, 300300: no preference 2) - FA/D/E note, unknown date, probably between 310100 and 300300: A/B (unclear) - FA/D/E report PG of 140400 (Sintra), 170400: A/B (unclear) (probably)	A	1
Greece	C 1) CONFER 4719/00, 030300: C 2) - FA/D/E note, unknown date, probably between 310100 and 300300: C - FA/D/E report PG of 140400 (Sintra), 170400: C	A	0c
Ireland	C 1) No formal position paper 2) - FA/D/E note, unknown date, probably between 310100 and 300300: C - Commission note, 120400: C (unclear) - FA/D/E report PG of 140400 (Sintra), 170400: C	A	0c
Italy	A/B (unclear) 1) CONFER 4717/00, 030300: A/B (unclear) 2) - FA/D/E note, unknown date, probably between 310100 and 300300: A/B (unclear) - FA/D/E report PG of 140400 (Sintra), 170400: A/B (unclear)	A	1
Luxembourg	A 1) - No formal position paper - CONFER 4721/00, 070300: A 2) - FA/D/E note, unknown date, probably between 310100 and 300300: A/B (unclear) - FA/D/E report PG of 140400 (Sintra), 170400: A/B (unclear)	A	3
Portugal	C 1) No formal position paper 2) - FA/D/E note, unknown date, probably between 310100 and 300300: C - FA/D/E report PG of 140400 (Sintra), 170400: C	A	0c
Spain	C 1) No formal position paper 2) - FA/D/E note, unknown date, probably between 310100 and 300300: C - Commission note, 120400: C (unclear) - FA/D/E report PG of 140400 (Sintra), 170400: C	A	0c

Minimum requirement	Preference	Outcome	Goal-achievement
Sweden	C 1) No formal position paper 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C, A/B? (unclear) - Commission note, 120400: C (unclear) - FA/DIE report PG of 140400 (Sintra), 170400: 'some opening' towards A/B	A	0c
United Kingdom	C 1) CONFER 4718/00, 030300: C (unclear) 2) - FA/DIE London embassy note, 310100: C - FA/DIE note, unknown date, probably between 310100 and 300300: C - FA/DIE report PG of 140400 (Sintra), 170400: C	A	0c
European Commission	B 1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: B	A	2
European Parliament	B 1) - European Parliament, 1999: A/B (unclear) - CONFER 4736/00, 030500: B	A	2

Table 11 Assessing the extent of the other actors' goal-achievement for Closer cooperation (Veto possibility) (see summary Table 6.4)

Veto possibility	Preference	Outcome	Goal-achievement
Austria	C 1) CONFER 4712/00, 150200: no preference 2) - FA/DIE note, unknown date, probably between 310100 and 300300: A? (unclear) - FA/DIE report PG of 140400 (Sintra), 170400: opponent of relaxing two conditions (in general), indication of 'some opening' towards A	B/C	2
Belgium	A 1) - No formal position paper - CONFER 4721/00, 070300: A 2) - FA/DIE note, unknown date, probably between 310100 and 300300: A - FA/DIE report PG of 140400 (Sintra), 170400: A	B/C	1
Denmark	C 1) CONFER 4722/00, 070300: no preference 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C - FA/DIE report PG of 140400 (Sintra), 170400: 'some opening' towards A	B/C	2
Finland	C 1) CONFER 4723/00, 070300: C (unclear) 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C - FA/DIE report PG of 140400 (Sintra), 170400: A 'some opening' towards A	B/C	2

Veto possibility	Preference	Outcome	Goal-achievement
France	A 1) No formal position paper 2) - FA/DIE note, unknown date, probably between 310100 and 300300: A - FA/DIE report PG of 140400 (Sintra), 170400: A	B/C 1	
Germany	A 1) CONFER 4733/00, 300300: A 2) FA/DIE note, unknown date, probably between 310100 and 300300: A	B/C 1	
Greece	C 1) CONFER 4723/00, 070300: C (unclear) 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C - FA/DIE report PG of 140400 (Sintra), 170400: C	B/C 2	
Ireland	C 1) No formal position paper 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C - Commission note, 120400: C (unclear) - FA/DIE report PG of 140400 (Sintra), 170400: A 'some opening' towards A	B/C 2	
Italy	A 1) CONFER 4717/00, 030300: A ('reviewed': unclear) 2) - FA/DIE note, unknown date, probably between 310100 and 300300: A - FA/DIE report PG of 140400 (Sintra), 170400: A	B/C 1	
Luxembourg	A 1) - No formal position paper - CONFER 4721/00, 070300: A 2) - FA/DIE note, unknown date, probably between 310100 and 300300: A - FA/DIE report PG of 140400 (Sintra), 170400: A	B/C 1	
Portugal	C 1) No formal position paper 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C - FA/DIE report PG of 140400 (Sintra), 170400: C	B/C 2	
Spain	C 1) No formal position paper 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C - Commission note, 120400: C (unclear) - FA/DIE report PG of 140400 (Sintra), 170400: C (first pillar)	B/C 2	

<b>Veto possibility</b>	Preference	Outcome	Goal-achievement
Sweden	C 1) No formal position paper 2) - FA/DIE note, unknown date, probably between 310100 and 300300: C, A? (unclear) - Commission note, 120400: C (unclear) - FA/DIE report PG of 140400 (Sintra), 170400: C	B/C	2
United Kingdom	C 1) CONFER 4723/00, 070300: C (unclear) 2) - FA/DIE London embassy note, 310100: C - FA/DIE note, unknown date, probably between 310100 and 300300: C - FA/DIE report PG of 140400 (Sintra), 170400: C	B/C	2
European Commission	A 1) - European Commission, 1999: A (unclear) - CONFER 4701/00, 010200: A	B/C	1
European Parliament	A 1) - European Parliament, 1999: A (unclear) - CONFER 4736/00, 030500: A	B/C	1

Table 12 Assessing the extent of the other actors' goal-achievement for Closer cooperation (Differentiated membership) (see summary Table 6.4)

<b>Differentiated membership</b>	Preference	Outcome	Goal-achievement
Other actors in general	Unclear 2) FA/DIE note, unknown date, probably between 201299 and 310100: many member states' consider decision option A as 'premature' (thus favouring B)	N	Not applicable
Austria	Unclear (see other actors in general) 1) CONFER 4712/00, 150200: no preference	N	Unclear
Belgium	Unclear (see other actors in general) 1) - No formal position paper - CONFER 4721/00, 070300: no preference		
Denmark	Unclear (see other actors in general) 1) CONFER 4722/00, 070300: no preference		
Finland	Unclear (see other actors in general) 1) CONFER 4723/00, 070300: no preference		
France	Unclear (see other actors in general) 1) No formal position paper		
Germany	Unclear (see other actors in general) 1) CONFER 4733/00, 300300: no preference		

Differentiated membership	Preference	Outcome	Goal-achievement
Greece	Unclear (see other actors in general) 1) CONFER 4723/00, 070300: no preference	N	Unclear
Ireland	Unclear (see other actors in general) 1) No formal position paper		
Italy	Unclear (see other actors in general) 1) CONFER 4717/00, 030300: no preference		
Luxembourg	Unclear (see other actors in general) 1) - No formal position paper - CONFER 4721/00, 070300: no preference		
Portugal	Unclear (see other actors in general) 1) No formal position paper		
Spain	Unclear (see other actors in general) 1) No formal position paper		
Sweden	Unclear (see other actors in general) 1) No formal position paper		
United Kingdom	Unclear (see other actors in general) 1) CONFER 4723/00, 070300: no preference		
European Commission	Unclear (see other actors in general) 1) - European Commission, 1999: no preference - CONFER 4701/00, 010200: no preference		
European Parliament	Unclear (see other actors in general) 1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: no preference		

Table 13 Assessing the extent of the other actors' goal-achievement for the Commission (see summary Table 6.5)

Size and composition	Preference	Outcome	Goal-achievement
Austria	B>D 1) CONFER 4712/00, 150200: B 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799: B - FA/DIE memo, 150200: D (under condition of equal rotation system) - Commission preparatory note for GAC of 200300, unknown date: B - Commission report PG of 280300, 280300: B	C	2

Size and composition	Preference	Outcome	Goal-achievement
Belgium	B>D 1) - No formal position paper - CONFER 4721/00, 070300: B 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: D (under condition of equal rotation system) - Commission report PG of 280300, 280300: B	C	2
Denmark	B 1) CONFER 4722/00, 070300: B 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: B - Commission preparatory note for GAC of 200300, unknown date: B - Commission report PG of 280300, 280300: B	C	1
Finland	B 1) CONFER 4723/00, 070300: B 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: B - Commission preparatory note for GAC of 200300, unknown date: B - Commission report PG of 280300, 280300: B	C	1
France	D (combined with an equal rotation system) 1) No formal position paper 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: D (combined with equal rotation system) - Commission preparatory note for GAC of 200300, unknown date: D - Commission report PG of 280300, 280300: D	C	1
Germany	D (combined with unequal rotation system) 1) CONFER 4733/00, 210300: D 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: D (seemingly combined with unequal rotation system) - Commission preparatory note for GAC of 200300, unknown date: D (20; combined with unequal rotation system) - Commission report PG of 280300, 280300: D	C	1
Greece	B 1) CONFER 4719/00, 030300: B 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: B - Commission preparatory note for GAC of 200300, unknown date: B - Commission report PG of 280300, 280300: B	C	1

Size and composition	Preference	Outcome	Goal-achievement
Ireland	B 1) No formal position paper 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: B - Commission preparatory note for GAC of 200300, unknown date: B - Commission report PG of 280300, 280300: B	C	1
Italy	D (combined with equal rotation system)>B 1) CONFER 4717/00, 030300: D/B (B as a compromise) 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: D (combined with equal rotation system) - Commission report PG of 280300, 280300: D	C	2
Luxembourg	B 1) - No formal position paper - CONFER 4721/00, 070300: B 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: B - Commission report PG of 280300, 280300: B	C	1
Portugal	B 1) No formal position paper 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: B - Commission preparatory note for GAC of 200300, unknown date: B - Commission report PG of 280300, 280300: B	C	1
Spain	D (probably) (combined with unequal rotation system) 1) No formal position paper 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: D (combined with unequal rotation system) - Commission preparatory note for GAC of 200300, unknown date: B is 'the most realistic' - Commission report PG of 280300, 280300: D	C	1
Sweden	B 1) No formal position paper 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: B - Commission preparatory note for GAC of 200300, unknown date: B - Commission report PG of 280300, 280300: B	C	1



Size and composition	Preference	Outcome	Goal-achievement
United Kingdom	D/C (combined with equal rotation system) 1) CONFER 4718/00, 030300: D/C 2) - FA/DIE/Preparation PR report of 1 <sup>st</sup> technical meeting of 140799, 160799; B - FA/DIE memo, 150200: D (combined with equal rotation system) - Commission report PG of 280300, 280300: D	C	3
European Commission	D (20)>B 1) - European Commission, 1999: D (unclear) - CONFER 4701/00, 010200: D (20)/B 2) - Commission briefing note, 120100: D/(B) - Commission note, 100300: D/B - Commission speaking note for GAC of 200300, unknown date: D/B - Commission note, 060400: D/B	C	2
European Parliament	D (20)/B 1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: D (20)/B	C	2

Table 14. Assessing the extent of the other actors' goal-achievement for the Weighting of votes (Type of system) (see summary Table 6.6)

Type of system (and QMV threshold)	Preference	Outcome	Goal-achievement
Austria	B (probably) 1) CONFER 4712/00, 150200: no preference on type of system; QMV threshold should not rise (E/D) 2) - FA/DIE memo, 020300: re-weighting (thus D, E or F) - Commission preparatory note for GAC of 200300, unknown date: open to dual majority system (thus A, B or C) - Commission note, 310300: open to dual majority system; maintaining current QMV threshold - Commission report PG of 040400, 040400: open to discuss dual majority system; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: B (no support for A; most member states favouring dual majority system: 50% + 60%); in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	1

Type of system (and QMV threshold)	Preference	Outcome	Goal-achievement
Belgium	<p>B (probably)</p> <ul style="list-style-type: none"> <li>1) - No formal position paper</li> <li>- CONFER 4721/00, 070300: re-weighting (thus D, E or F) or dual majority system (thus A, B or C)</li> <li>2) - FA/DIE preparatory note for Benelux summit of 061299, unknown date: dual majority system</li> <li>- FA/DIE preparatory note for bilateral meeting with Belgium of 310100, 270100: dual majority system</li> <li>- FA/DIE memo, 020300: dual majority system</li> <li>- Commission preparatory note for GAC of 200300, unknown date: according to Benelux memo open to re-weighting and dual majority system or a combination of both systems; in the case of dual majority system: A</li> <li>- Commission note, 310300: open to dual majority system</li> <li>- Commission report PG of 040400, 050400: dual majority system; in the case of re-weighting in favour of E on QMV threshold</li> <li>- FA/DIE report PG of 040400, 050400: B (no support for A; most member states favouring dual majority system: 50% + 60%); willing to talk about both re-weighting and dual majority system; in the case of re-weighting in favour of E on QMV threshold</li> </ul>	D/E/F (mostly)- A/B/C	1
Denmark	<p>C</p> <ul style="list-style-type: none"> <li>1) CONFER 4722/00, 070300: C (QMV threshold around current level + at least 50% population)</li> <li>2) - FA/DIE memo, 020300: dual majority system (thus A, B or C)</li> <li>- Commission note, 310300: against lowering QMV threshold (E/F)</li> <li>- Commission report PG of 040400, 040400: C (dual majority system according to 'Amsterdam formula'); in the case of re-weighting in favour of E on QMV threshold</li> <li>- FA/DIE report PG of 040400, 050400: dual majority system; in the case of re-weighting in favour of E on QMV threshold</li> </ul>	D/E/F (mostly)- A/B/C	2
Finland	<p>E</p> <ul style="list-style-type: none"> <li>1) CONFER 4723/00, 070300: E</li> <li>2) - FA/DIE memo, 020300: re-weighting (thus D, E or F)</li> <li>- Commission report PG of 040400, 040400: re-weighting; in the case of re-weighting in favour of E on QMV threshold</li> <li>- FA/DIE report PG of 040400, 050400: re-weighting; in the case of re-weighting in favour of E on QMV threshold</li> </ul>	D/E/F (mostly)- A/B/C	2
France	<p>E/D</p> <ul style="list-style-type: none"> <li>1) No formal position paper</li> <li>2) - FA/DIE Paris embassy note, 161299: re-weighting (thus D, E or F)</li> <li>- FA/DIE memo, 020300: re-weighting</li> <li>- Commission preparatory note for GAC of 200300, unknown date: re-weighting</li> <li>- Commission note, 310300: D</li> <li>- Commission report PG of 040400, 040400: re-weighting; in the case of re-weighting in favour of E on QMV threshold</li> <li>- FA/DIE report PG of 040400, 050400: re-weighting; in the case of re-weighting in favour of E on QMV threshold</li> </ul>	D/E/F (mostly)- A/B/C	2

Type of system (and QMV threshold)	Preference	Outcome	Goal-achievement
Germany	C/B 1) CONFER 4733/00, 210300: re-weighting (thus D, E or F) or dual majority system (C, with e.g. 60% of population) 2) - FA/DIE memo, 020300: dual majority system (thus A, B or C) - Commission preparatory note for GAC of 200300, unknown date: B (50% + 60%) - Commission note, 310300: B (50% + 60%) - Commission report PG of 040400, 040400: dual majority system; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: B (no support for A; most member states favouring dual majority system: 50% + 60%); in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	2
Greece	B 1) CONFER 4719/00, 030300: if the system were to be changed B (60% + 60%) 2) - FA/DIE memo, 020300: re-weighting (thus D, E or F) - Commission report PG of 040400, 040400: open to discuss dual majority system; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: B (no support for A; most member states favouring dual majority system: 50% + 60%); in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	1
Ireland	B (probably) 1) No formal position paper 2) - FA/DIE memo, 020300: dual majority system (thus A, B or C) - Commission note, 310300: dual majority system - Commission report PG of 040400, 040400: re-weighting (thus D, E or F); in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: B (no support for A; most member states favouring dual majority system: 50% + 60%); in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	1
Italy	E 1) CONFER 4717/00, 030300: E 2) - FA/DIE memo, 020300: re-weighting (thus D, E or F) - Commission report PG of 040400, 040400: re-weighting; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: re-weighting; in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	2
Luxembourg	B (probably) 1) - No formal position paper - CONFER 4721/00, 070300: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) 2) - FA/DIE memo, 020300: dual majority system - Commission preparatory note for GAC of 200300, unknown date: according to Benelux memo open to re-weighting and dual majority system or a combination of both systems - Commission note, 310300: open to dual majority system - Commission report PG of 040400, 040400: dual majority system; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: B (no support for A; most member states favouring dual majority system: 50% + 60%); in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	1

Type of system (and QMV threshold)	Preference	Outcome	Goal-achievement
Portugal	B (probably) 1) No formal position paper 2) - FA/DIE memo, 020300: dual majority system (thus A, B or C) - Commission report PG of 040400, 040400: open to discuss dual majority system; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: B (no support for A; most member states favouring dual majority system: 50% + 60%); in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	1
Spain	E/F 1) No formal position paper 2) - FA/DIE/Preparation PR report of 2 <sup>nd</sup> technical meeting of 150999, 160900: F (on QMV threshold) - FA/DIE memo, 020300: re-weighting (thus D, E or F) - Commission preparatory note for GAC of 200300, unknown date: reserved on dual majority system - Commission note, 310300: reserved on dual majority system; ready to accept changed QMV threshold, but not necessarily at lower level - Commission report PG of 040400, 040400: re-weighting; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: re-weighting; in the case of re-weighting in favour of E on QMV threshold; in the case of dual majority system in favour of 70% of population	D/E/F (mostly)- A/B/C	3
Sweden	E 1) No formal position paper 2) - FA/DIE memo, 020300: re-weighting (thus D, E or F) - Commission preparatory note for GAC of 200300, unknown date: re-weighting (according to continuous curve instead of current clusters) - Commission note, 310300: re-weighting (according to continuous curve instead of current clusters) - Commission report PG of 040400, 040400: re-weighting; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: re-weighting; in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	2
United Kingdom	E 1) CONFER 4718/00, 030300: happy to consider both re-weighting (thus D, E or F) and dual majority system (thus A, B or C), but preference for re-weighting 2) - FA/DIE/Preparation PR report of 2 <sup>nd</sup> technical meeting of 150999, 160900: 'no support anymore from United Kingdom for dual majority system'; keeping QMV threshold as it is (E) - FA/DIE memo, 020300: re-weighting - Commission report PG of 040400, 040400: re-weighting; in the case of re-weighting in favour of E on QMV threshold - FA/DIE report PG of 040400, 050400: re-weighting; in the case of re-weighting in favour of E on QMV threshold	D/E/F (mostly)- A/B/C	2
European Commission	A 1) - European Commission, 1999: E/(D) (on QMV threshold) - CONFER 4701/00, 010200: A	D/E/F (mostly)- A/B/C	1
European Parliament	A 1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: A	D/E/F (mostly)- A/B/C	1

Type of system (and QMV threshold)	Preference	Outcome	Goal-achievement
Council Secretariat	Unclear 1) No formal opinion paper 2) FA/DIE/Preparation PR report of 2 <sup>nd</sup> technical meeting of 150999, 160900: D (on QMV threshold)	D/E/F (mostly)-A/B/C	Unclear

Table 15 Assessing the extent of the other actors' goal-achievement for the Weighting of votes (General weighting) (see summary Table 6.6)

General weighting	Preference	Outcome	Goal-achievement
Austria	B 1) CONFER 4712/00, 150200: B 2) FA/DIE report PG of 040400, 050400: B (small member states in general)	A>B	1
Belgium	B 1) - No formal position paper - CONFER 4721/00, 070300: A ('representativeness')/B ('balance') (interpretation confirmed by FA/DIE memo following consultations on draft: Benelux memo of 011299, 011299) (1 <sup>st</sup> Benelux memo) 2) - FA/DIE memo following consultations on draft: Benelux memo of 011299, 011299: A/B - Commission note, 310300: B ('balance') - FA/DIE report PG of 040400, 050400: B (small member states in general)	A>B	1
Denmark	B 1) CONFER 4722/00, 070300: B ('balance') 2) FA/DIE report PG of 040400, 050400: B	A>B	1
Finland	B 1) CONFER 4723/00, 070300: no preference 2) FA/DIE report PG of 040400, 050400: B (small member states in general)	A>B	1
France	A 1) No formal position paper 2) - Commission preparatory note for GAC of 200300, unknown date: A - FA/DIE report PG of 040400, 050400: A	A>B	2
Germany	A 1) CONFER 4733/00, 210300: A 2) - FA/DIE memo, 070200: A/B - FA/DIE report PG of 040400, 050400: A	A>B	2
Greece	B 1) CONFER 4719/00, 030300: no preference 2) FA/DIE report PG of 040400, 050400: B	A>B	1

General weighting	Preference	Outcome	Goal-achievement
Ireland	B	A>B	1
	1) No formal position paper 2) FA/DIE report PG of 040400, 050400: B		
Italy	A	A>B	2
	1) CONFER 4717/00, 030300: A 2) FA/DIE report PG of 040400, 050400: A		
Luxembourg	B	A>B	1
	1) - No formal position paper - CONFER 4721/00, 070300: A ('representativeness')/B ('balance') (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299) (1" Benelux memo) 2) - FA/DIE memo following consultations on draft Benelux memo of 011299, 011299: A/B - Commission note, 310300: B ('balance') - FA/DIE report PG of 040400, 050400: B		
Portugal	B	A>B	1
Spain	A	A>B	2
	1) No formal position paper 2) FA/DIE report PG of 040400, 050400: A		
Sweden	B	A>B	1
	1) No formal position paper 2) - Commission preparatory note for GAC of 200300, unknown date: B (continuous curve instead of clusters) - Commission note, 310300: B (continuous curve instead of clusters) - FA/DIE report PG of 040400, 050400: B ('better applying degressive proportionality')		
United Kingdom	A	A>B	2
	1) CONFER 4718/00, 030300: A (doubly compensating big member states) 2) FA/DIE report PG of 040400, 050400: A (doubly compensating big member states)		
European Commission	Unknown	A>B	Unknown
European Parliament	Unknown	A>B	Unknown
	1) - European Parliament, 1999: no preference - CONFER 4736/00, 030500: no preference/not applicable (in favour of A on Type of system issue)		
Council Secretariat	Unknown	A>B	Unknown
	1) No formal opinion paper		

Table 16 Assessing the extent of the other actors' goal-achievement for the Weighting of votes (Individual weighting) (see summary Table 6.6)

Table 16a France, Germany, Italy and the United Kingdom

Individual weighting	France	Germany	Italy	United Kingdom
Preference	Unclear (see Section 6.7.3) 1) No formal position paper 2) - FA/DIE/Preparation PR report of 2 <sup>nd</sup> technical meeting of 150999, 160900: open to A - FA/DIE Paris embassy report of bilateral meetings with France of 131299, 161299: 'France has never had problems with A if it gets a stronger position vis-à-vis the big group of smaller member states'	A (unclear) 1) CONFER 4733/00, 210300: no preference 2) FA/DIE report PG of 040400, 050400: A (unclear)	Unknown 1) CONFER 4717/00, 030300: no preference	B 1) CONFER 4718/00, 030300: no preference 2) - FA/DIE London embassy report of bilateral meetings with UK of 14-151299, 151299: B (Germany should do with more EP seats) - FA/DIE memo, 120400: B
Outcome	A>B	A>B	A>B	A>B
Goal-achievement	Unclear	2	Unknown	1

Table 16b Spain

Individual weighting	Spain
Preference	A 1) No formal position paper 2) FA/DIE/Preparation PR report of 2 <sup>nd</sup> technical meeting of 150999, 160900: A
Outcome	B
Goal-achievement	2

Table 16c Sweden

Individual weighting	Sweden
Preference	A 1) No formal position paper 2) - Commission preparatory note for GAC of 200300, unknown date: A (implicit: re-weighting according to continuous curve instead of current clusters) - Commission note, 310300: A (implicit: re-weighting according to continuous curve instead of current clusters) - FA/DIE report PG of 040400, 050400: A (implicit: 'member states were currently not placed well in the clusters') - FA/DIE memo, 120400: A
Outcome	A
Goal-achievement	3





## ANNEX 6

# Detailed tables process analysis (all actors)

The detailed tables should be read in connection with the text and summary tables in Chapter 7 and the operationalisations presented in Section 4.9.2 of the variables influence resources, influence attempts and domestic structure (actors and factors), and the contextual variables negotiation structure (level and timing) and external events and developments. The numbering refers to these operationalisations. A description of the decision options – A, B etc. – for each issue is found in Chapters 5 and 6. A legend can be found in Annex 4.

Table 1 Explaining the extent of the Dutch cabinet's influence for the Court of Auditors (influence resources) (see summary Tables 7.2-7.4)

<b>Court of Auditors</b>	<b>Policy position: pivotal</b>	<b>Policy position: majority</b>	<b>Networks</b>	<b>Internal coherence</b>
Dutch cabinet	No: in favour of A for all issues	- Yes: on Size issue, 11 member state actors in favour of A - No: on other issues, no majority (clearly) in favour of A	No evidence found in the data	- Yes: on SOA, Contact Committee and Appeal ECI issues - No (different preferences): 2) - On Size issue, different preferences in different parts (FA/DIE: A and Finance: B) (FA/DIE note, 050400) - On Instruction issue, different preferences in different parts (FA/DIE: A and Finance (and Dutch Court of Auditors): B) (FA/DIE note, 050400) - No (different actions): 2) On Size issue, different actions, i.e. influence attempts during different meetings at the same Preparatory Group level 3 (FA/DIE report of PG 250200, 280200; Commission report of PG 250200, 140300; Commission report of PG 160500, unknown date: FA/DIE report of PG 250900, 280900)
Austria	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness in the data
Belgium	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Denmark	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Finland	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
France	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Germany	- Unknown (preference) on Size issue - Unclear (preference) on other issues	- Unknown (preference) on Size issue - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Greece	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Ireland	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Italy	- Yes: in favour of A-B/C on Size issue - Unclear (preference) on other issues	- No: on Size issue, no majority in favour of A-B/C - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Luxembourg	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Portugal	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Spain	- Yes: in favour of B/C on Size issue - Unclear (preference) on other issues	- No: on Size issue, no majority in favour of B/C - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness

<b>Court of Auditors</b>	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
Sweden	- No: in favour of A on Size issue - Unclear (preference) on other issues	- Yes: on Size issue, 11 member state actors in favour of A - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
United Kingdom	- Yes: in favour of B/C on Size issue - Unclear (preference) on other issues	- No: on Size issue, no majority in favour of B/C - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness
European Commission	- No: in favour of C on Size issue - Unknown (preference) on other issues	- No: on Size issue, no majority in favour of C - Unknown (preference) on other issues	No evidence found	No evidence found on internal divisiveness
European Parliament	- Yes: in favour of B/C on Size issue - Unclear (preference) on other issues	- No: on Size issue, no majority in favour of B/C - Unclear (preference) on other issues	No evidence found	No evidence found on internal divisiveness

Table 2 Explaining the extent of the Dutch cabinet's influence for the Court of Auditors (influence attempts) (see summary Tables 7.1 and 7.5)

Table 2a Size

<b>Court of Auditors</b>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Preparatory Group, 250200	Preparatory Group, 160500 (Commission reports, unknown date and 190500)	Preparatory Group, 250900 (FA/DIE report, 280900 and Commission report, 250900)	Conclave (informal GAC), 031200	Nice European Council, 07-111200
Dutch cabinet	- CONFER 4720/00, 060300: A (unclear) - CONFER 4773/00, 191000: B 200900: B	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No evidence found in the data	No evidence found in the data	FA/DIE report, 280200 and Commission report, 140300: A	C (12)	B	FA/DIE preparatory note, date unknown: B (probably)	FA/DIE preparatory note, date unknown: B, but can agree with A (probably)
Austria	CONFER 4712/00, 150200: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200 and Commission report, 140300: A	B	A	No evidence found	No evidence found
Belgium	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: A	A	A	No evidence found	No evidence found

<b>Court of Auditors</b> Size	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Preparatory Group, 250200	Preparatory Group, 160500 (Commission reports, unknown date and 190500)	Preparatory Group, 250900 (FA/DIE report, 280900 and Commission report, 250900)	Preparatory Group, 251100	Conclave (informal GAC), 031200	Nice European Council, 07-111200
Denmark	CONFER 4722/00, 070300: A	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200 and Commission report, 140300: A	A	A	No evidence found	No evidence found	No evidence found
Finland	CONFER 4723/00, 070300: A	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200 and Commission report, 140300: A	A	A	No evidence found	No evidence found	No evidence found
France	No formal position paper	No formal position paper	No evidence found	No evidence found	Commission report, 140300: A	B/C-A	A (probably)	No evidence found	No evidence found	No evidence found
Germany	- CONFER 4733/00, 300300: no preference - CONFER 4817/00, 051200: B/C	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: 'derivation of Commission size issue'	C (12)	B/C	No evidence found	No evidence found	No evidence found
Greece	CONFER 4719/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	Commission report, 140300: A	A	A	No evidence found	No evidence found	No evidence found
Ireland	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200 and Commission report, 140300: A	A	A	No evidence found	No evidence found	No evidence found
Italy	CONFER 4717/00, 030300: A (unclear)	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: 'could agree with B/C'	B	A	No evidence found	No evidence found	No evidence found
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200 and Commission report, 140300: A	A	A	No evidence found	No evidence found	No evidence found
Portugal	No formal position paper	No formal position paper	No evidence found	No evidence found	Commission report, 140300: A	A	A	No evidence found	No evidence found	No evidence found

