

Influence of the Chair

during the Dutch Presidency of the EU Council

An explanatory study on the influence of the chair during the Dutch presidency of the EU Council



Master Thesis

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Index

- Abstract 3
- 1. Introduction..... 4
 - 1.2 Reading Guide 5
 - 1.3 Academic & Societal Relevance..... 6
- 2. Literature 7
 - 2.1. Literature Review 7
 - 2.2 Summary and hypotheses 11
- 3. Methodology 14
 - 3.1 Justification..... 14
 - 3.2 Research strategy 15
 - 3.3 Selection of documents 15
 - 3.4 Conducted interviews..... 16
 - 3.5 Validity and Reliability 16
 - 3.6 Variables and Operationalization 18
- 4. Analysis 20
 - 4.1 Comprehensive approach to migration and international security 20
 - 4.2 Europe as an innovator and job creator..... 24
 - 4.3 Sound, future-proof European finances and a robust Eurozone 28
 - 4.4 General Analysis 31
- 5. Discussion 37
- 6. Conclusion 40
- Literature..... 42
- Appendix I: Data from official documents 45
- Appendix II: Consent forms 57

Abstract

This paper analyzes the influence of the Dutch presidency on the congruence between the Dutch national preferences or priorities and the policy cycle of the Council of the European Union. The research is focused on which influencing power has led to this congruence. Based on existing literature a framework of five influencing variables was made; Sequence and frequency of meetings, agenda structuring, brokerage, pace setting and the opening and concluding of meetings. The analyzed case is the Dutch presidency of 2016. Within this presidency three policy cases were selected based on a priority list of the Dutch government.

This research shows that almost all influencing powers were applied in the case of the Dutch presidency. However, these applied powers had varying levels of success. The influencing tool of agenda structuring was used in several cases, with mediocre success. Other applied mechanisms, such as brokerage and pace setting were able to more actively push towards swift agreements. Despite the varying levels of success, all influencing mechanisms were found in the case of the Dutch presidency. Therefore, nearly all hypotheses regarding influencing strategies applied by the chair have been accepted and the relation between the Dutch national preferences and EU policy outcome is confirmed.

1. Introduction

Dutch domestic law and policy are largely influenced by the European Union (EU), according to media and politicians (Sharifi, 2014). It is through directives, regulations, decisions and rulings that the EU is able to influence its Member States. Though from a different angle, Member States influencing EU policy, statements are less unanimous, especially with regards to the Council's rotating presidency. Literature suggests that the Member State chairing the EU Council cannot exert more influence (Schout, 1998). Meanwhile, other publications state that there are conditions under which the member state at helm is able to influence an organization. What if one would take a look at the interpretation of a Member State, specifically the Netherlands. The Dutch presented their chairmanship, January 1 until June 30, 2016, as an *Honest broker*. An honest broker is someone who mediates neutrally between parties to come to agreements (Witt Wijnen, 2016). Based on this, it seems that the Dutch sidelined themselves due to the role as neutral chair of the EU Council. The government stated that it is only a Member State that builds compromises between 27 other Member States (Ministry of Foreign Affairs, 2016). This insinuates that the Dutch would not have influenced processes or outcomes. However, the same Dutch government presented a presidency program with four priority points (Ministry of Foreign Affairs, 2016). Also, the Dutch government wrote a letter to its national parliament with concrete examples of achievements.

Are these achievements due to the influence of the presidency, simply coincidental or perhaps not entirely successful and nonetheless framed as achievements? The main topic of this research is; was the Dutch chairmanship of the Council able to leave its mark and influence policy or its cycle? Moreover, in what way was the Dutch presidency of the Council able to influence policy? This thesis, therefore, aims to answer the following research question: **“To what extent and how did the Dutch presidency of the Council of the EU affect the EU's policy cycle?”**

The research question above will be addressed through qualitative interviewing and document analysis. Documents used for this analysis are agendas, minutes and outcomes of the Council meetings, results of the public votes, press releases and statements and Council conclusions and resolutions. Combining Council documents with Dutch governmental and parliamentary documents gives insight in preferences, processes and results. By also conducting interviews, the analysis is supported with underlying information that increases the thoroughness of the research. All forms of analysis are theoretically based on existing publications concerning the power of the chair (Tallberg, 2010), the presidency's power to schedule time, length and content of meetings (Häge, 2017), the articulation of member state interests (Haverland and Liefferink, 2011), the presidency's impact on legislative activity (Warntjens, 2007) and the presidency as agenda manager (Tallberg, 2003).

The selection of the 2016 Dutch presidency is based on their earlier mentioned contradicting statements and wish to be an *honest broker*. How did this neutral chairing Member, amongst other Members, achieve its own priorities? Further reasons for selecting this case are based on the fact that the presidency ended quite recently, though some conclusions have already been drawn. Moreover, some authors state that the Council is a prime venue for the representation of Dutch interests, when comparing to other EU Member States (Van Keulen, 2006: 64). The motives explained above are the main reason for selecting the Dutch presidency as a case for researching chairmanship influence. In addition, the researcher's location and spoken languages cohere with the case selection.

The goal of this thesis is to give insight into the extent to which and in what way the Dutch chairmanship of the Council of the European Union is used to influence its policy cycle. The main assumption of this research is that it is likely that the chair is able to influence the policy cycle. The theoretical framework distinguishes three phases of the policy cycle. In each of these phases, concepts from existing literature and theories are applied to a policy topic prioritized by the Dutch presidency, with the aim of assessing whether a congruence between domestic priorities and EU policy is due to presidency influence.

1.2 Reading Guide

This thesis starts with explaining the relevance of the research. This is followed by a review of existing literature. This also provides insight into the theories that form the foundation of the research. Afterwards, the central concepts and ideas from this literature review is summarized and linked to the hypotheses. The theory is followed by the justification of the research, which includes the research strategy and selection of data. In addition, the validity and reliability of the research conducted are discussed. Following, the analysis describes the outcomes, based on the qualitative document analysis and interviews. Afterwards the results of the analysis are assessed. Before concluding the research, a discussion of the results is used to assess the place of this thesis within existing literature and a possible follow-up research is opted. Lastly, in the conclusion the research question will be addressed, and the limitations of the research discussed.

1.3 Academic & Societal Relevance

This section explains the academic and the societal relevance of the research. The research has academic relevance due to its application of chair/presidency influence theories on the case of the Dutch chairmanship. The research will reveal to what extent the chair of the Council is able to influence the policy cycle. Existing literature focuses on so-called informal influence. An article by Tallberg emphasizes the importance of influence received through delegation of authority, and thus entails formal leadership (Tallberg, 2010: 242). This research can be seen as an applied version of the gap in written literature.

At the same time this research fulfills a societal relevance. Currently, there is a fear of politicians and the public when it comes to different minded chairs. An example of debate and fear around the influence of the Council's chair is Austria's nomination for chancellor. Sebastian Kurz's has led his party to victory and stated that his Christian-conservative ÖVP party intends to work with the far-right Freedom Party FPÖ. Both the ÖVP and the FPÖ are against the current immigration and asylum policies (Lanting, 2017). The FPÖ excels by being outright against the European Union (EU). Due to the Council's rotating presidency, the next Member State to claim the chair's seat is Austria. Meanwhile, the new Austrian coalition is telling the EU to 'take a back seat' (Robinson, 2017). Media and the Council are asking questions on what influence an EU-sceptic chair will have on the output of the Council. This example shows that the debate and questions revolving the influence of the Councils presidency are quite current. Moreover, this research focuses on what most scholars see as most powerful among the three governmental institutions of the EU, namely the Council (Schalk, 2007: 230). Should one fear the grotesque influence of the chair or is this rather limited? Both outcomes could lead to further discussions.

2. Literature

This chapter contains a review of the existing literature on which this research is built. The chapter concludes with a summary of literature and the hypotheses.

2.1. Literature Review

This chapter will give insight into relevant theories for the research. These are all related to the overall theme, which is the usage of formal presidencies as strategy for influencing policy. The analysis within this research is based on publications that are presented and discussed in this chapter. The starting point is publications concerning the chair within international organizations. What are its functions and what is the role of the chair? The second paragraph focuses on the tools that might accompany a presidency term. The following paragraph emphasizes what a chair could achieve with these tools and how Member States are able to articulate their interests. The fourth paragraph centers on the specific task of the chair, which is the structuring of the agenda. The fifth paragraph concludes with general and background information from several academic authors.

This study focuses on the possibilities that a chair has to influence decision-making. This first paragraph is related to what a chair is, what the different forms of chairmanship design entail and what the role of the presidency should be. This paragraph thus explains the different views on the concept of presidency. A chair has a significant official role and additional tools firmly situated in organizations. Formal leaders fulfill functions that should officially make it more likely for negotiations to succeed, according to the literature. These functions are agenda management, brokerage, and representation (Tallberg, 2010: 241-242). Meanwhile, these functions possess informational and procedural power resources that may enable the chair to steer negotiations toward the agreements they most prefer (Tallberg, 2010: 241-242). In *“The power of the Chair: Formal Leadership in International Cooperation”*, Tallberg explains how influence is wielded by formal leaders when chairing negotiations and conferences. Furthermore, he states that agendas and policies are influenced by the presidency of an organization. Chairmanship is accompanied by its capacity to influence decision making through resources that other participants or members lack. However, there are also several different ways of shaping a presidency. Each different design results in a different set of presidency functions and level of influence. Designs where decisions are made through majority voting have a lower threshold for the chair to influence the outcome, compared to decision making on the basis of unanimity (Tallberg, 2010: 246). There is also a distinction on how the presidency is granted. The different selection models are; (i) rotation between state representatives, (ii) election between members and (iii) appointment of a supranational chair (Tallberg, 2010: 246). The author states that the first model has more influence due to fewer and lesser extensive control mechanisms. Rotating chairs are more capable of influencing distributional dimension of negotiations than elected or appointed chairs. “[M]ember states seem to use the Council Presidency to promote their own domestic policy priorities, but this is not necessarily negative and is probably a recognized and accepted practice by all members”

(Tallberg, 2010: 252) This further underlines that rotating chairs have more influence. Where other organizations have tried to limit the influence of the chair, the effect within the EU is mainly a logrolling dynamic where chairs take turns in using the presidency for national purposes (Tallberg, 2010: 243). Tallberg thus explains in general the possible perks of being the chair and when these could occur.

Several researchers debate whether a chair is able to influence decision-making and more specifically towards its own priorities. This second paragraph focuses on the views on the subject of presidency tools. Tallberg, for example, argues that a chair can be biased and therefore uses influencing tools to steer the decision-making (2010: 246). Niemann and Mak argue that it is the impartiality of the chair that strongly influences policy and that only neutral actors are able to broker agreements (Niemann, 2010). Another view is that of Ole Elgström, who states that chairs tend to focus on the roles of efficient administrator and honest broker, using the same strategies Tallberg mentions. Meanwhile Elgström argues that chairs of the Council seem reluctant to take on the role of leader (Elgström, 2006, 193). Some researchers thus state that there is little room for the preferences of the chair when it comes to the Council presidency. The presidency is dependent on the Commission to suggest proposals, it lacks many formal institutional law-initiating powers, its chairmanship is only six months, it inherits the agenda of the previous chairs, it is expected to act neutral and is mainly reacting to crises. Despite these assumptions, Frank Häge argues that it is possible for the chair to influence policy outcomes. He therefore distinguishes between two types of ‘agenda setting power’ (Häge, 2017: 696). What these powers entail according to Häge will be explained in the following paragraph that focuses more on which tools accompany a presidency.

During a presidency a Member State gains a certain number of tools. Several researchers discuss whether these tools actually supply the chair with ways to influence the policy cycle or that they are simply a formality. According to Tallberg, there are two forms of power resources that regular Members lack. The first is the asymmetric access to information. Tallberg states that governments offer chairs unique information. Moreover, by becoming the chair a Member also gains expert information due to the chair’s secretariats. While Tallberg argues that there are several tools the chair gains during its term, Thomson refutes this assumption. Thomson states that only information is the true power of the chair (Thomson, 2008: 593). He agrees that the influence by the presidency is a subject of discussion. Some researchers state that the presidency is a responsibility that lacks power, other argue that member states get a rare opportunity of realizing domestic preferences (Thomson, 2008: 593). The chair has a certain amount of political influence on the Commission’s proposal, the duration of decision-making however is mainly determined by aspects that situate outside the chairs control (Thomson, 2008: 612). Thomson thus only acknowledges the influence of information. He states that a chair has access to more information and therefore has more influence. Although the chair

has influencing powers, it is also a field of luck (Thomson, 2008: 614). An agreement or outcome can also be close to the position of a Member State due to coincidence or its moderate position. Thomson concludes that the chair has little influence over the timing of the Council's agenda. The chair's actual influencing power lies thus in the asymmetric distribution of information (Thomson, 2008: 612-614). It is important to note that multiple other authors do not agree with Thomson. Tallberg argues that a chair does have more control over the procedural parts than regular Member States. Examples of these procedural parts are the control over decision on the sequence of negotiations, the frequency of negotiation sessions, the format of negotiations and the method of negotiation (Tallberg, 2010: 246). Furthermore, regular chairing advantages also apply, such as opening and concluding meetings, structuring the agenda and allotting the right to speak (Tallberg, 2010: 246). Häge meanwhile argues that it is possible for the chair to influence policy outcomes with two types of powers. The first is the so-called *proposal-making power*. When trying to amend a Commission's proposal, the presidency has certain advantages. Due to its access to information on Member State preferences and the option that not all Member States have to agree under the qualified majority rule, the presidency has the possibility to move the negotiations towards a compromise that is closer to its national preferences. Proposals from the presidency are only accepted if they don't seem biased or result in an unfair outcome. When this occurs however, other representatives might initiate their own proposal (Häge, 2017: 698). This is a power that is not incorporated within the publication by Tallberg (2010). Häge describes a situation where the interaction between the Council and the Commission can be used to influence policy. The second agenda setting power is more in line with Tallberg publication, and is about the distribution of time and space, the '*scheduling power*'. This power is related to the actual meetings: who meets who, for how long and when? The chair of the Council has influence on the timing, length and content of the working party (Häge, 2017: 696). The rules on the subject of meetings are not tied down in legislation, but they are seen as customary perks of being the chair. The other representatives simply accept that it is the task of the chair to manage and organize their meetings. The by Häge conveyed perks form an addition to Tallberg's more general concept of presidency influence. Both Häge and Tallberg focus on how the helm of the Council might be able to influence policy. There are, however, also relevant publications on member state interest articulation in general. An example is "*Member State Interest Articulation in the Commission Phase: Institutional Pre-Conditions for Influencing 'Brussels'*," which is about member state expressing their interests in a different manner. Though the focus of this research is on the European Commission, it also uses relevant theories on how to influence Brussels in general. Based on an article by Börzel the authors state that there are three ways of positioning in Brussels. The first is 'fence sitting' which is a wait-and-see approach. The second is 'foot-dragging', which entails blocking or delaying. The third and last is 'pace setting', which means actively pushing in Brussels. Actively pushing towards certain policies is in line with being the chair (Haverland, 2011: 181). These different forms of speed encouraging or discouraging influence the Councils policy cycle. An example could be discussing at

length and looking into different insights for formulating new policy or ways of implementation, when this is not desirable.