<b>Court of Auditors Size</b>	<b>Formal individual written proposals</b>	<b>Formal joint written proposals</b>	<b>Semi-formal individual and joint written proposals</b>	<b>Informal bilateral and multilateral contacts</b>	<b>Preparatory Group, 250200</b>	<b>Preparatory Group, 160500 (Commission reports, unknown date and 190500)</b>	<b>Preparatory Group, 250900 (FA/DIE report, 280900 and Commission report, 250900)</b>	<b>Preparatory Group, 251100</b>	<b>Conclave (informal GAC), 031200</b>	<b>Nice European Council, 07-111200</b>
Spain	No formal position paper	No formal position paper	No evidence found	No evidence found	- FA/DIE report, 280200: 'derivation of Commission size issue' - Commission report, 140300: B/C is 'acceptable'	B/C-A	B/C-A	No evidence found	No evidence found	No evidence found
Sweden	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200 and Commission report, 140300: A	A	A (but sympathy for B)	No evidence found	No evidence found	No evidence found
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	- FA/DIE report, 280200: 'could agree with B/C' - Commission report, 140300: B/C is 'acceptable'	C ('perhaps 12')	B/C	No evidence found	No evidence found	No evidence found
European Commission	CONFER 4701/00, 010200: C	No formal position paper	No evidence found	No evidence found	Commission report, 140300: C	C	C	Commission preparatory note, date unknown: B/C (probably)	No evidence found	No evidence found
European Parliament	CONFER 4736/00, 030500: B/C	No formal position paper	No evidence found	No evidence found	Commission report, 140300: no preference expressed	B/C	B/C	No participant	No evidence found	No participant
Court of Auditors	CONFER 4738/00, 020500: A	No formal position paper	No evidence found	No evidence found	No participant	No participant	No participant	No participant	No participant	No participant

Table 2b SOA

<b>Court of Auditors SOA</b>	<b>Formal individual written proposals</b>	<b>Formal joint written proposals</b>	<b>Semi-formal individual and joint written proposals</b>	<b>Informal bilateral and multilateral contacts</b>	<b>Preparatory Group, 250200</b>	<b>Preparatory Group, 250900</b>	<b>Conclave (informal GAC), 031200</b>	<b>Nice European Council, 07-111200</b>
<b>Other actors in general</b>	Not applicable	Not applicable	Not applicable	Not applicable	- Commission report, 140300: 'great majority of member states; discussion should be limited to size and composition' - FA/DIE report, 280200: 'much support for Dutch view that cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'	- FA/DIE report, 280900: 'Generally welcomed by number of delegations, Commission and Parliament, but most delegations first wanted to study proposals more closely' - Commission report, 250900: 'kept under examination'	Not applicable	Not applicable
<b>Dutch cabinet</b>	- CONFER 4720/00, 060300: A - CONFER 4773/00, 200900: A/B	- CONFER 4771/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: 'cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'	FA/DIE report, 280900: A/B	FA/DIE preparatory note, date unknown: 'glad with A/B' (probably)	FA/DIE preparatory note, date unknown: 'A/B is positive' (probably)
<b>Austria</b>	CONFER 4712/00, 150200: no preference	No formal position paper	No evidence found	No evidence found	No evidence found	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
<b>Belgium</b>	No formal position paper	- CONFER 4771/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
<b>Denmark</b>	CONFER 4722/00, 070300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
<b>Finland</b>	CONFER 4723/00, 070300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
<b>France</b>	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found



<b>Court of Auditors SOA</b>	<b>Formal individual written proposals</b>	<b>Formal joint written proposals</b>	<b>Semi-formal individual and joint written proposals</b>	<b>Informal bilateral and multilateral contacts</b>	<b>Preparatory Group, 250200</b>	<b>Preparatory Group, 250900</b>	<b>Conclave (informal GAC), 031200</b>	<b>Nice European Council, 07-111200</b>
Germany	- CONFER 4733/00, 300300: no preference - CONFER 4817/00, 4817/00, 051200: B	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Greece	CONFER 4719/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Ireland	No formal position paper	No formal position paper	No evidence found	No evidence found	No evidence found of influence attempt	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Italy	CONFER 4717/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Portugal	No formal position paper	No formal position paper	No evidence found	No evidence found	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Spain	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	FA/DIE report, 280900: 'Complex ideas, first discussion by Friends Group'; see also 'other actors in general'	No evidence found	No evidence found
Sweden	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No evidence found	No evidence found	No evidence found	FA/DIE report, 280900: 'Generally welcomed'	No evidence found	No evidence found



<b>Court of Auditors Contact Committee</b>	<b>Formal individual written proposals</b>	<b>Formal joint written proposals</b>	<b>Semi-formal individual and joint written proposals</b>	<b>Informal bilateral and multilateral contacts</b>	<b>Preparatory Group, 250200</b>	<b>Preparatory Group, 160500</b>	<b>Preparatory Group, 250900</b>	<b>Conclave (informal GAC), 031200</b>	<b>Nice European Council, 07-111200</b>
Belgium	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Finland	CONFER 4723/00, 070300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
France	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Germany	- CONFER 4733/00, 300300: no preference - CONFER 4817/00, 051200: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Greece	CONFER 4719/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Ireland	No formal position paper	No formal position paper	No evidence found	No evidence found	No evidence found	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found

<b>Court of Auditors Contact Committee</b>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Preparatory Group, 250200	Preparatory Group, 160500	Preparatory Group, 250900	Conclave (informal GAC), 031200	Nice European Council, 07-111200
Italy	CONFER 4717/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Portugal	No formal position paper	No formal position paper	No evidence found	No evidence found	No evidence found	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
Spain	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No evidence found	FA/DIE report, 280900: 'Complex ideas, first discussion by Friends Group', see also other actors in general'	No evidence found	No evidence found
Sweden	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No evidence found	No specific evidence found, but see other actors in general'	No evidence found	No evidence found
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No evidence found	No evidence found	No evidence found	No evidence found	FA/DIE report, 280900: 'Generally welcomed'	No evidence found	No evidence found
European Parliament	CONFER 4736/00, 030500: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	Commission report, unknown date: A (implicit)	FA/DIE report, 280900: 'Generally welcomed'	No evidence found	No participant found

<b>Court of Auditors Contact Committee</b>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Preparatory Group, 250200	Preparatory Group, 160500	Preparatory Group, 250900	Conclave (informal GAC), 031200	Nice European Council, 07-111200
Court of Auditors	CONFER 4738/00, 020500: no preference	No formal position paper	No evidence found	No evidence found	No participant	No participant	No participant	No participant	No participant

Table 2d Appeal ECJ

<b>Court of Auditors Appeal ECJ</b>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Preparatory Group, 250200	Preparatory Group, 250900	Conclave (informal GAC), 031200	Nice European Council, 07-111200
Other actors in general	Not applicable	Not applicable	Not applicable	Not applicable	- Commission report, 140300: 'great majority of member states: discussion should be limited to size and composition' - FA/DIE report, 280200: 'much support for Dutch view that cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'	- FA/DIE report, 280900: 'Generally welcomed by number of delegations, Commission and Parliament, but most delegations first wanted to study proposals more closely' - Commission report, 250900: 'kept under examination' / 'very weak support'	Not applicable	Not applicable
Dutch cabinet	- CONFER 4720/00, 060300: A - CONFER 4773/00, 200900: A	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: 'cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'	FA/DIE report, 280900: A	FA/DIE preparatory note, date unknown: A (probably)	No evidence found of influence attempt
Austria	CONFER 4712/00, 150200: no preference	No formal position paper	No evidence found	No evidence found	No evidence found	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found

<b>Court of Auditors Appeal ECJ</b>	<b>Formal individual written proposals</b>	<b>Formal joint written proposals</b>	<b>Semi-formal individual and joint written proposals</b>	<b>Informal bilateral and multilateral contacts</b>	<b>Preparatory Group, 250200</b>	<b>Preparatory Group, 250900</b>	<b>Conclave (Informal GAC), 031200</b>	<b>Nice European Council, 07-111200</b>
Belgium	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
Finland	CONFER 4723/00, 070300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
France	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
Germany	- CONFER 4733/00, 300300: no preference - CONFER 4817/00, 051200: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
Greece	CONFER 4719/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
Ireland	No formal position paper	No formal position paper	No evidence found	No evidence found	No evidence found	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
Italy	CONFER 4717/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found

<b>Court of Auditors</b> <i>Appeal ECJ</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Preparatory Group, 250200	Preparatory Group, 250900	Conclave (informal GAC), 031200	Nice European Council, 07-111200
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
Portugal	No formal position paper	No formal position paper	No evidence found	No evidence found	No evidence found	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
Spain	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	FA/DIE report, 280900: 'Complex ideas, first discussion by Friends Group' see also 'other actors in general'	No evidence found	No evidence found
Sweden	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	No specific evidence found, but see 'other actors in general'	No evidence found	No evidence found
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No evidence found	No evidence found	No evidence found	FA/DIE report, 280900: B	No evidence found	No evidence found
European Parliament	CONFER 4736/00, 030500: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view	FA/DIE report, 280900: 'Generally welcomed'	No evidence found	No participant
Court of Auditors	CONFER 4738/00, 020500: no preference	No formal position paper	No evidence found	No evidence found	No participant	No participant	No participant	No participant



Table 2e Instruction

<b>Court of Auditors</b> <i>Instruction</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Preparatory Group, 250200
Other actors in general	Not applicable	Not applicable	Not applicable	Not applicable	- Commission report, 140300: 'great majority of member states: discussion should be limited to size and composition' - FA/DIE report, 280200: 'much support for Dutch view that cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'
Dutch cabinet	- CONFER 4720/00, 060300: A - CONFER 4773/00, 200900: no preference	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: 'cooperation between Court of Auditors and national audit institutions should be improved, internal organisation of Court of Auditors strengthened and its instruments refined'
Austria	CONFER 4712/00, 150200: no preference	No formal position paper	No evidence found	No evidence found	No evidence found
Belgium	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view
Finland	CONFER 4723/00, 070300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view
France	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view
Germany	- CONFER 4733/00, 300300: no preference - CONFER 4817/00, 051200: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view
Greece	CONFER 4719/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view
Ireland	No formal position paper	No formal position paper	No evidence found	No evidence found	No evidence found

<b>Court of Auditors</b> <i>Instruction</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Preparatory Group, 250200
Italy	CONFER 4717/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view
Portugal	No formal position paper	No formal position paper	No evidence found	No evidence found	No evidence found
Spain	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view
Sweden	No formal position paper	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: no support for Dutch view
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No evidence found	No evidence found	No evidence found
European Parliament	CONFER 4736/00, 030500: no preference	No formal position paper	No evidence found	No evidence found	FA/DIE report, 280200: support for Dutch view
Court of Auditors	CONFER 4738/00, 020500: no preference	No formal position paper	No evidence found	No evidence found	No participant

Table 3 Explaining the extent of the Dutch cabinet's influence for the Court of Auditors (domestic actors and factors)

<b>Court of Auditors</b>	Domestic actors and factors
Dutch cabinet	No evidence found in the data
Austria	
Belgium	
Denmark	
Finland	
France	
Germany	
Greece	

Court of Auditors		Domestic actors and factors	
Ireland		No evidence found in the data	
Italy			
Luxembourg			
Portugal			
Spain			
Sweden			
United Kingdom			
European Commission			
European Parliament			

Table 4 Explaining the extent of the Dutch cabinet's influence for the Court of Auditors (contextual variables) (see summary Tables 7.6-7.8)

Court of Auditors	Size	SOA	Contact Committee	Appeal ECJ	Instruction
Negotiation level	Level 3	Level 3	Level 3	Level 3	Not applicable (non-decision)
	- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300)	- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300)	- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300)	- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300)	- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300)
	- PG, 160500 on basis of CONFER 4741/00, 110500 (Commission reports, unknown date and 190500)	- PG, 160500 on basis of CONFER 4741/00, 110500 (Commission reports, unknown date and 190500)	- PG, 160500 on basis of CONFER 4741/00, 110500 (Commission report, unknown date)	- PG, 250900 on basis of CONFER 4773/00, 250900 (Commission report, 250900)	- PG, 250900 on basis of CONFER 4773/00, 250900 (Commission report, 250900)
	- PG, 250900 on basis of CONFER 4773/00, 200900 (FA/DIE report, 250900)	- PG, 250900 on basis of CONFER 4773/00, 200900 (FA/DIE report, 250900)	- PG, 250900 on basis of CONFER 4773/00, 200900 (FA/DIE report, 250900)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date) (possibly)
	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date) (possibly)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date) (possibly)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date) (possibly)
	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)
	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)
	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)
	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)
	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)	- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date)
Median: 3		Median: 2.5 (-3)		Median: 2.5 (-3)	

Court of Auditors	Size	SOA	Contact Committee	Appeal ECJ	Instruction
Negotiation timing	<ul style="list-style-type: none"> <li>- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300); IGC week 2</li> <li>- PG, 160500 on basis of CONFER 4741/00, 110500 (Commission reports, unknown date and 190500); IGC week 14</li> <li>- PG, 250900 on basis of CONFER 4773/00, 200900 (FA/DIE report, 280900; Commission report, 250900); IGC week 33</li> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date); IGC week 41</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300); IGC week 2 (possibly)</li> <li>- PG, 250900 on basis of CONFER 4773/00, 200900 (FA/DIE report, 280900; Commission report, 250900); IGC week 33</li> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory note, unknown date); IGC week 41</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300); IGC week 2 (possibly)</li> <li>- PG, 250900 on basis of CONFER 4773/00, 200900 (FA/DIE report, 280900; Commission report, 250900); IGC week 33</li> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date); IGC week 41 (possibly)</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42 (probably)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43 (possibly)</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE report, 280200; Commission report, 140300); IGC week 2 (possibly)</li> <li>- PG, 250900 on basis of CONFER 4773/00, 200900 (FA/DIE report, 280900; Commission report, 250900); IGC week 33</li> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date); IGC week 41 (possibly)</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42 (probably)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43 (possibly)</li> </ul>	Not applicable (non-decision)
External events and developments	<ul style="list-style-type: none"> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date); IGC week 41</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory note, unknown date); IGC week 41</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory note, unknown date); IGC week 41 (possibly)</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42 (probably)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43 (possibly)</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date); IGC week 41 (possibly)</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42 (probably)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43 (possibly)</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 251100 on basis of CONFER 4790/00, 031100 and CONFER 4810/00, 231100 (Commission preparatory notes, 141100 and unknown date); IGC week 41 (possibly)</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42 (probably)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43 (possibly)</li> </ul>
Average IGC week number: 29.2	Average IGC week number: 39.8 (-32.2)	Average IGC week number: 33 (-29.2)	Average IGC week number: 37.5 (-32.2)		
1) Impending enlargement: constraining Dutch cabinet	1) Stepping down Santer Commission (0399); enabling Dutch cabinet	1) Stepping down Santer Commission (0399); enabling Dutch cabinet	1) Stepping down Santer Commission (0399); enabling Dutch cabinet	1) Stepping down Santer Commission (0399); enabling Dutch cabinet	1) Stepping down Santer Commission (0399); enabling Dutch cabinet
	3) FA/DIE note, 170699; 'momentum for reforms'	3) FA/DIE note, 170699; 'momentum for reforms'	3) FA/DIE note, 170699; 'momentum for reforms'	3) FA/DIE note, 170699; 'momentum for reforms'	3) FA/DIE note, 170699; 'momentum for reforms'

Table 5 Explaining the extent of the Dutch cabinet's influence for the ESDP (influence resources) (see summary Tables 7.10-7.12)

ESDP	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
Dutch cabinet	No: in favour of A for all issues	No: no majority in favour of A for all issues	Benelux	- Yes: on Treaty change, NATO and Military Staff issues - No (different preferences): 2) On PSC issue, different preferences within same part (DVB director: A and DIE director: B) (FA/DIE note, 170500)

ESDP	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
Austria	<ul style="list-style-type: none"> <li>- Yes: in favour of A&gt;C on Treaty change issue</li> <li>- No: Unknown (preference) on other issues</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of A&gt;C on Treaty change issue</li> <li>- Unknown (preference) on other issues</li> </ul>	<i>Italy + Benelux</i> <ul style="list-style-type: none"> <li>- Letter Italy with draft proposals, 310500 (FA/DIE, 310500)</li> <li>- Invitation Italy for meeting in Rome on 300600, 220600 (FA/DIE, 220600)</li> <li>- Letter (reaction) Dutch cabinet to Italy, 230600 (FA/DIE, 230600)</li> <li>- Meeting in Rome, 300600 (FA/DIE report, 040700)</li> <li>- Draft proposals Italy, unknown date (FA/DIE note, 130700)</li> <li>- Meeting Dutch cabinet and Italy in margins PG of 140700 (FA/DIE, 210700)</li> <li>- Letter (reaction) Dutch cabinet to Italy, 210700 (FA/DIE, 210700)</li> <li>- Meeting in The Hague, 280800 (FA/DIE report, unknown date)</li> <li>- Letter Dutch cabinet, 280800 (FA/DIE, 280800)</li> <li>- Meeting with Italy, 120900 (FA/DIE Rome embassy report, 120900)</li> <li>- Draft letter Dutch cabinet, 140900 (FA/DIE, 140900)</li> <li>- Meetings in margins GAC of 091000 and Biarritz EC of 13-141000 (FA/DIE memo, 13 or 141000)</li> <li>- Meeting with Belgium, 161100 (FA/DIE preparatory note for Belgian-Dutch conference), 201100</li> <li>- Belgian-Dutch conference, 201100 (possibly) (FA/DIE preparatory note, 201100)</li> <li>- Contact with Italy, unknown date (FA/DIE memo, 231100)</li> <li>- Contact with Belgium, unknown date (FA/DIE memo, 231100)</li> <li>- Contact with Luxembourg, unknown date (FA/DIE memo, 231100)</li> </ul>	No evidence found on internal divisiveness
Belgium	<ul style="list-style-type: none"> <li>- Yes: in favour of A/C on Treaty change issue</li> <li>- No: in favour of A on PSC issue</li> <li>- Unknown (preference) on other issues</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of A/C on Treaty change issue and of A on PSC issue</li> <li>- Unknown (preference) on other issues</li> </ul>	See Dutch cabinet	No evidence found on internal divisiveness
Denmark	No: in favour of C on Treaty change issue and of B on other issues	No: no majority in favour of C on Treaty change issue and of B on other issues	No evidence found	No evidence found on internal divisiveness
Finland	<ul style="list-style-type: none"> <li>- Yes: in favour of C&gt;A on Treaty change issue</li> <li>- No: in favour of A on PSC issue and of B on NATO and Military Staff issues</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of C&gt;A on Treaty change issue, of A on PSC issue and of B on NATO and Military Staff issues</li> </ul>	No evidence found	No evidence found on internal divisiveness

ESDP	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
France	No: in favour of C on Treaty change issue and of B on other issues	No: no majority in favour of C on Treaty change issue and of B on other issues	- Agreement between UK and France on political Declaration (option B of Treaty change issue), unknown date (FA/DIE London embassy note, 150500; FA/DIE report of meeting between Dutch cabinet and UK, 161100) - Germany and UK promise support to French Presidency on ESDP dossier, unknown date (FA/DIE report PG of 301000, 311000; FA/DIE preparatory note for Nice EC of 7-11200, unknown date)	No evidence found on internal divisiveness
Germany	- Yes: in favour of A/C on Treaty change issue - No: in favour of A on PSC issue - Unknown (preference) on other issues	- No: no majority in favour of A/C on Treaty change issue and of A on PSC issue - Unknown (preference) on other issues	See France	- No (different preferences): 2) On Treaty change issue, different preferences within same part (DGES: A and DGPZ: C) (FA/DIE Berlin embassy note, 160500 and 300500) - No evidence found on internal divisiveness on other issues
Greece	- No: in favour of A on Treaty change, PSC and Military Staff issues - Unknown (preference) on NATO issue	- No: no majority in favour of A on Treaty change, PSC and Military Staff issues - Unknown (preference) on NATO issue	No evidence found	- No (different actions): 2) On Treaty change issue, different actions during different (IGC) meetings (PG, 301000: A and PoCo, 311000: C) (FA/DIE reports, 311000 and 011100, respectively) - No evidence found on internal divisiveness on other issues
Ireland	No: in favour of C on Treaty change issue and of B on other issues	No: no majority in favour of C on Treaty change issue and of B on other issues	No evidence found	No evidence found on internal divisiveness
Italy	- No: in favour of A on Treaty change and PSC issues - Unknown (preference) on other issues	- No: no majority in favour of A on Treaty change and PSC issues - Unknown (preference) on other issues	See Dutch cabinet	No evidence found on internal divisiveness
Luxembourg	- Yes: in favour of A/C on Treaty change issue - Unknown (preference) on other issues	- No: no majority in favour of A/C on Treaty change issue - Unknown (preference) on other issues	See Dutch cabinet	No evidence found on internal divisiveness
Portugal	Unknown (preference) on all issues	Unknown (preference) on all issues	No evidence found	No evidence found on internal divisiveness
Spain	No: in favour of C on Treaty change issue and of B on other issues	No: no majority in favour of C on Treaty change issue and of B on other issues	No evidence found	No evidence found on internal divisiveness
Sweden	No: in favour of C on Treaty change issue and of B on other issues	No: no majority in favour of C on Treaty change issue and of B on other issues	No evidence found	No evidence found on internal divisiveness

ESDP	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
United Kingdom	No: in favour of C on Treaty change issue, of A on PSC issue and of B on NATO and Military Staff issues	No: no majority in favour of C on Treaty change issue, of A on PSC issue and of B on NATO and Military Staff issues	See France	No evidence found on internal divisiveness
European Commission	- No: in favour of A on Treaty change issue - Unknown (preference) on other issues	- No: no majority in favour of A on Treaty change issue - Unknown (preference) on other issues	No evidence found	No evidence found on internal divisiveness
European Parliament	- Yes: in favour of A/C on Treaty change issue and of A/B on PSC issue - Unknown (preference) on other issues	- No: no majority in favour of A/C on Treaty change issue and of A/B on PSC issue - Unknown (preference) on other issues	No evidence found	No evidence found on internal divisiveness
Council Secretariat	- Yes: in favour of C>A on Treaty change issue - No: in favour of A on PSC issue and of B on NATO and Military Staff issues	No: no majority in favour of C>A on Treaty change issue, of A on PSC issue and of B on NATO and Military Staff issues	No evidence found	No evidence found on internal divisiveness

Table 6 Explaining the extent of the Dutch cabinet's influence for the ESDP (influence attempts) (see summary Tables 7.9 and 7.13)

Table 6a Treaty change

ESDP Treaty change	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Dutch cabinet	CONFER 4720/00, 060300: A	- CONFER 4721/00, 070300: A/C (1 <sup>st</sup> ) Benelux memo - CONFER 4787/00, 191000: A (2 <sup>nd</sup> ) Benelux memo - CONFER 4788/00, 231000: A	- Joint written: Joint text of Italy and Dutch cabinet, 140300: A (FA/DIE 240400) Rome embassy note, 150300 - Individual written: No evidence found in the data	- Meeting with UK, 140400 (FA/DIE report, 140400) - Telephonic contact between Kok and Chirac (France), unknown date (probably) (FA/DIE preparatory note, 240400) - Meeting with France, 280400 (FA/DIE report, unknown date) - Meeting with UK, unknown date (probably) (FA/DIE preparatory note, 170500) - Meeting with Council Secretariat (Solana), 050600 (FA/DIE report, unknown date) - Meeting with France, 280800 (FA/DIE report, unknown date) - Meeting with Spain, 060900 (probably) (FA/DIE/Closer cooperation preparatory note, unknown date) - Meeting with France, 110900 (FA/DIE report, unknown date) - Meeting with Italy, 120900 (FA/DIE Rome embassy report, 120900) - Meeting with Sweden, 130900 (FA/DIE report, unknown date) - Meeting with Germany, 191000 (FA/DIE Berlin embassy report, 201000) - Telephonic contact with Germany, unknown date (FA/DIE e-mail, 191000) - Meeting with Denmark, unknown date (FA/DIE Copenhagen embassy report, 201000) - Meeting with Austria and Sweden in margins PG of 231000: A (FA/DIE report, 241000) - Meeting with Finland, 141100 (probably) (FA/DIE preparatory note, unknown date)

ESDP Treaty change	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
				<ul style="list-style-type: none"> <li>- Meeting with UK, 161100 (FA/DIE report, unknown date)</li> <li>- Meeting with France, 231100 (FA/DIE memo, 231100)</li> <li>- Conversation Kok-Chirac (France), unknown date (probably 1200) (FA/DIE/Weighting of votes preparatory note, unknown date)</li> <li>- Meeting with Ireland, 031200 (Interview with former State Secretary Benschop, 101202)</li> </ul>
Austria	CONFER 4712/00, 150200: A>C	No formal position paper	No evidence found	See Dutch cabinet
Belgium	No formal position paper	<ul style="list-style-type: none"> <li>- CONFER 4721/00, 070300: A/C (1<sup>st</sup>: Benelux memo)</li> <li>- CONFER 4787/00, 191000: A (2<sup>nd</sup> Benelux memo)</li> <li>- CONFER 4788/00, 231000: A</li> </ul>	No evidence found	No evidence found
Denmark	CONFER 4722/00, 070300: C>A (unclear)	No formal position paper	No evidence found	See Dutch cabinet
Finland	CONFER 4723/00, 070300: C>A	No formal position paper	No evidence found	See Dutch cabinet
France	No formal position paper	No formal position paper	<ul style="list-style-type: none"> <li>- Individual written:</li> <li>- Draft Declaration for Nice on future Treaty change, 140900: B (FA/DIE note, 140900)</li> <li>- Draft text on future Treaty change, 301100: B (Commission report, 301100)</li> <li>- Joint written:</li> </ul>	See Dutch cabinet
Germany	CONFER 4733/00, 300300: A/C	No formal position paper	No evidence found	See Dutch cabinet
Greece	CONFER 4719/00, 030300: A	No formal position paper	No evidence found	No evidence found
Ireland	No formal position paper	No formal position paper	No evidence found	See Dutch cabinet
Italy	CONFER 4717/00, 030300: A	No formal position paper	<ul style="list-style-type: none"> <li>- Joint written:</li> <li>Joint text of Italy and Dutch cabinet, 140300: A (FA/DIE Rome embassy note, 150300)</li> <li>- Individual written:</li> </ul>	See Dutch cabinet
			No evidence found	



<b>ESDP</b> <i>Treaty change</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: A/C (1 <sup>st</sup> ) Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> ) Benelux memo) - CONFER 4788/00, 231000: A	No evidence found	No evidence found
Portugal	No formal position paper	No formal position paper	No evidence found	No evidence found
Spain	No formal position paper	No formal position paper	No evidence found	See Dutch cabinet
Sweden	No formal position paper	No formal position paper	No evidence found	See Dutch cabinet
United Kingdom	CONFER 4718/00, 030300: A/C	No formal position paper	No evidence found	See Dutch cabinet
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No evidence found	No evidence found
European Parliament	CONFER 4736/00, 030500: A/C	No formal position paper	No evidence found	No evidence found
Council Secretariat	No formal opinion paper	No formal position paper	- Individual written: - Advice on necessity of Treaty change 080500: C>A - Paper 'Suggestions for EU crisis management procedures'; 1000: C - Joint written: No evidence found	See Dutch cabinet

Table 6b Treaty change (formal and informal (IGC) meetings)

<b>ESDP</b> <i>Treaty change</i>	Conclave (informal GAC), 06-070500 (FA/120500) DIE report, 090500)	PoCo, 110500 (FA/120500) DIE report, 070600)	PoCo, 050600 (FA/290900) DIE report, 070600)	iPSC, 280900 (FA/DIE report, 290900)	Blairitz European Council, 13-141000 (Italy and Benelux proposals, 131000 (Commission fax, 161000))	iPSC, 271000 (FA/DIE report, 301000)	Preparatory Group, 301000 (FA/DIE report, 311000; Commission report, 311000)	PoCo, 311000 (FA/DIE report, 011100)	iPSC, 081100 (FA/DIE report, 101100)	PoCo, 141100 (FA/DIE report, 161100)	COREPER II, 161100 (FA/DIE report, 161100)	iPSC, 161100 (FA/DIE report, 161100)
Dutch cabinet	FA/DIE preparatory note, 090300: A (probably)	A	A	A	A	A (implicit)	A	A	A (implicit)	A (implicit)	FA/DIE preparatory note, 161100: A (probably)	A

ESDP <i>Treaty change</i>	iPSC, 100300	Conclave (informal GAC), 06-070500 (FA/DIE report, 090500)	PoCo, 110500 (FA/DIE report, 120500)	PoCo, 050600 (FA/DIE report, 070600)	iPSC, 280900 (FA/DIE report, 290900)	Biarritz European Council, 13-141000 (Italy and Benelux proposals, 131000 (Commission fax, 161000))	iPSC, 271000 (FA/DIE report, 301000)	Preparatory Group, 301000 (FA/DIE report, 011100)	PoCo, 311000 (FA/DIE report, 011100)	iPSC, 081100 (FA/DIE report, 101100)	PoCo, 141100 (FA/DIE report, 161100)	COREPER II, 161100	iPSC, 161100 (FA/DIE report, 161100)
Austria	No evidence found	No evidence found	No evidence found	C	A	No evidence found	No evidence found	A/C	A	A (implicit)	No evidence found	No evidence found	A
Belgium	No evidence found	No evidence found	A/B	A	A/C	A	A (implicit)	A	B (Declaration)	B/C	No preference expressed	No evidence found	A
Denmark	No evidence found	No evidence found	No evidence found	C	No evidence found	No evidence found	No evidence found	C	No evidence found	B/C (implicit)	No evidence found	No evidence found	No evidence found
Finland	No evidence found	No evidence found	No evidence found	C	No evidence found	No evidence found	No evidence found	C>A	C	No evidence found	No evidence found	No evidence found	No evidence found
France	No evidence found	No evidence found	C/B	C	C (Treaty change discussion out of order, because it belongs to IGC; Presidency)	No evidence found	No evidence found	C	B (Declaration; Presidency)	B/C (implicit)	A/B-C (Presidency)	No evidence found	No evidence found
Germany	No evidence found	A/C	C/B	C	C	No evidence found	No evidence found	B/C>A	B (sympathy for Declaration)	B/C (implicit)	B (Declaration)	No evidence found	No evidence found
Greece	No evidence found	No evidence found	C/B	C	No evidence found	No evidence found	No evidence found	A	C	No evidence found	No evidence found	No evidence found	No evidence found
Ireland	No evidence found	C	C	C	No evidence found	No evidence found	No evidence found	C	C	B/C (implicit)	No evidence found	No evidence found	No evidence found
Italy	No evidence found	No evidence found	C/B	A	A	A	A (implicit)	A	A	A (implicit)	A (implicit)	No evidence found	A
Luxembourg	No evidence found	No evidence found	No evidence found	A	A	A	A (implicit)	A	No evidence found	A (implicit)	A (implicit)	No evidence found	A

<b>ESDP</b> <i>Treaty change</i>	iPSC, 100300	Conclave (informal GAC), 06-070500 (FA/DIE report, 090500)	PoCo, 110500 (FA/DIE report, 120500)	PoCo, 050600 (FA/DIE report, 070600)	iPSC, 280900 (FA/DIE report, 290900)	Biarritz European Council, 13-141000 (Italy and Benelux proposals, 131000 (Commission fax, 161000))	iPSC, 271000 (FA/DIE report, 301000)	Preparatory Group, 301000 (FA/DIE report, 011100) 311000; Commission report, 311000)	PoCo, 311000 (FA/DIE report, 011100)	iPSC, 081100 (FA/DIE report, 101100)	PoCo, 141100 (FA/DIE report, 161100)	COREPER II, 161100	iPSC, 161100 (FA/DIE report, 161100)
Portugal	No evidence found	No evidence found	No evidence found	A/C (Presidency)	No evidence found	'Issue of possible Treaty change is situated in IGC'	No evidence found	A/C	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Spain	No evidence found	No evidence found	C	C	No evidence found	No evidence found	No evidence found	A/B-C	B (sympathy for Declaration)	No evidence found	A/B-C	No evidence found	No evidence found
Sweden	No evidence found	No evidence found	No evidence found	C	No evidence found	No evidence found	No evidence found	A/C	C (but proposals are 'elegant and understandable')	No evidence found	No evidence found	No evidence found	No evidence found
United Kingdom	No evidence found	A/C	C	C	C	No evidence found	No evidence found	No evidence found	C	B/C (implicit)	No evidence found	No evidence found	No evidence found
European Commission	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	C>A	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
European Parliament	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	A	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Council	No evidence found	No evidence found	C>A	No evidence found	No evidence found	No evidence found	No evidence found	C	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Secretariat	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found

Table 6c Treaty change (formal and informal (IGC) meetings continued)

<b>ESDP</b> <i>Treaty change</i>	Conclave (informal GAC), 191100	General Affairs Council, 201100	COREPER, 221100 (FA/DIE report, 231100)	PoCo, 281100 (Commission report, 301100; FA/DIE preparatory note for Benelux summit of 011200, unknown date)	COREPER, 291100	General Affairs Council, 041200 (FA/DIE report, 041200)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)
Dutch cabinet	A (probably)	A	A	A (B as second-best)	No evidence found	A	A
Austria	No evidence found	A	No evidence found	No evidence found	No evidence found	A	No evidence found
Belgium	A (possibly)	No preference expressed	A	No evidence found	No evidence found	B (Declaration)	No evidence found
Denmark	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	B (Declaration)	No evidence found

ESDP <i>Treaty change</i>	Conclave (informal GAC), 191100 (FA/DIE preparatory note, unknown date)	General Affairs Council, 201100 (Council report, unknown date; FA/DIE report, 211100)	COREPER, 221100 (FA/DIE report, 231100)	PoCo, 281100 (Commission report, 301100; FA/DIE preparatory note for Benelux summit of 011200, unknown date)	COREPER, 291100	General Affairs Council, 041200 (FA/DIE report, 041200)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)
	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	B/C	Gives up (probable) resistance to A
	No evidence found	B (Declaration; Presidency)	No evidence found	Proposes including Treaty change issue as part of broader ESDP package to be presented to Nice EC (A/C), but preference for B (Presidency)	No evidence found	No evidence found	Gives up resistance to A
	No evidence found	B (Declaration)	No evidence found	No evidence found	No evidence found	B (Declaration)	No evidence found
	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
	No evidence found	C	No evidence found	No evidence found	No evidence found	C	Gives up resistance to A
	A (possibly)	A	B (probably)	B	FA/DIE report, 291100: B	A	No evidence found
	A (possibly)	A	A	A (B as second-best)	No evidence found	A	No evidence found
	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
United Kingdom European Commission European Parliament Council Secretariat	No evidence found	B (Declaration)	No evidence found	No evidence found	No evidence found	A/C	Gives up (probable) resistance to A
	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
	No evidence found	No participant	No participant	No participant	No participant	No participant	No participant
	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Table 6d PSC							
ESDP <i>PSC</i>	Formal individual written proposals		Formal joint written proposals		Semi-formal individual and joint written proposals		
	Informal bilateral and multilateral contacts						
Dutch cabinet	CONFER 4720/00, 060300: A	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) - CONFER 4788/00, 231000: A		- Joint written: Joint text of Italy and Dutch cabinet, 140300: A (implicit) (FA/DIE Rome embassy note, 150300) - Individual written: No evidence found		See Table 6a (Treaty change)	
Austria	CONFER 4712/00, 150200: no preference	No evidence found		No evidence found		See Dutch cabinet	

ESDP PSC	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Belgium	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo) - CONFER 4788/00, 231000: A	No evidence found	No evidence found
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No evidence found	See Table 6a (Treaty change)
Finland	CONFER 4723/00, 070300: A (possibly)	No formal position paper	No evidence found	See Table 6a (Treaty change)
France	No formal position paper	No formal position paper	No evidence found	See Table 6a (Treaty change)
Germany	CONFER 4733/00, 300300: no preference	No formal position paper	No evidence found	See Table 6a (Treaty change)
Greece	CONFER 4719/00, 030300: A (unclear)	No formal position paper	No evidence found	No evidence found
Ireland	No formal position paper	No formal position paper	No evidence found	See Table 6a (Treaty change)
Italy	CONFER 4717/00, 030300: no preference	No formal position paper	Joint text of Italy and Dutch cabinet, 140300: A (implicit) (FA/DIE Rome embassy note, 150300)	See Table 6a (Treaty change)
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo) - CONFER 4788/00, 231000: A	No evidence found	No evidence found
Portugal	No formal position paper	No formal position paper	No evidence found	No evidence found
Spain	No formal position paper	No formal position paper	No evidence found	See Table 6a (Treaty change)
Sweden	No formal position paper	No formal position paper	No evidence found	See Dutch cabinet and Table 6a (Treaty change)
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No evidence found	See Table 6a (Treaty change)
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No evidence found	No evidence found
European Parliament	CONFER 4736/00, 030500: A/B (in the case of Treaty change)	No formal position paper	No evidence found	No evidence found
Council Secretariat	No formal opinion paper	No formal position paper	- Individual written: - Advice on necessity of Treaty change, 080500: A - Paper 'Suggestions for EU crisis management procedures', 1000: B - Joint written: No evidence found	See Table 6a (Treaty change)

Table 6e PSC (formal and informal (IGC) meetings)

ESDP	Conclave (informal GAC), 06-070500	PoCo, 050600 (FA/DIE report, 070600)	iPSC, 280900 (FA/DIE report, 290900)	Biarritz European Council, 13-141000 (Italy and Benelux proposals, 13 1000 (Commission fax, 161000))	Preparatory Group, 301000 (FA/DIE report, 311000; Commission report, 311000)	iPSC, 081100 (FA/DIE report, 101100)	General Affairs Council, 201100 (Council report, unknown date; FA/DIE report, 211100)	General Affairs Council, 041200 (FA/DIE report, 041200)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)
Dutch cabinet	FA/DIE report, 090500; A	A	No evidence found	A	A	No evidence found	A	A	A
Austria	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	A	A	No evidence found
Belgium	No evidence found	A	No evidence found	A	A	No evidence found	No preference expressed	No evidence found	No evidence found
Denmark	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Finland	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
France	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	B	No evidence found	No evidence found
Germany	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	PSC mandate requires Treaty change'	B	No evidence found	No evidence found
Greece	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Ireland	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	B	No evidence found	No evidence found
Italy	No evidence found	A	No evidence found	A	A	No evidence found	A	A	No evidence found
Luxembourg	No evidence found	A	No evidence found	A	A	No evidence found	A	A	No evidence found
Portugal	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Spain	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	PSC mandate requires Treaty change'	No evidence found	No evidence found	No evidence found
Sweden	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
United Kingdom	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	PSC mandate requires Treaty change'	B	No evidence found	No evidence found

<b>ESDP</b> PSC	Conclave (informal GAC), 06-070500	PoCo, 050600 (FA/DIE report, 070600)	IPSC, 280900 (FA/DIE report, 290900)	Blaritz European Council, 13-141000 (Italy and Benelux proposals, 13 1000 (Commission fax, 16 1000))	Preparatory Group, 301000 (FA/DIE report, 311000; Commission report, 311000)	IPSC, 081100 (FA/DIE report, 101100)	General Affairs Council, 201100 (Council report, unknown date; FA/DIE report, 211100)	General Affairs Council, 041200 (FA/DIE report, 041200)	Nice European Council, 07-111200
European Commission	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
European Parliament	No participant	No participant	No participant	No participant	No evidence found	No participant	No participant	No participant	No participant
Council Secretariat	No evidence found	No evidence found	B	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found

Table 6f NATO

<b>ESDP</b> NATO	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Dutch cabinet	CONFER 4720/00, 060300: A	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo) - CONFER 4788/00, 231000: A	- Joint written: Joint text of Italy and Dutch cabinet, 140300: no preference (FA/DIE Rome embassy note, 150300) - Individual written: No evidence found	See Table 6a (Treaty change)
Austria	CONFER 4712/00, 150200: no preference	No formal position paper	No evidence found	Meeting with Dutch cabinet and Sweden in margins PG of 231000: 'A is appealing element of proposals' (FA/DIE report, 241000)
Belgium	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo) - CONFER 4788/00, 231000: A	No evidence found	No evidence found
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No evidence found	See Table 6a (Treaty change)
Finland	CONFER 4723/00, 070300: no preference	No formal position paper	No evidence found	See Table 6a (Treaty change)
France	No formal position paper	No formal position paper	No evidence found	See Table 6a (Treaty change)
Germany	CONFER 4733/00, 300300: no preference	No formal position paper	No evidence found	See Table 6a (Treaty change)
Greece	CONFER 4719/00, 030300: no preference	No formal position paper	No evidence found	No evidence found

ESDP MATO	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Ireland	No formal position paper	No formal position paper	No evidence found	See Table 6a (Treaty change)
Italy	CONFER 4717/00, 030300: no preference	No formal position paper	- Joint written: Joint text of Italy and Dutch cabinet, 140300: no preference (FA/DIE Rome embassy note, 150300) - Individual written: No evidence found	See Table 6a (Treaty change)
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo) - CONFER 4788/00, 231000: A	No evidence found	No evidence found
Portugal	No formal position paper	No formal position paper	No evidence found	No evidence found
Spain	No formal position paper	No formal position paper	No evidence found	See Table 6a (Treaty change)
Sweden	No formal position paper	No formal position paper	No evidence found	- Meeting with Dutch cabinet and Austria in margins PG of 231000: 'A' is appealing element of proposals' (FA/DIE report, 241000) - Bilateral contacts: See Table 6a (Treaty change)
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No evidence found	See Table 6a (Treaty change)
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No evidence found	No evidence found
European Parliament	CONFER 4736/00, 030500: no preference	No formal position paper	No evidence found	No evidence found
Council Secretariat	No formal opinion paper	No formal position paper	- Individual written: - Advice on necessity of Treaty change, 080500: no preference - Paper 'Suggestions for EU crisis management procedures', 1000: no preference - Joint written: No evidence found	See Table 6a (Treaty change)



Table 6g NATO (formal and informal (IGC) meetings)

<b>ESDP</b> <b>NATO</b>	Conclave (informal GAC), 06-070500	Biarritz European Council, 13-141000 (Italy and Benelux proposals, 131000 (Commission fax, 161000))	Preparatory Group, 301000 (FA/DIE report, 311000; Commission report, 311000)	General Affairs Council, 201100 (Council report, unknown date; FA/DIE report, 211100)	General Affairs Council, 041200 (FA/DIE report, 041200)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)
Dutch cabinet	FA/DIE report, 090500: A	A	A	A	A	A
Austria	No evidence found	No evidence found	No evidence found	A	A	No evidence found
Belgium	No evidence found	A	A	No preference expressed	No evidence found	No evidence found
Denmark	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Finland	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
France	No evidence found	No evidence found	No evidence found	B	No evidence found	No evidence found
Germany	No evidence found	No evidence found	No evidence found	B	No evidence found	No evidence found
Greece	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Ireland	No evidence found	No evidence found	No evidence found	B	No evidence found	No evidence found
Italy	No evidence found	A	A	A	A	No evidence found
Luxembourg	No evidence found	A	A	A	A	No evidence found
Portugal	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Spain	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Sweden	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
United Kingdom	No evidence found	No evidence found	No evidence found	B	No evidence found	No evidence found
European Commission	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
European Parliament	No participant	No participant	No evidence found	No participant	No participant	No participant
Council Secretariat	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found

Table 6h Military Staff

<b>ESDP</b> <b>Military Staff</b>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Formal and informal (IGC) meetings
Dutch cabinet	CONFER 4720/00, 060300: A	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo) - CONFER 4788/00, 231000: no preference	- Joint written: Joint text of Italy and Dutch cabinet, 140300: A (implicit) (FA/DIE Rome embassy note, 150300) - Individual written: No evidence found	No evidence found	No evidence found
Austria	CONFER 4712/00, 150200: no preference	No evidence found	No evidence found		

EDP Military Staff	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Formal and informal (IGC) meetings
Belgium	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo) - CONFER 4788/00, 231000: no preference	No evidence found	No evidence found	No evidence found
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No evidence found		
Finland	CONFER 4723/00, 070300: no preference	No formal position paper	No evidence found		
France	No formal position paper	No formal position paper	No evidence found		
Germany	CONFER 4733/00, 300300: no preference	No formal position paper	No evidence found		
Greece	CONFER 4719/00, 030300: A (unclear)	No formal position paper	No evidence found		
Ireland	No formal position paper	No formal position paper	No evidence found		
Italy	CONFER 4717/00, 030300: no preference	No formal position paper	- Joint written: Joint text of Italy and Dutch cabinet, 140300: A (implicit) (FA/DIE Rome embassy note, 150300) - Individual written: No evidence found		
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (implicit) (2 <sup>nd</sup> Benelux memo) - CONFER 4788/00, 231000: no preference	No evidence found		
Portugal	No formal position paper	No formal position paper	No evidence found		
Spain	No formal position paper	No formal position paper	No evidence found		
Sweden	No formal position paper	No formal position paper	No evidence found		
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No evidence found		
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No evidence found		

ESDP Military Staff	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts	Formal and informal (IGC) meetings
European Parliament	CONFER 4736/00, 030500: no preference	No formal position paper	No evidence found		
Council Secretariat	No formal opinion paper	No formal position paper	- Individual written: - Advice on necessity of Treaty change, 080500: no preference - Paper 'Suggestions for EU crisis management procedures', 1000: no preference - Joint written: No evidence found		

Table 7 Explaining the extent of the Dutch cabinet's influence for the ESDP (domestic actors and factors) (see summary Table 7.14)

ESDP	Domestic actors and factors
Dutch cabinet	Parliament Enabled: 3) - PoCo, 311000: 'The Dutch cabinet could have a problem with ratification in the case of no ESDP Treaty changes' (FA/DIE report, 011100) - Meeting with Finland, 141100: 'It will be very hard to convince our parliament...' ('speaking point') (FA/DIE preparatory note, unknown date) - Possible bilateral conversations with Denmark and Ireland at the Balkan summit, 241100: Dutch position is, just like theirs, related to open concerns of the national parliament (instruction/'speaking point') (FA/DIE preparatory memo, 231100)
Austria	Parliament Enabled: 4) 'Neutral countries are afraid of parliamentary discussion' (according to France) (FA/DIE Paris embassy report, 010900) Parliament and/or referendum ('ratification') Enabled: 4) and/or 3) - Feared that (neutral) member states could not agree with the Nice result as a whole because of ESDP Treaty change' (according to Germany) (FA/DIE Berlin embassy report, 201000) - 'The content of the [Italy and Benelux] proposals is okay, but the problem is the neutral countries' (according to Germany) (FA/DIE e-mail, 191000)
Belgium	No evidence found in the data
Denmark	Parliament Enabled: 4) 'Position is related to open concerns of the national parliament' (according to Dutch cabinet) (FA/DIE memo, 231100)

ESDP	Domestic actors and factors
	<p>Parliament and/or referendum ('ratification')</p> <p>Enabled:</p> <p>4) and/or 3) - 'Well-known sensitivities' (FA/DIE Rome embassy note, 150300)</p> <p>- 'Afraid of implications of Treaty change for the ratification process' (according to Germany) (FA/DIE Berlin embassy note, 181000)</p> <p>- 'ESDP Treaty change may result in ratification problems' (according to UK) (FA/DIE London embassy note, 201000)</p> <p>3) and/or 2) - 'Worry' (FA/DIE report, 070600)</p> <p>- 'Agreeing in Nice on ESDP will ensure an instant result, which (...) might have better chances to be passed through some of our national procedures' (according to Dutch cabinet) (FA/DIE preparatory memo for Balkan summit of 241 100, 231100)</p> <p>Referendum</p> <p>Enabled:</p> <p>2) 'Real chance of a referendum' (according to Denmark) (FA/DIE Copenhagen embassy report, 201000)</p> <p>Public opinion</p> <p>Enabled:</p> <p>2) 'Worry' (FA/DIE report, 070600)</p> <p>Events and political conflicts</p> <p>Enabled:</p> <p>1) Danish 'no' during referendum on possible introduction of the euro, 280900</p>
Finland	<p>Parliament</p> <p>Enabled:</p> <p>4) 'Neutral countries are afraid of parliamentary discussion' (according to France) (FA/DIE Paris embassy report, 010900)</p> <p>Parliament and/or referendum ('ratification')</p> <p>Enabled:</p> <p>4) and/or 3) - 'Well-known sensitivities' (FA/DIE Rome embassy note, 150300)</p> <p>- 'Feared that (neutral) member states could not agree with the Nice result as a whole because of ESDP Treaty change' (according to Germany) (FA/DIE Berlin embassy report, 201000)</p> <p>- 'The content of the [Italy and Benelux] proposals is okay, but the problem is the neutral countries' (according to Germany) (FA/DIE e-mail, 191000)</p> <p>3) and/or 2) - 'Worry' (FA/DIE report, 070600)</p> <p>- 'Agreeing in Nice on ESDP will ensure an instant result, which (...) might have better chances to be passed through some of our national procedures' (according to Dutch cabinet) (FA/DIE preparatory memo for Balkan summit of 241 100, 231100)</p> <p>Referendum</p> <p>Enabled:</p> <p>3) 'Anxious about the outcome of any referendum' (according to Dutch cabinet) (FA/DIE preparatory note for meeting with Finland on 141 100, unknown date)</p> <p>Public opinion</p> <p>Enabled:</p> <p>2) 'Worry' (FA/DIE report, 070600)</p>

ESDP	Domestic actors and factors
France	Parliament
	Enabled:
	4) 'Government (possibly) wants to prevent a debate on defence in the parliament' (according to Dutch cabinet) (FA/DIE Brussels embassy note, 261000)
	Constitutional court
	Enabled:
	3) 'ESDP changes may come across objections of the constitutional court' (according to Dutch cabinet) (FA/DIE preparatory note for Nice EC of 07-11 200)
	Elections
	Enabled:
Germany	3) 'Government (possibly) wants to prevent a debate on defence in the parliament, also in consideration of the elections of spring 2002' (according to Dutch cabinet) (FA/DIE Brussels embassy note, 261000)
	No evidence found
	No evidence found
	Parliament
Greece	Enabled:
	4) - 'Neutral countries are afraid of parliamentary discussion' (according to France) (FA/DIE Paris embassy report, 010900)
	- 'Position is related to open concerns of the national parliament' (according to Dutch cabinet) (FA/DIE preparatory memo for Balkan summit of 241100, 231100)
	Parliament and/or referendum ('ratification')
Ireland	Enabled:
	4) and/or 3) - 'Well-known sensitivities' (FA/DIE Rome embassy note, 150300)
	- 'Feared that (neutral) member states could not agree with the Nice result as a whole because of ESDP Treaty change' (according to Germany) (FA/DIE Berlin embassy report, 201000)
	- 'The content of the [Italy and Benelux] proposals is okay, but the problem is the neutral countries' (according to Germany) (FA/DIE e-mail, 191000)
	- 'ESDP Treaty change may result in ratification problems' (according to UK) (FA/DIE London embassy note, 201000)
	3) and/or 2) - 'Worry' (FA/DIE report, 070600)
	- 'Keeps fearing complications in the case of ratification' (FA/DIE report GAC of 041200, 041200)
	Referendum
	Enabled:
	2) 'Treaty change requires a referendum for which they are very afraid' (according to Ireland) (FA/DIE Dublin embassy note, 271000)
	3) 'Particularly afraid of a negative outcome of a referendum' (according to Dutch cabinet) (FA/DIE preparatory note for Nice EC of 07-11 200)
	Public opinion
	Enabled:
	2) - 'Worry' (FA/DIE report, 070600)
	- 'It is not the government, but the population that is not convinced [of ESDP Treaty change]' (according to Ireland) (FA/DIE Dublin embassy note, 271000)
	3) 'This is not about creating an European army' ( <i>The Examiner</i> , 130700 (Commission fax, 140700))
Italy	No evidence found
Luxembourg	No evidence found
Portugal	No evidence found

ESDP	Domestic actors and factors
Spain	No evidence found
Sweden	<p>Parliament</p> <p>Enabled:</p> <p>4) 'Neutral countries are afraid of parliamentary discussion' (according to France) (FA/DIE Paris embassy report, 010900)</p> <p>Parliament and/or referendum ('ratification')</p> <p>Enabled:</p> <p>4) and/or 3) - 'Well-known sensitivities' (FA/DIE Rome embassy note, 150300)</p> <p>- 'Feared that (neutral) member states could not agree with the Nice result as a whole because of ESDP Treaty change' (according to Germany) (FA/DIE Berlin embassy report, 201000)</p> <p>- 'The content of the [Italy and Benelux] proposals is okay, but the problem is the neutral countries' (according to Germany) (FA/DIE e-mail, 191000)</p> <p>- 'ESDP Treaty change may result in ratification problems' (according to UK) (FA/DIE London embassy note, 201000)</p> <p>3) and/or 2) - 'Worry' (FA/DIE report, 070600)</p> <p>- 'Agreeing in Nice on ESDP will ensure an instant result, which (...) might have better chances to be passed through some of our national procedures' (according to Dutch cabinet) (FA/DIE preparatory memo for Balkan summit of 241 100, 231100)</p> <p>Public opinion</p> <p>Enabled:</p> <p>2) 'Worry' (FA/DIE report, 070600)</p>
United Kingdom	<p>Parliament</p> <p>Enabled:</p> <p>3) 'Pressure from the opposition increases' (according to UK) (FA/DIE London embassy note, 201000)</p> <p>4) - 'Recent criticism of the Tories (...) against the "EU army" plans' (according to Dutch cabinet) (FA/DIE preparatory note for Nice EC of 07-111200)</p> <p>- "European army" effective (...) theme [for Conservatives] to exploit public uncertainty over European policy' (according to Commission) (Commission political flash report, 221100)</p> <p>Public opinion (press)</p> <p>Enabled:</p> <p>3) - 'Recent criticism of (...) the popular British press against the "EU army" plans' (according to Dutch cabinet) (FA/DIE preparatory note for Nice EC of 07-111200)</p> <p>- 'Pressure from the eurosceptic press' (according to Commission) (Commission political flash report, 221100)</p>
European Commission	Not applicable/no evidence found
European Parliament	Not applicable/no evidence found

Table 8 Explaining the extent of the Dutch cabinet's influence for the ESDP (contextual variables) (see summary Tables 7.15-7.17)

ESDP	Treaty change	PSC	NATO	Military Staff
Negotiation level	Level 3 - PG, 301000 on basis of CONFER 4788/00, 231000 (FA/DIE report, 311000; Commission report, 311000) Level 2 - Conclave, 06-070500 (FA/DIE report, 090500) - Conclave, 191100 (FA/DIE preparatory note, unknown date) (possibly) - GAC, 201100 (Council report, unknown date; FA/DIE report, 211100) - GAC, 041200 on basis of Council of the European Union, 2000c (FA/DIE report, 041200) Level 1 - Biarritz EC, 13-141000 (FA/DIE memo, 13 or 141000) - Nice EC, 07-111200 on basis of Council of the European Union, 2000c			Not applicable (non-decision)
Negotiation timing	Median: 2 - Conclave, 06-070500 (FA/DIE report, 090500); IGC week 12 - Biarritz EC, 13-141000 (FA/DIE memo, 13 or 141000); IGC week 35 - PG, 301000 on basis of CONFER 4788/00, 231000 (FA/DIE report, 311000; Commission report, 311000); IGC week 38 - Conclave, 191100 (FA/DIE preparatory note, unknown date); IGC week 40 (possibly) - GAC, 201100 (Council report, unknown date; FA/DIE report, 211100); IGC week 41 - GAC, 041200 on basis of Council of the European Union, 2000c (FA/DIE report, 041200); IGC week 43 - Nice EC, 07-111200 on basis of Council of the European Union, 2000c; IGC week 43			Not applicable (non-decision)
External events and development	Average IGC week number: 35.3 (-36) 1) - Development of ESDP in general: enabling Dutch cabinet - Kosovo war (1999); enabling Dutch cabinet 1)2) Danish referendum on possible introduction euro (280900); constraining Dutch cabinet (FA/DIE report Italy and Benelux meeting of 280800, unknown date; FA/DIE Berlin embassy note, 181000)			

Table 9 Explaining the extent of the Dutch cabinet's influence for Closer cooperation (influence resources) (see summary Tables 7.19-7.21)

Closer cooperation	Internal coherence		
	Policy position: pivotal	Policy position: majority	Networks
Dutch cabinet	No: in favour of (extreme) <sup>1</sup> decision option A on all issues	<ul style="list-style-type: none"> <li>- No: 3-6 (unclear) member state actors in favour of A on Minimum requirement issue</li> <li>- No: 6 member state actors in favour of A on Veto possibility issue</li> <li>- No: no majority (clearly) in favour of A on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Minimum requirement and Veto possibility issues:               <ul style="list-style-type: none"> <li>- Meeting between Italy and Benelux in Rome, 300600 (FA/DIE report, 040700)</li> <li>- Meeting with Italy, 120900 (FA/DIE/ESDP Rome embassy report, 120900)</li> <li>- Meeting with Germany, 121000 (FA/DIE preparatory note, unknown date; FA/DIE/ESDP Berlin embassy report, 201000)</li> </ul> </li> <li>- Veto possibility issue:               <ul style="list-style-type: none"> <li>- Benelux summit, 011200 (FA/DIE preparatory note, unknown date)</li> </ul> </li> </ul>
Austria	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found in the data
Belgium	<ul style="list-style-type: none"> <li>- No: in favour of A on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of A on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found on internal divisiveness
Denmark	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found on internal divisiveness
Finland	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found on internal divisiveness



<b>Closer cooperation</b>	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
France	<ul style="list-style-type: none"> <li>- Yes: in favour of A/B on Minimum requirement issue</li> <li>- No: in favour of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of A/B on Minimum requirement issue and of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<p>No evidence found</p>	<ul style="list-style-type: none"> <li>- No (different preferences):</li> <li>2) On Closer cooperation dossier in general and relaxing the conditions in particular different preferences within and/or between different parts (some: 'conditions should be relaxed' and others: 'agenda should be loaded as less as possible')</li> <li>- No evidence found on internal divisiveness on Differentiated membership issue</li> </ul>
Germany	<ul style="list-style-type: none"> <li>- Yes: in favour of A/B on Minimum requirement issue</li> <li>- No: in favour of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of A/B on Minimum requirement issue and of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<p>Minimum requirement and Veto possibility issues:</p> <ul style="list-style-type: none"> <li>- Contact(s) between Germany and Italy, unknown date(s) (assumption based on common submission of CONFER 4783/00, 041000)</li> <li>- See Dutch cabinet</li> </ul>	<p>No evidence found on internal divisiveness</p>
Greece	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<p>No evidence found</p>	<p>No evidence found on internal divisiveness</p>
Ireland	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<p>No evidence found</p>	<p>No evidence found on internal divisiveness</p>
Italy	<ul style="list-style-type: none"> <li>- Yes: in favour of A/B on Minimum requirement issue</li> <li>- No: in favour of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of A/B on Minimum requirement issue and of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<p>See Dutch cabinet and Germany</p>	<p>No evidence found on internal divisiveness</p>
Luxembourg	<ul style="list-style-type: none"> <li>- No: in favour of A on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of A on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<p>See Dutch cabinet</p>	<p>No evidence found on internal divisiveness</p>