A significant task that accompanies the presidency is planning meetings, i.e. creating the agenda. The paragraph above explained how meetings are planned according to a publication by Häge. However, there is a different publication that focuses more on the agenda of one particular meeting. During a single meeting an agenda functions as a tool for assigning attention to various issues, according to Tallberg (Tallberg, 2003: 5). This agenda tool entails more than placing problems on an agenda or not. The place compared to other agenda points matters when it comes to political agendas (Tallberg, 2003: 5). Tallberg states that formal leadership, such as the Council presidency, is able to manage policy agendas. Tallberg therefore distinguishes between three types of categories of managing agendas. The first is the agenda-setting which refers to its right to initiate proposals. Although the actual power to set the agenda lies with the European Commission, Tallberg describes three ways the presidency has influence. The first is to persuade the Commission to take action by raising awareness. The second is to come up with detailed action plans. The third is to produce policy initiatives in an area where the outlines are not specified yet, for example the ‘presidency program’ (Tallberg, 2003: 7). When the Commission suggests policy proposals that are in line with the presidency program, the presidency is likely to put in more effort to get the proposal passed. The Council’s lobbying efforts may thus tempt the Commission to adopt proposals that are favorable to the presidency (Tallberg, 2003). The second category of agenda management is agenda-structuring, the ability to structure decision-making by emphasizing or de-emphasizing issues on the Council’s agenda. The third category of agenda management is agenda-exclusion. This includes sometimes conveniently ‘forgotten’ issues. Examples are dossiers that are not picked up until the next government assumes the office, or simply openly blocked by the Presidency (Tallberg, 2003). A problem is that these are ‘non-decisions’, the choice to not decide on something on purpose. These decisions are often not made publicly and are therefore harder to observe.

Besides giving insight into several circumstances under which the presidency or a member state is able to influence the Council’s policy cycle, it is also important to note that the Council’s policy cycle is subject to various influences. The presidency of the Council is a unique position which includes process-managing powers. Warntjen differs from previous authors by focusing on more underlying aspects that could influence the Council’s policy cycle. The statement that the chair is able to steer the legislative agenda is enriched by Warntjen with the following quote from Kirchner; *“Presidency’s cannot switch programmes, but they can select certain priorities within a given parameter, or provide political impetus”* (Warntjen, 2007: 1138). Thus, the presidency is able to block or accelerate certain policies, as also explained in with the pace setting concept by Haverland. The presidency is often seen as the only clear and periodic opportunity for a representative to move policy

towards its preferences. In general, left-leaning governments tend to prefer legislation on social policies, consumer protection and environment. Meanwhile, right-leaning government focus on industry and competition (Warntjen, 2007: 1138). It is important to note that when there are several proposals in the pipe-line it is easier for the presidency to influence one of them. The conclusion of the research is that if a policy field is salient to a chair and it accepts EU regulation, then the presidency will use its powers to lead negotiations to a preferred conclusion. An outcome of the data research concludes that the presidency is particularly successful in steering when it comes to environmental policies (Warntjen, 2007: 1154).

2.2 Summary and hypotheses

The first relevant finding from previous publications is that presidencies control the decision on the sequence of negotiations, the frequency of negotiation sessions, the format of negotiations and the method of negotiation (Tallberg, 2010). H1 is based on these findings from the publication by Tallberg and focuses on the presidency's control on decisions concerning the sequence of negotiations, the frequency of negotiation sessions, the format of negotiations and the method of negotiation (Tallberg, 2010).

H1 (Sequence of negotiations, the frequency of negotiation sessions Hypothesis): *The Dutch presidency is better able than other Member States, that don't hold the chair, to influence Council policy towards national preferences due to the chair's control of the sequence of negotiations and the frequency of negotiation sessions.*

Tallberg also states that the presidency has powers such as agenda-setting, agenda-structuring and agenda exclusion (2010). This includes emphasizing or de-emphasizing issues. These findings by Tallberg are relevant concepts that occur in the agenda management phase. H2 is based these findings from the publication by Tallberg. The hypotheses focuses on presidency powers that manage the actual agenda.

H2 (Agenda-setting, agenda-structuring and agenda exclusion Hypothesis): *The Dutch presidency is better able than other Member States, that don't hold the chair, to influence Council policy towards national preferences due to the chairs ability of agenda-setting, agenda-structuring and agenda exclusion.*

Other authors, such as Häge, focus more on the control over the actual meetings. The chair of the Council has influence on the timing, length and content of the working party. Together these are called the scheduling power (Häge, 2017). An important conclusion from Tallberg's publication from 2003 is that policy in the adoption stage is easier influenced by the presidency then policy in later stages. (Tallberg, 2003: 7).

There are two relevant publications when analyzing the negotiation phase. The first finding is from Tallberg's 2010 publication and includes the term brokerage. This is the presidency's ability to identify compromising agreements (Tallberg, 2010). The chair is able to do so due to a higher level of access to information (Tallberg, 2010). H3 is based on these findings from a publication by Tallberg. The focus of this hypothesis is the usage of information in order to identify certain compromises.

H3 (Brokerage Hypothesis): *The Dutch presidency is better able than other Member States, that don't hold the chair, to influence Council policy towards national preferences due to brokerage during negotiations.*

The second relevant publication is about the control over the pace of negotiations: Fence sitting, which is a wait-and-see approach. Foot-dragging entails blocking or delaying. Pace setting is actively pushing in Brussels (Haverland, 2011: 181). H4 is based the findings from the publication by Haverland. The focus in this hypothesis is on the pace of the negotiations.

H4 (Pace setting Hypothesis): *The Dutch presidency is better able than other Member States, that don't hold the chair, to influence Council policy towards national preferences due to pace setting, fence sitting, foot dragging during negotiations*

Other findings can be classified as the decision-making phase. Tallberg states that chairs are responsible for opening and concluding meetings and summarizing the Councils results (Tallberg, 2010). Another finding is that the presidency's influence is greater under majority voting than under unanimous decision-making (Tallberg, 2010). H5 is based on the findings from the publication by Tallberg. This hypothesis focuses on the official tasks the chair has to carry out.

H5 (Concluding meetings Hypothesis): *The Dutch presidency is able to influence policy outcome towards national preferences due to its task to conclude Council meetings.*

Existing literature reveals that there are several factors that could generate influence for the Council presidency. The ability of managing the agenda in particular is a source for the chair to influence the policy cycle. During Council meetings or negotiations, the chair is also able to steer more effectively than other Member States, due the asymmetric distribution of knowledge. Lastly, the ending of meetings and the voting mechanism can also affect the level of influence. These theoretical concepts are relevant for this research and are therefore used to create the hypotheses. In order to test these hypotheses, the literature is divided into three different policy cycle stages. These are the *agenda management, negotiations* and *decision-making* stages. The reason why this division is applied is that literature has shown that the level of influence might not be equally divided throughout the policy cycle. By dividing the concepts between the different phases of the policy cycle it is easier to conclude when influence increases or decreases. The division used for this research has proven its usefulness in

other publications (van Keulen, 2006). The table below grants a schematic overview of the exact division used for this research.

Phase in policy cycle			
	<u>Agenda management</u>	<u>Negotiations</u>	<u>Decision-making</u>
<u>Tallberg, 2010</u>	<ul style="list-style-type: none"> • Sequence and frequency of meetings • Structuring the agenda: <i>emphasizing or de-emphasizing issues</i> 	<ul style="list-style-type: none"> • Brokerage 	<ul style="list-style-type: none"> • Concluding meetings • Type of voting
<u>Haverland, 2011</u>		<ul style="list-style-type: none"> • Pace setting, Fence sitting or Foot-dragging 	
<u>Häge, 2017</u>	<ul style="list-style-type: none"> • Scheduling power 		
<u>Tallberg, 2003</u>	<ul style="list-style-type: none"> • Stage of policy 		

The literature review also explains the views of Robert Thomson. He is more critical of the range of influencing tools. Thomson states that asymmetric information is the only influencing tool for the Council’s presidency (Thomson, 2008: 614). The presented literature is therefore not unambiguous. To determine which tools apply in reality, the case on the Dutch presidency serves as a test. This research contributes by generating insights into how a member state could use the Council presidency to exert influence. This is done by answering the research question, **“to what extent and how did the Dutch presidency of the Council of the EU affect the EU’s policy cycle?”**

3. Methodology

The previous chapter provided an overview of the literature and the created hypotheses. This chapter explains in what ways the hypotheses are tested, why certain choices regarding the methodology were made and how this research has been made measurable. The chapter starts with the justification and is followed by the research strategy which is described in the second paragraph. Following is the explanation of used data: first the documents, then the interviews. The explanation of used data is followed by a paragraph with clarification concerning the validity and reliability of the research. The chapter concludes with the hypotheses, conceptual model and operationalization.

3.1 Justification

The focus of this thesis is the specific case of the Dutch influence on policy outcome during the EU Council presidency during the first six months of 2016. Since the research is focused on a specific timeframe, member state and a selection of policies, it is set up as a ‘case study’ (Bryman, 2012: 69). Furthermore, this study is a deductive research, because its hypotheses are derived from existing theories (Bryman, 2012: 24). In order to answer the research question, and to accept or reject hypotheses, qualitative research methods are used. The data used for this research is derived from the analysis of governmental documents and interviews. An advantage of using official documents is the level of reliability. The use of governmental documents supports the analysis of presidency influence on policies (Bryman, 2012: 550). Governmental documents only reveal what was included in meetings. In order to analyze agenda points or policies that have been purposely excluded, blocked or conducting interviews is necessary. Semi-structured interviews generate information on experiences, understandings and opinions that can’t be found in documents (Bryman, 2012: 469).

The Dutch presidency of 2016 has been selected as the single-case study for this research. This decision is based on multiple factors. The first is that the Dutch presidency presented itself as a neutral chair. This ‘Honest broker’, states that it has sidelined itself during the term. Although, at the same time, the Netherlands presented a program with priorities on which the presidency wants to achieve agreements, which makes it seem as if the chair wants to influence EU policy. Hence, the question is: did the Dutch chair influence policy and in what manner? Is the Council’s chair a neutral servant or is it a steering master?

The reason why an in-depth analysis has been chosen is that, when analyzing more cases, the level of coincidence decreases. A further explanation on the selection of cases can be found in paragraph ‘3.3 Selection of documents’.

3.2 Research strategy

The applied research strategy is based on a deductive approach. This entails that hypotheses are based on theories as presented in the theoretical review. The hypotheses and the research question are tested by conducting a study on a specific case. The research is qualitative due to its analysis of documents and data from semi structured interviews. The choice of document analysis is exceptionally suitable because of the focus on analyzing official governmental settings. To incorporate governmental preferences and procedural backgrounds, conducting interviews is also included in this research. The research question and hypotheses are addressed based on data retrieved from both types of analysis.

3.3 Selection of documents

This research focuses primarily on the influence of the chair through official channels. Is EU policy influenced by the Dutch presidency? To what extent and in what way? In order to answer these questions, governmental documents are analyzed. Both national and EU documents are incorporated in this analysis. The program written by the Dutch delegation is the foundation for the content of the analysis. This document sheds a light on the priorities set by the presidency, priorities that are in line with its European ambitions and national preferences. According to this document there are four focus points (Ministry of Foreign Affairs, 2016);

1. Comprehensive approach to migration and international security;
2. Europe as an innovator and job creator;
3. Sound, future-proof European finances and a robust Eurozone;
4. Forward-looking policy on climate and energy.

The three highest priorities will be analyzed within this thesis. The fourth was not included in the research due to vague goals set by the Dutch government. Specific topics or policies within the three themes are analyzed in order to come to a conclusion and to address the hypotheses. The advantage of using the three topics above is that the Dutch government has strived to influence EU policies on these subjects during its presidency. If the policy outcome does not correspond with the Dutch preferences one could conclude that the chair's influence is too limited. The top three is prioritized by the Dutch government, so when the Dutch representatives are not able to influence those, the chance of influencing others is small as well. A further advantage of using these priority points is the broadness of the subjects. The broadness of policy themes and different Council compositions contribute to the generalizability.

The analyzed documents are agendas, minutes and outcomes of the Council meetings, results of the public votes, press releases and statements and Council conclusions and resolutions. Combining Council documents with Dutch governmental and parliamentary documents gives insight into

preferences, processes and results. Documents are found by using official EU websites. The selection of documents is done based on several search terms. The most frequent used search terms are the codes of the directive or proposed agreement. The specific document search terms per case can be found in the chapter analysis.

This research relies on the use of governmental documents. There are several reasons why working with information from official governmental documents is preferable. Governmental documents are reliable, easily found and exist in large quantities. The advantage of using governmental documents in this research is that these documents are often written from the chairs perspective, as it is the chairs obligation to arrange, summarize and inform members of the council about meetings.

It is important to note that several official documents by the EU are marked '*LIMITE*'. This entails that these marked documents are made available to members of the national government of a Member State and to the Commission. Without specific authorization however LIMITE documents are not available to other persons, the media or the public (EU Monitor, 2006). The number of documents analyzed for the case on Border Security Teams is relatively low due to the lower level of transparency. Nevertheless, as there were relatively more meetings on that subject, it is still possible to analyze based on the remaining documents.

3.4 Conducted interviews

To control what happens behind and beyond official documents several interviews have been conducted. Respondents for these interviews include people who have been involved in EU-policy making for the Dutch government, government officials and politicians. The conducted interviews are 'semi-structured' (Weiss 1995), which entails that some questions were developed in advance and some during the interview. The goal of these interviews is to obtain both official and unofficial ideas on how the Dutch presidency might have used its role to prioritize. The first interview conducted was with Roel Gans, director International Affairs for the Dutch Ministry of Social Affairs and Employment. He was interviewed for the priority field of Europe as an innovator and job creator. Gans described the situation behind the scenes, what went on in the run up to the Dutch presidency and in what way did the chair influence the Council. This second interviewee preferred to be anonymous and being referred to as an expert for the ministry on the subject of Frontex and Border Security Teams. The data and information retrieved from these interviews function as check and balance for the document analysis.

3.5 Validity and Reliability

In general, the implementation of case studies is more likely to be subject to low levels of validity and reliability. The validity and reliability therefore depend on the application of structured research method. To ensure higher levels of validity and reliability this research is based on a process tracing

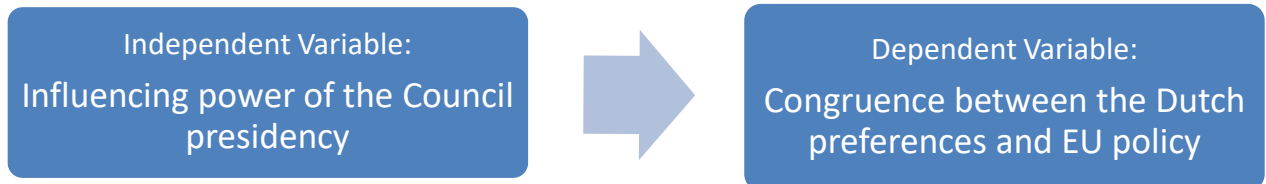
technique: intensive process analysis. Although this method was designed for analyzing political decision-making at domestic level, some researchers have applied it to certain EU-policy cases (van Keulen, 2006: 115). This form of research makes it easy to trace what happened and which event led to certain outcomes.

The reliability of the research is sought to be ensured by making the variables as measurable as possible. This ensures the consistency of the variables (van Thiel, 2010: 57). The possible repeatability of this research is highly dependent on the way it is operationalized. It is therefore important that this has been done accurately (Van Thiel, 2010: 57). Official governmental documents are publications perceived as complete. However, it is important to note that governmental documents are not objective per se. Though, interviews are incorporated in this research to forestall this problem.

The internal validity is guaranteed by leaving little room for other forms of interpretation in the operationalization and thus staying close to the mentioned indicators (Van Thiel, 2010: 58). However, there are some problems with the external validity due to the specifics of the Dutch case (Van Thiel, 2010: 59). The generalizability of the research is thus relatively low as every policy field is different and only a small share is analyzed. However, this limitation is not a barrier for this research. This research intends to explain the congruence between Dutch preferences and EU policy. For this research a detailed explanation of the Dutch presidency was chosen. This type of research and level of detail requires studies that focus solely on a small amount of Council presidencies. Regarding reliability; if this research were to be repeated with the same operationalization, the same research results would be measured.

3.6 Variables and Operationalization

The causal relationship below shows that the foundation of this research is about the extent to which the presidency and its accompanying powers is able to influence the EU Council policy cycle. The hypotheses are drafted to examine whether this relationship exists and to what extent.



The next section includes the operationalization of the independent and dependent variables. The **independent variable** – the influencing powers of the Council presidency – consists of a various range of concepts. These concepts are operationalized in the following section, starting with the concepts from the *agenda management* phase.

The **dependent variables** are similarities between the Dutch priorities and the policy cycle phases: agenda management, negotiations and decision-making. The dependent variables are addressed by analyzing the Dutch presidency program and comparing them to Council documents such as agendas, minutes and outcomes of meetings, results of the public votes, press releases and statements and Council conclusions and resolutions. A congruence between the Dutch preferences and the Councils policy cycle and outcomes is measured by comparing governmental documents. The stances of the Dutch cabinet are often expressed in minutes of parliamentary or official statements. Congruence occurs when the government expresses that its stance towards a Commissions proposal is positive, a prioritized or in line with national preferences.

H1 is operationalized by drawing up the following criteria for the concept *Meeting frequency/sequence*:

- A. Meetings on aspects prioritized by the Netherlands, are more frequently. This is measurable by:
 - I. Frequently is more than one meeting within a week
 - II. The mentioning by the chair of extra or specific meetings
 - III. Other mentions by the chair of deviant frequency or sequence of meetings
- B. From the context there is no specific reason given for increased or decreased frequency/sequence of meetings.

H2 is operationalized by drawing up the following criteria for the concept *Structuring the agenda*:

- A. Aspects prioritized by the Netherlands are placed relatively high on the meeting's agenda. This is measurable by:
 - I. A high agenda point situates in the top 30% of an Council agenda
 - II. A mentioning by the chair on the high placement of the agenda point
- B. From the context there is no specific reason given for allowing such high priority for the agenda item.

H3 is operationalized by drawing up the following criteria for the concept *Brokerage*:

- A. When a compromise is needed, the Dutch presidency is able to identify compromising agreements, which are close to its national preferences. This is made measurable by:
 - I. The mentioning by the chair of concessions, compromises or settlements that divert from the original proposal
 - II. The deviant stances or reservations of Member States are mentioned by the chair
 - III. A change in proposal is done in order to achieve an agreement.
- B. From the context it must be evident that the Dutch presidency has contributed to finding a compromise.

H4 is operationalized by drawing up the following criteria for the concept *Pace-setting*:

- A. The Dutch presidency has used its ability to control negotiation pace in either of the following ways; fence sitting, foot-dragging or pace setting. This is made measurable by:
 - I. The mentioning by the chair of a change of speed in decision-making.
 - II. A higher frequency or sequence of meetings (See H1).
 - III. An expression of urgency by the Council's chair

H5 is operationalized by drawing up the following criteria for the concept *Concluding meetings*:

- A. The Dutch presidency uses opening and closing statements of Council meetings to steer negotiations in the direction of national interests. This is made measurable by:
 - I. A mentioning by the chair (at the start, ending or summary of a meeting) on a prioritized subject.
 - II. Starting, ending or summarizing meetings with a positive note concerning a prioritized subject.
- B. The opening and closing statements are not in line with current pressing events or issues.

The data analysis is done based on the mentioned measurement and operationalization. Each time an aspect is encountered as described above, a note is made in the appendix. The total amount of cases that meet these criteria is presented in two graphs in the general analysis. Based on these outcomes further conclusions will be drawn.

4. Analysis

The focuses of this chapter are the results of the document analysis and interviews. The chapter is divided into three specific themes, as described in the previous chapter. On January 18th the Dutch delegation opened its chairmanship of the Council with the presentation of the work program; *“The key priorities of the Netherlands Presidency are migration and international security, deeper and fairer internal market, sound European finances and a robust Eurozone, and forward looking policy on climate and energy”* (Council of the EU, 2016). Every topic in this section is shortly explained followed by an analysis of case specific documents used for the analysis. Council documents are used to analyze the situations in the different cases. The codes at the end of sentences are references to such documents and correspond to the appendix.

4.1 Comprehensive approach to migration and international security

The first priority point of the Dutch presidency is to increase the attention for the approach on migration and international security. The Dutch government states that the migration crisis has revealed shortcomings in the European area of freedom, security and justice that require action. According to the Dutch government this issue required a stronger link between internal and external policy, effective and integrated use of the EU’s broad range of instruments, and active diplomatic efforts on the part of the High Representative and the Member States; *“The Netherlands is determined to contribute to the speedy elaboration and implementation of the migration package presented by the Commission, and the early completion of the strategic review of EU foreign and security policy”* (Ministry of Foreign Affairs, 2016: 9). The specific subject of analysis is the decision making regarding the *Border Security Teams*. The Schengen area without internal borders can only exist if the external borders are effectively protected. The European Commission therefore proposed to establish a European border and coastguard, which is responsible for ensuring European integrated management of the EU's external borders, for managing migration effectively, ensuring a high level of security in the Union and ensure the free movement of persons within the Union. With the Commission’s proposed change in law, Frontex (the organization responsible for European border security) will gain tools to do so (European Commission, 2015). The European Commission presented its proposal on creating a European Border and Coast Guard in December 2015 right before the Dutch presidency began. The legislation builds on the existing structures of Frontex, but should be more capable to cope with the challenges of the current issues. The proposed regulation was approved by the European Parliament and Council within a record time of just nine months (European Commission, 2017).

On December 15, 2015, Prime Minister Mark Rutte informed the Dutch House of Representatives that the creation of a European border and coastguard is priority during its presidency of the Council. He stated that true European border guards with sufficient registration and rescue capacity is vital for the Schengen area (Tweede Kamer der Staten Generaal, 2015). The cabinet argues that it welcomes the

basic principles and measures in the Commission's legislative proposal. Recent events have shown that the management of the external borders is not 100 per cent sufficient and cannot withstand the enormous migratory pressure. The terrorist threat makes the need for strengthening the external borders even more urgent, according to the Dutch government. Due to these assumptions, the Dutch cabinet has agreed with the Commission that an enhanced role for the Frontex agency is necessary (Tweede Kamer der Staten Generaal, 2016). The regulations on creating European Border Security Teams, proposed by the Commission, is thus in line with Dutch national preferences. The Commission's proposal was rather quickly followed by unanimous adoption by the Council. It can therefore be stated that there is a congruence between the Dutch preferences and EU policy outcomes. However, the question is whether the congruence exists due to the influencing powers of the Dutch presidency. Has the Dutch chair influenced the policy cycle to get agreements quicker and closer to its own priorities?

When analyzing official EU documents on the subject of the *Border Security Teams* several attention-grabbing aspects are found. Documents used for this analysis were found using several search terms. These include 'Border Security*', 'European Border and Coast Guard and repealing Regulation', 'COM (2015) 67' and '2015/0310/COD'. The timeframe selected corresponds with the duration of the Dutch presidency. These search terms and timeframe resulted in a selection of documents containing Council notes, meeting outcomes and official EU Journals. The website on EU law – EUR-Lex – was used to obtain the timeline of the policy cycle. Background on the subject of the *Border Security Teams* is gained through an interview with an anonymous policy officer of the Ministry of Justice and Security. Background information is used throughout the entire analysis.

Based on the documents and meetings from February 2016 one could conclude that in several instances the influencing technique of agenda setting has been applied. In these first meetings the presidency frames the issue concerning the lack of tools of Frontex as very pressing. The chair therefore opens meetings with statements on this issue being "absolute priority" (6309/16). Due meetings often start with this particular issue, which therefore corresponds with the measurement of the structuring of the agenda. This also corresponds with the criterion of the influencing concept of opening and closing meetings. This contains the measurement that starting, ending or summarizing meetings with a positive note concerning a prioritized subject is a way to influence the policy outcome. The presidency also allocated a significant part of its focus and resources in achieving an agreement on the proposal (6309/16). The presidency used several meetings to openly prioritize the issue at hand. At the end of meetings, as well as in its notes to the Council, the presidency concludes a few times by saying that a swift agreement on the proposal is near, but acceleration is required. Expressing that a change in speed is required is in line with the measurement of the influencing concept of 'pace setting'.

When analyzing the documents for ‘fence sitting’, ‘foot-dragging’ or ‘pace setting’, it becomes clear that the presidency wanted a quick agreement. A majority of the writings by the presidency include mentions of the timeliness of the process such as quick, swift or accelerated. These notions include those that express a desire to do so, and those that review meetings and look back. *“It is the presidency's intention to reach a political agreement before the end of its term”* is an often recurring statement made by the chair (6462/16). Furthermore, the presidency proposed that Member States would start preparing for the implementation. This was before the formal adoption of the proposed regulation. The reason given for this urgency was the current situation within the EU (7680/16). This current situation is a time with large peaks in migration towards Europe. It is therefore important to note that the open prioritization by the chair might have been possible due to the EU migrant crisis. In the years 2015 and 2016 more than 2.5 million people applied for asylum in the EU (European Parliament, 2017). Due to this peak in migration, a quick solution had to be found. This expression of urgency is one of the measurements of the ‘pace setting’ influencing tool. The interview with the policy officer confirmed that the migration crisis was of great influence on the pace. The situation was untenable and Frontex was in need of reform (Policy Officer, Personal communication, January 24, 2018). The quick agreement was, according to the interviewed policy advisor, due to the high frequency of workgroup meetings. The chair scheduled a workgroup meeting every two weeks (Policy Officer, Personal communication, January 24, 2018). This led to a high amount of meetings and an increased pace in decision-making.

Although the EU migration crisis might have contributed to the timeliness of the agreement, there was also a significant amount of brokerage during Council meetings. The presidency created several compromising proposals on regulation proposed by the Commission. These compromises were based on discussions held in Council and bilateral meetings (6744/1/16). By organizing bilateral meetings, the presidency was able to gain information and seek compromises. In these meetings, delegations have been able to express their views and concerns (6744/1/16). Expressing that compromising deals are needed and made, and that these are based on the deviant stances of member states corresponds with the measurements of the brokerage influencing tool. The interview with the policy officer of the Dutch Ministry provides more background information on why the Dutch proposals were often accepted. A Dutch presidency brings expertise, experience and budget along when trying to identify compromises, according to the policy officer. Dutch proposals are therefore received with a high amount of trust (Policy Officer, Personal communication, January 24, 2018). A recurring form of brokerage, although not within the Council, are the meetings with the Commission. Due to the ambition to accelerate and come to an agreement, the presidency chose for close cooperation with delegations and the Commission. The usage of bilateral meetings and meetings with partners outside the Council can be perceived as the ability of the chair to select the format for a

meeting. This form of influencing is based on gaining information which cannot be gained in the regular Council meetings.

The overall usage of different influencing powers has been quite diverse in this case. The subject prioritized by the Netherlands was emphasized by agenda-setting, agenda-structuring, frequency and format of meetings, brokerage, pace setting and even the opening and concluding of Council meetings. This seems as if the combination of current issues on the continent and a diverse selection of influencing powers made a swift agreement possible. This case has shown that a diverse set of influencing powers has been able to push towards an agreement. These influencing powers were applied by the Dutch presidency during the policy cycle in order to achieve an agreement on the prioritized subject of the comprehensive approach to migration and international security. The congruence between the Dutch priorities and EU policy as outcome has been achieved by applying influencing tools. The following case focusses on how a less diverse set might change this outcome.

4.2 Europe as an innovator and job creator

The second priority point of the Dutch presidency is the role of the EU as creator of structural and innovative growth and jobs. The Netherlands argue that due to the crisis, the EU lost sight of its original purpose; the internal market. The EU had a large role in creating jobs and innovation within Europe, a quality the Dutch want to revive. The reason is largely that the EU's key strength is having the world's largest single market. It is the driving force behind European cooperation and unites the Member States (Ministry of Foreign Affairs, 2016: 9). An example is the further development of the Digital Single Market Strategy and the Single Market Strategy for goods and services. The Dutch presidency argues that these developments should be incorporated into specific proposals (Ministry of Foreign Affairs, 2016: 9). One of the priorities set by the Dutch government was amending the directive on Posted Workers. Posted Workers are employees who are sent by their employer to provide temporary services in another Member State within the European Union. Companies with foreign contracts that are being operated across borders are an example of these posted workers. The difference between the posted workers and mobile workers is that the first are only temporarily located elsewhere and will not integrate into the labor market of the hosting Member State. Meanwhile mobile citizens go to another member state and are employed there and are therefore entitled to the same treatment of nationals with regards to access to employment, working conditions and all other social and tax conditions (European Council, 2016). The Posted Workers directive defines a set of rules regarding the terms and conditions of employment that apply. This directive has existed since 1996 and according to some Member States, it has to be updated.