<b>Closer cooperation</b>	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
Portugal	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found	No evidence found on internal divisiveness
Spain	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found	No evidence found on internal divisiveness
Sweden	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found	No evidence found on internal divisiveness
United Kingdom	<ul style="list-style-type: none"> <li>- No: in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 9 member state actors in favour of C on Minimum requirement and Veto possibility issues</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found	<ul style="list-style-type: none"> <li>- No (different preferences):</li> <li>2) On Closer cooperation dossier in general and relaxing the conditions in particular different preferences within and/or between different parts (Foreign Cabinet Office: 'prudently positive' and Cabinet Office: 'much more dismissive') (FADIE e-mail report of meeting between Dutch cabinet and UK on 201299, unknown date)</li> <li>- No evidence found on internal divisiveness on Differentiated membership issue</li> </ul>
European Commission	<ul style="list-style-type: none"> <li>- Yes: in favour of B on Minimum requirement issue</li> <li>- No: in favour of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of B on Minimum requirement issue and of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found	No evidence found on internal divisiveness
European Parliament	<ul style="list-style-type: none"> <li>- Yes: in favour of B on Minimum requirement issue</li> <li>- No: in favour of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of B on Minimum requirement issue and of A on Veto possibility issue</li> <li>- Unclear (preference) on Differentiated membership issue</li> </ul>	No evidence found	No evidence found on internal divisiveness

Table 10 Explaining the extent of the Dutch cabinet's influence for Closer cooperation (influence attempts) (see summary Tables 7.18 and 7.22)

Table 10a Minimum requirement

<b>Closer cooperation Minimum requirement</b>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals Individual written comments on Presidency note of 181 000 (CONFER 4786/00)	Informal bilateral and multilateral contacts
Dutch cabinet	CONFER 4720/00, 060300: A/B (unclear)	- CONFER 4721/00, 070300: A (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo)	'Agrees with A'	- Meeting with Spain, 060900 (probably) (FA/DIE preparatory note, unknown date) - Meeting with Sweden, 130900 (FA/DIE/ESDP report, unknown date) - Meeting with Finland, 141100 (FA/DIE preparatory note, unknown date) - Conversation Kok-Chirac (France), unknown date (probably 1200) (FA/DIE/Weighting of votes preparatory note, unknown date)
Austria	CONFER 4712/00, 150200: no preference	No formal position paper	C (only conditionally willing to talk about A)	No evidence found in the data
Belgium	- No formal position paper - CONFER 4765/00, 280800: A/B)	- CONFER 4721/00, 070300: A (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo)	No written comments (unsure)	No evidence found
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No written comments (unsure)	No evidence found
Finland	CONFER 4723/00, 070300: C (unclear)	No formal position paper	C (but accepted that A was majority view)	See Dutch cabinet
France	No formal position paper	No formal position paper	No written comments (unsure)	No evidence found
Germany	CONFER 4733/00, 300300: no preference	CONFER 4783/00, 041000: A/B)	No written comments (unsure)	No evidence found
Greece	CONFER 4719/00, 030300: C	No formal position paper	No preference	No evidence found
Ireland	No formal position paper	No formal position paper	C (but, if general desire, prepared to consider A/B)	No evidence found
Italy	CONFER 4717/00, 030300: A/B (unclear)	CONFER 4783/00, 041000: A/B)	No written comments (unsure)	No evidence found
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: A (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo)	No written comments (unsure)	No evidence found
Portugal	No formal position paper	No formal position paper	No preference	No evidence found
Spain	No formal position paper	No formal position paper	No written comments (unsure)	See Dutch cabinet
Sweden	No formal position paper	No formal position paper	'Still too early to discuss a specific formula'	See Dutch cabinet
United Kingdom	CONFER 4718/00, 030300: C (unclear)	No formal position paper	No preference	No evidence found

<b>Closer cooperation</b> <i>Minimum requirement</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals Individual written comments on Presidency note of 181 000 (CONFER 4786/00)	Informal bilateral and multilateral contacts
European Commission	CONFER 4701/00, 010200:B	No formal position paper	No preference	No evidence found
European Parliament	CONFER 4736/00, 030500:B	No formal position paper	B	No evidence found

Table 10b Minimum requirement (formal and informal IGC meetings)

<b>Closer cooperation</b> <i>Minimum requirement</i>	Preparatory Group, 250200	Preparatory Group, 140400 (FA/DIE report, 170400; Commission report, 170400)	General Affairs Council, 120600 (FA/DIE report, 140600; Commission report, 130600)	Feira European Council, 19-200600	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 140700; Commission report, 140700)	Conclave (informal GAC), 240700 (Commission report, 240700)	Preparatory Group, 040900 (FA/DIE report, 050900; Commission report, 050900)	Conclave (informal GAC), 081000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000)	Biarritz European Council, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date)	Preparatory Group, 301000 (FA/DIE report, 011100)
Actors in general	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	- 6 delegations (probably founding member states); B - 6 delegations (probably most other member states); at least C	Not applicable	Not applicable	Not applicable	Not applicable
Dutch cabinet	A (probably) (FA/DIE/Court of Auditors preparatory note, unknown date)	A	A	No evidence found	No evidence found	A/B (unclear)	See actors in general	A/B (unclear)	A	A (rather than B) (probably)	No evidence found

<b>Closer cooperation Minimum requirement</b>	Preparatory Group, 250200	Preparatory Group, 140400 (FA/DIE report, 170400; Commission report, 170400)	General Affairs Council, 120600 (FA/DIE report, 140600; Commission report, 130600)	Feira European Council, 19- 200600	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 140700; Commission report, 140700)	Conclave (informal GAC), 240700 (Commission report, 240700)	Preparatory Group, 040900 (FA/DIE report, 050900; Commission report, 050900)	Conclave (informal GAC), 081000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13- 141000, unknown date; Commission report, 091000)	Blarritz European Council, 13- 141000 (FA/DIE preparatory note for Blarritz EC of 13-141000, unknown date)	Preparatory Group, 301000 (FA/DIE report, 011100)
Austria	No evidence found	C	C	No evidence found	No evidence found	No evidence found	See actors in general	C	C (support for A/B dependent on heavier decision- making (i.e. at least C on Veto possibility issue)	No evidence found	No evidence found
Belgium	No evidence found	A/B (unclear)	A/B (unclear) (probably)	No evidence found	No evidence found	B	See actors in general	No preference expressed	A/B	No evidence found	'Existing conditions could be better taken as starting point'
Denmark	No evidence found	C	C (implicit)	No evidence found	C	C	See actors in general	No preference expressed	C	No evidence found	C
Finland	No evidence found	C	C (implicit)	No evidence found	C	No evidence found	See actors in general	No preference expressed	C	No evidence found	C
France	No evidence found	A/B (unclear)	A/B (unclear)	No evidence found	No evidence found	No evidence found	See actors in general	No preference expressed	B	No evidence found	No evidence found
Germany	No evidence found	A/B (unclear) (probably)	A/B (unclear)	No evidence found	No evidence found	A/B (unclear)	See actors in general	A/B (unclear)	A/(B)	No evidence found	No evidence found
Greece	No evidence found	C	A	No evidence found	A/B (unclear)	'Open to A/B	See actors in general	C	Support for A/B dependent on heavier decision- making (i.e. at least C on Veto possibility issue)	No evidence found	A

<b>Closer cooperation minimum requirement</b>	Preparatory Group, 250200	Preparatory Group, 140400 (FA/DIE report, 170400; Commission report, 170400)	General Affairs Council, 120600 (FA/DIE report, 140600; Commission report, 130600)	Feira European Council, 19-200600	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 140700; Commission report, 140700)	Conclave (informal GAC), 240700 (Commission report, 240700)	Preparatory Group, 040900 (FA/DIE report, 050900; Commission report, 050900)	Conclave (informal GAC), 081000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000)	Biarritz European Council, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date)	Preparatory Group, 301000 (FA/DIE report, 011100)
Ireland	No evidence found	C	C	No evidence found	No evidence found	'Open to' A/B	See actors in general	C	C (support for A/B dependent on heavier decision-making (i.e. at least C on Veto possibility issue)	No evidence found	No evidence found
Italy	No evidence found	A/B (unclear)	A/B (unclear)	No evidence found	A/B (unclear)	A/B (implicit)	See actors in general	A/B (unclear)	A/B)	No evidence found	No evidence found
Luxembourg	No evidence found	A/B (unclear)	A/B (unclear)	No evidence found	No evidence found	A/B (implicit)	See actors in general	No preference expressed	A	No evidence found	'Not in favour of drastically changing conditions'
Portugal	No evidence found	C	A/B (implicit)	No evidence found	No evidence found	'Open to' A/B	See actors in general	C	Support for A/B dependent on heavier decision-making (i.e. at least C on Veto possibility issue)	No evidence found	A
Spain	No evidence found	C	C (implicit)	No evidence found	C	No evidence found	See actors in general	No preference expressed	No evidence found	No evidence found	No evidence found
Sweden	No evidence found	C, but somewhat open to A/B	C (implicit)	No evidence found	C	C	See actors in general	No preference expressed	C	No evidence found	No evidence found
United Kingdom	No evidence found	C	C (implicit)	No evidence found	No evidence found	No evidence found	See actors in general	No preference expressed	C	No evidence found	No evidence found

<b>Closer cooperation</b> <i>Minimum requirement</i>	Preparatory Group, 250200	Preparatory Group, 140400 (FA/DIE report, 170400; Commission report, 170400)	General Affairs Council, 120600 (FA/DIE report, 140600; Commission report, 130600)	Feira European Council, 19-200600	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 140700; Commission report, 140700)	Conclave (informal GAC), 240700 (Commission report, 240700)	Preparatory Group, 040900 (FA/DIE report, 050900; Commission report, 050900)	Conclave (informal GAC), 081000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000)	Blarritz European Council, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date)	Preparatory Group, 301000 (FA/DIE report, 011100)
European Commission	Commission preparatory note, 240200; B (probably)	B (probably)	Commission preparatory note; unknown date: B (probably)	Commission preparatory note; unknown date: B (probably)	B	Commission preparatory note; unknown date: B (probably)	Commission preparatory note; unknown date: B (probably)	Commission preparatory note; unknown date: B (probably)	A/(B)	No evidence found	No evidence found
European Parliament	No evidence found	No preference expressed / unknown	No participant	No participant	B	No evidence found	No evidence found	No evidence found	No evidence found	No participant	No evidence found

Table 10c Minimum requirement (formal and informal IGC meetings continued)

<b>Closer cooperation</b> <i>Minimum requirement</i>	Preparatory Group, 041100 (FA/DIE report, 091100; Commission report, 051100)	Preparatory Group, 131100 (FA/DIE report, 151100; Commission report, 151100)	Preparatory Group, 251100 (FA/DIE report, unknown date; Commission report, 261100)	Conclave (informal GAC), 031200 (FA/DIE preparatory note unknown date)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)
Actors in general	Most member states could agree with A	Support for A	A 'generally accepted'	Not applicable	Not applicable
Dutch cabinet	See actors in general	See actors in general	See actors in general	No evidence found	A 'great gain'
Austria	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Belgium	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Denmark	C	See actors in general	See actors in general	FA/DIE preparatory note for Nice EC of 07-111200: C	No evidence found
Finland	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
France	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Germany	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Greece	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Ireland	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Italy	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found

<b>Closer cooperation</b>	Preparatory Group, 041100 (FA/DIE report, 091100; Commission report, 051100)	Preparatory Group, 131100 (FA/DIE report, 151100; Commission report, 151100)	Preparatory Group, 251100 (FA/DIE report, unknown date; Commission report, 261100)	Conclave (informal GAC), 031200 (FA/DIE preparatory note, unknown date)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)
<i>Minimum requirement</i>					
Luxembourg	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Portugal	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Spain	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Sweden	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
United Kingdom	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
European Commission	No evidence found	See actors in general	See actors in general	No evidence found	No evidence found
European Parliament	No participant	B	No participant	No evidence found	No participant

Table 10d Veto possibility

<b>Closer cooperation</b>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
<i>Veto possibility</i>			Individual written comments on Presidency note of 181000 (CONFER 4786/00)	
Dutch cabinet	CONFER 4720/00, 060300: A (unclear)	- CONFER 4721/00, 070300: A (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo)	A	- Meeting with Spain, 060900 (probably) (FA/DIE preparatory note, unknown date) - Meeting with Sweden, 130900 (FA/DIE/ESDP report, unknown date) - Conversation Kok-Chirac (France), unknown date (probably 1200) (FA/DIE/Weighting of votes preparatory note, unknown date) - Meeting with Council Secretariat, in margins Nice EC of 7-111200 (FA/DIE memo, 221200)
Austria	CONFER 4712/00, 150200: no preference	No formal position paper	No preference	No evidence found
Belgium	- No formal position paper - CONFER 4765/00, 280800: A	- CONFER 4721/00, 070300: A (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo)	No written comments (unsure)	No evidence found
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No written comments (unsure)	No evidence found
Finland	CONFER 4723/00, 070300: C (unclear)	No formal position paper	*Welcomes B' (instead of C)	No evidence found
France	No formal position paper	No formal position paper	No written comments (unsure)	No evidence found
Germany	CONFER 4733/00, 300300: A	CONFER 4783/00, 041000: A	No written comments (unsure)	No evidence found
Greece	CONFER 4719/00, 030300: C (unclear)	No formal position paper	A	No evidence found



<b>Closer cooperation</b> <i>Veto possibility</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals Individual written comments on Presidency note of 181000 (CONFER 4786/00)	Informal bilateral and multilateral contacts
Ireland	No formal position paper	No formal position paper	'Agrees with B' but some specific questions about decision-making procedure in case of reference to European Council	No evidence found
Italy	CONFER 4717/00, 030300: A (unclear)	CONFER 4783/00, 041000: A	No written comments (unsure)	No evidence found
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: A (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A (2 <sup>nd</sup> Benelux memo)	No written comments (unsure)	No evidence found
Portugal	No formal position paper	No formal position paper	No preference	No evidence found
Spain	No formal position paper	No formal position paper	No written comments (unsure)	See Dutch cabinet
Sweden	No formal position paper	No formal position paper	C (rather than B)	See Dutch cabinet
United Kingdom	CONFER 4718/00, 030300: C (unclear)	No formal position paper	No preference	No evidence found
European Commission	CONFER 4701/00, 010200: A	No formal position paper	No preference	No evidence found
European Parliament	CONFER 4736/00, 030500: A	No formal position paper	A (including right of approval for EP)	No evidence found
Council Secrétariat	No formal opinion paper	No formal position paper	Not applicable	See Dutch cabinet

Table 10e Veto possibility (formal and informal IGC meetings)

<b>Closer cooperation</b> <i>Veto possibility</i>	Preparatory Group, 250200	Preparatory Group, 140400 (FA/DIE report, 170400; Commission report, 130600)	General Affairs Council, 120600 (FA/DIE report, 140600; Commission report, 130600)	Feira European Council, 200600	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 140700; Commission report, 140700)	Conclave (informal GAC), 240700 (Commission report, 240700)	Preparatory Group, 040900 (FA/DIE report, 050900; Commission report, 050900)	Conclave (informal GAC), 081000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000)	Biarritz European Council, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date)	Preparatory Group, 301000 (FA/DIE report, 011100)	Preparatory Group, 041100 (FA/DIE report, 091100; Commission report, 051100)
Actors in general	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Many member states doubt about usefulness B/consider it as a 'veto in disguise'

<b>Closer cooperation</b> <i>Veto possibility</i>	Preparatory Group, 250200	Preparatory Group, 140400 (FA/DIE report, 170400; Commission report, 170400)	General Affairs Council, 120600 (FA/DIE report, 140600; Commission report, 130600)	Feira European Council, 19-200600	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 140700; Commission report, 140700)	Conclave (informal GAC), 240700 (Commission report, 240700)	Preparatory Group, 040900 (FA/DIE report, 050900; Commission report, 050900)	Conclave (informal GAC), 081000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000)	Biarritz European Council, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date)	Preparatory Group, 301000 (FA/DIE report, 011100)	Preparatory Group, 041100 (FA/DIE report, 091100; Commission report, 051100)
Dutch cabinet	A (probably) found (FA/DIE/Court of Auditors preparatory note, unknown date)	A	A	No evidence found	No evidence found	A	'Open to A	A (option 1, CONFER 4766/00, 300800)	A (and against postponement possibility)	A (and no postponement period instead of C) (probably)	No evidence found	A (B is 'veto in disguise')
Austria	No evidence found	C, but somewhat open to A	C (implicit)	No evidence found	A	A	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	Against postponement possibility (thus probably A)	No evidence found	No evidence found	See actors in general
Belgium	No evidence found	A	A (probably)	No evidence found	No evidence found	A	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	A (and against postponement possibility)	No evidence found	'Existing conditions could be better taken as starting point'	See actors in general
Denmark	No evidence found	C, but somewhat open to A	C (implicit)	No evidence found	C	C	C (probably)	No preference expressed	C	No evidence found	No evidence found	B
Finland	No evidence found	C, but somewhat open to A	C (implicit)	No evidence found	No evidence found	A	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	C	No evidence found	No evidence found	See actors in general
France	No evidence found	A	A	No evidence found	No evidence found	No evidence found	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	A	No evidence found	No evidence found	'Text [= B] will not be altered' (Presidency)

<b>Closer cooperation</b> <i>Veto possibility</i>	Preparatory Group, 250200	Preparatory Group, 140400 (FA/DIE report, 170400; Commission report, 170400)	General Affairs Council, 120600 (FA/DIE report, 140600; Commission report, 130600)	Feira European Council, 19-200600	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 140700; Commission report, 140700)	Conclave (informal GAC), 240700 (Commission report, 240700)	Preparatory Group, 040900 (FA/DIE report, 050900; Commission report, 050900)	Conclave (informal GAC), 081000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000)	Biarritz European Council, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date)	Preparatory Group, 301000 (FA/DIE report, 011100)	Preparatory Group, 041100 (FA/DIE report, 091100; Commission report, 051100)
Germany	No evidence found	A (probably)	A	No evidence found	No evidence found	A	'Open to A	A (option 1, CONFER 4766/00, 300800)	A (against postponement possibility)	No evidence found	A (implicit)	See actors in general
Greece	No evidence found	C	A	No evidence found	A	'Open to A	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	Could agree to A if postponement possibility (= somewhere between A and C)	No evidence found	No evidence found	See actors in general
Ireland	No evidence found	C, but somewhat open to A	C (implicit)	No evidence found	No evidence found	A (possibly), but C if A/B on Minimum requirement issue	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	No evidence found	No evidence found	B (probably)	See actors in general
Italy	No evidence found	A	A	No evidence found	A	A (implicit)	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	A	No evidence found	A (implicit)	See actors in general
Luxembourg	No evidence found	A	A	No evidence found	No evidence found	A (implicit)	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	A	No evidence found	'Not in favour of drastically changing conditions'	See actors in general
Portugal	No evidence found	C	A	No evidence found	No evidence found	'Open to A	'Open to A	A/B (option 2, CONFER 4766/00, 300800)	C	No evidence found	No evidence found	See actors in general

<b>Closer cooperation</b> <i>Veto possibility</i>	Preparatory Group, 250200	Preparatory Group, 140400 (FA/DIE report, 140600; 170400; Commission report, 170400)	General Affairs Council, 120600 (FA/DIE report, 140600; Commission report, 130600)	Feira European Council, 19-200600	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 140700; Commission report, 140700)	Conclave (informal GAC), 240700 (Commission report, 240700)	Preparatory Group, 040900 (FA/DIE report, 050900; Commission report, 050900)	Conclave (informal GAC), 081000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000)	Biarritz European Council, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date)	Preparatory Group, 301000 (FA/DIE report, 011100)	Preparatory Group, 041100 (FA/DIE report, 091100; Commission report, 051100)
	No evidence found	C	C (implicit)	No evidence found	C	C	'Open to A	No preference expressed	C (but could agree to A if 'negative list')	No evidence found	No evidence found	See actors in general
	No evidence found	C	C (implicit)	No evidence found	C	C	C (probably)	C	C	No evidence found	No evidence found	See actors in general
	No evidence found	C	C (implicit)	No evidence found	No evidence found	C	C (probably)	C	C (but could agree to A if 'negative list') (probably)	No evidence found	No evidence found	B
European Commission	Commission preparatory note, 240200; A (probably)	A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	A	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	A	No evidence found	No evidence found	No evidence found
	No evidence found	Right of approval for EP instead of consultation	No participant	No participant	A	Right of approval for EP (instead of C)	Right of approval for EP (to compensate for A)	No evidence found	No evidence found	No participant	No evidence found	No participant

Table 10f Veto possibility (formal and informal IGC meetings continued)

<b>Closer cooperation</b> <i>Veto possibility</i>	Preparatory Group, 131100 (FA/DIE report, 151100; Commission report, 151100)	Preparatory Group, 251100 (FA/DIE report, unknown date; Commission report, 261100)	Conclave (informal GAC), 031200 (FA/DIE preparatory note, unknown date)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date; memo, 221200)	COREPER, 20-211200 (FA/DIE memo, 221200)	COREPER, 221200 (FA/DIE memo, 221200)
	Not applicable	B 'generally accepted'	Not applicable	Not applicable	Not applicable	Not applicable

Not applicable

<b>Closer cooperation</b> Veto possibility	Preparatory Group, 131100 (FA/DIE report, 151100; Commission report, 151100)	Preparatory Group, 251100 (FA/DIE report, unknown date; Commission report, 261100)	Conclave (informal GAC), 031200 (FA/DIE preparatory note, unknown date)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date; FA/DIE memo, 221200)	COREPER, 20-211200 (FA/DIE memo, 221200)	COREPER, 221200 (FA/DIE memo, 221200)
Dutch cabinet	A ('not happy with B')	- See actors in general - Right of approval for EP	- 'B may not be a ceiled veto' (probably) - Proposal for Declaration on proper reading of B (along with 'like-minded countries') (possibly)	- 'B may not be a ceiled veto' (probably) - Proposal for Declaration on proper reading of B (together with Belgium and Luxembourg) (possibly) - Objection against 'may take a decision' (B/C; according to Dutch cabinet)	Reservation on 'may take a decision' (B/C), should be replaced with 'takes a decision' (B), but Dutch cabinet is only actor who wants to do so	Lifting reservation on 'may take a decision' (B/C) (probably)
Austria	No evidence found	- See actors in general - Right of approval for EP	No evidence found	No evidence found	No evidence found	No evidence found
Belgium	A ('not happy with B')	- See actors in general - Right of approval for EP	No evidence found	No evidence found	No evidence found	No evidence found
Denmark	No evidence found	See actors in general	No evidence found	No evidence found	No evidence found	No evidence found
Finland	No evidence found	See actors in general	No evidence found	No evidence found	No evidence found	No evidence found
France	'Gave the impression that this text could not be debated'/'B is no veto or emergency brake' (Presidency)	'Right of approval for EP will be taken along in first pillar' (Presidency)	No evidence found	- No objection of Dutch cabinet against 'may take a decision' (B/C; according French Presidency) - Therefore text maintained (B/C)	'Presidency has no room to meet Dutch reservation'	No evidence found
Germany	A ('not happy with B')	- See actors in general - Right of approval for EP	No evidence found	No evidence found	No evidence found	No evidence found
Greece	No evidence found	- See actors in general - Right of approval for EP	No evidence found	No evidence found	No evidence found	No evidence found
Ireland	No evidence found	See actors in general	No evidence found	No evidence found	No evidence found	No evidence found
Italy	A ('not happy with B')	See actors in general	No evidence found	No evidence found	No evidence found	No evidence found
Luxembourg	No evidence found	See actors in general	No evidence found	No evidence found	No evidence found	No evidence found
Portugal	No evidence found	See actors in general	No evidence found	No evidence found	No evidence found	No evidence found
Spain	No evidence found	See actors in general	No evidence found	No evidence found	No evidence found	No evidence found
Sweden	No evidence found	B ('appeal possibility to European Council is essential')	No evidence found	No evidence found	No evidence found	No evidence found
United Kingdom	No evidence found	See actors in general	No evidence found	Objection against 'takes a decision' (B)	No evidence found	No evidence found
European Commission	A ('not happy with B')	- See actors in general - Right of approval for EP	No evidence found	No evidence found	No evidence found	No evidence found
European Parliament	Right of approval for EP	No participant	No evidence found	No participant	No participant	No participant

Table 10g Differentiated membership

<b>Closer cooperation</b> <i>Differentiated membership</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals Individual written comments on Presidency note of 181000 (CONFER 4786/00)	Informal bilateral and multilateral contacts	Formal and informal IGC meetings
Dutch cabinet	CONFER 4720/00, 060300: A (possibility)	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No preference	No evidence found	No evidence found
Austria	CONFER 4712/00, 150200: no preference	No formal position paper	No preference		
Belgium	- No formal position paper - CONFER 4765/00, 280800: no preference	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No written comments (unsure)		
Denmark	CONFER 4722/00, 070300: no preference	No formal position paper	No written comments (unsure)		
Finland	CONFER 4723/00, 070300: no preference	No formal position paper	No preference		
France	No formal position paper	No formal position paper	No written comments (unsure)		
Germany	CONFER 4733/00, 300300: no preference	CONFER 4783/00, 041000: no preference	No written comments (unsure)		
Greece	CONFER 4719/00, 030300: no preference	No formal position paper	No preference		
Ireland	No formal position paper	No formal position paper	No preference		
Italy	CONFER 4717/00, 030300: no preference	CONFER 4783/00, 041000: no preference	No written comments (unsure)		
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: no preference (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: no preference (2 <sup>nd</sup> Benelux memo)	No written comments (unsure)		
Portugal	No formal position paper	No formal position paper	No preference		
Spain	No formal position paper	No formal position paper	No written comments (unsure)		
Sweden	No formal position paper	No formal position paper	No preference		
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper	No preference		

<b>Closer cooperation</b> <i>Differentiated membership</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals Individual written comments on Presidency note of 181000 (CONFER 4786/00)	Informal bilateral and multilateral contacts	Formal and informal IGC meetings
European Commission	CONFER 4701/00, 010200: no preference	No formal position paper	No preference	No evidence found	No evidence found
European Parliament	CONFER 4736/00, 030500: no preference	No formal position paper	No preference		

**Table 11 Explaining the extent of the Dutch cabinet's influence for Closer cooperation (domestic actors and factors) (see summary Table 7.23)**

<b>Closer cooperation</b>	Domestic actors and factors				
Dutch cabinet	Parliament Constrained with regard to Differentiated membership issue: 1) Motion of the Second Chamber adopted on 141299 (26800 V, no.36) calling upon the Dutch cabinet to clearly express itself against A (thus in favour of B)  No evidence found in the data on other issues				
Austria	No evidence found				
Belgium					
Denmark					
Finland					
France					
Germany					
Greece					
Ireland	Referendum Enabled with regard to Minimum requirement and Veto possibility issues: 3) 'The more the scope of the IGC will be widened, the more likely a referendum will be organised' (Commission note, 120400)  No evidence found on Differentiated membership issue				
Italy	No evidence found				
Luxembourg					
Portugal					
Spain					
Sweden	Parliament Enabled with regard to Minimum requirement and Veto possibility issues: 3) - GAC, 120600: 'Sweden will have problems e.g. in the second pillar, where it could cause problems for ratifying the future Treaty' (Commission report, 130600) - 'Sceptical parliament' (FA/DIE/ESDP report of meeting with Sweden on 130900, unknown date)  No evidence found on Differentiated membership issue				

<b>Closer cooperation</b>	Domestic actors and factors
United Kingdom	<p>Parliament</p> <p>Enabled with regard to Minimum requirement and Veto possibility issues:</p> <p>4) 'Giving in would be to the advantage of the Conservatives' (FA/DIE London embassy note, 310100)</p> <p>Referendum</p> <p>Enabled with regard to Minimum requirement and Veto possibility issues:</p> <p>3) Referendum on possible introduction of euro in autumn 2001 (FA/DIE London embassy note, 310100; FA/DIE e-mail report of meeting between Dutch cabinet and UK on 201299, unknown date)</p> <p>Public opinion</p> <p>Enabled with regard to Minimum requirement and Veto possibility issues:</p> <p>3) 'Blair cannot be as progressive as he would like to be, because of the voters' (FA/DIE London embassy note, 310100)</p> <p>Elections</p> <p>Enabled with regard to Minimum requirement and Veto possibility issues:</p> <p>3) Elections in spring 2001 (FA/DIE London embassy note, 310100)</p> <p>No evidence found on Differentiated membership issue</p>
European Commission	Not applicable/no evidence found
European Parliament	

Table 12 Explaining the extent of the Dutch cabinet's influence for Closer cooperation (contextual variables) (see summary Tables 7.24-7.26)

<b>Closer cooperation</b>	Minimum requirement	Veto possibility	Differentiated membership
Negotiation level	Level 3		Not applicable (non-decision)
	<p>- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE/Court of Auditors preparatory note, unknown date; Commission preparatory note, 240200)</p> <p>- PG, 140400 on basis of SN 502/00, 110400 (FA/DIE report, 170400; Commission report, 170400)</p> <p>- PG, 140700 on basis of CONFER 4758/00, 110700 (FA/DIE report, 140700; Commission report, 140700)</p> <p>- PG, 040900 on basis of CONFER 4766/00, 300800 (FA/DIE report, 050900; Commission report, 050900)</p> <p>- PG, 231000 on basis of CONFER 4786/00, 181000 (possibly)</p> <p>- PG, 301000 on basis of CONFER 4786/00, 181000 (FA/DIE report, 011100)</p> <p>- PG, 041100 on basis of CONFER 4790/00, 031100 and SN 506/00, 031100 (FA/DIE report, 091100; Commission report, 051100)</p> <p>- PG, 131100 on basis of CONFER 4798/00, 091100 (FA/DIE report, 151100; Commission report, 151100)</p> <p>- PG, 251100 on basis of CONFER 4810/00, 231100 (FA/DIE report, unknown date; Commission report, 261100)</p>		
	Level 2		
	<p>- GAC, 120600 (FA/DIE report, 140600; Commission report, 130600)</p> <p>- GAC, 100700 on basis of CONFER 4755/00, 060700 (Commission report, 110700)</p> <p>- Conclave, 240700 on basis of CONFER 4761/00, 180700 (Commission report, 240700)</p> <p>- Conclave, 081000 on basis of CONFER 4780/00, 051000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000)</p> <p>- GAC, 201100 (possibly)</p>		