The intended amendments of the Posted Workers directive have been discussed in the Dutch parliament. On January 22, 2016 parliament requested the Dutch cabinet to present their position on an amendment of this directive. The cabinet responded with a positive reaction. It stated that, given the importance the European Commission attaches to this subject, the Minister does not expect any unnecessary delays. As a response to the EU Commissioner's announcement of a Labor Mobility Package, the Netherlands has indicated that, as Chair, it would like to contribute this directive (Tweede Kamer der Staten Generaal, 2016a). However, the Dutch presidency did not succeed in adopting amendments on the directive before the end of its chairmanship. The fact that the Councils chair did not succeed is not due to a change in priorities. In July 2017 the government stated in the Dutch House of Representatives that priority of the cabinet remains unchanged, despite fruitless efforts in the run-up to the Dutch EU presidency in 2016 (Tweede Kamer der Staten Generaal, 2016b).

The Posted Workers Directive, proposed by the Commission, is in line with Dutch national preferences. The Dutch presidency program even states that during the chairmanship by the Netherlands, the Commission will present several measures which are prioritized (Ministry of Foreign Affairs, 2016). However, the amendments never made it to a vote. It seems that the plan has

encountered resistance in in the policy cycle. Where did this resistance come from and why was the presidency not able to apply its influencing powers during the policy cycle?

When analyzing official EU documents on the subject of the *Posted Workers* directive several aspects are found. Documents used for this analysis were found using several search terms. These include ‘Post* Workers’, ‘Directive 96/71/EC’, ‘COM (2016) 128’ and ‘2016/0070 (COD)’. The timeframe selected corresponds with the duration of the Dutch presidency. These search terms and timeframe resulted in a selection of documents containing Council meeting notices and provisional agendas, notes, meeting outcomes, outcomes of proceedings, minutes of meetings, reports and official EU Journals. The website on EU law – EUR-Lex – was used to obtain the timeline of the policy cycle. Background on the subject of the *Posted Workers* directive is gained through an interview with Roel Gans, director International Affairs for the Dutch Ministry of Social Affairs and Employment. Background information and quotes are used throughout the entire analysis. Other important mentions by the interviewees are incorporated in the chapter discussion.

Based on the analysis of official EU documents on the subject of *Posted Workers* several indicators are found. The first meetings on this subject started in March 2016 when the Commission made a proposal on amending a directive from 1996. This proposal was followed by a sequence of meetings of the *Working party on social questions*. The first few agendas, set by the chair, prioritized the subject of posted workers by placing it at the top of it. Placing prioritized points at the top of the agenda is one of the measurements of the agenda structuring tool. The presidency thus made use of the possibility to structure the agenda of Council meetings. Agenda setting is most frequently used influencing technique within this case. Roel Gans confirms the usage of the agenda setting tool within this case and states that, “agenda setting is very important for a chair in terms of acceleration of the decision-making process” (Personal communication, January 16, 2017).

Document analysis has shown that there is also a small amount of influence applied by changing the frequency or format of Council. This is a form of achieving own priorities, as confirmed in the interview with Roel Gans. “Acceleration in the Council takes place, because the chair determines how often certain topics are discussed in Council working groups” (Personal communication, January 16, 2017). He also states that this is why more Council meetings have also been held and why the majority of the informal Council meetings have been used on the subject of the *Posted Workers* directive (Gans, personal communication, January 16, 2017). Gans’ statement that a large number of meetings on this subject have been held does not correspond with findings from the document analysis. Gans states that meetings on the subject of *Posted Workers* started later because of negotiations preventing the Brexit. The Commission would prefer not to publish proposals that would put a mortgage on the negotiations at the time. The amendment of the directive would have been a complicating factor in these negotiations. Despite that the Brexit negotiations were taken into account

by the chairman, this led to a late proposal from the Commission. Due to a shortened period there were fewer meetings possible, although the rest was optimally used for the prioritized subject of the Netherlands (Gans, personal communication, January 16, 2017).

In April, a document on the outcome of the Council's proceedings stated that a number of delegations oppose discussing the proposal in detail. These Member States argue that a thorough examination of the impact Assessment is needed (7894/16). So, shortly after the proposal was presented, the Commission's proposal had already met quite some resistance from several delegations.

The presidency acknowledges the concerns made by other Member States. In a different meeting the chair attempts to ease the different reservations by clarifying the main issues related to the proposal. It is important to note that the presidency did not propose any form of adjustments, solely more explanation on the Commission's proposal. This could be perceived as an undressed version of brokerage because the presidency used powers that are only available to the chair but did not adjust the proposal. Powers used by the presidency include the ability to set and structure meetings and using intel from the different delegations. This is measurement of the tool Brokerage, which is only encountered a few times within this case.

An in-depth discussion took place on the 28th of April 2016 (7894/16). This meeting can be perceived as brokerage by the chair due to its attempt to create new options by acknowledging barriers and consulting several parties. As a result, the Social Questions Working Party (SQWP) discussed the proposal on five occasions. However, on the 13th of May the SQWP asked to suspend any work at technical level due to political resistance. A majority of delegations within the Council supported the Presidency's approach of clarifying issues on a technical level along with finishing ongoing businesses. However, several national parliaments had their reservations (9949/16).

The concerns of national parliaments eventually led to a so called *yellow card*. This means that the future of the EU Commission proposal on revising the Posted workers directive has become uncertain after parliaments of ten Member States opposed it. If one third of the national parliaments of all Member States object to a proposal, then the Commission's proposal has to be reviewed. The proposal does not have to be withdrawn or adjusted per se, it has to be reviewed and further substantiated (European Commission, w.d.).

The Council was somewhat sidetracked due to the yellow card by ten different parliaments. The Council's chair was no longer pace setting or emphasizing amendments concerning the Posted Worker directive. Moreover, the presidency resorted to behavior that could be perceived as fence sitting, the wait-and-see approach. The wait-and-see approach was not incorporated in the measuring of influencing tools. This approach has no positive influence on reaching an agreement in the Council. In the Council meetings of May and June, the chair only advised to carry out more research and

technical work before drawing any conclusion. It seemed as if the presidency used some powers to stimulate progress up until it was reprimanded by the national parliaments. Director Roel Gans states that there were public struggles as a result of this yellow card. Nevertheless, behind the scenes, the Council continued the technical handling of the proposal and in order to keep up the pace (Personal communication, January 16, 2017).

The overall usage of different influencing powers has been quite limited in this case. The subject prioritized by the Netherlands was mainly emphasized by agenda-setting and agenda-structuring. A small amount of brokerage was used, but mainly as damage control and as a response to reservations by several delegations. The sequence of working parties was above average but did not avail. Pace setting was not used by the presidency within this case, while in the next case on the Tax-Evasion directive this form of influencing played a large role. A conclusion of the case on the Posted Workers directive is that some influencing powers were applied by the Dutch presidency during the policy cycle. The goal was to achieve an agreement on the prioritized subject of Europe as an innovator and job creator. The used influencing tools were not many nor diverse, there is therefore a lack of congruence between the Dutch priorities and EU policy. The applied influencing tools were not able to close the deal. Although the proposal was not accepted within the Dutch presidency, the Council eventually managed to get the proposal accepted, albeit more than a year after the ending of the presidency. The policy agreed upon by the Council resembles the envisaged policy by the Netherlands. Some concessions have been made, but in fact what the Netherlands was aiming still stands (Gans, personal communication, January 16, 2017). Gans commented the following on why the Dutch presidency did not succeed in an agreement on the proposal: “We knew that we could never finish the proposal within the Dutch presidency. The Brexit delay and the yellow cards have had no influence on this. We knew we could put it on the agenda, we could take it further, but would never be able finish it. The time is just too short to do so” (Personal communication, January 16, 2017). With years of planning and lobbying, the Dutch presidency was able to draw attention to this subject. Gans states that an agreement in October 2017 would not have been possible if the Dutch presidency had not plead for a revision of the Directive (Gans, personal communication, January 16, 2017).

4.3 Sound, future-proof European finances and a robust Eurozone

The third priority point is the Presidency's focus on sound, future-proof European finances and a robust Eurozone. The Dutch delegation argues that since the recent economic crisis many Member States have found their way to economic recovery and growing level of employment, due to structural reforms. This growth however is quite fragile and needs to become structural (Ministry of Foreign Affairs, 2016: 10). The Netherlands argue that EU Member States must therefore move forward with structural reforms and coordinated economic policy. An important part is the reform of the corporate tax system within the EU, as planned by the Commission. This package includes initiatives that are designed to eliminate tax evasion, ensure continuous revenues and strengthen the internal market; "The Netherlands Presidency will prioritise action against tax evasion and tax avoidance" (Ministry of Foreign Affairs, 2016). This quote is taken from the Dutch presidency program, as presented at a meeting of the Council on January 18, 2016. This statement underlines the given importance set by the Chair. Dutch domestic documents reveal that the set priority was in line with this statement. The Dutch State Secretary of finance for example declared to the House of Representatives that the Netherlands agrees with the "Anti-take-off measures" package, that tax avoidance is a threat to the internal market and that this calls for European solutions. The initiative taken by the Commission can be assured of support by the Netherlands (Tweede Kamer der Staten Generaal, 2016c) (Koenders, 2016). The government emphasized that it is the ambition of the Netherlands to come to the widest possible agreement on a range of measures against tax avoidance (Wiebes, 2016).

On January 28, 2016 the European Commission revealed a proposal for an Anti-Tax Avoidance Directive as part of the Anti-Tax Avoidance Package. The previous directive from 2011 did not entirely prevent larger cooperations from evading taxations. The amendments presented by the Commission should address the occurring issues. This Anti-Tax Avoidance Directive was adopted on by the Council June 20, 2016, setting rules to prevent tax evasion that directly affects the functioning of the internal market (European Commission, 2016). It is exceptional that a proposal from the European Commission is pushed through the policy cycle within six months, especially when it comes to tax policies, which require unanimity among the 28 Member States (Schmidt, 2016).

The Anti-Tax Avoidance Directive, proposed by the Commission, is in line with Dutch national preferences. The Dutch presidency program even states that during the chairmanship by the Netherlands, the Commission will present several measures which are prioritized (Ministry of Foreign Affairs, 2016). The Commission's proposal was rather quick followed by unanimous adoption by the Council. It can therefore be stated that there is a congruence between the Dutch preferences and EU policy outcomes. However, the question of whether the congruence exists due to the influencing powers of the Dutch presidency remains. In other words, did the presidency influence the policy cycle to achieve national priorities?

When analyzing official EU documents on the subject of the *Posted Workers* directive several aspects are found. Documents used for this analysis were found using several search terms. These include ‘tax avoidance’, ‘2016/1164’, ‘COM (2016) 26’ and ‘2016/0011/CNS’. The timeframe selected corresponds with the duration of the Dutch presidency. These search terms and timeframe resulted in a selection of documents containing Council meeting notices and provisional agendas, notes, meeting outcomes, outcomes of proceedings, minutes of meetings, reports and official EU Journals. The website on EU law – EUR-Lex – was used to obtain the timeline of the policy cycle.

Based on the analysis of official EU documents on the subject of *Anti-Tax Avoidance*, several remarkable features are found. In the first few Council meetings of 2016, the presidency used its role as chair to emphasize several prioritized issues (1094/16) (5936/16). The emphasis on the anti-tax avoidance directive occurred by simply mentioning it in opening and closing statements. Mentioning the prioritized subject in opening or closing statements is in line with the measurement of the influencing tool ‘concluding meetings’. Furthermore, in several other cases the placement at the top of the agenda has had the same effect. Placing prioritized subjects in the highest section of an agenda is a way to influence the policy cycle in terms of ‘agenda structuring’, as mentioned in the operationalization. These small ways of influencing policy outcome took place in different compositions of the Council, such as working parties on tax and meetings with representatives from the economic and financial affairs. A few weeks into the presidency the Dutch chair received the Commission’s proposal on adopting a new directive. On February 12th the president of the Council presents an ambitious timetable for work on the anti-tax avoidance package (5936/16). The Dutch foresaw a political agreement before the end of its term and set a deadline in June 2016. Several measures are opted in a relatively short period. This indicates a certain amount of pace setting. The presidency is actively pushing in Brussels to achieve certain goals, which are in this case in line with their own priorities.

Pace setting is used actively throughout the entire presidency term. In several documents the presidency not only prioritized, but also sets short-term goals in achieving them. *“In line with the discussion at the Informal Ecofin in Amsterdam on the “Panama Papers”, the Presidency nevertheless believes that it is critical to reach a deal now rather than later,”* is a statement by the Dutch representatives which can be found in several documents (9432/16). It is therefore important to emphasize that the *Panama Papers* may have given this policy subject more public and media attention, and timeliness therefore may have become more essential. The *Panama Papers* are documents from a consultancy firm that seems to have helped many billionaires to divert money to tax havens (NOS, 2016). Nonetheless, the presidency announced the month of adoption for this directive before these *Panama Papers* were leaked. Therefore, the chair set its goal and the Council’s pace before issue surfaced. The concept of pace setting is found throughout the entire term. The chair was aiming for swift agreement on the matter. Even though some Member States did not comply with

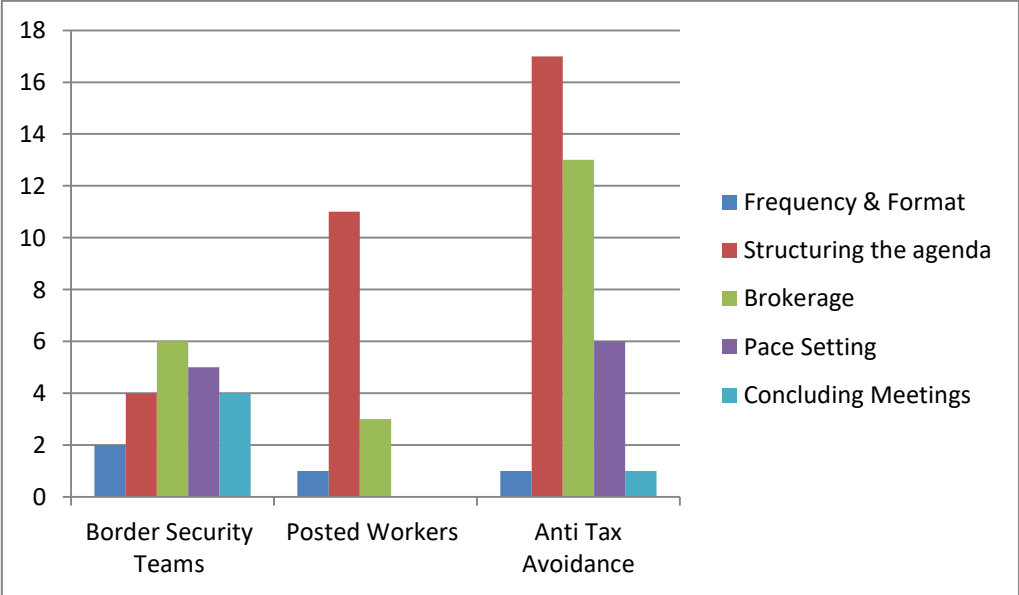
proposed adjustments, the Dutch chair maintained a strict deadline. *“The Presidency remains determined to reach a political agreement at the 17 June 2016 ECOFIN, in line with the timetable that was supported by most Member States”* (10067/16). Setting ambitious deadlines and pleading for speedy agreements are both measurable aspects of the influencing tool ‘pace setting’. Eventually when the presidency almost reached its end, the chair concluded that at this stage further technical work did not seem to be helpful (10502/16). It appears that it was telling other Member States to agree to the current proposal. Then again, getting Member States to agree needed more than pace setting. In order to get an agreement from all Member States demands need to be met and representatives convinced.