Closer cooperation	Minimum requirement	Veto possibility	Differentiated membership
	<ul style="list-style-type: none"> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date)</li> </ul>		
	Level 1		
	<ul style="list-style-type: none"> <li>- Feira EC, 19-200600 on basis of CONFER 4750/00, 140600 (Commission preparatory note, unknown date)</li> <li>- Biarritz EC, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date)</li> </ul>		
	Median: 2.5		
	Negotiation timing		
	<ul style="list-style-type: none"> <li>- PG, 250200 on basis of CONFER 4715/00, 240200 (FA/DIE/Court of Auditors preparatory note, unknown date; Commission preparatory note, 240200); IGC week 2</li> <li>- PG, 140400 on basis of SN 502/00, 110400 (FA/DIE report, 170400; Commission report, 170400); IGC week 9</li> <li>- GAC, 120600 (FA/DIE report, 140600; Commission report, 130600); IGC week 18</li> <li>- Feira EC, 19-200600 on basis of CONFER 4750/00, 140600 (Commission preparatory note, unknown date); IGC week 19</li> <li>- GAC, 100700 on basis of CONFER 4755/00, 060700 (Commission report, 110700); IGC week 22</li> <li>- PG, 140700 on basis of CONFER 4758/00, 110700 (FA/DIE report, 140700; Commission report, 140700); IGC week 22</li> <li>- Conclave, 240700 on basis of CONFER 4761/00, 180700 (Commission report, 240700); IGC week 24</li> <li>- PG, 040900 on basis of CONFER 4766/00, 300800 (FA/DIE report, 050900; Commission report, 050900); IGC week 30</li> <li>- Conclave, 081000 on basis of CONFER 4780/00, 051000 (FA/DIE report, 101000; FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date; Commission report, 091000); IGC week 34</li> <li>- Biarritz EC, 13-141000 (FA/DIE preparatory note for Biarritz EC of 13-141000, unknown date); IGC week 35</li> <li>- PG, 231000 on basis of CONFER 4786/00, 181000; IGC week 37 (possibly)</li> <li>- PG, 301000 on basis of CONFER 4786/00, 181000 (FA/DIE report, 011100); IGC week 38</li> <li>- PG, 041100 on basis of CONFER 4790/00, 031100 and SN 506/00, 031100 (FA/DIE report, 091100; Commission report, 051100); IGC week 38</li> <li>- PG, 131100 on basis of CONFER 4798/00, 091100 (FA/DIE report, 151100; Commission report, 151100); IGC week 40</li> <li>- GAC, 201100; IGC week 41 (possibly)</li> <li>- PG, 251100 on basis of CONFER 4810/00, 231100 (FA/DIE report, unknown date; Commission report, 261100); IGC week 41</li> <li>- Conclave, 031200 on basis of CONFER 4815/00, 301100 (FA/DIE preparatory note, unknown date); IGC week 42</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43</li> </ul>		Not applicable (non-decision)
	Average IGC week number: 28.6 (-29.7)		
	External events and developments		
	<ul style="list-style-type: none"> <li>1) - Impending enlargement: enabling Dutch cabinet</li> <li>- Speeches of Fischer and Chirac pointing to possibility of closer cooperation outside Treaty framework: enabling (more than constraining) Dutch cabinet</li> </ul>		1) Impending enlargement: enabling Dutch cabinet

Table 13 Explaining the extent of the Dutch cabinet's influence for the Commission (influence resources) (see summary Tables 7.28-7.30)

European Commission Size and composition		Policy position: pivotal	Policy position: majority	Networks	Internal coherence
Dutch cabinet	Yes: in favour of B/D only in combination with equal rotation system)	Yes: in favour of B/D only in combination with equal rotation system)	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	- Meeting with Denmark, 231000 (FA/DIE preparatory note, unknown date) - Meeting with Finland, 141100 (FA/DIE preparatory note, unknown date) - Benelux consultations, 011200 (FA/DIE preparatory note, unknown date)	Yes
Austria	Yes: in favour of B>D	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	No evidence found in the data	No evidence found on internal divisiveness in the data
Belgium	Yes: in favour of B>D	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	See Dutch cabinet	No evidence found on internal divisiveness
Denmark	No: in favour of B	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	Nordic Council (Denmark, Iceland, Finland, Norway and Sweden), 061100 (Commission telexpress, 061100)	No evidence found on internal divisiveness
Finland	No: in favour of B	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	See Denmark	No evidence found on internal divisiveness
France	No: in favour of D	No: no majority in favour of D	No: no majority in favour of D	No evidence found	No evidence found on internal divisiveness
Germany	No: in favour of D	No: no majority in favour of D	No: no majority in favour of D	- Meeting Prodi-Schröder (Commission report, 260900)	No evidence found on internal divisiveness
				- Meeting Schröder-Blair, 161100 - Meeting Schröder-Prodi + Commission, 221100 (FA/DIE e-mail, 201100)	
Greece	No: in favour of B	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	No evidence found	No evidence found on internal divisiveness
Ireland	No: in favour of B	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	No evidence found	No evidence found on internal divisiveness
Italy	Yes: in favour of D>B	No: no majority in favour of D>B	No: no majority in favour of D>B	No evidence found	No evidence found on internal divisiveness
Luxembourg	No: in favour of B	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	See Dutch cabinet	No evidence found on internal divisiveness

<b>European Commission</b> <i>Size and composition</i>	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
Portugal	No: in favour of B	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	No evidence found	No evidence found on internal divisiveness
Spain	No: in favour of D	No: no majority in favour of D	No evidence found	No evidence found on internal divisiveness
Sweden	No: in favour of B	Yes: 10 (small) member states more or less in favour of B (8 member states in favour of B and 2 in favour of B>D)	See Denmark	No evidence found on internal divisiveness
United Kingdom	Yes: in favour of D/C	No: no majority in favour of D/C	See Germany	No evidence found on internal divisiveness
European Commission	Yes: in favour of D>B	No: no majority in favour of D>B	See Germany	No (different preferences): 2) Different preferences of different Commissioners: D/C versus B (Frankfurter Rundschau, 201 000 (Commission archive); FA/DIE report of bilateral meetings with Commission and Council Secretariat, 091100)
European Parliament	Yes: in favour of D/B	No: no majority in favour of D/B	No evidence found	No evidence found on internal divisiveness

Table 14 Explaining the extent of the Dutch cabinet's influence for the Commission (influence attempts) (see summary Tables 7.27 and 7.31)

<b>European Commission</b> <i>Size and composition</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Dutch cabinet	CONFER 4720/00, 060300: B (D only under 'stringent conditions')	- CONFER 4721/00, 070300: B (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: B (2 <sup>nd</sup> Benelux memo)	No evidence found in the data	- Meeting with Italy (probably) in Rome, 120900 (FA/DIE/ESDP Rome embassy note, 120900) - Meeting with Germany in Berlin, 191000 (FA/DIE preparatory note, unknown date) - Several meetings (at least two) with Council Secretariat in Brussels, 081100 (FA/DIE report, 091100) - Several meetings (at least two) with Commission in Brussels, 081100 (FA/DIE report, 091100) - Meeting with Italy in The Hague, unknown date (FA/DIE fax, 151100) - Fax from Italy, 151100 (FA/DIE fax, 151100) - Meeting Kok-Schröder (Germany), 181100 (FA/DIE e-mail, 201100) - Conversation Kok-Chirac (France), unknown date (probably 1200) (FA/DIE/Weighting of votes preparatory note, unknown date) - See Finland
Austria	CONFER 4712/00, 150200: B	No formal position paper	No evidence found	- Meeting Schlüssel-Schröder (Germany), 211100 (FA/DIE e-mail, 201100) - See Finland

<b>European Commission</b> <i>Size and composition</i>		Informal bilateral and multilateral contacts		
Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals		
Belgium	No formal position paper	- CONFER 4721/00, 070300: B (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: B (2 <sup>nd</sup> Benelux memo)	No evidence found	- Meeting with French Presidency, 241000 (Commission telexpress, 241000) - Meeting Verhofstadt-Schröder (Germany), 211100 (FA/DIE e-mail, 201100) - See Finland
Denmark	CONFER 4722/00, 070300: B	No formal position paper	No evidence found	- Meeting Rasmussen-Schröder (Germany), 171100 (FA/DIE e-mail, 201100) - Meeting with French Presidency, unknown date (FA/DIE newspaper report, 271100) - See Finland
Finland	CONFER 4723/00, 070300: B	No formal position paper	No evidence found	Bilateral meetings with all 10 small member states (charged by French Presidency), 1100 (Commission telexpress, 061100)
France	No formal position paper	No formal position paper	No evidence found	- Meeting as Presidency with Portugal, 021100 (Commission telexpress, 061100) - Meeting as Presidency with Luxembourg, 061100 (Commission telexpress, 061100) - French-German summit in Vitel, probably 141100 (Commission political flash report, 141100) - Meeting as Presidency with Sweden, 281100 (Commission Les Echos, 011200) - See Dutch cabinet, Austria, Belgium, Denmark and Finland
Germany	CONFER 4733/00, 300300: D	No formal position paper	No evidence found	- Meeting Schröder-Junker (Luxembourg), 201100 (FA/DIE e-mail, 201100) - See Dutch cabinet, Austria, Belgium, Denmark and France
Greece	CONFER 4719/00, 030300: B	No formal position paper	No evidence found	See Finland
Ireland	No formal position paper	No formal position paper	No evidence found	- Meeting with Commission, 100300 (Commission preparatory note, unknown date) - See Finland
Italy	- CONFER 4717/00, 030300: D/B ('B' as a compromise') - CONFER 4746/00, 260500: D ('20: in combination with equal rotation system')	No formal position paper	- Individual written: 'Le nombre des Commissaires': unknown (FA/DIE memorandum, 211100) - Joint written: No evidence found	See Dutch cabinet
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: B (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: B (2 <sup>nd</sup> Benelux memo)	- Individual written: 'Aide-mémoire du Gouvernement luxembourgeois sur la Conférence intergouvernementale': B - Joint written: No evidence found	See Finland, France and Germany
Portugal	No formal position paper	No formal position paper	No evidence found	See Finland and France
Spain	No formal position paper	No formal position paper	No evidence found	No evidence found

European Commission <i>Size and composition</i>		Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Sweden		No formal position paper	No formal position paper	No evidence found	See Finland and France
United Kingdom		CONFER 4718/00, 030300: D/C	No formal position paper	No evidence found	No evidence found
European Commission		CONFER 4701/00, 010200: D (20)/B	No formal position paper	- Individual written: - Commission note on theoretical rotation model, 300500: D (implicit) - Commission letter of President Prodi, 101000: C (in combination with equal rotation system) - Joint written: No evidence found	See Dutch cabinet and Ireland
European Parliament		CONFER 4736/00, 030500: D (20)/B	No formal position paper	No evidence found	No evidence found
Council Secretariat		No formal opinion paper	No formal position paper	No evidence found	See Dutch cabinet

Table 14b (formal and informal IGC meetings)

European Commission <i>Size and composition</i>	1 <sup>st</sup> technical meeting preparing IGC, 140799 (FA/DIE PR report, 160799)	General Affairs Council, 200300	Preparatory Group, 280300 (Commission report, 280300)	Preparatory Group, 300500 (FA/DIE report, 310500)	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 180700)	Conclave, 240700 (Commission report, 240700)	Preparatory Group, 110900 (Commission reports, 12-130900; FA/DIE report, 120900)
Actors in general	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Presidency asked for attention to be paid to internal organisation, but 'many delegations still related to the size of the Commission'	'Certain delegations repeated their interpretation of the [Amsterdam] Protocol on the institutions with the prospect of enlargement: one Commissioner per member state [B] would be acquis'	Not applicable
Dutch cabinet	B	No evidence found	B; FA/DIE preparatory note, unknown date: D (possibly)	B	No preference expressed	See actors in general	See actors in general	B
Austria	B	No evidence found	B	B	B (in combination with hierarchy)	See actors in general	See actors in general	B
Belgium	B	No evidence found	B	B	B	See actors in general	See actors in general	B

<b>European Commission</b> <i>Size and composition</i>	1 <sup>st</sup> technical meeting preparing IGC, 140799 (FA/DIE PR report, 160799)	General Affairs Council, 200300	Preparatory Group, 280300 (Commission report, 280300)	Preparatory Group, 300500 (FA/DIE report, 310500)	General Affairs Council, 100700 (Commission report, 110700)	Preparatory Group, 140700 (FA/DIE report, 180700)	Conclave, 240700 (Commission report, 240700)	Preparatory Group, 110900 (Commission reports, 12-130900; FA/DIE report, 120900)
Denmark	B	No evidence found	B	B	B	See actors in general	See actors in general	B
Finland	B	No evidence found	B	B	B	See actors in general	See actors in general	B
France	B	No evidence found	D ('around 20')	D (in combination with equal rotation system)	D (implicit)	'Reforming Commission useful if smaller Commission, but absolute necessity if one Commissioner per member state' (Presidency)	See actors in general	D (<20)
Germany	B	No evidence found	D ('around 20')	D (in combination with unequal rotation system)	D	See actors in general	See actors in general	D
Greece	B	No evidence found	B	B	B	See actors in general	See actors in general	B
Ireland	B	No evidence found	B	B	B	See actors in general	See actors in general	B
Italy	B	No evidence found	D ('around 20')	D (in combination with equal rotation system)	No preference expressed	See actors in general	See actors in general	D (in combination with equal rotation system)
Luxembourg	B	No evidence found	B	B	B	See actors in general	See actors in general	B
Portugal	B	No evidence found	B	B	B	See actors in general	See actors in general	B
Spain	B	No evidence found	D ('around 20')	D (in combination with unequal rotation system)	D (otherwise B in combination with hierarchy)	See actors in general	See actors in general	D
Sweden	B	No evidence found	B	B	B	See actors in general	See actors in general	B
United Kingdom	B	No evidence found	D ('around 20')	D (in combination with equal rotation system)	D	See actors in general	See actors in general	D
European Commission	No evidence found	Commission preparatory notes (two), unknown dates: D/B (probably)	No evidence found	Commission preparatory note, unknown date: B/D	D (20)/B	'Question of size should also be seriously studied until end IGC'	See actors in general	D
European Parliament	No participant	No participant	No evidence found	No evidence found	D (20)/B	See actors in general	See actors in general	B

Table 14c (formal and informal IGC meetings continued)

European Commission Size and composition	General Affairs Council, 180900 (Commission reports (two), 190900)	Biarritz European Council, 13-141000 (FA/DIE preparatory note for bilateral meetings on 19 and 231000, unknown date)	Preparatory Group, 231000 (Commission report, 251000)	Preparatory Group, 301000 (FA/DIE report, 311000; Commission report, 301000)	Preparatory Group, 131100	Conclave (informal GAC), 191100 (Commission report, 191100)	Preparatory Group, 241100 (FA/DIE report, 271100)	Conclave (informal GAC), 031200	Nice European Council, 07-111200
	Actors in general	Not applicable	Most actors were not very specific in terms of their preferred options	Not applicable	- FA/DIE report, 141100: Although small member states continued to stick to principle of one Commissioner per member state and big member states to idea of smaller Commission, it was gradually becoming clear that 'Biarritz model' [C] was considered by everyone to be possible compromise' - Commission report, 141100: 'Delegations agreed that [C] should be coupled with date and not number of member states'	- Confirmation of positions of principle [small member states B, big D], but big majority willing to explore third way [C] - 'Equal rotation system generally accepted'	- There still appeared to be three schools, one that assumed ceiling that would start from when EU had 27/28 members without mentioning specific date, one that assumed fixed date of 2010 and one that did not accept ceiling at all [Sweden, Greece and Denmark] - Preferred number of Commissioners varying from 20 to 27	Not applicable	Not applicable
Dutch cabinet	B	B/(C)	See actors in general	B/(C) only under condition of equal rotation system)	FA/DIE report, 141100: B/(C) under condition of equal rotation system)	FA/DIE preparatory note, unknown date: - B/(C) (2005/2010: >20) - Only acceptable if conditions for equal rotation system clearly established in Treaty (probably)	See actors in general	FA/DIE preparatory note, unknown date: C (e.g. 20; as from 2010), but (the guarantees for equal rotation system should be established precisely in Treaty (probably)	FA/DIE preparatory note, unknown date: C (e.g. 20; e.g. as from 2010), but conditions for equal rotation system should be established precisely in Treaty (probably)

<b>European Commission</b> <i>Size and composition</i>	General Affairs Council, 180900 (Commission reports (two), 190900)	Biartz European Council, 13-141000 (FA/DIE preparatory note for bilateral meetings on 19 and 231000, unknown date)	Preparatory Group, 231000 (Commission report, 251000)	Preparatory Group, 301000 (FA/DIE report, 311000; Commission report, 301000)	Preparatory Group, 131100	Conclave (informal GAC), 191100 (Commission report, 191100)	Preparatory Group, 241100 (FA/DIE report, 271100)	Conclave (informal GAC), 031200	Nice European Council, 07-111200
Austria	B	B	See actors in general	B	See actors in general	B/C (unclear)	See actors in general	No evidence found	No evidence found
Belgium	B	B/C	See actors in general	B/C only under condition of equal rotation system)	Commission report, 141100: 2010 (with regard to C); see actors in general	B/C (2005/2010: >20)	See actors in general	No evidence found	No evidence found
Denmark	B	B	See actors in general	B	See actors in general	B/C (2005/2010)	B	No evidence found	No evidence found
Finland	B	B	See actors in general	B/C only under condition of equal rotation system)	See actors in general	B/C (unclear)	See actors in general	No evidence found	No evidence found
France	D (in combination with equal rotation system)	- D - Commission report of PG of 301000, 301000: equal rotation system	See actors in general	C (in combination with equal rotation system) (Presidency)	See actors in general	D/C (2005/2010: max. 20)	See actors in general	No evidence found	No evidence found
Germany	D (and against equal rotation system)	- D - Commission report of PG of 301000, 301000: equal rotation system	'Should be possible to find solution with equal rotation system'	D/C)	See actors in general	D/C (2005/2010: max. 20)	See actors in general	No evidence found	No evidence found
Greece	B	B	D means weaker Commission and is not acceptable to Greek Parliament	B	See actors in general	B/C (unclear)	B	No evidence found	No evidence found
Ireland	B	B	See actors in general	B	See actors in general	B	See actors in general	No evidence found	No evidence found



<b>European Commission</b> <i>Size and composition</i>	General Affairs Council, 180900 (Commission reports (two), 190900)	Blaritz European Council, 13-141000 (FA/DIE preparatory note for bilateral meetings on 19 and 23 1000, unknown date)	Preparatory Group, 23 1000 (Commission report, 25 1000)	Preparatory Group, 301000 (FA/DIE report, 31 000; Commission report, 301000)	Preparatory Group, 131100	Conclave (Informal GAC), 191100 (Commission report, 191100)	Preparatory Group, 241100 (FA/DIE report, 271100)	Conclave (Informal GAC), 031200	Nice European Council, 07-111200
Italy	D (20; equal rotation system)	- D - Commission report established in of PG of 301000, 301 000: equal rotation system	B' should not be established in Treaty'	D/C in combination with equal rotation system)	See actors in general	D/C (2005/2010: max. 20)	See actors in general	No evidence found	No evidence found
Luxembourg	B	B	See actors in general	B/C only under condition of equal rotation system)	See actors in general	B/C (unclear)	See actors in general	No evidence found	No evidence found
Portugal	B	B	See actors in general	B	See actors in general	B/C (unclear)	See actors in general	No evidence found	No evidence found
Spain	D (and against equal rotation system)	- D - Commission report of PG of 301000, 301 000: equal rotation system	See actors in general	D/C (only actor that was not yet completely convinced of equal rotation system')	See actors in general	D/C (2005/2010)	See actors in general	No evidence found	No evidence found
Sweden	B	B	See actors in general	B	See actors in general	B/C (unclear)	B	No evidence found	No evidence found
United Kingdom	D	- D - Commission report of PG of 301000, 301 000: equal rotation system	See actors in general	D/C)	Commission report, 141100: 2010 (with regard to C); see actors in general	D/C (2005/2010: max. 20; free choice for President instead of equal rotation system)	See actors in general	No evidence found	No evidence found
European Commission	D>B	Commission preparatory note, unknown date: D/C	See actors in general	No preference expressed	Commission preparatory note, unknown date: C (coupled with date and in combination with equal rotation principle in Treaty, concrete list later (probably))	Commission preparatory note, unknown date: in the case of C, 20; from date; equal rotation principle in Treaty, concrete list later (probably))	See actors in general	No evidence found	No evidence found
European Parliament	No participant	No participant	See actors in general	No preference expressed	See actors in general	No evidence found	No participant	No evidence found	No participant

Table 15 Explaining the extent of the Dutch cabinet's influence for the Commission (domestic actors and factors) (see summary Table 7.32)

European Commission <i>Size and composition</i>		Domestic actors and factors
Dutch cabinet	Parliament Enabled: 3) PG, 301000: 'How to sell decision option C to the national parliaments?' (FA/DIE report, 311000)  Public opinion Enabled: 2) - Biarritz EC, 13-141000: Public opinion in own member state (probably) (FA/DIE preparatory note, unknown date) - PG, 301000: 'Can C be sold to public opinion?' (FA/DIE report, 311000) - Nice EC, 7-111200: Public opinion in general (probably) (FA/DIE preparatory note, unknown date) 3) Public opinion in general as an argument of the small member states in favour of B (FA/DIE preparatory note for bilateral meetings on 19 and 231000, unknown date)	
Austria	No evidence found in the data	
Belgium		
Denmark	Parliament Enabled: 1) 251000: Danish parliament against C and in favour of B (Commission telexpress, 251000)  Parliament and/or referendum Enabled: 4) and/or 3) Against C, domestically politically motivated (ratification, referenda) (FA/DIE preparatory note for Nice EC of 7-111200, unknown date)	
Finland	Parliament and/or referendum Enabled: 4) and/or 3) Against C, domestically politically motivated (ratification, referenda) (FA/DIE preparatory note for Nice EC of 7-111200, unknown date)	
France	No evidence found	
Germany	Public opinion Enabled: 2) - PG, 301000: 'Can C be sold to public opinion?' (Commission report, 301000) - PG, 131100: public opinion in general (Commission report, 141100)	
Greece	Parliament Enabled: 3) PG, 231000: 'D is not acceptable to our parliament' (Commission report, 251000)	
Ireland	Parliament and/or referendum Enabled: 4) and/or 3) Against C, domestically politically motivated (ratification, referenda) (FA/DIE preparatory note for Nice EC of 7-111200, unknown date)	

European Commission Size and composition	Domestic actors and factors
	Public opinion Enabled: 2) - GAC, 180900; Public opinion in general (Commission report, 190900) - PG, 301000; 'Can C be sold to public opinion?' (Commission report, 301000)
Italy	No evidence found
Luxembourg	
Portugal	Parliament Enabled: 3) PG, 301000; Major doubts about C because of difficult 'political situation' (implicitly probably; parliament) (Commission report, 301000) Parliament and/or referendum Enabled: 4) and/or 3) Against C, domestically politically motivated (ratification, referenda) (FA/DIE preparatory note for Nice EC of 7-111200, unknown date)
	Public opinion Enabled: 2) PG, 301000; 'Can C be sold to public opinion?' (Commission report, 301000)
Spain	No evidence found
Sweden	Parliament and/or referendum Enabled: 4) and/or 3) Against C, domestically politically motivated (ratification, referenda) (FA/DIE preparatory note for Nice EC of 7-111200, unknown date)
United Kingdom	Not applicable/no evidence found
European Commission	
European Parliament	

Table 16 Explaining the extent of the Dutch cabinet's influence for the Commission (contextual variables) (see summary Tables 7.33-7.35)

European Commission	Size and composition
Negotiation level	Level 3 - PG, 070300 (Commission/Organisation note, 030300) - PG, 280300 on basis of CONFER 4727/00, 240300 (Commission preparatory note, unknown date; Commission report, 280300) - PG, 300500 on basis of CONFER 4744/00, 240500 (FA/DIE report, 310500; two Commission preparatory notes, unknown date) - PG, 140700 on basis of CONFER 4757/00, 110700 (FA/DIE report, 180700) - PG, 110900 (Commission reports, 12-130900; FA/DIE report, 120900) - PG, 231000 (Commission report, 251000) - PG, 301000 (FA/DIE report, 311000; Commission report, 301000)

European Commission	Size and composition
	<ul style="list-style-type: none"> <li>- PG, 131100 on basis of CONFER 4797/00, 091100 (FA/DIE report, 141100; Commission report, 141100)</li> <li>- PG, 241100 on basis of CONFER 4810/00 (FA/DIE report, 271100)</li> </ul> <p>Level 2</p> <ul style="list-style-type: none"> <li>- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date)</li> <li>- GAC, 100700 on basis of CONFER 4755/00, 050700 (Commission report, 110700)</li> <li>- Conclave, 240700 on basis of CONFER 4762/00, 180700 (Commission report, 240700)</li> <li>- GAC, 180900 (two Commission reports, 190900)</li> <li>- Conclave, 191100 on basis of CONFER 4802/00, 161100 (Commission report, 191100)</li> <li>- Conclave, 031200 on basis of CONFER 4813/00, 011200 (FA/DIE preparatory note, unknown date)</li> </ul> <p>Level 1</p> <ul style="list-style-type: none"> <li>- Biarritz EC, 13-141000 (FA/DIE preparatory note for bilateral meetings on 19 and 231000, unknown date; Commission report PG of 301000, 301000)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date)</li> </ul> <p>Median: 3</p>
Negotiation timing	
	<ul style="list-style-type: none"> <li>- PG, 070300 (Commission/Organisation note, 030300); IGC week 4</li> <li>- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date); IGC week 6</li> <li>- PG, 280300 on basis of CONFER 4727/00, 240300 (Commission preparatory note, unknown date; Commission report, 280300); IGC week 7</li> <li>- PG, 300500 on basis of CONFER 4744/00, 240500 (FA/DIE report, 310500; two Commission preparatory notes, unknown date); IGC week 16</li> <li>- GAC, 100700 on basis of CONFER 4755/00, 050700 (Commission report, 110700); IGC week 22</li> <li>- PG, 140700 on basis of CONFER 4757/00, 110700 (FA/DIE report, 180700); IGC week 22</li> <li>- Conclave, 240700 on basis of CONFER 4762/00, 180700 (Commission report, 240700); IGC week 24</li> <li>- PG, 110900 (Commission reports, 12-130900; FA/DIE report, 120900); IGC week 31</li> <li>- GAC, 180900 (two Commission reports, 190900); IGC week 32</li> <li>- Biarritz EC, 13-141000 (FA/DIE preparatory note for bilateral meetings on 19 and 231000, unknown date; Commission report PG of 301000, 301000); IGC week 35</li> <li>- PG, 231000 (Commission report, 251000); IGC week 37</li> <li>- PG, 301000 (FA/DIE report, 311000; Commission report, 301000); IGC week 38</li> <li>- PG, 131100 on basis of CONFER 4797/00, 091100 (FA/DIE report, 141100; Commission report, 141100); IGC week 40</li> <li>- Conclave, 191100 on basis of CONFER 4802/00, 161100 (Commission report, 191100); IGC week 40</li> <li>- PG, 241100 on basis of CONFER 4810/00 (FA/DIE report, 271100); IGC week 41</li> <li>- Conclave, 031200 on basis of CONFER 4813/00, 011200 (FA/DIE preparatory note, unknown date); IGC week 42</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date); IGC week 43</li> </ul> <p>Average IGC week number: 25.9</p>
External events and developments	
	1) Impending enlargement: constraining Dutch cabinet

Table 17 Explaining the extent of the Dutch cabinet's influence for the *Weighting of votes* (influence resources) (see summary Tables 7.37-7.39)

<b>Weighting of votes</b>	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
Dutch cabinet	<ul style="list-style-type: none"> <li>- Yes: in favour of A/B on General weighting issue</li> <li>- No: in favour of E/D on Type of system issue and of A on individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of A/B on General weighting issue and of E/D on Type of system issue</li> <li>- Unknown on individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- Fax from Sweden with Swedish square root model, 290200 and 130400 (FA/DIE fax, 290200 and 130400)</li> <li>- Meeting with Sweden between officials (probably) in The Hague, 010300 (FA/DIE fax, 290200)</li> <li>- Agreement with Germany in Berlin on 100300 to collaborate on individual weighting issue (FA/DIE memo, 120900)</li> <li>- Dutch FA Minister (possibly) reminding his German colleague to agreement of 100300 in margins of meeting (FA/DIE memo, 120900)</li> <li>- Telephonic contact with Germany about individual weighting issue and 'new' German proposal about which informal agreement would have been reached with Spain; Italy and UK supposedly found proposal interesting, but France remained against; 200900 (FA/DIE memo, 200900)</li> <li>- Contacts of Foreign Affairs and General Affairs officials with German colleagues about German proposal, probably 1000 (FA/DIE memo, 280900)</li> <li>- Meeting between Dutch and German FA Ministers and between Kok-Schröder (Germany), shortly before Biarritz EC of 13-141000 (FA/DIE memo, 280900)</li> <li>- Visit Dutch State Secretary to Berlin, 191000 (FA/DIE note, 091000)</li> <li>- Trilateral meeting between Dutch, Austrian and Swedish officials about Austrian alternative weighting proposal in margins of PG of 231000 (FA/DIE note, 241000) (Already contacted by Austria: Portugal, Belgium, Finland and Luxembourg)</li> <li>- E-mail with Swedish proposals to Dutch cabinet, Denmark and Finland, 311000 (FA/DIE e-mail, 311000)</li> <li>- Telephonic contact between Dutch and Swedish officials about Swedish proposals, 021100 (FA/DIE memo, 021100)</li> <li>- Finnish reaction to Swedish proposals in e-mail to Dutch cabinet, Sweden and Denmark, 031100 (FA/DIE e-mail, 031100)</li> <li>- Meeting between Dutch and Swedish officials about Swedish proposals, around 041100 (FA/DIE memo, 021100) (possibly)</li> <li>- Visit Lippinen (Finland) to The Hague concerning Finnish model and individual weighting issue, 141100 (FA/DIE memo, 141100; FA/DIE preparatory note, unknown date) (probably)</li> <li>- Consultation of Germany with Dutch cabinet, Spain and UK about three German proposals of 231100, unknown date(s) (FA/DIE note, 'Rules of thumb for the new weighting of votes in the Council. December 2000')</li> </ul>	Yes