A frequently used method for reaching an agreement is brokerage. A chair is able to apply brokerage mainly due to the asymmetric in information. A chair has access to more information compared to other Member States. Because the Dutch representation stated that the timeliness of the agreement was quite important, this resulted in compromising agreements. The identifying of compromising agreements is one of the aspect witch which brokerage is measured. The presidency used its ability to identify compromising agreements to come to several solutions. The brokerage by the Chair started on March 2, 2016 when it stated that the Presidency planned a meeting aimed at addressing the political and technical concerns raised by a number of Member States on the original Commission proposal (6672/16). In May working parties started to review the technical parts of the presidencies compromises. Technical part of a law includes the way it relates to current law and regulations and the possible effects as a result of implementation. The presidency made policy adjustments while some delegations reiterated positions taken earlier (9432/16). The reviewed documents also reveal that the Chair indeed has access to information that regular Member States don’t have. “Some delegations have a general political reservation against the background of possible negative economic impacts. Others see a difficulty in changing their current national systems (9432/16). Using the information on deviant stance among member states is a form of brokerage as stated in the operationalization. The presidency has, based on this information, the ability to discuss and draft adjustments in order to make the directive pass when it comes to a vote. These few compromises had a positive effect on the chance that entire Council would accept this proposal, according to the Presidency. The chair was therefore convinced that it had reached a balance between the diverse views of the delegations and the compromised draft of the directive and it therefore should be left unchanged (9432/16). However, some members within the Council still had their reservations. These were mainly based on existing rules on a national level. The Presidency therefore compromised with a longer period of transposition, as is also mentioned in some media (9432/16) (Visser & Van Vliet, 2016). Near the end, there were some last minute objections by the Czech Republic and the United Kingdom. The presidency therefore chose to consult all Member States, bilaterally, one last time (10340/16). These bilateral meetings are perfect example of the chair tempting to influence the policy cycle through its powers. In organizing such meetings, the presidency used its power to plan

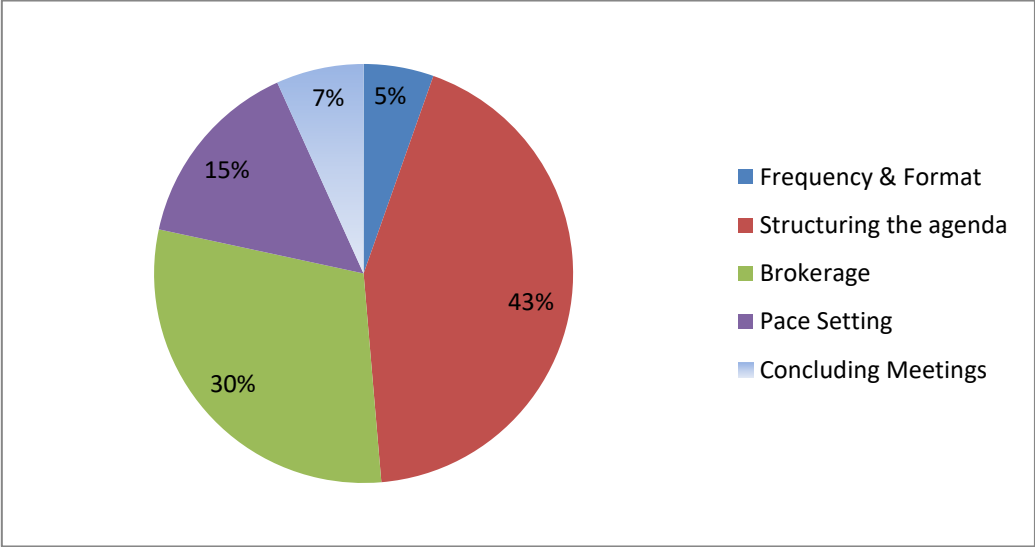
meetings and choose the format. The chair gained information due to these meetings, which resulted in a situation where the Dutch presidency was better able to broker certain deals. This resulted in a situation where the chair was able to convince Member States to agree on a watered down version of the original proposal. Governmental documents of the EU and the Netherlands have shown that there is a congruence between the Dutch preferences and EU policy. The presidency has tried to influence the policy cycle in order to come to this result. Influencing powers were applied by the Dutch presidency during the policy cycle in order to achieve an agreement on the prioritized subject of sound, future-proof European finances and a robust Eurozone. The congruence between the Dutch priorities and EU policy as outcome has been achieved by applying influencing tools. Though, the legislation agreed upon is has been changed by brokerage and concessions.

4.4 General Analysis

In this chapter the individual analyses are merged in a general analysis. This general analysis is followed by links to the hypotheses. The graphs below visualize the outcomes of the document analysis. The data analysis is done based on the mentioned measurement and operationalization. The appendix was made and used during the analysis of selected documents. Every case that corresponded with the set criteria was mentioned and tallied in this appendix. Each case is added-up per category in order to generate a general overview. The first graph shows the total amount of influencing powers used in the analyzed cases by the Dutch presidency. For example, the graph shows that the most frequently used influencing tool in the case of Anti-tax Avoidance is the setting of agendas



The diagram visualizes the share of each influencing power of all the cases combined. For example, agenda setting is the most used influencing method and has been used in 43% of the cases, followed by Brokerage with 30% of the cases.



Both graphs only contain data of influencing powers that were used to speed up the process or increase the chance of an agreement. Based on these figures, it can be stated that a diversity in applied influencing strategies result in a congruence between chair priorities and EU policy. A large amount of ‘structuring the agenda’ does not have the same impact as other influencing tools have. Conclusions per concept are presented below.

Frequency and Format of the Council meetings is the least used influencing method based on the analyzed EU documents. Meeting frequencies were quite often ordinary and different formats or compositions of the Council were not found in these documents. However, it is possible that documents from bilateral meetings are not always publicly available for example. Meetings that occur in the backrooms are naturally not included in the official documents. The number of documents on the border security teams case are significantly lower than the other cases. This is due to the LIMITE restriction of several documents. On documents such as agendas, the Council maintains fewer restrictions. Cases that met the criteria for the concept ‘frequency and format’ were not discovered often. The first hypothesis, as explained in the research design, is linked to the concept of frequency and format. **H1**: “*The Dutch presidency is better able than other Member States, that don’t hold the chair, to influence Council policy towards national preferences due to the chairs control on the sequence of negotiations and the frequency of negotiation sessions,*” this hypothesis deals with the phenomenon that the presidency controls decisions on the sequence of negotiations, the frequency of negotiation sessions, the format of negotiations and the method of negotiation, and therefore is able to influence the policy cycle. The usage of this tool is quite low. Though, the ability of the Dutch presidency to plan more meetings than average and especially planning different formats of meetings

(e.g. bilateral) has had its effect on the policy cycle. The presidency was able to propose more compromises, which is why this tool can be seen as a requirement for brokerage and pace setting tools. The relationship described in H1 has been observed to a low degree. The conclusion is that this influencing tool has a limited effect on the policy cycle, however it is a higher level than other regular States could manage. Therefore, hypothesis one is accepted, albeit primarily within this case. The observed relationship, however, is not generalizable due to the low amount of data and fewer found results. Despite the low effect of the influencing tool ‘frequency and format’, its application in this case has led to congruence between chair preferences and EU policy.

Structuring the agenda entails the setting of agendas and emphasizing certain standpoints. This is a method for influencing the policy cycle of the Council of the European Union. In all observations of influencing strategies 43% of those involve agenda management. Most common is placing the prioritized issues at the top of the agenda. The presidency was able, by placing issues at the top of the agenda, to emphasize certain subjects. Notably, agenda structuring is mainly used in the beginning of the chair’s term. During the presidency term other mechanisms start playing a larger role. It does however seem that placing an agenda point on top of the list, creates more awareness for the proposal but might not have the desired magnitude of influence on the policy cycle. In the case of the Posted Workers, the presidency mainly used this form of influencing and did not succeed. A larger amount of brokerage might have changed the influence the chair had on the policy cycle. The concept of ‘structuring the agenda’ was applied by placing agenda points in the top 30% of the Council agenda and substantiating this placement by expressing the priority. The second hypothesis, as explained in the research design, is linked to the concept of structuring the agenda. **H2:** *“The Dutch presidency is better able than other Member States, that don’t hold the chair, to influence Council policy towards national preferences due to the chairs ability of agenda-setting, agenda-structuring and agenda exclusion,”* this hypothesis entails that the presidency has powers such as agenda-setting, agenda-structuring and agenda exclusion. This also includes emphasizing or de-emphasizing issues. The variable agenda structuring is often applied, as can be seen in the visualization of the analysis. This influencing method is often used by the Dutch presidency to prioritize and emphasize certain subjects. Although emphasizing a certain subject was successful, it might not have been as influential as insinuated in existing literature. The conclusion is that this influencing tool has a moderate effect on the policy cycle. Though without this mechanism subjects would be discussed later, or not at all. Applying the tool of structuring the agenda is necessary in order to start discussing the subject, however, has low influence on the chairs attempts to influence the outcome of the Council’s votes. The relationship between the application of the tool and the influence it has on the policy cycle was often encountered. The second hypothesis is accepted on the basis that due to this tool the presidency has been able to place national priorities on the agenda. Encountering the influencing tool of ‘structuring the agenda’ in cases can therefore lead to congruence between chair preferences and EU

policy. This assumption has been confirmed by the interviewees. However, a large amount of this tool is needed whilst the outcome of the Council's votes remains uncertain.

Brokerage entails the presidency's ability to identify compromising agreements and is able to do so due to a higher level of access to information. The chair often starts with structuring the agenda and emphasizing certain subjects, which is often followed by brokerage. After getting the Commission's proposal on the Council's agenda it is important to inquire the stances of the different Member States. By organizing bilateral meetings, the presidency is able to obtain information other Member States don't have access to. In the case of the Anti-Tax Avoidance directive, the presidency was able to identify several compromising agreements due to this higher level of information. A clear example of this tool in this case is the extended implementation phase, which ensured a 'yes' from the Belgians. In the case of tax avoidance, it did, however, result in an agreement on an attenuated version of the Commission's proposal. Merely applying brokerage between actors is deemed not sufficient, because endlessly compromising and discussing is time consuming and could lead to impasse. A successful and speedy agreement is therefore dependent upon the pace set by the presidency. In general, the influencing tool 'brokerage' was often applied with success, mainly through identifying compromises as a respond deviant stances or reservations by Member States. The third hypothesis, as explained in the research design, is linked to the concept of brokerage. **H3**: *"The Dutch presidency is better able than other Member States, that don't hold the chair, to influence Council policy towards national preferences due to brokerage during negotiations"* This hypothesis deals with the phenomenon that the presidency is able to broker certain proposals and agreements. This tool is often used by the Dutch presidency and with success. Because the presidency is able to set meetings separately and therefore gain information, it is also possible for the presidency to propose certain compromises. This tool of influencing the policy cycle of the Council was often applied. The problem with using this tool, is that it might result in a diluted regulation or proposal. Nevertheless, it is a possibility that the chair could use while trying to steer the Council. This form of influencing has been used in successful cases. The Dutch presidency was able to steer towards comprises on subjects in line with its own national preferences due brokerage. The third hypothesis can be accepted due to this strong relationship. It is important to note that a large amount of brokerage dilutes the original proposal and might affect the level of congruence between national preferences and the policy outcome. Encountering a moderate amount of 'brokerage' can lead to congruence between chair preferences and EU policy. Brokerage is an influencing tool which is able to explain to relatively high degree why this congruence occurs.

Pace setting entails the presidency's control over the pace of negotiations. In the cases where success is achieved, the presidency applied a certain amount of pace setting. In the case of the Border Security teams, the chair often expressed that acceleration was required. The presidency even prioritized by stating that it wanted to reach a political agreement before the end of its term. This form of actively pushing towards an agreement was also applied in the case of the Anti-tax Avoidance Directive. Here the presidency started setting short-term goals. In the case of the Posted Workers, the presidency did not set the pace. After some political setbacks from the national parliaments, the chair resorted to fence-sitting. This entails that the presidency was neither slowing down nor speeding up the process. The difference between the cases might be related to the European and global political climate. The migration crisis and Panama Papers have given the issues regarding tax avoidance a bigger platform, which might have had its effect on the Council's decision-making. The last influencing strategy is the opening and concluding of Council meetings. In general, the influencing tool 'pace setting' was often applied with success, mainly through mentions by the chair of a change of speed in decision-making by expressing the urgency. The fourth hypothesis, as explained in the research design, is linked to the concept of pace setting. **H4:** *"The Dutch presidency is better able than other Member States, that don't hold the chair, to influence Council policy towards national preferences due to pace setting, fence sitting, foot dragging during negotiations"*. Pace setting is one of three options which implies actively pushing in Brussels. By actively pushing in Brussels a chair hopes to forge an agreement. Within the successful cases a higher amount of pace setting has been observed. The reason why timeliness is important, is that if an agreement takes too long the presidency will lose its mandate due to the ending of its term. There was a certain amount of foot-dragging by other Member States within the different cases. However due to bilateral meetings, concessions and, pace setting, the presidency is able to overcome these barriers. There is a relatively large number of observations that state that pace setting is, although not always used, an important influencing mechanism in possession of the chair. A chair is better able to achieve agreements within its presidency due to pace-setting. Pace-setting therefore appears to be essential in achieving congruence between national preferences and EU policy. The relationship described in H4 is therefore confirmed and accepted within the three researched cases. It is, however, important to note that global issues and European crises may have resulted in a situation where a higher pace was acceptable. The influences of global and European issues on Council policy and possibilities for the chair are further discussed in the discussion. Encountering the influencing tool of 'pace setting' in cases can therefore lead to congruence between chair preferences and EU policy. Pace setting is an influencing tool which is able to explain to relatively high degree why this congruence occurs. A presidency is able to achieve agreements within its term due to pace-setting.