<b>Weighting of votes</b>	<b>Policy position: pivotal</b>	<b>Policy position: majority</b>	<b>Networks</b>	<b>Internal coherence</b>
Austria	<ul style="list-style-type: none"> <li>- No: in favour of B on Type of system and General weighting issues</li> <li>- Not applicable to Individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system</li> <li>- Yes: 9 member states in favour of B on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	See Dutch cabinet	No evidence found on internal divisiveness in the data
Belgium	<ul style="list-style-type: none"> <li>No: in favour of B on all issues</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system</li> <li>- Yes: 9 member states in favour of B on General weighting issue</li> <li>- Unknown on Individual weighting issue</li> </ul>	See Dutch cabinet	No evidence found on internal divisiveness
Denmark	<ul style="list-style-type: none"> <li>- Yes: in favour of C on Type of system issue</li> <li>- No: in favour of B on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system</li> <li>- Yes: 9 member states in favour of B on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	See Dutch cabinet	No evidence found on internal divisiveness
Finland	<ul style="list-style-type: none"> <li>- No: in favour of E on Type of system issue and of B on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of E on Type of system issue</li> <li>- Yes: 9 member states in favour of B on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	See Dutch cabinet	No evidence found on internal divisiveness
France	<ul style="list-style-type: none"> <li>- No: in favour of E/D on Type of system issue and of A on General weighting issue</li> <li>- Unclear (preference) on Individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- No: no majority in favour of E/D on Type of system issue and of A on General weighting issue</li> <li>- Unknown on Individual weighting issue</li> </ul>	No evidence found	<ul style="list-style-type: none"> <li>- No (different preferences):</li> <li>2) Different preferences in different parts on Individual weighting issue (President: A and Prime Minister/other Ministers: B) (FA/DIE memo reporting telephonic contact with Germany, 200900)</li> <li>- No evidence found on internal divisiveness on other issues</li> </ul>
Germany	<ul style="list-style-type: none"> <li>- Yes: in favour of C/B on Type of system issue</li> <li>- No: in favour of A on other issues</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system</li> <li>- No: no majority in favour of A on General weighting issue</li> <li>- Unknown on Individual weighting issue</li> </ul>	See Dutch cabinet	<ul style="list-style-type: none"> <li>- No (different preferences):</li> <li>2) Different preferences in different parts on Individual weighting issue (Chancellor: unclear preference and Foreign Affairs Ministry: A) (FA/DIE memo reporting telephonic contact with Germany, 200900)</li> <li>- No evidence found on internal divisiveness on other issues</li> </ul>

<b>Weighting of votes</b>	<b>Policy position: pivotal</b>	<b>Policy position: majority</b>	<b>Networks</b>	<b>Internal coherence</b>
Greece	- No: in favour of B on Type of system and General weighting issues - Not applicable to Individual weighting issue	- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system - Yes: 9 member states in favour of B on General weighting issue - Not applicable to Individual weighting issue	No evidence found	No evidence found on internal divisiveness
Ireland	- No: in favour of B on Type of system and General weighting issues - Not applicable to Individual weighting issue	- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system - Yes: 9 member states in favour of B on General weighting issue - Not applicable to Individual weighting issue	No evidence found	No evidence found on internal divisiveness
Italy	- No: in favour of E on Type of system issue and of A on General weighting issue - Unknown (preference) on Individual weighting issue	- No: no majority in favour of E on Type of system issue and of A on General weighting issue - Unknown on Individual weighting issue	See Dutch cabinet	No evidence found on internal divisiveness
Luxembourg	- No: in favour of B on Type of system and General weighting issues - Not applicable to Individual weighting issue	- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system - Yes: 9 member states in favour of B on General weighting issue - Not applicable to Individual weighting issue	See Dutch cabinet	No evidence found on internal divisiveness
Portugal	- No: in favour of B on Type of system and General weighting issues - Not applicable to Individual weighting issue	- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system - Yes: 9 member states in favour of B on General weighting issue - Not applicable to Individual weighting issue	See Dutch cabinet	No evidence found on internal divisiveness
Spain	No: in favour of E/F on Type of system issue and of A on other issues	- No: no majority in favour of E/F on Type of system issue and of A on General weighting issue - Unknown on Individual weighting issue	See Dutch cabinet	No evidence found on internal divisiveness
Sweden	No: in favour of E on Type of system issue, of B on General weighting issue and of A on Individual weighting issue	- No: no majority in favour of E on Type of system issue - Yes: 9 member states in favour of B on General weighting issue - Unknown on Individual weighting issue	See Dutch cabinet	No evidence found on internal divisiveness
United Kingdom	No: in favour of E on Type of system issue, of A on General weighting issue and of B on Individual weighting issue	- No: no majority in favour of E on Type of system issue and of A on General weighting issue - Unknown on Individual weighting issue	See Dutch cabinet	No evidence found on internal divisiveness

<b>Weighting of votes</b>	Policy position: pivotal	Policy position: majority	Networks	Internal coherence
European Commission	<ul style="list-style-type: none"> <li>- No: in favour of A on Type of system issue</li> <li>- Unknown on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system</li> <li>- Unknown on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	No evidence found	No evidence found on internal divisiveness
European Parliament	<ul style="list-style-type: none"> <li>- No: in favour of A on Type of system issue</li> <li>- Unknown on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- Yes: 8 member states + 2 EU actors in favour of kind of dual majority system</li> <li>- Unknown on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	No evidence found	No evidence found on internal divisiveness
Council Secretariat	<ul style="list-style-type: none"> <li>- Unclear (preference) on Type of system issue</li> <li>- Unknown (preference) on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	<ul style="list-style-type: none"> <li>- Unclear (preference) on Type of system issue</li> <li>- Unknown (preference) on General weighting issue</li> <li>- Not applicable to Individual weighting issue</li> </ul>	No evidence found	No evidence found on internal divisiveness

Table 18 Explaining the extent of the Dutch cabinet's influence for the *Weighting of votes* (influence attempts) (see summary Tables 7.36 and 7.40)

Table 18a Type of system

<b>Weighting of votes</b>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Dutch cabinet	<p>CONFER 4720/00, 060300: re-weighting (thus D, E or F)</p> <p>CONFER 4721/00, 070300: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) (1<sup>st</sup> Benelux memo)</p> <p>CONFER 4787/00, 191000: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) (2<sup>nd</sup> Benelux memo)</p>	<p>CONFER 4721/00, 070300: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) (1<sup>st</sup> Benelux memo)</p> <p>CONFER 4787/00, 191000: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) (2<sup>nd</sup> Benelux memo)</p>	<p>Actors in general: All kinds of weighting proposals of many actors, but precise number and nature is unclear</p>	<p>Benelux consultations about the 1<sup>st</sup> Benelux memo on all three issues, 011299 (FA/DIE memo, 011299)</p> <p>- Fax 1<sup>st</sup> Benelux memo, 011299 (FA/DIE fax, 011299)</p> <p>- Benelux summit probably dealing with Type of system and Individual weighting issues, 061299 (FA/DIE preparatory note, unknown date)</p> <p>- Lunch meeting Van Aartsen-Belgian FA Minister in Brussels probably also about Type of system and Individual weighting issues, 310100 (FA/DIE memo, 270100)</p> <p>- Meeting Kok-Chirac (France), 28-290200 (FA/DIE Paris embassy note, 180400)</p> <p>- Meeting Benschop-Italian State Secretary Ranieri in Rome, 140300 (FA/DIE/ESDP memo, 150300)</p> <p>- Meeting Kok-Blair (UK) (probably) in London, 150300 (FA/DIE London embassy note, 110500)</p>



<b>Weighting of votes</b> <i>Type of system</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
				<ul style="list-style-type: none"> <li>- Meeting between Dutch and British officials (probably) in London probably about all three issues including two British re-weighting proposals, 100400 (FA/DIE memo, 120400)</li> <li>- Fax from UK with two British weighting proposals, 110400 (FA/DIE fax, 110400)</li> <li>- Three meetings with French officials in Paris about Type of system and Individual weighting issues, 170400 (FA/DIE Paris embassy note, 180400)</li> <li>- 'Six seminar' in Paris, 28-290400 (FA/DIE Paris embassy report, 180400)</li> <li>- Trilateral meeting between Dutch, French and German officials about weighting of votes in Paris, 050500 (FA/DIE memo, 080500)</li> <li>- Meeting between Dutch and British official in London at least about General and Individual weighting issues, 0500 (FA/DIE London embassy note, 110500)</li> <li>- Meeting between Dutch and Italian official (probably) in Rome, 0600 (FA/DIE Rome embassy fax, 160600)</li> <li>- Several contacts (at least two) between Dutch and Greek officials (probably) in Athens probably about Type of system and Individual weighting issues, unknown dates (FA/DIE e-mail, 0600)</li> <li>- Meeting between Dutch and Italian officials (probably) in Rome about Italian model, (probably on) 120900 (FA/DIE/ESDP Rome embassy report, 120900)</li> <li>- Meeting between Dutch, French and British officials in margins PG of (probably) 231000 about Individual weighting issue (FA/DIE e-mail, unknown date)</li> <li>- Visit Dutch State Secretary to Copenhagen, 261000 (FA/DIE preparatory note, unknown date)</li> <li>- 'Old six' meeting in Berlin probably (also) about weighting of votes, probably 1100 (FA/DIE memo, 021100)</li> <li>- Four meetings between Dutch and French officials probably about all three issues, unknown dates, probably 1100 (FA/DIE Paris embassy report, 1 December 2000)</li> <li>- Meeting Kok-Verhofstadt (Belgium), unknown date ('recent meeting') (FA/DIE memo, 201100)</li> <li>- Meeting Van Aartsen-Verhofstadt (Belgium) about all three issues, unknown date (after 201100) (FA/DIE memo, 201100) (possibly)</li> <li>- Talk between Dutch PR and French Chairman after PG of 241100 about Type of system and Individual weighting issues (FA/DIE/Commission report, 271100)</li> <li>- Conversation Kok-Chirac (France) probably about all three issues, unknown date, probably 1200 (FA/DIE preparatory note, unknown date)</li> <li>- Benelux consultations in The Hague probably dealing with all three issues, 011200 (FA/DIE preparatory note, unknown date)</li> </ul>
Austria	CONFER 4712/00, 150200: no preference on type of system; QMV threshold should not rise (E/D)	No formal position paper	Actors in general: All kinds of weighting proposals of many actors, but precise number and nature is unclear	No evidence found in the data

<b>Weighting of votes</b> <i>Type of system</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Belgium	No formal position paper	- CONFER 4721/00, 070300: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191 000: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) (2 <sup>nd</sup> Benelux memo)	Actors in general: All kinds of weighting proposals of many actors, but precise number and nature is unclear	- 'Bilateral conversations' between Belgium and France at least about Individual weighting issue (Belgium: no opening towards A), unknown dates (before 050500) (FA/DIE memo, 080500) - See Dutch cabinet
Denmark	CONFER 4722/00, 070300: C (QMV threshold around current level + at least 50% population)	No formal position paper	See Dutch cabinet	
Finland	CONFER 4723/00, 070300: E	No formal position paper	No evidence found	
France	No formal position paper	No formal position paper	- Telephonic contact Chirac-Blair (UK) at least about coupled individual weighting issues of the Netherlands-Belgium and Germany-France, 160300 (FA/DIE London embassy note, 110500) - French-German summit in Mainz, unknown date (FA/DIE memo, 120900) - French-German summit in Vitell at least about Type of system and individual weighting issues, probably 141100 (FA/DIE Berlin embassy note, 151100; Commission political flash report, 141100) - Meeting with Portugal in Lisbon, 021100 (Bulletin Quotidien Europe 7829, 261000; included in Commission archive) - Meeting with Spain in Madrid at least about Individual weighting issue (France: B), probably 1100 (FA/DIE Paris embassy note, 011200) - See Dutch cabinet, Belgium and UK	
Germany	CONFER 4733/00, 300300: re-weighting (thus D, E or F) or dual majority system (C, with e.g. 60% of population)	No formal position paper	- Meeting Schröder-Amato (Italy), around 200900 (FA/DIE/ESDP Rome embassy report, 12 September 2000) - See Dutch cabinet, France and UK	
Greece	CONFER 4719/00, 030300: 'if the system were to be changed' B (60% + 60%)	No formal position paper	See Dutch cabinet	
Ireland	No formal position paper	No formal position paper	No evidence found	

<b>Weighting of votes</b> <i>Type of system</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Italy	- CONFER 4717/00; 030300: E - CONFER 4751/00; 160600: E	No formal position paper	Actors in general: All kinds of weighting proposals of many actors, but precise number and nature is unclear	See Dutch cabinet, Germany and UK
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191 000: re-weighting (thus D, E or F) or dual majority system (thus A, B or C) (2 <sup>nd</sup> Benelux memo)		See Dutch cabinet
Portugal	No formal position paper	No formal position paper		See France
Spain	No formal position paper	No formal position paper		See France and UK
Sweden	No formal position paper	No formal position paper		No evidence found
United Kingdom	CONFER 4718/00, 030300: happy to consider both re-weighting (thus D, E or F) and dual majority system (thus A, B or C), but preference for re-weighting	No formal position paper		- Consultations with Germany, France, Italy and Spain about two British re-weighting models, unknown dates (around 0400) (FA/DIE memo, 1 20400) - See Dutch cabinet and France
European Commission	CONFER 4701/00, 010200: A	No formal position paper		No evidence found
European Parliament	CONFER 4736/00, 030500: A	No formal position paper		No evidence found

Table 18b Type of system (formal and informal IGC meetings)

<b>Weighting of votes</b>	2 <sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)	General Affairs Council, 200300	Preparatory Group, 040400 (Commission report, 040400; FA/DIE report, 050400)	Preparatory Group, 300500 (FA/DIE report, 310500)	Preparatory Group, 060700 (FA/DIE report, 070700)	Preparatory Group, 250900 (Commission report, 260900)	Conclave (informal GAC), 081000 (Commission report, 091000; FA/DIE report, 101000)	Biarritz European Council, 13-141000
<b>Type of system (and QMV threshold)</b>								
<b>Actors in general</b>	Hardly any support for double majorities	Commission report PG of 040400, 040400: 'Positions of delegations [on Type of system issue] had not changed from GAC of 200300'	Not applicable	Not applicable	Not applicable	Commission report and FA/DIE report, both 260900: 'Positions of delegations had not changed'	Not applicable	Not applicable
<b>Dutch cabinet</b>	Not against D (on QMV threshold)	E (see actors in general)	E	E	E (derived from: 'all member states stuck to their original positions')	E (see actors in general)	D	FA/DIE preparatory note, unknown date: E (probably)
<b>Austria</b>	See actors in general	B (see actors in general)	B (Commission report: open to discuss dual majority system; FA/DIE report: most member states favouring dual majority system: 50% + 60%)	060600 C (Amsterdam model: maintaining more or less current weighting + population test of 60%)	B or C (derived from: 'all member states stuck to their original positions')	B or C (see actors in general)	Dual majority system ('according to different models')	No evidence found
<b>Belgium</b>	See actors in general	B (see actors in general)	B (Commission report: dual majority system; FA/DIE report: most member states favouring dual majority system: 50% + 60%)	Dual majority system (C: extrapolation, possibly combined with correcting population test of 60%)	Dual majority system (probably B or C)	Dual majority system (probably B)	Dual majority system ('according to different models')	No evidence found
<b>Denmark</b>	See actors in general	C (see actors in general)	C (Commission report: 'Amsterdam formula'; FA/DIE report: dual majority system)	060600 B (1 = preference)/C (Amsterdam model: maintaining more or less current weighting + population test of 60%)	Dual majority system (probably B or C)	Amsterdam model (C)	Dual majority system ('according to different models')	No evidence found

<b>Weighting of votes</b> <i>Type of system (and QMV threshold)</i>	2 <sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)	General Affairs Council, 200300	Preparatory Group, 040400 (Commission report, 040400; FA/DIE report, 050400)	Preparatory Group, 300500 (FA/DIE report, 310500) Preparatory Group, 060600 (continued) (FA/DIE report, 070600; Commission report, 060600)	Preparatory Group, 060700 (FA/DIE report, 070700)	Preparatory Group, 250900 (Commission report, 260900)	Conclave (informal GAC), 081000 (Commission report, 091000; FA/DIE report, 101000)	Blaritz European Council, 13-141000
Finland	See actors in general	E (see actors in general)	E	060600 E	E	E (see actors in general)	- Dual majority system ('according to different models') - Willing to consider re-weighting	No evidence found
France	See actors in general	E (see actors in general)	E	E	E (derived from: all member states stuck to their original positions')	E (see actors in general)	E (3-33 votes)	No evidence found
Germany	See actors in general	B (see actors in general)	B (Commission report: dual majority system; FA/DIE report: most member states favouring dual majority system: 50% + 60%)	Dual majority system (probably B; also mentioned C; extrapolation, possibly combined with correcting population test of 60%)	No preference expressed (in the case of dual majority system; population at least 60%)	Unknown (see actors in general)	- Dual majority system ('according to different models') - Willing to consider E (3-33 votes)	No evidence found
Greece	See actors in general	B (see actors in general)	B (Commission report: open to discuss dual majority system; FA/DIE report: most member states favouring dual majority system: 50% + 60%)	Dual majority system (probably B)	Dual majority system (probably B or C); also willing to consider re-weighting	Dual majority system (probably B)	Dual majority system ('according to different models')	No evidence found
Ireland	See actors in general	E or B (see actors in general)	E or B (?) (Commission report: E; FA/DIE report: B (most member states favouring dual majority system: 50% + 60%))	Dual majority system (C: extrapolation, possibly combined with correcting population test of 60%)	Dual majority system (probably B or C)	Amsterdam model (C)	- Dual majority system ('according to different models') - Willing to accept re-weighting	No evidence found
Italy	See actors in general	E (see actors in general)	E	E	E	E (see actors in general)	E (3-33 votes)	No evidence found

<b>Weighting of votes</b> <i>Type of system (and QMV threshold)</i>	2 <sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)	General Affairs Council, 200300	Preparatory Group, 040400 (Commission report, 040400; FA/DIE report, 050400)	Preparatory Group, 300500 (FA/DIE report, 310500) Preparatory Group, 060600 (continued) (FA/DIE report, 070600; Commission report, 060600)	Preparatory Group, 060700 (FA/DIE report, 070700)	Preparatory Group, 250900 (Commission report, 260900)	Conclave (informal GAC), 081000 (Commission report, 091000; FA/DIE report, 101000)	Blaritz European Council, 13-141000
Luxembourg	See actors in general	B (see actors in general)	B (Commission report: dual majority system; FA/DIE report: most member states favouring dual majority system: 50% + 60%)	Dual majority system (probably B; also interest in C: extrapolation, possibly combined with correcting population test of 60%)	Dual majority system (probably B or C)	B or C (see actors in general)	Dual majority system ('according to different models')	No evidence found
Portugal	See actors in general	B (see actors in general)	B (Commission report: open to discuss dual majority system; FA/DIE report: most member states favouring dual majority system: 50% + 60%)	060600 C (Amsterdam model: maintaining more or less current weighting + population test of 60%)	Dual majority system (probably B or C)	B or C (see actors in general)	- Dual majority system ('according to different models') - Willing to discuss re-weighting on basis of concrete numbers	No evidence found
Spain	F (on QMV threshold)	E (see actors in general)	E (in the case of dual majority system: population 70%)	F	F (assumed from: all member states stuck to their original positions; in the case of dual majority system: population 70%)	Re-weighting (probably F)	F	No evidence found
Sweden	See actors in general	E (see actors in general)	E	E	E	Dual majority system (probably B)	E	No evidence found
United Kingdom	No support anymore for dual majority system; E (on QMV threshold)	E (see actors in general)	E	060600 E	E	E (see actors in general)	E	No evidence found
European Commission	No evidence found	- A (see actors in general) - Commission preparatory notes (two), unknown date: A	A	A	Commission preparatory note, unknown date: A (probably)	A	Commission preparatory note, unknown date: A (probably)	No evidence found
European Parliament	No participant	No participant	A	060600 No evidence found	No evidence found	No evidence found	No evidence found	No participant

<b>Weighting of votes</b> <i>Type of system (and QMV threshold)</i>	2 <sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)	General Affairs Council, 200300	Preparatory Group, 040400 (Commission report, 040400; FA/DIE report, 050400)	Preparatory Group, 300500 (FA/DIE report, 310500) Preparatory Group, 060600 (continued) (FA/DIE report, 070600; Commission report, 060600)	Preparatory Group, 060700 (FA/DIE report, 070700)	Preparatory Group, 250900 (Commission report, 260900)	Conclave (informal GAC), 081000 (Commission report, 091000; FA/DIE report, 101000)	Blaritz European Council, 13-141000
Council Secretariat	D (on QMV threshold)	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found

Table 18c Type of system (formal and informal IGC meetings continued)

<b>Weighting of votes</b> <i>Type of system (and QMV threshold)</i>	Preparatory Group, 231000 (Commission/Commission report, 251000)	Preparatory Group, 041100 (FA/DIE report, 091100)	Preparatory Group, 131100 (FA/DIE report, 141100)	Conclave (informal GAC), 191100 (Commission/Commission report, 191100)	Preparatory Group, 241100 (FA/DIE/Commission report, 271100)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)	COREPER, 20-221200
Actors in general	Not applicable	There seemed to emerge growing consensus about Finnish proposal [of PG of 231000] that decision made by QMV should always represent majority of member states and of population, whether one would choose for dual majority system or not'	All delegations stuck to principles of majority of member states and majority of population in new weighting formula. According to report, this meant progress in so far as one was no longer sticking to either dual majority system or re-weighting of votes; single formula containing both principles might suffice. Clear division appeared from discussion between big and small member states concerning blocking minority. Big member states claimed that, as was the case now, three big member states should be able to block decision.	A large majority, except for France and the UK, was of the opinion that a QMV should always be supported by a majority of the member states. These actors were therefore against the Italian model (E).	Chairman Vimont had alternative proposal, a re-weighting (probably similar to Italian model) with, in case a member state could not agree with decision, as 'safety net' additional request of majority of member states. In case there was no majority of member states, decision was not made. This would enable small member states to still agree to re-weighting formula. The other re-weighting models, such as Swedish model, did not (always) guarantee majority of member states. As nobody possessed alternative proposal, delegations reacted prudently to it. UK was	Not applicable	Not applicable

<b>Weighting of votes</b> <i>Type of system (and QMV threshold)</i>	Preparatory Group, 231000 (Commission/Commission report, 251000)	Preparatory Group, 041100 (FA/DIE report, 091100)	Preparatory Group, 131100 (FA/DIE report, 141100)	Conclave (informal GAC), 191100 (Commission/Commission report, 191100)	Preparatory Group, 241100 (FA/DIE/Commission report, 271100)	Nice European Council, 07-11200 (FA/DIE preparatory note, unknown date)	COREPER, 20-221200
			Majority of small member states, on other hand, appeared to be willing to abandon dual majority system if blocking minority was formed by at least four member states and population percentage was not too high. Some were indifferent to eventual formula chosen if basic principles were ensured, others expressed themselves to be clearly for Swedish model (E) if it could be explained with examples.		very explicit in stating that it would boycott every solution in Nice that would not envision possibility for three big member states to block decision. If this was not realised, UK would not collaborate on solutions proposed for any of other subjects. In this respect, only Italian model (E) was acceptable. This resulted in some small member states stating that they would then fall back on Commission's dual majority system (A).		
Dutch cabinet	No evidence found	See actors in general	- E (on QMV threshold) + 58% population - FA/DIE preparatory note, unknown date; E; does not exclude dual majority system, if thresholds are maintained (probably)	- FA/DIE preparatory note, unknown date; E (probably) - See actors in general	See actors in general	E (probably)	FA/DIE preparatory memo for COREPER of 221200, 221200: Agree with compromise if all other member states do the same. If no consensus, sticking to position earlier taken during COREPER discussions (instruction)
Austria	No evidence found	See actors in general	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Belgium	No evidence found	See actors in general	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found



<b>Weighting of votes</b> <i>Type of system (and QMV threshold)</i>	Preparatory Group, 231000 (Commission/Commission report, 251000)	Preparatory Group, 041100 (FA/DIE report, 091100)	Preparatory Group, 131100 (FA/DIE report, 141100)	Conclave (informal GAC), 191100 (Commission/Commission report, 191100)	Preparatory Group, 241100 (FA/DIE/Commission report, 271100)	Nice European Council, 07-11200 (FA/DIE preparatory note, unknown date)	COREPER, 20-221200
Denmark	There are various possibilities, but one should always reckon with second parameter (either population, or number of member states)	See actors in general	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
Finland	Flexible on formula, but in principle at least 50% of population and member states should be represented	See actors in general	See actors in general	See actors in general	See actors in general	No evidence found	No evidence found
France	No evidence found	See actors in general	E	Supports Italian model (E); QMV need not always be supported by majority of member states	See actors in general	No evidence found	No evidence found
Germany	Dual majority system (probably B or C)	See actors in general	Dual majority system (willing to consider re-weighting if 'demographic factor' would continue to play an important role (A on General weighting issue)	- Regrets that Presidency has abandoned dual majority system; open position, as long as demographic factor is taken into account - See actors in general	See actors in general	No evidence found	No evidence found
Greece	A	See actors in general	Dual majority system (probably B or C)	- Regrets that Presidency has abandoned dual majority system - See actors in general	See actors in general	No evidence found	No evidence found
Ireland	No evidence	See actors in general	See actors in general	- Regrets that Presidency has abandoned dual majority system - See actors in general	See actors in general	No evidence found	No evidence found
Italy	No evidence	See actors in general	See actors in general	- Supports Italian model (E) - See actors in general	See actors in general	No evidence found	No evidence found
Luxembourg	Against Italian model (E)	See actors in general	Dual majority system (probably B or C)	- Regrets that Presidency has abandoned dual majority system - See actors in general	See actors in general	No evidence found	No evidence found
Portugal	No evidence	See actors in general	Dual majority system (probably B or C)	- Regrets that Presidency has abandoned dual majority system - See actors in general	See actors in general	No evidence found	No evidence found

<b>Weighting of votes</b> <i>Type of system (and QMV threshold)</i>	Preparatory Group, 231000 (Commission/Commission report, 251000)	Preparatory Group, 041100 (FA/DIE report, 091100)	Preparatory Group, 131100 (FA/DIE report, 141100)	Conclave (informal GAC), 191100 (Commission/Commission report, 191100)	Preparatory Group, 241100 (FA/DIE/Commission report, 271100)	Nice European Council, 07-11200 (FA/DIE preparatory note, unknown date)	COREPER, 20-221200
Spain	No evidence	See actors in general	See actors in general	- Supports Italian model (E) - See actors in general	See actors in general	No evidence found	No evidence found
Sweden	Re-weighting (thus D, E or F; implicit)	See actors in general	E (Swedish model; willing to inquire variants to this model)	See actors in general	See actors in general	No evidence found	No evidence found
United Kingdom	No evidence	See actors in general	See actors in general	Supports Italian model (E); QMV/ need not always be supported by majority of member states	See actors in general	No evidence found	No evidence found
European Commission	No evidence	Commission preparatory note, unknown date: A (probably)	Dual majority system (probably A)	Commission preparatory note, unknown date: A (but open to other models under specific conditions) (probably)	See actors in general	No evidence found	No evidence found
European Parliament	A	No participant	See actors in general	See actors in general	No participant	No participant	No participant

Table 18d General weighting

<b>Weighting of votes</b> <i>General weighting</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Dutch cabinet	CONFER 4720/00, 060300: A ('population deciding factor')/B ('balance')	- CONFER 4721/00, 070300: A ('representativeness')/B ('balance') (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299) (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A ('population size')/B ('balance') (2 <sup>nd</sup> Benelux memo)	See Table 18a (Type of system)	See Table 18a (Type of system)
Austria	CONFER 4712/00, 150200: B	No formal position paper		
Belgium	No formal position paper	- CONFER 4721/00, 070300: A ('representativeness')/B ('balance') (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299) (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A ('population size')/B ('balance') (2 <sup>nd</sup> Benelux memo)		
Denmark	CONFER 4722/00, 070300: B ('balance')	No formal position paper		
Finland	CONFER 4723/00, 070300: no preference	No formal position paper		
France	No formal position paper	No formal position paper		
Germany	CONFER 4733/00, 300300: A	No formal position paper		
Greece	CONFER 4719/00, 030300: no preference	No formal position paper		
Ireland	No formal position paper	No formal position paper		

<b>Weighting of votes</b> <i>General weighting</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Italy	- CONFER 4717/00, 030300: A - CONFER 4751/00, 160600: A	No formal position paper	See Table 18a (Type of system)	See Table 18a (Type of system)
Luxembourg	No formal position paper	- CONFER 4721/00, 070300: A ('representativeness')/B ('balance') (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299) (1 <sup>st</sup> Benelux memo) - CONFER 4787/00, 191000: A ('population size')/B ('balance') (2 <sup>nd</sup> Benelux memo)		
Portugal	No formal position paper	No formal position paper		
Spain	No formal position paper	No formal position paper		
Sweden	No formal position paper	No formal position paper		
United Kingdom	CONFER 4718/00, 030300: A (doubly compensating big member states)	No formal position paper		
European Commission	CONFER 4701/00, 010200: no preference/not applicable (in favour of A on Type of system issue)	No formal position paper		
European Parliament	CONFER 4736/00, 030500: no preference/not applicable (in favour of A on Type of system issue)	No formal position paper		

Table 18e General weighting (formal and informal IGC meetings)