Concluding meetings is an influencing strategy merged from several overlapping strategies. This includes the chairs responsibility of opening and concluding meetings and summarizing the Councils results. These tasks might give the ability of influencing the policy cycle. In practice it became clear that this method is rarely used. The cases where the opening is closing is used to influence the Council, it was used as a form of pace setting. The chair then expresses its wish to come to a swift agreement and does not foresee any large obstacles in doing so. By ending on a positive note, the documents and meetings might portray the chairs ambition, rather than reality. Cases that met the criteria for the concept ‘Concluding meetings’ were not discovered often. However, criteria that were met mostly included the ending or summarizing of meetings with a positive note concerning a prioritized subject. The fifth hypothesis, as explained in the research design, is linked to the concept of concluding meetings. **H5**: “*The Dutch presidency is able to influence policy outcome towards national preferences due to its task to conclude Council meetings*”. The observations on the concept of concluding meetings reveal that the presidency is able to downplay political or technical issues in its summaries or conclusions. Downplaying occurs when the presidency states that there are certain issues to address before an agreement can be reached, but also stating that a swift agreement is possible. Due to the availability and transparency of Council documents it is not possible to accept or reject the proposed hypothesis. On the low amount of results found one is able to conclude that encountering the influencing tool of ‘Concluding meetings’ in cases could lead to congruence between chair preferences and EU policy, the effect however is quite low and not confirmed.

This chapter has shown that there is an imbalance between the amount of influencing powers applied and the amount of influence a power has. Furthermore, the five hypotheses, as explained in the research design, have been tested. A certain number of hypotheses have been confirmed by the documents analysis and interviews, while other hypotheses cannot be accepted within the researched cases due to availability and transparency of Council documents.

5. Discussion

This chapter includes a discussion of the analysis. The goal of this study was to give insight into the extent to which and in what way the Dutch chairmanship of the Council of the European Union is used to influence its policy cycle and whether congruence between Dutch national preferences and EU policy outcome can be explained by the influence of the chair. A theoretical frame that consists of concepts by the researchers Tallberg, Haverland and Häge was used to analyze governmental documents. The analysis of governmental documents was supported with interviews in order to gain underlying information which increased the thoroughness of the research. The analysis of data retrieved from governmental documents and conducted interviews was used to answer the research question. Although the analysis shows that there is a congruence between domestic priorities or preferences and several observed influencing powers, the presidency is not always able to achieve agreements in the Council. This might be because of political restraint, as seen in the case on the Posted Worker. In other cases, analysis shows that current issues have a positive effect on the chair's ability to forge an agreement. The paragraph on H4 states that some issues might need an extra push to accept the pace set by the chair. The next paragraphs focus on a theory that could explain when an extra external push might lead to success. A theory by Kingdon is used to discuss whether it could provide an answer on why some influencing tools do not result in a congruence between national preferences and EU policy. It is important to note that the theory by Kingdon is only opted as a possible explanation. This chapter furthermore includes other current views originating from the field of Public Administration and EU decision-making.

The outcomes of this case study that focused on the 2016 Dutch presidency of the Council of the European Union are broadly in line with the theoretical expectations. This entails that various influencing tools had the predicted effect as stated in the literature by Tallberg, Häge and Haverland. National priorities were placed on the EU agenda by the chair and received extra impulses through influencing tools in order to achieve an agreement within the presidency term. However, not every aspect or outcome of the studied cases can be explained through the used literature. The following paragraphs attempt to present possible explanations on these unanswered questions.

When observing the analysis of the cases of the Dutch presidency, links are found to Kingdon's theory on "Agendas, Alternatives, and Public Policies". Kingdon describes the way in which issues or problems end up on the governments agenda based on the three streams model: the problem stream, the policy stream and the political stream. This theory might give insight into why congruence between domestic preferences and EU policy might not always occur, despite applying the influencing tools. The first stream is on problems that are policy issues that require a certain amount of attention and often an external push to get attention (Kingdon, 2010: 109). The analysis of the Dutch presidency case has shown that a chair is able to provide the attention, called a focusing event. The issues regarding the migration crisis and the Panama papers can be perceived as problems described by

Kingdon. The second stream, the policy stream, includes alternatives, ideas and solutions. The Council's chair is able to contribute by identifying. The third stream, the political stream, includes the national mood and the changes within the government itself. The aim for consensus is central to the political flow (Kingdon, 2010: 145-160). The identifying of consensus is one of the abilities of a chair as a part of brokerage. Sometimes brokerage does not have the desired effect. The proposal on the Posted Workers did not succeed due to a political opposition. It appears that the political stream was not close enough to forge an agreement. Tools such as brokerage can be applied to push, the already close streams, closer together.

Cases where the chair did succeed, anti-Tax avoidance and the border security teams, external effects might have given the problem stream a helping hand. When these three streams come together, a "window of opportunity" is created (Kingdon, 2010: 179). This is done by a policy entrepreneur, an actor who is willing to use resources, such as time, energy, reputation and money, to get a problem on the agenda. Entrepreneurs connect the three streams, provided that they are close enough. The role of the presidency is comparable to the policy entrepreneur. The chair is able to forge agreements when streams are near with the use of resources such as time, energy and reputation. This is what took place in the two succeeding cases. The case on Posted Workers did not succeed because the political stream was too far away from the opportunity window. It seems that the presidency is able to give streams the needed push, thanks to its influencing powers, but a chair is not able to entirely rearrange the course of the streams as it pleases. The conclusion is therefore that, when streams are near to each other, the presidency is able to forge agreements by applying influencing powers. This, in turn, leads to a congruence between domestic preferences and EU policy. An agreement might not be up hands due to the distance between the individual streams. When streams are not near to each other, due to political opposition or low media coverage, influencing tools might not have the same effect. These lower effects result in a proposal without agreement and thus no congruence between national preferences and EU policy. It would be useful to research in what way Kingdon's streams change the effectiveness of influencing tools such as brokerage, agenda structuring and pace setting. Kingdon's theory is widely used in the field of Public Administration and even received the status of classic. There are however some comments and recent insights on his conclusions. Zahariadis states that Kingdon rejects the idea of a process that increases linear, step by step getting closer to possible solutions and eventually selecting the best option (Zahariadis, 2014). This comment is important to include because this could explain the case on the Posted Worker. The chair did not achieve an agreement on this subject during its presidency term, however, was able to start the discussion that led to an agreement a year later. Furthermore, it is important to note that Kingdon's theory is only a possible explanation. In order to draw conclusions about this theory, more research has to be done, including current views on this theory. For example, several critics mention the limitations of this research design as the study only focused on the United States of America (Zahariadis, 2014) (Beland & Howlett, 2016).

The research results reveal that the presidency is able to focus on national preferences when applying several influencing tools. Influencing tools such as brokerage and pace setting are more successful than others within this study. Tools such as structuring the agenda and frequency and format of a meetings are sometimes needed as foundation in order to use the more successful influencing strategies. This cycle or layering in the application of the influencing tools was expected and therefore included in the research design as the division of the following phases agenda management, negotiations and decision-making. Current literature, however, does not incorporate the necessity of a foundation of applied tools in order to apply more successful influencing tools. This is therefore an interesting finding that could be included in further research.

When reviewing the possible applicability of the results on other presidencies within the Council, it is important to note that smaller Member States are able to influence the Council relatively more than the larger Member States. The results are therefore more applicable in cases where analysis is focused on EU Member States such as Belgium, Rumania, Portugal, Greece and the Czech Republic. However, the relation between the chairs influencing tools and the congruence between national preferences and EU policy remains unchanged to a certain degree. This relation is applicable to other cases that transient the Dutch borders. The obtained research results are not applicable to other legislative bodies of the EU. Bodies such as the Commission and parliament do not have a rotating presidency, therefore other rules and restrictions apply.

Other data, retrieved from the interviews, is not usable for this research, but it might be important and useful for further research. The interviews with civil servants reveal what occurs behind the official documents. Roel Gans, director International Affairs for the Dutch Ministry of Social Affairs and Employment states that the key of a successful presidency is planning ahead. Officially the chair of the Council does not have more influence than regular members, however, by planning years ahead a chair is able to influence policy (Personal communication, January 16, 2017). When a Member State wants to use the presidency to prioritize on its own agenda, it must prepare meticulously. This includes lobbying with cross-border partners, the European Commission and other Member States (Gans, personal communication, January 16, 2017). Gans explained that two years before the Dutch presidency, the ministry started founding a coalition in order to pass legislation during the presidency (Personal communication, January 16, 2017). Further research on how the run-up to the presidency influences the chairing term would generate more insight on the advantages of being the Councils chair.

6. Conclusion

This last chapter contains a short summary of the goal and findings of this study, the limitations of the research and possibilities for further research. The goal of this study was to give insight into the extent to which and in what way the Dutch chairmanship of the Council of the European Union is used to influence its policy cycle and whether congruence between Dutch national preferences and EU policy outcome can be explained by the influence of the chair. This research focused on applying existing literature on the Dutch case. The analysis of data retrieved from governmental documents and conducted interviews was used to answer the research question; *To what extent and how did the Dutch presidency of the Council of the EU affect the EU's policy cycle?* Hypotheses have been drawn up and tested in order to answer this research question.

Several findings within the case of the Dutch presidency have led to partial confirmation of theories presented in the hypotheses. Three of the five concepts from the academic literature used for the analysis were encountered and in line with theoretical expectations. Indicators of structuring the agenda, brokerage and pace setting were found and the corresponding hypotheses were therefore accepted, though on varying levels. The applied influencing strategies vary in effectiveness within the case of the Dutch presidency. The analysis of governmental documents has shown that structuring of the agenda, brokerage and pace setting were applied most often. Interviewees confirm that the Dutch presidency tried to influence the policy outcome and also succeeded in doing so. The presidency was able to influence the policy cycle and outcome due to years of planning, lobbying and accelerating during the term. The analysis of documents and interviews reveal that these tools are used in order to achieve EU policy that is in line with Dutch national preferences. A chairing Member State is able to influence policy primarily by prioritizing within the Commissions policy proposals. This prioritizing occurs by placing national issues literally at the top of the Councils agenda. The prioritizing also occurs by organizing more meetings on the subject in different formats. The interviewees add to that, that it is also beneficial to use the informal meeting to accentuate on a prioritized proposal. Brokerage was applied when other Member States did not agree with this prioritizing by the Netherlands. The ability of the chair to identify compromising agreements ensure the pace set by the presidency. The six-month presidency is a short period in which a Member State has the ability to influence the Council. A presidency will always apply a certain amount of pace setting in order to use these six months as efficient as possible. Therefore, the Dutch presidency was able to influence the Council and there is a relationship between Dutch national preferences and EU policy outcome. Influencing the Council, however, has to be done in an unobtrusive manner, because the presidency is expected to be an honest broker. Applying influencing tools may lead to congruence between national preferences and EU policy, but this is not always the case.

Regarding the limitations of this research, the presidency has applied several influencing tools in one of the researched cases without success. In the discussion, an explanation for the lack of congruence between EU policy and Dutch national preferences was given. The theory of Kingdon states that when the political climate is not ready for a change, it cannot be forced by applying influencing tools. This assumption is confirmed by the interviewees. However, not reaching an agreement within the presidency term is not always a problem, as stated in the interviews. Using the chairs influencing tools to plant a seed is also a way of agenda setting, though not achieving an agreement within the presidency term. Agreements can be made after the chair's term due to close cooperation with other presidencies. Kingdon is therefore only one way to interpret this outcome, and further research on this aspect could generate more information in the subject. Other limitations of this research concern the possibility that lobbying starts years in advance of the presidency term. This lobbying occurs in the corridors and out of sight. This research has given insight into the ways in which the Dutch chair was able to influence policy in plain sight. The conclusion that structuring of the agenda, brokerage and pace setting are applied most often and are often successful is generalizable. The document analysis has shown that using these influencing tools lead to the prioritizing of certain subject. The found results thus correspond with the assumptions from the theories. The influencing concepts applied to the Dutch case confirm the theories. The theory is therefore applicable to cases with other presidencies. However, this assumption only applies to the presidencies of the Council of the European Union. The assumptions are not applicable to institutions of the EU that lack a rotating presidency or have other institutional differences.

Interesting follow-up research could focus more on the relationship between the different influencing tools. How successful are brokerage and pace setting when 'foundational' concepts such as formatting a meeting and structuring the agenda are not applied? Furthermore, this research is focused on the six months of the presidency term. The interviewees state that a lot of planning and lobbying occurs in the years before the actual term. Further research could focus on the years before the term. In what ways do the lobbying and planning in the years before the presidency term influence the actual presidency and the policy outcome? During the Dutch presidency, the Council of the European Union is a prime venue for representing national preferences. With the Dutch presidency, a seemingly sidelined Member State gained tools, which it used for accelerating the policy cycle, setting agendas and brokering compromises within the Council. These tools ensure closing the gap when trying to achieve domestic priorities. During the presidency, a chair tries to influence policy in various ways. These methods are accepted by other Member States for as long as they are not used excessively. The chair can thus be seen as the honest broker of the Council. It is, however, an honest broker that uses the possible tools to generate a nudge for its own.