<b>Weighting of votes</b> <i>General weighting</i>	2 <sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)	Preparatory Group, 040400 (Commission report, 040400; FA/DIE report, 050400)	Preparatory Group, 300500 (FA/DIE report, 310500)	Preparatory Group, 060700 (FA/DIE report, 070700)	Preparatory Group, 250900 (Commission report, 260900)	Conclave (informal GAC), 081000 (Commission report, 091000; FA/DIE report, 101000)	Blairitz European Council, 13-141000	Preparatory Group, 131100 (FA/DIE report, 141100)	Conclave (informal GAC), 191100	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)	COREPER, 20-221200
Actors in general	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Dutch cabinet	No evidence found	A2/B	No evidence found	A/B	FA/DIE report, 260900: A/B	A/B	FA/DIE preparatory note, unknown date: A (probably)	FA/DIE preparatory note, unknown date: A/B (probably)	FA/DIE preparatory note, unknown date: A/B (probably)	No evidence found	FA/DIE preparatory memo for COREPER of 221200, 221200: Agree with compromise if all other member states do the same. If no consensus, sticking to position earlier taken during COREPER discussions (instruction)

Weighting of votes	2 <sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)	Preparatory Group, 300500 (FA/DIE report, 310500)	Preparatory Group, 060700 (FA/DIE report, 070700)	Preparatory Group, 250900 (Commission report, 260900)	Conclave (informal GAC), 081000 (Commission report, 091000; FA/DIE report, 101000)	Biarritz European Council, 13-141000	Preparatory Group, 131100 (FA/DIE report, 141100)	Conclave (informal GAC), 191100 (FA/DIE preparatory note, unknown date)	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)	COREPER, 20-221200
Austria	No evidence found	B	No evidence found	B	No evidence found	B	No evidence found	No evidence found	No evidence found	No evidence found
Belgium	No evidence found	B	No evidence found	B	B	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Denmark	No evidence found	B	No evidence found	B	B	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Finland	No evidence found	B	No evidence found	B (implicit)	B	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
France	A (Big member states accept over-representation small member states, but want balance')	A	A (doubly compensating big member states)	No evidence found	A (implicit; Presidency)	No evidence found	A	No evidence found	No evidence found	No evidence found
Germany	A (Big member states accept over-representation small member states, but want balance')	A	A (doubly compensating big member states)	No evidence found	A	No evidence found	A	No evidence found	No evidence found	No evidence found
Greece	No evidence found	B	No evidence found	No evidence found	B	B	No evidence found	No evidence found	No evidence found	No evidence found
Ireland	No evidence found	B	No evidence found	No evidence found	No evidence found	B	No evidence found	No evidence found	No evidence found	No evidence found

Weighting of votes	2 <sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)	Preparatory Group, 300500 (FA/DIE report, 310500)	Preparatory Group, 060700 (FA/DIE report, 070700)	Preparatory Group, 250900 (Commission report, 260900)	Conclave (informal GAC), 081000 (Commission report, 091000; FA/DIE report, 101000)	Biarritz European Council, 13-141000	Preparatory Group, 131100 (FA/DIE report, 141100)	Conclave (informal GAC), 191100	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)	COREPER, 20-221 200
Italy	A ('Big member states accept over-representation small member states, but want balance')	A	No evidence found	A	A	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Luxembourg	No evidence found	B	No evidence found	B	B	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Portugal	No evidence found	B	No evidence found	B	B	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Spain	A ('Big member states accept over-representation small member states, but want balance')	A	No evidence found	No evidence found	A	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
Sweden	No evidence found	B	No evidence found	B (implicit)	B	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
United Kingdom	A ('Big member states accept over-representation small member states, but want balance')	A	060600 A (doubly compensating big member states)	A (implicit)	A	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found

<b>Weighting of votes</b> General weighting	2 <sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)	Preparatory Group, 040400 (Commission report, 040400; FA/DIE report, 050400)	Preparatory Group, 300500 (FA/DIE report, 310500)	Preparatory Group, 060700 (FA/DIE report, 070700)	Preparatory Group, 250900 (Commission report, 260900)	Conclave (informal GAC), 081000 (Commission report, 091000; FA/DIE report, 101000)	Biarritz European Council, 13-141000	Preparatory Group, 131100 (FA/DIE report, 141100)	Conclave (informal GAC), 191100	Nice European Council, 07-111200 (FA/DIE preparatory note, unknown date)	COREPER, 20-221200
	European Commission	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found
European Parliament	No participant	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No participant	No evidence found	No participant	No participant	No participant
	Formal individual written proposals	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)	Commission preparatory note, unknown date: A (probably)

Table 18f Individual weighting

Weighting of votes <i>Individual weighting</i>	Formal individual written proposals	Formal joint written proposals	Semi-formal individual and joint written proposals	Informal bilateral and multilateral contacts
Dutch cabinet	CONFER 4720/00, 060300: A	- CONFER 4721/00, 070300: A/B (equal differentiation application to similar situations') (1 <sup>st</sup> Benelux memo) (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299) - CONFER 4787/00, 191000: A/B ('comparable solutions being applied to comparable situations') (2 <sup>nd</sup> Benelux memo)	See Table 18a (Type of system)	See Table 18a (Type of system)
Belgium	No formal position paper	- CONFER 4721/00, 070300: A/B ('equal differentiation application to similar situations') (1 <sup>st</sup> Benelux memo) (interpretation confirmed by FA/DIE memo following consultations on draft Benelux memo of 011299, 011299) - CONFER 4787/00, 191000: A/B ('comparable solutions being applied to comparable situations') (2 <sup>nd</sup> Benelux memo)	See Table 18a (Type of system)	See Table 18a (Type of system)
France	No formal position paper	No formal position paper		
Germany	CONFER 4733/00, 300300: no preference	No formal position paper		
Italy	- CONFER 4717/00, 030300: no preference - CONFER 4751/00, 160600: B	No formal position paper		
Spain	No formal position paper	No formal position paper		
Sweden	No formal position paper	No formal position paper		
United Kingdom	CONFER 4718/00, 030300: no preference	No formal position paper		



<b>Weighting of votes</b>	<b>2<sup>nd</sup> technical meeting preparing IGC, 150999 (FA/DIE PR report, 160999)</b>	<b>Preparatory Group, 040400 (FA/DIE report, 050400)</b>	<b>Preparatory Group, 300500 (FA/DIE report, 310500)</b>	<b>Preparatory Group, 060700 (FA/DIE report, 070700)</b>	<b>Preparatory Group, 250900 (Commission report, 260900)</b>	<b>Conclave (informal GAC, FA/DIE report, 101000)</b>	<b>Biarritz European Council, 13-141000 (FA/DIE report, 141000)</b>	<b>Preparatory Group, 131100 (FA/DIE report, 141100)</b>	<b>Conclave (informal GAC, 191100 (Commission/Commission report, 191100)</b>	<b>Nice European Council, 07-111200</b>	<b>COREPER, 20-221200</b>
Council Secretariat	A (for Germany-France) no longer taboo, if revision also applied to countries that follow below (e.g. A for Dutch cabinet-Belgium)	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found	No evidence found

Table 19 Explaining the extent of the Dutch cabinet's influence for the Weighting of votes (domestic actors and factors)

<b>Weighting of votes</b>	<b>Domestic actors and factors</b>
Dutch cabinet	No evidence found in the data
Austria	Public opinion Enabled: 2) PG, 040400: 'Change in number of votes should be explainable to population of my country' (Commission report, 040400)
Belgium	Public opinion Enabled: 2) PG, 040400: 'Change in number of votes should be explainable to population of my country' (Commission report, 040400)
Denmark	Public opinion and/or referendum Enabled: 2) PG, 040400: 'Change in number of votes should be explainable to population of my country' (Commission report, 050400)
Finland	No evidence found
France	Parliament Enabled: 3) Bilateral meeting with Dutch cabinet, 170400: 'How to explain decision option A on Individual weighting issue to parliament?' (FA/DIE Paris embassy report, 180400) Public opinion Enabled: 2) - PG, 040400: 'Change in number of votes should be explainable to population of my country' (Commission report, 040400) - Bilateral meeting with Dutch cabinet, 170400: 'How to explain A on Individual weighting issue to the public?' (FA/DIE Paris embassy report, 180400) - PG, 300500: 'Under-representation big member states increasingly difficult to explain to population' (French Presidency) (FA/DIE report, 310500)



Weighting of votes	Domestic actors and factors
	<p>Elections Enabled: 2) Bilateral meeting with Dutch cabinet, 170400: Unclear/no expression of the French position on the Weighting of votes dossier due to possible 'electoral obstacles' in 2002 (FA/DIE Paris embassy report, 180400)</p>
Germany	<p>Public opinion Enabled: 2) PG, 300500: 'Under-representation big member states increasingly difficult to explain to population' (French Presidency) (FA/DIE report, 310500)</p>
Greece	<p>Public opinion and/or referendum Enabled: 2) PG, 040400: 'Change in number of votes should be explainable to population of my country' (FA/DIE report, 050400)</p>
Ireland	<p>Public opinion and/or referendum Enabled: 2) PG, 040400: 'Change in number of votes should be explainable to population of my country' (Commission report, 040400; FA/DIE report, 050400)</p> <p>Parliament Enabled: 3) PG, 250900: 'Each should be able to return with the result to its parliament' (Commission report, 260900)</p>
Italy	<p>Public opinion Enabled: 2) PG, 300500: 'Under-representation big member states increasingly difficult to explain to population' (French Presidency) (FA/DIE report, 310500)</p>
Luxembourg	<p>Public opinion and/or referendum Enabled: 2) PG, 040400: 'Change in number of votes should be explainable to population of my country' (FA/DIE report, 050400)</p>
Portugal	<p>Parliament and/or public opinion Enabled: 3) and/or 2) PG, 250900: 'We have also the problem of how to sell the result' (Commission report, 260900)</p>
Spain	<p>Public opinion Enabled: 2) - PG, 040400: 'Change in number of votes should be explainable to population of my country' (Commission report, 040400) - PG, 300500: 'Under-representation big member states increasingly difficult to explain to population' (French Presidency) (FA/DIE report, 310500)</p>
Sweden	<p>Public opinion Constrained: 3) FA/DIE preparatory note for Nice EC of 07-111200, unknown date: Swedish square root model would not be explainable to broader public and press (according to several actors)</p>

Weighting of votes	Domestic actors and factors
United Kingdom	<p>Parliament and/or public opinion</p> <p>Enabled:</p> <p>3) and/or 2) PG, 250900: 'We need positive result on weighting of votes, as we cannot present closer cooperation and extension of QMV as good results' (Commission report, 260900)</p> <p>Public opinion</p> <p>Enabled:</p> <p>2) PG, 300500: 'Under-representation big member states increasingly difficult to explain to population' (French Presidency) (FA/DIE report, 310500)</p>
European Commission	<p>Parliaments (in general)</p> <p>Enabled:</p> <p>3) PG, 300500: 'A can be explained to our parliaments and public opinion when ratifying the Treaty' (Commission preparatory note, unknown date) (probably)</p> <p>Public opinion</p> <p>Enabled:</p> <p>2) - GAC, 200300: 'A can be explained to public opinion when ratifying the Treaty' (Commission preparatory note, unknown date) (probably)</p> <p>- PG, 040400: 'A can be explained to public opinion when ratifying the Treaty' (Commission preparatory note, unknown date) (probably)</p> <p>- PG, 300500: 'A can be explained to our parliaments and public opinion when ratifying the Treaty' (Commission preparatory note, unknown date) (probably)</p> <p>- PG, 060700: 'A can be explained to public opinion when ratifying the Treaty' (Commission preparatory note, unknown date) (probably)</p> <p>- PG, 041100: 'A can be explained to public opinion when ratifying the Treaty' (Commission preparatory note, unknown date) (probably)</p>
European Parliament	Not applicable/no evidence found

Table 20 Explaining the extent of the Dutch cabinet's influence for the *Weighting of votes (contextual variables)* (see summary Tables 7.41–7.43)

<b>Weighting of votes</b>		Type of system (and QMV threshold)		Individual weighting	
Negotiation level		Level 3	General weighting	Level 3	Individual weighting
Negotiation level	Level 3	<ul style="list-style-type: none"> <li>- PG, 070300 (Commission/Organisation note, 030300) (probably: dossier in general)</li> <li>- PG, 040400 on basis of CONFER 4728/00, 240300 (Commission report, 040400; FA/DIE report, 050400)</li> <li>- PG, 300500 on basis of CONFER 4745/00, 240500 (FA/DIE report, 310500; two Commission preparatory notes, unknown date)</li> <li>- PG, 060600 (continued) on basis of CONFER 4745/00, 240500 (Commission report, 060600; FA/DIE report, 070600)</li> <li>- PG, 060700 on basis of CONFER 4754/00, 030700 (FA/DIE report, 070700)</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 070300 (Commission/Organisation note, 030300) (possibly: dossier in general)</li> <li>- PG, 040400 on basis of CONFER 4728/00, 240300 (Commission report, 040400; FA/DIE report, 050400)</li> <li>- PG, 300500 on basis of CONFER 4745/00, 240500 (FA/DIE report, 310500)</li> <li>- PG, 060600 (continued) on basis of CONFER 4745/00, 240500 (Commission report, 060600; FA/DIE report, 070600)</li> <li>- PG, 060700 on basis of CONFER 4754/00, 030700 (FA/DIE report, 070700)</li> </ul>	Level 3 <ul style="list-style-type: none"> <li>- PG, 070300 (Commission/Organisation note, 030300) (possibly: dossier in general)</li> <li>- PG, 040400 on basis of CONFER 4728/00, 240300 (Commission report, 040400; FA/DIE report, 050400)</li> <li>- PG, 300500 on basis of CONFER 4745/00, 240500 (FA/DIE report, 310500)</li> <li>- PG, 060600 (continued) on basis of CONFER 4745/00, 240500 (Commission report, 060600; FA/DIE report, 070600) (possibly)</li> <li>- PG, 060700 on basis of CONFER 4754/00, 030700 (FA/DIE report, 070700)</li> <li>- PG, 250900 (Commission and FA/DIE reports, 260900)</li> <li>- PG, 231000 (Commission/Commission report, 251000)</li> <li>- PG, 041100 (FA/DIE report, 091100; Commission preparatory note, unknown date)</li> <li>- PG, 131100 on basis of CONFER 4796/00, 091100 (FA/DIE report, 141100; Commission preparatory note, unknown date)</li> <li>- PG, 241100 (FA/DIE/Commission report, 271100)</li> </ul>	<ul style="list-style-type: none"> <li>- PG, 070300 (Commission/Organisation note, 030300) (possibly: dossier in general)</li> <li>- PG, 040400 on basis of CONFER 4728/00, 240300 (Commission report, 040400; FA/DIE report, 050400)</li> <li>- PG, 300500 on basis of CONFER 4745/00, 240500 (FA/DIE report, 310500)</li> <li>- PG, 060600 (continued) on basis of CONFER 4745/00, 240500 (Commission report, 060600; FA/DIE report, 070600) (possibly)</li> <li>- PG, 060700 on basis of CONFER 4754/00, 030700 (FA/DIE report, 070700)</li> <li>- PG, 250900 (Commission and FA/DIE reports, 260900)</li> <li>- PG, 231000 (Commission/Commission report, 251000)</li> <li>- PG, 041100 (FA/DIE report, 091100; Commission preparatory note, unknown date) (possibly)</li> <li>- PG, 131100 on basis of CONFER 4796/00, 091100 (FA/DIE report, 141100)</li> <li>- PG, 241100 (FA/DIE/Commission report, 271100) (possibly)</li> </ul>
	Level 2	<ul style="list-style-type: none"> <li>- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date)</li> <li>- Conclave, 081000 on basis of CONFER 4781/00, 051000 (Commission report, 091000; FA/DIE report, 101000)</li> <li>- Conclave, 191100 on basis of CONFER 4801/00, 161100 (Commission/Commission report, 191100; FA/DIE preparatory note, unknown date; Commission preparatory note, unknown date)</li> </ul>	<ul style="list-style-type: none"> <li>- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date) (possibly)</li> <li>- Conclave, 081000 on basis of CONFER 4781/00, 051000 (Commission report, 091000; FA/DIE report, 101000)</li> <li>- Conclave, 191100 on basis of CONFER 4801/00, 161100 (Commission/Commission report, 191100; FA/DIE preparatory note, unknown date; Commission preparatory note, unknown date)</li> </ul>	Level 2 <ul style="list-style-type: none"> <li>- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date) (possibly)</li> <li>- Conclave, 081000 on basis of CONFER 4781/00, 051000 (Commission report, 091000; FA/DIE report, 101000)</li> <li>- Conclave, 191100 on basis of CONFER 4801/00, 161100 (Commission/Commission report, 191100; FA/DIE preparatory note, unknown date; Commission preparatory note, unknown date)</li> </ul>	<ul style="list-style-type: none"> <li>- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date) (possibly)</li> <li>- Conclave, 081000 on basis of CONFER 4781/00, 051000 (Commission report, 091000; FA/DIE report, 101000)</li> <li>- Conclave, 191100 on basis of CONFER 4801/00, 161100 (Commission/Commission report, 191100; FA/DIE preparatory note, unknown date; Commission preparatory note, unknown date)</li> </ul>
	Level 1	<ul style="list-style-type: none"> <li>- Biarritz EC, 13-141000 (FA/DIE preparatory note, unknown date)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date)</li> </ul>	<ul style="list-style-type: none"> <li>- Biarritz EC, 13-141000 (FA/DIE preparatory note, unknown date)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date)</li> </ul>	Level 1 <ul style="list-style-type: none"> <li>- Biarritz EC, 13-141000 (FA/DIE preparatory note, unknown date)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date)</li> </ul>	<ul style="list-style-type: none"> <li>- Biarritz EC, 13-141000 (FA/DIE preparatory note, unknown date)</li> <li>- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date)</li> </ul>
	Median: 3	Median: 3	Median: 3	Median: 3	Median: 3

Weighting of votes	Type of system (and QMV threshold)	General weighting	Individual weighting
Negotiation timing	- PG, 070300 (Commission/Organisation note, 030300): IGC week 4 (probably: dossier in general)	- PG, 070300 (Commission/Organisation note, 030300): IGC week 4 (possibly: dossier in general)	- PG, 070300 (Commission/Organisation note, 030300): IGC week 4 (possibly: dossier in general)
	- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date): IGC week 6	- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date): IGC week 6 (possibly)	- GAC, 200300 on basis of semi-formal Presidency letter, 160300 (Commission/Organisation letter, 160300; two Commission preparatory notes, unknown date): IGC week 6 (possibly)
	- PG, 040400 on basis of CONFER 4728/00, 240300 (Commission report, 040400; FA/DIE report, 050400): IGC week 8	- PG, 040400 on basis of CONFER 4728/00, 240300 (Commission report, 040400; FA/DIE report, 050400): IGC week 8	- PG, 040400 on basis of CONFER 4728/00, 240300 (Commission report, 040400; FA/DIE report, 050400): IGC week 8
	- PG, 300500 on basis of CONFER 4745/00, 240500 (FA/DIE report, 310500; two Commission preparatory notes, unknown date): IGC week 16	- PG, 300500 on basis of CONFER 4745/00, 240500 (FA/DIE report, 310500; IGC week 16	- PG, 300500 on basis of CONFER 4745/00, 240500 (FA/DIE report, 310500): IGC week 16
	- PG, 060600 (continued) on basis of CONFER 4745/00, 240500 (Commission report, 060600; FA/DIE report, 070600): IGC week 17	- PG, 060600 (continued) on basis of CONFER 4745/00, 240500 (Commission report, 060600; FA/DIE report, 070600): IGC week 17	- PG, 060600 (continued) on basis of CONFER 4745/00, 240500 (Commission report, 060600; FA/DIE report, 070600): IGC week 17 (possibly)
	- PG, 060700 on basis of CONFER 4754/00, 030700 (FA/DIE report, 070700): IGC week 21	- PG, 060700 on basis of CONFER 4754/00, 030700 (FA/DIE report, 070700): IGC week 21	- PG, 060700 on basis of CONFER 4754/00, 030700 (FA/DIE report, 070700): IGC week 21
	- PG, 250900 (Commission and FA/DIE reports, 260900): IGC week 33	- PG, 250900 (Commission and FA/DIE reports, 260900): IGC week 33	- PG, 250900 (Commission and FA/DIE reports, 260900): IGC week 33
	- Conclave, 081000 on basis of CONFER 4781/00, 051000 (Commission report, 091000; FA/DIE report, 101000): IGC week 34	- Conclave, 081000 on basis of CONFER 4781/00, 051000 (Commission report, 091000; FA/DIE report, 101000): IGC week 34	- Conclave, 081000 on basis of CONFER 4781/00, 051000 (Commission report, 091000; FA/DIE report, 101000): IGC week 34
	- Biarritz EC, 13-141000 (FA/DIE preparatory note, unknown date): IGC week 35	- Biarritz EC, 13-141000 (FA/DIE preparatory note, unknown date): IGC week 35	- Biarritz EC, 13-141000 (FA/DIE preparatory note, unknown date): IGC week 35
	- PG, 231000 (Commission/Commission report, 251000): IGC week 37	- PG, 231000 (Commission/Commission report, 251000): IGC week 37 (possibly)	- PG, 231000 (Commission/Commission report, 251000): IGC week 37 (possibly)
	- PG, 041100 (FA/DIE report, 091100; Commission preparatory note, unknown date): IGC week 38	- PG, 041100 (FA/DIE report, 091100; Commission preparatory note, unknown date): IGC week 38 (possibly)	- PG, 041100 (FA/DIE report, 091100; Commission preparatory note, unknown date): IGC week 38 (possibly)
	- PG, 131100 on basis of CONFER 4796/00, 091100 (FA/DIE report, 141100; Commission preparatory note, unknown date): IGC week 40	- PG, 131100 on basis of CONFER 4796/00, 091100 (FA/DIE report, 141100): IGC week 40	- PG, 131100 on basis of CONFER 4796/00, 091100 (FA/DIE report, 141100): IGC week 40
	- Conclave, 191100 on basis of CONFER 4801/00, 161100 (Commission/Commission report, 191100; FA/DIE preparatory note, unknown date): IGC week 40	- Conclave, 191100 on basis of CONFER 4801/00, 161100 (Commission/Commission report, 191100; FA/DIE preparatory note, unknown date): IGC week 40	- Conclave, 191100 on basis of CONFER 4801/00, 161100 (Commission/Commission report, 191100; FA/DIE preparatory note, unknown date): IGC week 40
	- PG, 241100 (FA/DIE/Commission report, 271100): IGC week 41	- PG, 241100 (FA/DIE/Commission report, 271100): IGC week 41 (possibly)	- PG, 241100 (FA/DIE/Commission report, 271100): IGC week 41 (possibly)
	- PG, 241100 (FA/DIE/Commission report, 271100): IGC week 41	- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date): IGC week 43	- Nice EC, 07-111200 on basis of CONFER 4816/00, 061200 (FA/DIE preparatory note, unknown date): IGC week 43
	Average IGC week number: 27.5	Average IGC week number: 28.7 (27.5)	Average IGC week number: 30 (-27.5)
External events and developments	1) Impending enlargement: constraining Dutch cabinet with regard to General and Individual weighting issues		



# Summary

The Dutch cabinet has exerted its influence with regard to roughly half of the Nice Treaty issues selected for this study. Interestingly enough, these were all issues resulting in decisions, whereas issues that were not put on the agenda (non-decisions) or not decided on (not-decisions) to a considerable degree account for the Dutch cabinet's lack of influence. How can this be explained? Based on this study, it appears that this can be explained by the extent to which the Dutch cabinet was a part of a network, was internally coherent, undertook influence attempts and was enabled or constrained by domestic actors and factors.

The formation of EU Treaties in general and the Treaty of Nice in particular is a complex process, whose outcome cannot be predicted. It entails a negotiation process in which different actors, with diverging preferences, are intervening on their own or within coalitions of actors at different moments, in order to achieve an outcome that is as close to their preferences as possible. As a result, an EU Treaty negotiation process is to a high degree a black box. How can we open the black box of the Nice Treaty negotiation process and, in doing so, explain this process and its resulting outcome?

The main objective of this study is to explain the outcome of the Nice Treaty negotiation process. Within EU studies, only a few scholars have examined the process of EU Treaty negotiations in order to explain its outcome. The literature on EU Treaty negotiations that is discussed in Chapter 2 draws our attention to the participating actors – both member state and EU level actors – and several elements that structure the negotiations, such as the existence of different levels of negotiation. As such, these agency and structural variables affect the negotiation process and thus co-determine its outcome. It is argued, however, that these variables insufficiently touch on the core of an EU Treaty negotiation process: the mutual exertion of *influence* by the participating actors. Although scholars often explicitly or implicitly refer to power and influence ('bargaining power', 'influence', 'impact'), they do not treat power and influence as empirical Political Science concepts, indicating how they define these concepts and aim to measure them. Therefore, until now, relatively little attention has been paid within EU studies to EU Treaty negotiations as a process and – within this perspective – to the question of how to conceive of and measure power and influence. This study aims to make a contribution to filling this gap by approaching the explanation of the Nice Treaty negotiation process from the perspective of power and influence.

In order to achieve this, the Political Science and International Relations literature are turned to in Chapter 3. Power and influence are core concepts in Political Science. Yet within Political Science generally and International Relations in particular, the study of (international) politics has been mainly focused on the resources, or potential influence

of actors, without examining the process in which these resources are employed, resulting in the mutual exertion of actual influence as a relation between actors. As the study aims to focus on the process of the Nice Treaty negotiations in order to explain its outcome, it adopts a relational influence perspective. In doing so, this study also aims to contribute to filling a gap in the Political Science and International Relations literature on power and influence.

Applying a relational influence perspective to an EU Treaty negotiation process is scientifically not only relevant because it enables us to examine the *actual influence* of (one or more of) the participating actors, but also because the challenge of how to *measure* this influence must be met. As with the concept of influence itself, the measurement of influence has long been debated in Political Science and International Relations. This study takes up this debate and by applying a method of actual influence measurement in the context of EU politics, also aims to make a methodological contribution. In adopting a relational influence perspective and applying a method of actual influence measurement, the study aims to open up the black box of the Nice Treaty negotiations.

In applying a relational influence approach to explain the outcome of the Nice Treaty negotiation process, this study focuses on the influence of the Dutch cabinet *in the context of* the other participating actors (14 member states, the European Commission, the European Parliament and the Council Secretariat). This has resulted in the following research question for this study:

*To what extent has the Dutch cabinet exerted its influence during the negotiation process that resulted in the Treaty of Nice, and how can this influence be explained?*

Combining the partly overlapping variables that are put forward in the EU literature on the one hand (Chapter 2) and the Political Science and International Relations literature on the other (Chapter 3) results in the building blocks for the conceptual model of this study. This model is further specified and presented in Chapter 4. The dependent variable is the extent of influence of actor A (the Dutch cabinet) on actor B (the other 17 actors) in making a decision on a specific Nice Treaty issue. The influence resources of actor A form the independent variable. The influence resources of policy positions, networks and internal coherence were selected for this study. The crucial intervening variable is formed by the influence attempt mechanism of explicit influence, which is deductively and inductively specified by all kinds of influence attempts that the Dutch cabinet as actor A, but also the other participating actors, have undertaken during the negotiation process. Finally, this conversion process is in turn affected by several structural, contextual variables, which enable or constrain the extent to which the influence resources of actor A are converted into actual influence through influence attempts. These are domestic structure (actors and factors), negotiation structure (levels and phases, particularly timing) and external events and developments at the European level. In Chapter 4, the kinds of expectations that can be identified for each of the variables of the conceptual model are also explicated upon.

As the research question of this study focuses on the exertion of actual influence during a negotiation process, a method is required that studies influence as a relation between actors and as an effect brought about during a process. Being a process-oriented method, Dahl's decision method – making a comparison between the influence attempts of the

participating actors and the ultimate decisions – forms the starting point of the influence analysis. In the author's view, however, such an analysis should begin with establishing the original preferences of the participating actors on specific Nice Treaty issues and examining the extent to which they have realised these preferences in the outcomes of the negotiation process. In other words, the extent of goal-achievement of the participating actors should be assessed on the basis of a before-after analysis.

In Chapter 5, the before-after analysis is executed for the Dutch cabinet for all 24 selected issues within the five selected dossiers of the Nice Treaty negotiation process (Court of Auditors, European Security and Defence Policy (ESDP), Closer cooperation, Commission size and Weighting of votes in the Council). To what extent has the Dutch cabinet achieved its goal? The Dutch cabinet has fully achieved its goal regarding six of the 24 issues and partially regarding seven issues. In total, the Dutch cabinet has therefore achieved its goal to a greater or lesser extent on 13 of the 24 issues. In general, the Dutch cabinet has partially or fully achieved its goal for nine of the 20 issues of the Court of Auditors, ESDP and Closer cooperation dossiers and for all four issues of the Commission size and Weighting of votes dossiers. In total, the Dutch cabinet has not achieved its goal with regard to 11 of the 24 issues. This was not due to the fact that the outcomes for these issues were decision options the Dutch cabinet did not prefer, but because these issues either did not reach the agenda-setting and decision-making phases, resulting in non-decisions (five issues) from the perspective of the Dutch cabinet, or did reach these phases but were ultimately not decided on, resulting in not-decisions (six issues).

In Chapter 6, the before-after analysis is carried out for the other participating actors regarding the 'sample selection' of 16 issues of the five dossiers. In general, with regard to the issues (resulting in decisions) on which the Dutch cabinet has partially or fully achieved its goal, a considerable number of other actors have also partially or fully achieved their goals. For some dossiers and issues – Closer cooperation (Veto possibility), Commission size and Weighting of votes (Type of system and General weighting), all the actors have even achieved their goals to a greater or lesser degree. In addition, other actors have also achieved their goals on the issues (resulting in not-decisions or non-decisions) on which the Dutch cabinet has not achieved its goal. This applies most clearly to the NATO and Military Staff issues of the ESDP dossier, but probably also to one or more of the issues for which the extent of goal-achievement of the other actors is unclear or unknown: Appeal ECJ and Instruction (Court of Auditors dossier) and Differentiated membership (Closer cooperation dossier).