Literature

- Béland, D. & Howlett, M. (2016), The Role and Impact of the Multiple Streams Approach in Comparative Policy Analysis, *Journal of Comparative Policy Analysis: Research and Practice*, 18:3, 221-227
- Bryman, A. (2012), *Social research methods*, New York: Oxford University Press.
- Council of the EU. (3444th meeting of the Council of the European Union(GENERAL AFFAIRS) held in Brussels on 18 January 2016'. Draft Minutes. Brussels, 5 February 2016. Retrieved from <http://data.consilium.europa.eu/doc/document/ST-5344-2016-ADD-1/en/pdf>
- Dijkma, S. (2016) '32 813; Kabinetsaanpak Klimaatbeleid op weg naar 2020', *Tweede Kamer*.
- Elgström, O. (2006). The Presidency: The Role(s) of the Chair in European Union Negotiations. *The Hague Journal of Diplomacy*. 1(2) 171-195
- EU Monitor. (2006). 'Behandeling van documenten met de markering "LIMITE"' Retrieved from: <https://www.eumonitor.nl/9353000/1/j9vvik7m1c3gyxp/vj6ipfoq7kzt>
- European Commission. (2015). EUROPA'S BUITENGRENZEN BETER BEVEILIGEN; EEN EUROPESE GRENS- EN KUSTWACHT. Retrieved from: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/a_european_border_and_coast_guard_nl.pdf
- European Council. (2016). OUTCOME OF PROCEEDINGS. 7894/16.
- European Commission. (2016). The Anti Tax Avoidance Directive. Retrieved from: https://ec.europa.eu/taxation_customs/business/company-tax/anti-tax-avoidance-package/anti-tax-avoidance-directive_en
- _____ (2017). European Agenda on Migration: Commission reports on progress in making the new European Border and Coast Guard fully operational. Retrieved from: http://europa.eu/rapid/press-release_IP-17-123_en.htm
- _____. (w.d.). Subsidiarity control mechanism. Retrieved from: https://ec.europa.eu/info/law-making-process/how-eu-laws-are-adopted/relations-national-parliaments/subsidiarity-control_en
- European Parliament. (2017) 'EU migrant crisis: facts and figures'. Retrieved from: <http://www.europarl.europa.eu/news/en/headlines/society/20170629STO78630/eu-migrant-crisis-facts-and-figures>
- Gans, R. (2017) Personal communication on January 16: Data is not publicly accessible due to agreement with interviewee.
- Huberts, L.W. and J. Kleinnijenhuis (1994), *Methoden van invloedsanalyse*. Amsterdam: Boom
- Keulen, M. van (2006). *Going Europe or Going Dutch : How the Dutch Government Shapes European Union Policy*. Amsterdam: Amsterdam University Press.
- Kingdon, J.W. (2010). *Agendas, Alternatives, and Public Policies*. New York: Longman
- Kirchner, E. J. (1992) *Decision-making in the European Community: The Council Presidency and European Integration*. Manchester: Manchester University Press.
- Koenders, B. (2016). Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie. *Tweede Kamer der Staten Generaal*. Retrieved from <https://zoek.officielebekendmakingen.nl/kst-22112-2071.html>
- Lanting, B. (2017, October 24). Beoogd bondskanselier Oostenrijk wil toch proberen regering te vormen met rechts-populisten. *De Volkskrant*. Retrieved from <http://www.volkskrant.nl>
- Ministry of Foreign Affairs (2016). 'Programme of the Netherlands Presidency of the Council of the European Union', *EU2016*, Retrieved from <http://www.eu2016.nl>

_____ (2016), 'Nederland als EU-Voorzitter is 'honest broker', *Expertisecentrum Europees Recht*, Retrieved from <http://www.minbuza.nl/ecer/nieuws/2016/0/nederland-als-eu-voorzitter-is-honest-broker.html>

Niemann A., & Mak J. (2010), (How) do norms guide Presidency behaviour in EU negotiations?. *Journal of European Public Policy* 17(5): 727-742

NOS (2016) Wat je moet weten over de Panama Papers. Retrieved from <https://nos.nl/op3/artikel/2097052-wat-je-moet-weten-over-de-panama-papers.html>

Policy Officer Ministry Justice and Security (2018) Personal communication on January 24: Data is not publicly accessible due to agreement with interviewee.

Schalk J., Torenvlied R., Weesie J. & Stokman F.N. (2007), The power of the presidency in EU Council decision-making, *European Union Politics* 8(2): 229-250.

Schmidt, C. (2016) Terugblik op een turbulent EU-voorzitterschap. *Trouw*. Retrieved from: <https://www.trouw.nl/home/terugblik-op-een-turbulent-eu-voorzitterschap~a25a91b2/>

Schout, Adriaan (1998) 'The Presidency as Juggler: Managing Conflicting Expectations', *Eipascope* 2: 2–10.

Sharifi, M. N. (2014, 'Tachtig procent van onze wetten komt uit Europa', *NRC*. Retrieved from <https://www.nrc.nl/nieuws/2014/05/20/tachtig-procent-van-onze-wetten-komt-uit-europa-1378885-a660893>.

Tallberg, J. (2004). 'The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations', *Journal of Common Market Studies*, 42:5, 999–1022.

_____ (2006) *Leadership and Negotiation in the European Union*. Cambridge: Cambridge University Press.

_____ (2010), 'The power of the chair: formal leadership in international cooperation', *International studies quarterly*, 54: 241-265

Thiel, van S. (2010). *Bestuurskundig onderzoek. Een methodologische inleiding*, Bussum: Coutinho.

Thomson, R. (2008). The Council Presidency in the European Union: Responsibility with Power. *Journal of Common Market Studies*, 46, (3), 593–617

Tweede Kamer der Staten Generaal. (2015). Europese top van 17-18 december 2015. Retrieved from <https://zoek.officielebekendmakingen.nl/h-tk-20152016-37-35.html>

_____ (2016). Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie. Retrieved from <https://zoek.officielebekendmakingen.nl/kst-22112-HH.html>

_____ (2016a). Vragen van de leden Kerstens en Maij (beiden PvdA) aan de Minister van Sociale Zaken en Werkgelegenheid over arbeidsmigratie binnen Europa (ingezonden 10 december 2015). Antwoord van Minister Asscher (Sociale Zaken en Werkgelegenheid) (ontvangen 22 januari 2016). Retrieved from <https://zoek.officielebekendmakingen.nl/ah-tk-20152016-1240.html>

_____ (2016b). 34 439 EU-voorstel: Richtlijn inzake de herziening van richtlijn 96/71/EG over de detachering van medewerkers COM(2016)128. Retrieved from <https://zoek.officielebekendmakingen.nl/dossier/34439/kst-34439-B?resultIndex=1&sorttype=1&sortorder=4>

_____ (2016c). EU-voorstel: Richtlijn inzake vaststelling van regels ter bestrijding van belastingontwijkingspraktijken COM (2016) 26. Retrieved from <https://zoek.officielebekendmakingen.nl/kst-34418-2.html>

Robinson, J. (2017, October 23). Austria's new leader, 31, tells EU to 'take a back seat' and let countries get on with their own affairs as he considers forming a coalition with a far-right party founded by ex Nazis. *The Daily Mail*. Retrieved from <http://www.dailymail.co.uk>.

Visser, N. and C. van Vliet (2016). Brits vertrek werpt schaduw op Nederlands voorzitterschap. *The Montesquieu Institute*. Retrieved from: https://www.montesquieu-institute.eu/id/vk54e6hkn1uo/brits_vertrek_werpt_schaduw_op

Weiss, R.S. (1995), 'Learning from Strangers – The Art and Method of Qualitative Interview Studies', New York: The Free Press / Macmillan.

Wiebes, E. (2016). Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie. *Tweede Kamer der Staten Generaal*. Retrieved from <https://zoek.officielebekendmakingen.nl/kst-22112-2116.html>

Witt Wijen, P. de (2016), 'Nederland heeft even geen mening', *NRC*. Retrieved from <https://www.nrc.nl/nieuws/2016/03/11/nederland-heeft-even-geen-mening-1599917-a606967>.

Zahariadis, N. (2014), "Ambiguity and multiple streams", in P. A. Sabatier and C. M. Weible (eds.), *Theories of the Policy Process* (3rd ed.), Boulder, CO: Westview Press, pp.25–58.

Appendix I: Data from official documents

The Anti Tax Avoidance Directive

<u>Type document</u>	<u>Document</u>	<u>Document Date</u>	<u>Content</u>	<u>Influencing Mechanism</u>
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 1094/16	14 January 2016	HIGH LEVEL WORKING PARTY (Taxation): 1. Anti-Tax Avoidance Package 2. Presidency EU BEPS Roadmap And three other subjects	+ Agenda Setting
OUTCOME OF THE COUNCIL MEETING	5213/16	15 January 2016	Prioritizing Tax issue by presenting presidency work programme	+Agenda Setting Emphasizing Opening Meetings
PROVISIONAL AGENDA	5817/16	11 February 2016	3445th meeting of the COUNCIL OF THE EUROPEAN UNION (Economic and Financial Affairs): 1. Adoption of the provisional agenda 2. Approval of the list of "A" items 5819/16 PTS A 5 3. Anti-Tax Avoidance Package (Commission Communication) - Proposal for a Council Directive laying down rules against tax avoidance practices that directly affect the functioning of the internal market And nine other subjects	+ Agenda Setting
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 1509/16	12 February 2016	HIGH LEVEL WORKING PARTY (Taxation): Place 4 & 5 On a rank of 6	+/- Agenda Setting
OUTCOME OF THE COUNCIL MEETING	5936/16	12 February 2016	The presidency has set an ambitious timetable for work on the package. It foresees political agreement before June 2016 on: – a proposal to boost the exchange of tax-related information, on a country-by-country	Pace Setting

			basis, on the activities of multinational companies; – proposed rules to tackle some of the most prevalent tax avoidance practices.	
OUTCOME OF THE COUNCIL MEETING	5936/16	12 February 2016	Tax issue is the first item debated.	+ Agenda Setting
DRAFT MINUTES	6109/16	24 February 2016	LEGISLATIVE DELIBERATIONS - First priority of “B” Items (lesser importance, though only presentation by Commission)	+/- Agenda Setting
NOTE	6672/16	3 March 2016	The Netherlands Presidency has prioritized work on the DAC4 legislative proposal (as the first step of its work on the recently presented anti tax avoidance package as a whole) and the ECOFIN at its meeting of 12 February 2016 has broadly supported that work on this dossier should be brought forward swiftly. The Presidency therefore aims at reaching an agreement on the Council's general approach on the Directive amending DAC by 8 March 2016 ECOFIN.	Pace Setting
NOTE	6672/16	3 March 2016	The Commission proposal was discussed at two meetings of the Working Party on Tax Questions (WPTQ; 9 February and 16 February 2016), the High Level Working Party on Tax Questions (HLWP) on 23 February 2016, as well as in the meeting of the Committee of Permanent Representatives (Part 2) on 2 March 2016, <u>where the Presidency aimed at addressing the concerns raised by a number of Member States on the original Commission proposal.</u>	Brokerage
NOTE	6672/16	3 March 2016	The Committee of the Permanent Representatives (Part 2) concluded that the Presidency compromise text, as it was set out in doc. 6418/16 FISC 26 ECOFIN 138 should be submitted for the Council for agreement on a general approach without any amendments, as no further work on the compromise outlined in that text was required at that stage.	Brokerage
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 1944/16	5 April 2016	HIGH LEVEL WORKING PARTY (Taxation): 1. Anti-Tax Avoidance Package 2. Presidency EU BEPS Roadmap And three other subjects	+ Agenda Setting
NOTICE OF MEETING AND PROVISIONAL	CM 2472/16	29 April 2016	HIGH LEVEL WORKING PARTY (Taxation): Place 1 & 4 On a rank of 6	+ Agenda Setting

AGENDA

'I/A' ITEM NOTE	8794/16	13 May 2016	1. The Commission presented the abovementioned legislative proposal on 28 January 2016, as part of the anti-tax avoidance package. 2. The purpose of this legislative proposal is to increase tax transparency by enlarging the scope of the Directive 2011/16/EU on administrative cooperation in the field of taxation by providing for the mandatory automatic exchange of country-by-country reports between the tax authorities of Member States.	+ Agenda Setting
PROVISIONAL AGENDA	9269/16	20 May 2016	2587th meeting of the PERMANENT REPRESENTATIVES COMMITTEE (Part 2): Number 8 out of 8	- Agenda Setting
REPORT	9432/16	24 May 2016	Eight Working Party on Tax Questions (WPTQ) meetings have been held to examine the proposal at technical level. The first two (9 and 17 February 2016) were dedicated to the technical examination of the Commission's original proposal, whilst the last six (4 March, 18 March, 6 April, 15 April, 25 April and 4 May 2016) examined subsequent draft Presidency compromises.	Brokerage
REPORT	9432/16	24 May 2016	Fiscal Attachés convened to that effect on 19 May 2016, and the Presidency compromise text was subsequently updated on the above-mentioned first two issues as reflected in doc. 9060/16, whilst no changes were made on the third aspect. This updated Presidency compromise text was discussed in Coreper on 24 May 2016, where some delegations reiterated positions taken earlier.	Brokerage
REPORT	9432/16	24 May 2016	The Presidency has noted the reservations of several delegations expressed in Coreper in relation to different aspects of the draft Presidency compromise. Some delegations have a general political reservation against the background of possible negative economic impacts. Others see a difficulty in changing their current national systems (in particular related to the interest limitation rule) or in introducing new rules based on those foreseen in the Directive (in particular related to exit taxation and the CFC rule).	Brokerage
REPORT	9432/16	24 May 2016	In line with the discussion at the Informal Ecofin in Amsterdam on the “ Panama Papers”, <u>the Presidency nevertheless believes that it is critical to reach a deal now rather than later.</u>	Pace Setting
			The Presidency is also convinced that the technical examination has exhausted both the difficulties and possibilities for additional flexibilities, meaning that further technical examination of the proposal would not add substantial value.	Brokerage

REPORT	9432/16	24 May 2016	In order to find a final compromise the Presidency has extended the scope of the grandfathering clause, while introducing conditions to prevent loopholes. In the latest compromise proposal the nonmodification clause and the cut-off date are refined. Overall, the Presidency is convinced that it has reached a fair balance between the different views of Member States and that the compromise text on this Article should now be left unchanged	Brokerage
REPORT	9432/16	24 May 2016	With regard to the exit taxation rules (Article 5), the Presidency notes that the remaining reservations are due to the current inexistence of such rules at national level. The Presidency therefore believes that this difficulty can be tackled through a longer period for transposition in Article 12, as proposed in the latest Presidency compromise.	Brokerage
REPORT	9432/16	24 May 2016	The latest Presidency compromise proposes in this respect to add one more year for national transposition, which would mean an application of the new anti-tax avoidance rules from 1 January 2019.	Brokerage
OUTCOME OF THE COUNCIL MEETING	9342/16	25 May 2016	Tax issue is the first item debated.	+ Agenda Setting
PROVISIONAL AGENDA	8995/1/16 REV 1	24 May 2016	3468th meeting of the COUNCIL OF THE EUROPEAN UNION (Economic and Financial Affairs) Place 3 of 9	+ Agenda Setting
NOTE	10067/16	13 June 2016	All delegations broadly welcomed the new proposed Presidency package, though some delegations expressed scrutiny reservations on the latest text adaptations (see above). The Czech Republic also indicated a political reservation on the file.	Brokerage
NOTE	10067/16	13 June 2016	The Presidency remains determined to reach a political agreement at the 17 June 2016 ECOFIN, in line with the timetable that was supported by most Member States during the ECOFIN of 12 February 2016 and reiterated during the Informal ECOFIN of 22 April 2016 in Amsterdam.	Pace setting
PROVISIONAL AGENDA	10238/1/16	14 June 2016	First agenda point of 69	+ Agenda Setting
NOTE	10340/16	15 June 2016	In Coreper, delegations broadly welcomed the new proposed Presidency package to be presented to ECOFIN. The Czech Republic recalled its political reservation on the file whilst the UK delegation maintained a parliamentary scrutiny reservation.	Brokerage