The assessment and explanation of the extent of the Dutch cabinet's influence with regard to the 16 issues of the sample selection is the goal of the three-step process analysis, carried out in Chapter 7. In terms of the first step of assessing the extent of the Dutch cabinet's influence, how do we know whether the Dutch cabinet has caused its goal-achievement by itself, i.e. has actually exerted its influence? To answer this question, the descriptive before-after analysis should be complemented with an explanatory process analysis. It is precisely this process, or mechanism, of causation that should be studied in order to examine whether a correlation between an actor's preference and a decision – an actor's goal-achievement – is also a matter of causation by the actor itself.

This study focuses primarily on influence attempts as the mechanism through which the exertion of influence takes place. Therefore, when we want to know whether the Dutch



cabinet has actually exerted influence regarding the issues on which it has partially or fully achieved its goal, the influence attempts undertaken by the Dutch cabinet as well as the other participating actors are particularly important. The first step of the process analysis therefore begins with an examination of these influence attempts regarding the 16 issues of the sample selection.

Based on this, the extent of the Dutch cabinet's influence is assessed by examining rival mechanisms – mechanisms other than explicit influence – to which specific combinations of (lack of) influence attempts and goal-achievement might be attributed. In doing so, it is considered which mechanisms plausibly applied (verification) and which did not (falsification) for each of the issues of the sample selection.

To what extent has the Dutch cabinet exerted its influence during the negotiation process resulting in the Treaty of Nice? It can be concluded that the Dutch cabinet has exerted *explicit influence* regarding nine of the 20 Nice Treaty issues of the sample selection (four issues have been split up into two issues each in the course of the analysis resulting in a total of 20 issues). This was the case regarding the SOA-1 and Contact Committee-1 issues (Court of Auditors dossier), Treaty change and PSC-1 issues (ESDP dossier), Minimum requirement and Veto possibility-1 issues (Closer cooperation dossier), Commission size issue (Commission dossier) and General weighting and Individual weighting issues (Weighting of votes dossier). In addition to exerting explicit influence, the Dutch cabinet got a *free ride* from other actors in the case of the Minimum requirement, Veto possibility-1, Commission size and General weighting issues.

The Dutch cabinet has not exerted explicit influence with regard to 10 of the 20 issues of the sample selection. In one case the Dutch cabinet's goal-achievement was a matter of *sheer luck* (Court of Auditors size issue). In the case of the Instruction issue (Court of Auditors dossier), the Dutch cabinet's lack of goal-achievement was related to its *internal divisiveness*. This mechanism also played a subordinate role in the case of the NATO issue (ESDP dossier), on which the Italy and Benelux network was internally divided. In five cases, the Dutch cabinet's absence of goal-achievement had to do with a *failure*: SOA-2, Contact Committee-2 and Appeal ECJ (Court of Auditors dossier), NATO (ESDP dossier) and Veto possibility-2 (Closer cooperation dossier). The *unforced error* mechanism possibly played a subordinate role with regard to the SOA-2, Contact Committee-2, Appeal ECJ and Veto possibility-2 issues. The *bad luck* mechanism possibly played a subordinate role regarding the Veto possibility-2 issue. In three cases, the Dutch cabinet's lack of goal-achievement had to do with the issues being a *non-priority* for the Dutch cabinet and/or with *anticipation* by the Dutch cabinet of (possible) resistance from other participating actors (Military Staff, Differentiated membership and PSC-2 issues). In addition, the anticipation mechanism possibly played a subordinate role with regard to the SOA-2, Contact Committee-2 and Appeal ECJ issues. Concerning the Type of system issue (Weighting of votes dossier), it is not known whether or not the Dutch cabinet has exerted explicit influence.

Moreover, it can be concluded that the Dutch cabinet has thus exerted its influence with regard to an ample majority (nine) of the 15 – including the four extra issues – decisions of the sample selection. With regard to five decisions the Dutch cabinet has not exerted influence, but to a considerable degree the non-decisions and not-decisions (also five issues) account for its lack of influence. Focusing only on the decisions that have been made during the Nice Treaty negotiation process and the influence the Dutch cabinet has exerted

in this respect would thus disregard the lack of influence of the Dutch cabinet – and the influence that other participating actors have exerted – with regard to the decisions that *not* have been made. For a proper assessment of an actor's influence, it is therefore important to include not only decisions, but also non-decisions and not-decisions in the analysis.

How can the extent of the Dutch cabinet's influence thus found be explained? To answer this question, the second step of the process analysis in Chapter 7 involves examining the explanatory value of the variables of the conceptual model. Based on the deductive testing of the expectations of the conceptual model, it can be concluded that the extent to which the Dutch cabinet was a part of a network, was internally coherent, undertook influence attempts and was enabled or constrained by domestic actors and factors can, to a certain degree, explain its extent of influence. In the nine cases in which the Dutch cabinet has exerted its influence, it was often a part of a network, was internally coherent, undertook many influence attempts and was enabled by domestic actors and factors. In the 10 cases where it has not exerted influence, on the other hand, it was often a part of a divided network or of no network at all, was internally divided, undertook hardly any or few influence attempts and was constrained by domestic actors and factors.

Yet these variables cannot fully explain the extent of the Dutch cabinet's influence. The third and final step of the process analysis in Chapter 7 therefore aims to consider whether still other variables not included in the model can offer an explanation. Based on induction, it can be concluded that the exchange of dossiers and issues among the participating actors, the timeliness of influence attempts and networks, anticipation of (possible) resistance from other participating actors and the collective and individual saliency of an issue also seem to contribute to the explanation.

Chapter 8 presents, after the empirical results and the answer to the research question, some reflections on the theory, methodology and practice of influence on the basis of this study. For the practice of influence, the following recommendations are suggested to the Dutch cabinet with the aim that it will exert more influence during EU (Treaty) negotiations in the future. First, it pays off to invest much in *agenda-setting* and *decision-making*. Second, and as a specification of this, it is recommended to include a *limited number of clear and prioritised preferences* in its stake for the negotiations. Third, being *internally coherent* contributes to the exertion of influence. Fourth, the *number and timeliness of networks* with like-minded member states matter to the extent of the Dutch cabinet's influence. Fifth, this also applies to the *number and timeliness of influence attempts*. Sixth, while it is questionable whether the Dutch cabinet itself has a reputation for influence, it would do well to regularly evaluate its estimation of other actors' reputation for influence. After all, *anticipation* by the Dutch cabinet of the (possible) reactions, i.e. resistance, from these actors is based on this estimation. Seventh, it pays off to more actively adopt the influence strategy of making use of and referring to *domestic actors and factors*, such as the parliament and public opinion. Eighth, the Dutch cabinet might examine in advance which dossiers and issues are interlinked and will thus probably be *exchanged*, and proactively consider what linkages it prefers (to construct) itself in order to realise more of its preferences. Ninth and perhaps most importantly, as so much depends on the specific issue and the specific situation when negotiating an EU Treaty, the Dutch cabinet should invest heavily in *preparatory homework*. This homework could successively consist of mapping the negotiation environment, prioritising the issues and one's preferences and developing negotiation

scenarios for these issues. Considering that EU Treaty reform is an ongoing but *contingent* process and that the Dutch cabinet has major interests in this regard, it is recommendable to set up a semi-permanent, high-level *Taskforce* at the European Integration Department (DIE) of the Foreign Affairs Ministry to do this preparatory homework.

# Samenvatting

Het Nederlandse kabinet heeft invloed uitgeoefend ten aanzien van ongeveer de helft van de issues van het Verdrag van Nice die zijn geselecteerd voor dit proefschrift. Interessant genoeg zijn over al deze issues besluiten genomen, terwijl issues die niet op de agenda zijn gezet (non-decisies) of waarover niet is besloten (not-decisies) in behoorlijke mate verantwoordelijk zijn voor het gebrek aan invloed van het Nederlandse kabinet. Hoe kan dit worden verklaard? Uit dit proefschrift blijkt dat dit kan worden verklaard door de mate waarin het Nederlandse kabinet deel uitmaakte van netwerken, intern coherent was, invloedspogingen ondernam en gefaciliteerd dan wel gehinderd werd door binnenlandspolitieke actoren en factoren.

Europese Verdragsvorming in het algemeen en de totstandkoming van het Verdrag van Nice in het bijzonder betreft een complex proces, waarvan de uitkomst niet kan worden voorspeld. Het gaat om een onderhandelingsproces, waarin verschillende actoren met uiteenlopende preferenties alleen of gezamenlijk interveniëren op verschillende momenten, om zo tot een uitkomst te komen die zo dicht mogelijk bij hun preferenties ligt. Europese Verdragsonderhandelingen zijn daarom in grote mate een zwarte doos. Hoe kunnen we de zwarte doos van de onderhandelingen over het Verdrag van Nice openen en zodoende dit proces en de uitkomst daarvan verklaren?

Het hoofddoel van dit proefschrift is om de uitkomst te verklaren van de onderhandelingen over het Verdrag van Nice. In de EU-literatuur zijn slechts enkele auteurs te vinden die het proces van Europese Verdragsonderhandelingen hebben bestudeerd om tot een verklaring te komen van de uitkomst ervan. De literatuur die we in dit verband bespreken in hoofdstuk 2 vraagt onze aandacht voor de deelnemende actoren – zowel lidstaten als Europese instellingen – en voor diverse elementen die de onderhandelingen structureren, zoals het bestaan van verschillende onderhandelingsniveaus. Als zodanig werken deze actor- en structuurvariabelen in op het onderhandelingsproces en bepalen mede de uitkomst ervan. Wij betogen echter dat deze variabelen onvoldoende de kern raken van Europese Verdragsonderhandelingen: de wederzijdse uitoefening van *invloed* door de deelnemende actoren. Hoewel auteurs vaak expliciet of impliciet verwijzen naar de begrippen *macht* en *invloed*, vatten zij deze begrippen niet op als empirische politicologische concepten in de zin dat ze aangeven hoe zij hen definiëren en van plan zijn te meten. Tot op heden is dus relatief weinig aandacht besteed in de EU-literatuur aan Europese Verdragsonderhandelingen als een proces en – binnen dit perspectief – aan de vraag hoe *macht* en *invloed* te definiëren en te meten. Dit proefschrift beoogt een bijdrage te leveren aan het vullen van deze leemte door de verklaring van het onderhandelingsproces resulterend in het Verdrag van Nice te benaderen vanuit het perspectief van *macht* en *invloed*.

Hiertoe wenden we ons in hoofdstuk 3 tot de literatuur van de Politicologie en de Internationale Betrekkingen. Macht en invloed zijn kernbegrippen binnen de Politicologie. Toch is de studie van (internationale) politiek binnen de Politicologie in het algemeen en de Internationale Betrekkingen in het bijzonder vooral gericht geweest op de hulpmiddelen, ofwel potentiële invloed van actoren, zonder het proces te bestuderen waarin deze hulpmiddelen worden aangewend resulterend in de wederzijdse uitoefening van daadwerkelijke invloed als een relatie tussen actoren. Aangezien wij ons willen richten op het onderhandelingsproces om de uitkomst – het Verdrag van Nice – te verklaren, hanteert dit proefschrift een relationeel invloedsperspectief. Zodoende beoogt het proefschrift ook een bijdrage te leveren aan het vullen van een leemte binnen de genoemde literatuur over macht en invloed.

De toepassing van een relationeel invloedsperspectief op het onderhandelingsproces over een Europees Verdrag is wetenschappelijk gezien niet alleen relevant omdat het ons in staat stelt de *daadwerkelijke invloed* vast te stellen van (één of meer van) de deelnemende actoren. Het is ook relevant omdat we de uitdaging aan moeten gaan hoe deze invloed te *meten*. Net als het invloedsbegrip zelf is de meting van invloed langdurig onderwerp van debat geweest binnen de Politicologie en Internationale Betrekkingen. Dit proefschrift mengt zich in dit debat en beoogt ook een methodologische bijdrage te leveren door een methode van daadwerkelijke invloedsmeting toe te passen in de context van de Europese politiek. Door een relationeel invloedsperspectief en een methode van daadwerkelijke invloedsmeting toe te passen, beogen we de zwarte doos van de onderhandelingen over het Verdrag van Nice te openen.

Bij het toepassen van een relationeel invloedsperspectief om tot een verklaring van de uitkomst van het onderhandelingsproces te komen, richten wij ons op de invloed van het Nederlandse kabinet *in de context van* de andere deelnemende actoren (14 lidstaten, Europese Commissie, Europees Parlement en Raadssecretariaat). Dit heeft geresulteerd in de volgende probleemstelling voor dit proefschrift:

*In welke mate heeft het Nederlandse kabinet invloed uitgeoefend tijdens het onderhandelingsproces resulterend in het Verdrag van Nice, en hoe kan deze invloed worden verklaard?*

De deels overlappende variabelen die naar voren komen in de EU-literatuur in hoofdstuk 2 en de literatuur van de Politicologie en de Internationale Betrekkingen in hoofdstuk 3 vormen samen de bouwstenen voor het conceptuele model van dit proefschrift. Dit model wordt nader gespecificeerd en gepresenteerd in hoofdstuk 4. De afhankelijke variabele is de mate van invloed van actor A (het Nederlandse kabinet) op actor B (de andere 17 actoren), die een besluit neemt over een bepaald issue van het Verdrag van Nice. De invloedbronnen van actor A vormen de onafhankelijke variabele. Voor dit proefschrift werden de invloedbronnen beleidsposities, netwerken en interne coherentie geselecteerd. De cruciale interveniërende variabele wordt gevormd door het invloedspogingsmechanisme van expliciete invloed, dat deductief en inductief wordt gespecificeerd door allerlei soorten invloedspogingen die het Nederlandse kabinet als actor A, maar ook de andere deelnemende actoren hebben ondernomen tijdens het onderhandelingsproces. Op dit conversieproces werken, ten slotte, op hun beurt verscheidene structurele, contextuele variabelen in, die de mate waarin de invloedbronnen van actor A worden omgezet in daadwerkelijk invloed door

middel van invloeds pogingen faciliteren dan wel verhinderen. Het gaat hierbij om de binnenlandspolitieke structuur (actoren en factoren), de onderhandelingsstructuur (niveaus en fases, met name timing) en externe gebeurtenissen en ontwikkelingen op Europees niveau. In hoofdstuk 4 expliciteren we ook wat voor soort verwachtingen kunnen worden onderscheiden voor elk van de variabelen van het conceptuele model.

Aangezien de probleemstelling van dit proefschrift gericht is op de uitoefening van daadwerkelijke invloed tijdens een onderhandelingsproces, hebben we een methode nodig die invloed benadert als een relatie tussen actoren en als een effect dat teweeggebracht wordt tijdens een proces. Als procesgeoriënteerde methode vormt Dahl's besluitvormingsmethode – die een vergelijking maakt tussen de invloeds pogingen van de deelnemende actoren en de uiteindelijke besluiten – het startpunt van onze invloedsanalyse. Naar onze mening zou een dergelijke analyse echter moeten beginnen met het vaststellen van de oorspronkelijke preferenties van de deelnemende actoren ten aanzien van specifieke issues van het Verdrag van Nice en moeten nagaan in welke mate zij deze preferenties hebben gerealiseerd in de uitkomsten van het onderhandelingsproces. Met andere woorden, we dienen de mate van doelbereiking van de deelnemende actoren vast te stellen op basis van een voor- en nameting.

In hoofdstuk 5 wordt deze voor- en nameting uitgevoerd voor wat betreft het Nederlandse kabinet ten aanzien van alle 24 issues binnen de vijf Nice-dossiers die zijn geselecteerd voor dit proefschrift (Europese Rekenkamer, Europees Veiligheids- en Defensiebeleid (EVDB), Versterkte samenwerking, omvang van de Commissie en Stemmenweging in de Raad). In welke mate heeft het Nederlandse kabinet zijn doel bereikt? Het Nederlandse kabinet heeft volledig zijn doel bereikt ten aanzien van zes van de 24 issues en gedeeltelijk als het gaat om zeven issues. In totaal heeft het Nederlandse kabinet daarom in meer of mindere mate zijn doel bereikt ten aanzien van 13 van de 24 issues. In het algemeen gesproken, heeft het Nederlandse kabinet gedeeltelijk of geheel zijn doel bereikt ten aanzien van negen van de 20 issues van de dossiers Europese Rekenkamer, EVDB en Versterkte samenwerking en ten aanzien van alle vier issues van de dossiers omvang van de Commissie en Stemmenweging. In totaal heeft het Nederlandse kabinet zijn doel niet bereikt als het gaat om 11 van de 24 issues. Dit had niet te maken met het feit dat de uitkomsten voor deze issues besluitvormingsopties betroffen die het Nederlandse kabinet niet prefereerde. In plaats daarvan bereikten deze issues ofwel de fases van agendavorming en besluitvorming niet, resulterend in non-decisies vanuit het perspectief van het Nederlandse kabinet (vijf issues), ofwel ze bereikten deze fases wel maar werden er uiteindelijk geen besluiten over genomen, resulterend in not-decisies (zes issues).

In hoofdstuk 6 wordt de voor- en nameting uitgevoerd voor de andere deelnemende actoren voor wat betreft de 'geselecteerde sample' van 16 issues binnen de vijf dossiers. In het algemeen gesproken, hebben een aanzienlijk aantal andere actoren ook gedeeltelijk of geheel hun doel bereikt ten aanzien van de issues (resultierend in besluiten) waarvoor dit ook geldt voor het Nederlandse kabinet. In het geval van een aantal dossiers en issues hebben alle actoren zelfs in meer of mindere mate hun doel bereikt. Dit geldt voor Versterkte samenwerking (Vetomogelijkheid), omvang van de Commissie en Stemmenweging (Type systeem en Algemene weging). Daarnaast hebben andere actoren ook hun doel bereikt als het gaat om die issues (resultierend in not-decisies of non-decisies) ten aanzien waarvan het Nederlandse kabinet zijn doel niet heeft bereikt. Dit is het meest duidelijk het geval voor

de NAVO en Militaire staf-issues van het EVDB-dossier, maar waarschijnlijk ook voor één of meerdere van de issues waarvoor de mate van doelbereiking van de andere actoren onduidelijk of onbekend is: Beroepsmogelijkheid op het Hof en Instructie (Europese Rekenkamer) en Gedifferentieerd lidmaatschap (Versterkte samenwerking).

De procesanalyse bestaande uit drie stappen, uitgevoerd in hoofdstuk 7, heeft als doel om de mate van invloed van het Nederlandse kabinet vast te stellen en te verklaren voor wat betreft de 16 issues van de geselecteerde sample. Als het gaat om de eerste stap (invloedsvaststelling), is de vraag hoe we weten of het Nederlandse kabinet zijn doelbereiking zelf teweeggebracht heeft, i.e. daadwerkelijk invloed uitgeoefend heeft. Om deze vraag te beantwoorden, moet de beschrijvende voor- en nameting worden aangevuld met een verklarende procesanalyse. Het is precies dit oorzakelijke proces, of mechanisme dat bestudeerd moet worden om na te gaan of een correlatie tussen de preferentie van een actor en een besluit – de doelbereiking van een actor – ook aan deze actor zelf kan worden toegeschreven.

Dit proefschrift richt zich met name op invloedspogingen als het mechanisme waardoor de uitoefening van invloed plaatsvindt. Wanneer we daarom willen weten of het Nederlandse kabinet daadwerkelijk invloed uitgeoefend heeft ten aanzien van de issues waarop het gedeeltelijk of geheel zijn doel bereikt heeft, zijn de invloedspogingen die zijn ondernomen door het Nederlandse kabinet en de andere deelnemende actoren van bijzonder belang. De eerste stap van de procesanalyse begint daarom met een inventarisatie van deze invloedspogingen voor wat betreft de 16 issues van de geselecteerde sample.

Op basis hiervan wordt de mate van invloed van het Nederlandse kabinet vastgesteld door rivaliserende mechanismen – andere dan expliciete invloed – in ogenschouw te nemen waaraan specifieke combinaties van (gebrek aan) invloedspogingen en doelbereiking zouden kunnen worden toegeschreven. Door dit te doen, wordt geprobeerd aannemelijk te maken welke mechanismen wel (verificatie) en welke niet (falsificatie) van toepassing waren in elk van de 16 gevallen.

In welke mate heeft het Nederlandse kabinet invloed uitgeoefend tijdens het onderhandelingsproces resulterend in het Verdrag van Nice? We kunnen concluderen dat het Nederlandse kabinet *expliciete invloed* uitgeoefend heeft ten aanzien van negen van de 20 issues van de geselecteerde sample (vier issues zijn in de loop van de analyse gesplitst in elk twee issues, wat resulteerde in een totaal van 20 issues). Dit was het geval ten aanzien van de issues Betrouwbaarheidsverklaring-1 en Contactcomité-1 (Europese Rekenkamer), Verdragswijziging en PVC-1 (EVDB), Minimumaantal en Vetomogelijkheid-1 (Versterkte samenwerking), omvang van de Commissie (Commissie) en Algemene weging en Individuele weging (Stemmenweging). Naast dat het Nederlandse kabinet expliciete invloed uitoefende ten aanzien van de issues Minimumaantal, Vetomogelijkheid-1, omvang van de Commissie en Algemene weging, kreeg het ook een *free ride* van andere actoren in deze gevallen.

Het Nederlandse kabinet heeft geen invloed uitgeoefend ten aanzien van 10 van de 20 issues van de geselecteerde sample. In één geval was de Nederlandse doelbereiking een kwestie van *puur geluk* (omvang van de Europese Rekenkamer). In het geval van het Instructie-issue (Europese Rekenkamer) had het gebrek aan doelbereiking te maken met *interne verdeeldheid*. Dit mechanisme speelde ook een ondergeschikte rol in het geval van het NAVO-issue (EVDB) ten aanzien waarvan het netwerk van Italië en de Benelux-landen



intern verdeeld was. In de volgende vijf gevallen had het gebrek aan doelbereiking van het Nederlandse kabinet te maken met *falen*: Betrouwbaarheidsverklaring-2, Contactcomité-2 en Beroepsmogelijkheid op het Hof (Europese Rekenkamer), NAVO (EVDB) en Vetomogelijkheid-2 (Versterkte samenwerking). Het *onnodige fout*-mechanisme speelde mogelijk een ondergeschikte rol als het gaat om de issues Betrouwbaarheidsverklaring-2, Contactcomité-2, Beroepsmogelijkheid op het Hof en Vetomogelijkheid-2. Het mechanisme van *pech* speelde mogelijk een ondergeschikte rol ten aanzien van het issue Vetomogelijkheid-2. In drie gevallen had het gebrek aan doelbereiking te maken met het feit dat deze issues een *non-prioriteit* waren voor het Nederlandse kabinet of was er sprake van *anticipatie* door het Nederlandse kabinet van (mogelijke) weerstand van andere deelnemende actoren. Het gaat hier om de issues Militaire staf, Gedifferentieerd lidmaatschap en PVC-2. Daarnaast speelde het anticipatiemechanisme een ondergeschikte rol in het geval van de issues Betrouwbaarheidsverklaring-2, Contactcomité-2 en Beroepsmogelijkheid op het Hof. Wat betreft het Type systeem-issue (Stemmenweging) weten we niet of het Nederlandse kabinet expliciete invloed uitgeoefend heeft.

We kunnen bovendien concluderen dat het Nederlandse kabinet aldus invloed uitgeoefend heeft ten aanzien van een ruime meerderheid (negen) van de 15 – inclusief de vier extra issues – besluiten van de geselecteerde sample. Ten aanzien van vijf besluiten heeft het Nederlandse kabinet geen invloed uitgeoefend, maar zijn gebrek aan invloed kan in behoorlijke mate op het conto worden geschreven van de non-decisies en not-decisies (ook vijf issues). Alleen de aandacht richten op de besluiten die zijn genomen tijdens de onderhandelingen over het Verdrag van Nice en de invloed die het Nederlandse kabinet in dit verband heeft uitgeoefend, zou dus verhullen dat het Nederlandse kabinet geen invloed heeft uitgeoefend – en andere deelnemende actoren juist wel – ten aanzien van de besluiten die *niet* zijn genomen. Voor een adequate vaststelling van de invloed van een actor is het daarom van belang om niet alleen besluiten, maar ook non-decisies en not-decisies in de analyse te betrekken.

Hoe kan de mate van invloed van het Nederlandse kabinet die aldus is vastgesteld worden verklaard? Om deze vraag te beantwoorden, gaat de tweede stap van de procesanalyse in hoofdstuk 7 na wat de verklarende waarde is van de variabelen van het conceptuele model. Op basis van de deductieve test van de verwachtingen van het conceptuele model kan worden geconcludeerd dat de mate waarin het Nederlandse kabinet deel uitmaakte van netwerken, intern coherent was, invloedsposingen ondernam en gefaciliteerd dan wel gehinderd werd door binnenlandspolitieke actoren en factoren tot op zekere hoogte zijn mate van invloed kan verklaren. In de negen gevallen waarin het Nederlandse kabinet invloed uitgeoefend heeft, was het vaak onderdeel van een netwerk, intern coherent, ondernam het veel invloedsposingen en werd het gefaciliteerd door binnenlandspolitieke actoren en factoren. In de 10 gevallen waarin het Nederlandse kabinet geen invloed uitgeoefend heeft, was het daarentegen vaak geen onderdeel van een netwerk of was dit netwerk verdeeld, was het zelf intern verdeeld, ondernam het nauwelijks of weinig invloedsposingen en werd het gehinderd door binnenlandspolitieke actoren en factoren.

Toch bieden deze variabelen geen volledige verklaring voor de mate van invloed van het Nederlandse kabinet. De derde en laatste stap van de procesanalyse in hoofdstuk 7 beoogt daarom na te gaan of nog andere variabelen, die geen onderdeel van het model uitmaken, mogelijk verklarende waarde hebben. Op basis van inductie kan worden geconcludeerd



dat de uitruil van dossier en issues tussen de deelnemende actoren, de tijdigheid van invloeds pogingen en netwerkvorming, anticipatie van (mogelijke) weerstand van andere deelnemende actoren, en de gevoeligheid van een issue voor het collectief van deelnemende actoren en voor een actor individueel ook lijken bij te dragen aan de verklaring.

In hoofdstuk 8 wordt na de empirische resultaten en het antwoord op de probleemstelling een aantal reflecties gepresenteerd over de theorie, methodologie en praktijk van invloed op basis van dit proefschrift. Voor wat betreft de praktijk van invloed doen we de volgende aanbevelingen aan het Nederlandse kabinet met als doel dat het meer invloed zal uitoefenen tijdens toekomstige Europese (Verdrags)onderhandelingen. Ten eerste, het betaalt zich uit om er sterk naar te streven dat issues daadwerkelijk op de *agenda* komen en er over *besloten* wordt. Ten tweede en als een specificatie hiervan, het is aanbevelenswaardig om een *beperkt aantal duidelijke en geprioriteerde preferenties* op te nemen in de inzet voor de onderhandelingen. Ten derde, *interne coherentie* draagt bij aan de uitoefening van invloed. Ten vierde, het *aantal en de tijdigheid van netwerkvorming* met gelijkgezinde lidstaten doen er toe voor de mate van invloed van het Nederlandse kabinet. Ten vijfde, dit geldt ook voor het *aantal en de tijdigheid van invloeds pogingen*. Ten zesde, terwijl het kan worden betwijfeld of het Nederlandse kabinet zelf een invloedsreputatie heeft, zou het er goed aan doen zijn inschatting van de invloedsreputatie van andere actoren regelmatig te evalueren. Deze inschatting vormt immers de basis voor *anticipatie* door het Nederlandse kabinet van de (mogelijke) reacties, i.e. weerstand van deze actoren. Ten zevende, het betaalt zich uit om meer actief als invloedsstrategie gebruik te maken van en te verwijzen naar *binnenlandspolitieke actoren en factoren*, zoals het parlement en de publieke opinie. Ten achtste, het Nederlandse kabinet zou van te voren kunnen nagaan welke dossiers en issues met elkaar samenhangen en daarom waarschijnlijk zullen worden *uitgeruild*. Daarbij kan het tegelijk overwegen welke verbanden het zelf wenst (aan te brengen) om zo meer van zijn preferenties te realiseren. Ten negende en misschien wel het meest belangrijk, het Nederlandse kabinet zou grootschalig moeten inzetten op *voorbereidend huiswerk*, aangezien zo veel blijkt af te hangen van het specifieke issue en de specifieke situatie bij Europese Verdragsonderhandelingen. Dit huiswerk kan achtereenvolgens bestaan uit het in kaart brengen van de onderhandelingsomgeving, het prioriteren van de issues en preferenties dienaangaande en het ontwikkelen van onderhandelingsscenario's voor deze issues. Gezien het feit dat Europese Verdragsvorming een doorgaand, maar *contingent* proces is en het Nederlandse kabinet grote belangen heeft in dit verband, is het aanbevelenswaardig om een semi-permanente *Taskforce* op hoog niveau in te stellen binnen de Directie Integratie Europa (DIE) van het Ministerie van Buitenlandse Zaken om dit voorbereidende huiswerk te doen.

# Curriculum vitae

Sander Luitwieler was born on 19 July 1978 at Krimpen a/d IJssel, in the Netherlands. From 1996 to 2001, he studied Political Science at Leiden University. During his studies and as a Ph.D. student, he specialised in European Union politics, particularly in EU Treaty reform. In 2000, he participated in the Leiden Honours Class on European Governance. In 2002, he began his Ph.D. research on the assessment and explanation of the extent of the Dutch cabinet's influence during the negotiation process that resulted in the Treaty of Nice. He publishes and lectures on the EU, and has been invited as an expert speaker at panels, debates and discussions on the topic. In addition to several academic publications, he has produced a number of publications for the ChristianUnion and the European Christian Political Movement (ECPM). From 2007 to 2009, he was a political adviser to Paul van Buitenen, a member of the European Parliament.