PROVISIONAL AGENDA	10060/16	15 June 2016	Second agenda point of 13	+ Agenda Setting
DRAFT MINUTES	9518/16	15 June 2016	Meeting Agenda: First item of "B" items.	+/- Agenda Setting
OUTCOME OF THE COUNCIL MEETING	10324/16	17 June 2016	First item on agenda to be debated: Corporate tax avoidance	+ Agenda Setting
OUTCOME OF THE COUNCIL MEETING	10324/16	17 June 2016	In the light of the discussion, the presidency put forward a final compromise text. The president of the Council noted that almost all Member States could agree to it.	Brokerage
NOTE	10502/16	23 June 2016	In line with the request from the European Council on 18 December 2014 ¹⁰ , during the Dutch Presidency the Council has continued to focus its work on the fight against tax avoidance and aggressive tax planning, both at the global and EU levels. This has been done, in particular, on the basis of a Presidency roadmap on further work related to unfair tax competition, base erosion and profit shifting in the EU context (hereinafter – EU-BEPS) , updated on 19 February 2016. In carrying out this work, the Presidency has paid particular attention to consistency between EU work and OECD actions in the area of BEPS.	+ Agenda Setting Emphasizing
NOTE	10502/16	23 June 2016	The Presidency expressed its determination to reach agreement on a legally binding minimum standard for preferably all six anti-BEPS provisions proposed by the Commission, in line with the timetable that was supported by most Member States during the ECOFIN of 12 February 2016 and reiterated during the Informal ECOFIN of 22 April 2016 in Amsterdam.	Pace setting
NOTE	10502/16	23 June 2016	The Netherlands Presidency consulted bilaterally all Member States on how the MET (minimum effective taxation) concept could be formulated in the IRD and whether a combination of a MET with an economic activity test could be acceptable.	Brokerage Type of negotiations
NOTE	10502/16	23 June 2016	The Presidency proposed technical elements which could be used to calculate the minimum effective taxation and explored several options regarding the scope of the minimum effective taxation.	Brokerage
NOTE	10502/16	23 June 2016	The Presidency concluded that at this stage further technical work seems not to be helpful.	Pace setting

The Posted Workers Directive

<u>Type document</u>	<u>Document</u>	<u>Document Date</u>	<u>Content</u>	<u>Influencing Mechanism</u>
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 1939/16	14 March 2016	WORKING PARTY ON SOCIAL QUESTIONS First agenda point at first meeting of a sequence of two.	+ Agenda Setting
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 2162/16	5 April 2016	WORKING PARTY ON SOCIAL QUESTIONS First agenda point at first meeting of a sequence of two.	+ Agenda Setting
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 2381/16	18 April 2016	WORKING PARTY ON SOCIAL QUESTIONS First agenda point at first meeting of a sequence of two.	+ Agenda Setting
OUTCOME OF PROCEEDINGS	7894/16	11 April 2016	Social Questions Working Party A number of delegations opposed discussing in detail the proposal, before having a thorough examination of the Impact Assessment.	- Emphasizing
OUTCOME OF PROCEEDINGS	7894/16	11 April 2016	While acknowledging the concerns expressed, the Presidency assured the delegations that the aim of the discussion at that meeting was to clarify the main issues related to the proposal in order to gain more insight with the view to the in-depth discussion on impact assessment, to be held on 28 April 2016. The Presidency's approach was supported by a delegation. All delegations have maintained general scrutiny reservations. EE, DK, HU, RO and UK have raised parliamentary scrutiny reservations, PL and HU linguistic reservations.	Brokerage
NOTICE OF MEETING AND	CM 2381/1/16	25 April 2016	WORKING PARTY ON SOCIAL QUESTIONS First agenda point at second meeting of a sequence of two.	+ Agenda Setting

PROVISIONAL AGENDA				
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 2499/16	26 April 2016	Working Party on Civil Law Matters Fourth agenda point of five in total.	- Agenda Setting
PROVISIONAL AGENDA	8682/16	4 May 2016	2585th meeting of the PERMANENT REPRESENTATIVES COMMITTEE (Part 1) First agenda point at second meeting of a sequence of two.	+ Agenda Setting
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 2565/16	4 May 2016	WORKING PARTY ON SOCIAL QUESTIONS agenda point at second meeting of a sequence of two.	+ Agenda Setting
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 2601/16	4 May 2016	WORKING PARTY ON COMPETITIVENESS AND GROWTH First and only agenda point	+ Agenda Setting + Frequency
PROVISIONAL AGENDA	9015/16	24 May 2016	3470th meeting of the COUNCIL OF THE EUROPEAN UNION 5 th agenda point (of 11) at first meeting in a sequence of two.	+/- Agenda Setting
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 2825/16	26 May 2016	WORKING PARTY ON SOCIAL QUESTIONS Last item of the day	- Agenda Setting
NOTICE OF MEETING AND PROVISIONAL AGENDA	CM 2825/1/16	30 May 2016	WORKING PARTY ON SOCIAL QUESTIONS Last item of the day	- Agenda Setting
PROVISIONAL AGENDA	9899/16	6 June 2016	2589th meeting of the PERMANENT REPRESENTATIVES COMMITTEE 4 th item on agenda (Total: 8)	+/- Agenda Setting

REPORT	9949/16	10 June 2016	Permanent Representatives Committee The Social Questions Working Party (SQWP) discussed the proposal on five occasions, the last SQWP meeting took place on 2 June 2016. In the SQWP on 13 May, a group of delegations asked for suspending any work at technical level. The majority of delegations however supported the Presidency's approach to continue the work in order to finish ongoing business and to further clarify issues at technical level, such as the relationship between the proposal and the Rome I Regulation, while fully respecting the national parliaments reasoned opinions and the Commission's reflection period.	Brokerage
REPORT	9949/16	10 June 2016	The Presidency considers that further scrutiny would be needed before drawing any conclusions about the need to change or broaden the legal basis	Pace setting (Fence sitting)
REPORT	9949/16	10 June 2016	The Presidency considers that further exploration of the opinion of the Council Legal Service could help clarifying the relation with the Rome I Regulation.	Pace setting (Fence sitting)
REPORT	9949/16	10 June 2016	Some delegations submitted proposals for additional text that would explicitly confirm this, in particular possible (re)introduction of a sentence along the lines of the last sentence in Article 3(1) of the Directive 96/71. The Presidency considers that these could be further explored.	Pace setting (Fence sitting)
REPORT	9949/16	10 June 2016	The Presidency considers that further work would be needed to clarify the exact scope and effects of this provision.	Pace setting (Fence sitting)
REPORT	9949/16	10 June 2016	Once the Commission has taken a decision on the "yellow card", and in the light of this decision, it is up to the next Presidency to continue the deliberations of the Council and its preparatory body.	
PROVISIONAL AGENDA	10006/16	15 June 2016	3474th meeting of the COUNCIL OF THE EUROPEAN UNION First topic in meeting sequence of two.	+ Agenda Setting
OUTCOME OF THE COUNCIL	10235/16	16 June 2016	On 10 May 2016, the eight-week period for the consultation of national parliaments ended. By this date, national parliaments of 11 Member States sent reasoned opinions	

MEETING	accounting for 22 votes. Thus, the threshold of one third of the votes required to trigger the 'yellow card' procedure has been reached. Consequently, the proposal must be reviewed by the Commission, which may decide to maintain, amend or withdraw it.		
OUTCOME OF THE COUNCIL MEETING	10235/16 16 June 2016	The majority of delegations however supported the Presidency's approach to continuing the work in order to finish ongoing business and to further clarify issues at technical level, such as the relationship between the proposal and the Rome I regulation, while fully respecting the national parliaments' reasoned opinions and the Commission's reflection period.	+ Agenda Setting Brokerage

The Border Security Teams Regulation

<u>Type document</u>	<u>Document</u>	<u>Document Date</u>	<u>Content</u>	<u>Influencing Mechanism</u>
NOTE	5848/16	9 February 2016	Delegations will find in the Annex to this Note a series of Presidency draft compromise suggestions on the basis of the discussions that have taken place so far on the above proposal, as well as of the written contributions submitted by delegations.	Brokerage
NOTE	6309/16	22 February 2016	The European Council on 17 December 2015 invited the Council to reach a position on the border guard proposal by June 2015, and the Presidency decided to pursue work on the Borders Package as a matter of absolute priority	Agenda setting
NOTE	6309/16	22 February 2016	The Presidency has allocated a significant part of its focus and resources in meeting the above mandate regarding the proposal aiming at setting up a European Border and Coast Guard, consisting of the European Border and Coast Guard Agency and the national competent authorities responsible for border management	Agenda setting
NOTE	6309/16	22 February 2016	In order to streamline the above work, the Presidency held a Counsellors meeting on 17 February 2016	Agenda setting
NOTE	6309/16	22 February 2016	In the light of the aforementioned work, the Presidency considers that significant progress has already been achieved with a view to swift agreement on the proposal for the purpose of the establishment of the European Border and Coast Guard and the setting up of the new Agency.	Concluding meetings
NOTE	6309/16	22 February 2016	The Presidency will further accelerate its work	Pace setting
NOTE	6359/1/16	23 February 2016	The Presidency has set the objective of making quick and good progress on this proposal as a matter of absolute priority.	+ Agenda setting Emphasizing
NOTE	6359/1/16	23 February 2016	In order to keep up with its mandate, the Presidency decided to have two-day meetings of the competent Working Party on Frontiers on the proposal every other	Pace setting Frequency

week with meetings of the JHA Counsellors in between and address the issues which are ripe for agreement in principle to Coreper in due time.

OUTCOME OF THE COUNCIL MEETING	6462/16	25 February 2016	It is the presidency's intention to reach a political agreement before the end of its term	Pace setting
NOTE	6652/16	7 March 2016	In the light of the results of the meetings of the Working Party on Frontiers/ Mixed Committee and the JHA Counsellors (most recently JHA Counsellors on 4 March 2016), the Presidency believes that its compromise suggestions included in the Annex have a sufficient degree of support by delegations.	Concluding meetings
NOTE	6744/1/16	9 March 2016	Thereafter, the Presidency pursued its work at an accelerated pace, in close cooperation with delegations and the Commission, with a view to fulfilling the mandate given by the European Council on 18-19 February 2016, i.e. reaching an agreement on the future Regulation with the European Parliament by the end of June.	Pace setting <i>Brokerage (With Commission)</i>
NOTE	6744/1/16	9 March 2016	It should be noted that among the aforementioned provisions, the Presidency has submitted compromise suggestions on two of the most politically sensitive issues as identified by the informal meeting of Ministers in Amsterdam on 25 January 2016. With regard to the procedures for a situation at the external borders requiring urgent action, (Article 18 of the proposal), the Presidency proposes what it considers to be a balanced wording aiming to avert, or mitigate risks for the Schengen Area, with the cooperation of all the stakeholders involved. Furthermore, if the relevant circumstances described in the added Article 18(8) occur, the Presidency proposed therein to make it possible to reintroduce internal border controls, in case a Member State does not comply with the decision taken by Council according to Article 18(1).	Brokerage
NOTE	6744/1/16	9 March 2016	With regard to the Rapid Reserve Pool, as provided for under Article 19(5)-(5d), the Presidency held a series of bilateral meetings with all delegations, receiving pledges from nearly all of them, taking into account their relevant particularities and capacities (size of border guard force, nature of borders, etc.).	Brokerage (Gaining information) Format of meeting

NOTE	6744/1/16	9 March 2016	On the basis of the above-described work accomplished so far, the Presidency considers that the Council is on schedule for complying with the mandate by the European Council, and the Presidency confirms its intention to carry out its efforts to this effect.	Concluding meetings
NOTE	7196/1/16	18 March 2016	The Presidency has taken on board the view expressed by a number of delegations according to which the participation of Member States in joint operations on the territory of third countries shall be only on a voluntary basis.	Brokerage
NOTE	7366/1/16	31 March 2016	With the same overall objective and on the basis of all the discussions that have taken place on the draft Regulation, the Presidency submits compromise suggestions on its Preamble, including certain new Recitals which are intended to reflect the new provisions incorporated in the relevant draft Articles.	Brokerage
NOTE	7680/16	11 April 2016	the Presidency has treated this file as an absolute priority and has been working on it, in close cooperation with all delegations and the Commission	Opening meetings
NOTE	7680/16	11 April 2016	the Presidency is of the opinion that it is necessary to start preparing for the implementation of the future Regulation before its formal adoption, given the urgency of the situation and based on what could be reasonably taken on board by the two co-legislators.	++ Pace setting
NOTE	7680/16	11 April 2016	In this spirit, the Presidency invites all the stakeholders involved to reflect on the matter with a view to an effective and timely implementation of the future legal instrument.	Brokerage

*Large amount of the documents on the subject are marked "LIMITE"

Appendix II: Consent forms

Doel van dit onderzoek: Beter inzicht krijgen in de invloed van lidstaten op het moment dat zij voorzitter zijn van de Raad van de Europese Unie.

- Ik ben me bewust van het doel van dit interview. Ik was ook in staat om vragen te stellen. Mijn vragen zijn tot mijn tevredenheid beantwoord. Ik had genoeg tijd om te beslissen of ik meedeed.
- Ik weet dat mijn antwoorden alleen in de masterscriptie van de onderzoeker zullen worden gebruikt.
- Ik weet dat deelname vrijwillig is. Ik weet dat ik toch kan beslissen om niet deel te nemen of me terug te trekken uit het onderzoek. Ik hoef hier geen reden voor op te geven.
- Ik ben me ervan bewust dat de onderzoeker mijn anonimiteit zal respecteren als ik dat wil.
- Ik ben me ervan bewust dat met mijn toestemming de interviews op band opgenomen zullen worden.
- Ik wil deelnemen aan deze studie.

Naam van de geïnterviewde:

Handtekening: Datum: 16/1/2018



Ik verklaar dat ik de geïnterviewde volledig heb geïnformeerd over deze studie.

Indien er veranderingen plaatsvinden die de toestemming zou kunnen beïnvloeden, zal ik de geïnterviewde tijdig informeren.

Naam van onderzoeker: **Luuk van Berge Henegouwen**

Handtekening: Datum: 16 / 1 / 2018



Doel van dit onderzoek: Beter inzicht krijgen in de invloed van lidstaten op het moment dat zij voorzitter zijn van de Raad van de Europese Unie.

- Ik ben me bewust van het doel van dit interview. Ik was ook in staat om vragen te stellen. Mijn vragen zijn tot mijn tevredenheid beantwoord. Ik had genoeg tijd om te beslissen of ik meedeed.
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- Ik ben me ervan bewust dat met mijn toestemming de interviews op band opgenomen zullen worden.
- Ik wil deelnemen aan deze studie.

- geen vermelding van mijn naam
- geen uitgeschreven verslag van interview in scriptie opgenomen.

Naam van de geïnterviewde: *Beleidsmedewerker ministerie Justitie en Veiligheid*

Handtekening: Datum: 24 / 1 / 2018



Ik verklaar dat ik de geïnterviewde volledig heb geïnformeerd over deze studie.

Indien er veranderingen plaatsvinden die de toestemming zou kunnen beïnvloeden, zal ik de geïnterviewde tijdig informeren.

Naam van onderzoeker: **Luuk van Berge Henegouwen**

Handtekening: Datum: 24 / 1 / 2018

