

The Dutch EU Presidency: The Continuing Relevance of the Rotating Presidency in a Political Union

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Introduction

Literature on the rotating presidencies tends to become repetitive when discussing the roles of presidencies and factors that influence their performance (Schout and Vanhoonacker, 2006). Vandecasteele and Bossuyt (2014) summarize the literature by pointing to national conditions, the external pressures on the EU and the characteristics of the policies on the agenda such as whether qualified majority voting applies (see also Tallberg, 2004). They acknowledge that some presidencies operate under easier and more favourable circumstances than others and that crisis situations allow a presidency to show leadership. Kietz (2007) addresses national prerequisites for a good presidency: centrality of the permanent representation, preparations and reputation. Importantly, the literature also tends to agree that the presidency after the Lisbon Treaty has lost its shine. With the permanent presidencies of the European Council and the Eurogroup, and with the High Representative of the European Union for Foreign Affairs and Security Policy, the rotating presidency is different because the senior ministers are less involved (Schout, 2008; Beach, 2012). Indeed, particularly when it comes to crisis management, high-level political discussions are supposed to be out of the hands of the rotating presidency. In that vein, Van Middelaar (2016) wrote at the start of the Dutch presidency that Prime Minister Mark Rutte would have little to do.

Such impressions also influenced the start of the preparations for the twelfth Dutch presidency in early 2015. Regarding the organization, the assumption was that the Prime Minister could remain in the background and the budget could be considerably lower compared to the 2004 presidency. This presidency would be different also for political reasons. The style had to be business-like and hospitable, but without cultural programmes and fancy lunches. Meetings would be held in one place in Amsterdam and the logo from 2004 was recycled. This presidency would be modest. Yet, as soon as 2016 started, it was evident that the presidency would be highly political and ambitious, particularly in view of the migration crisis. Angela Merkel had termed this crisis worse than the Grexit crisis and a 'historic test' for the EU.¹ Six months later, this crisis was, one way or the other, under control. Moreover, as it turned out, even the more 'routine' agenda was as political as earlier Dutch Presidencies had been.

The Dutch presidency may stimulate a reconsideration of our understanding of the rotating presidency post-Lisbon, the Dutch position in the EU, and the EU's alleged incapacity to address problems. 2016 may be more than an atypical year; it might also

¹ *BBC News*, 14 December 2016.

be a reminder that politics is squarely back at the heart of European integration. This has consequences for the potential roles of the rotating presidency – provided member states at the helm know how to handle it. This contribution first discusses the EU and Dutch contexts and then reviews major developments during the presidency and topics on the presidency agenda. Although not doing justice to many items on the agenda, and given the Dutch political priorities, special attention will be given to horizontal themes such as ‘better EU’. Apart from the usual policy documents, briefing notes and media sources, this contribution benefits from interviews conducted with Dutch and EU officials and politicians from the European Parliament (EP) conducted for different projects from the start of the preparations onwards.

I. Context

The EU

The new Commission had taken office in 2014 and the presidency wanted to be closely connected to President Juncker’s strategic agenda (MinBuZa, 2015). The Dutch had been involved in the reformulation of the brief of the new Commission and were committed to giving Juncker’s strategic agenda a good start. Even though the Dutch had traditionally favoured an independent Commission, the government had started to strengthen the role of the member states in the Council. The then Minister of Foreign Affairs, Frans Timmermans, pleaded in the *Financial Times* in 2013 for a more political Commission that would receive guidance from the European Council. The Dutch wanted a ‘focused’ Commission both in terms of agenda (‘Big on big’ to avoid lack of focus due to many small things) and organization. The Dutch involvements at the start of Juncker’s Commission contributed to Timmermans becoming the First Vice-President responsible for, among other things, better regulation and co-ordination. The ‘focus’ in the Commission’s strategic agenda concerned ten priorities (Juncker, 2014) supported by a Commission organized around seven vice-presidents. Given that the Commission was in the phase of delivering its legislative packages, the presidency simply wanted to serve the Commission’s agenda, avoid additional initiatives, and help to provide political guidance from the Council on the new packages as a start for the upcoming negotiations.

As underlined by officials from within the Dutch administration and the Commission: it all fitted together. Indeed, Juncker noted that ‘[w]e are in total agreement with the Dutch government. There are not even nuances between the intentions of the Dutch presidency and the Commission.’² Co-operation at the senior political level and at operational levels with the Commission was good and, to achieve results, major investments had been made in forging contacts with MEPs. There were also high expectations in Brussels and elsewhere of the Dutch running an effective presidency. The Juncker agenda had to be set in motion because the successors Slovakia, Malta, Estonia and – probably - the UK were, for different reasons, expected to struggle with their presidencies.

The second relevant context concerns the crisis atmosphere that grew as the presidency came closer. The ‘polycrisis’ involved external and internal threats including tensions at the EU’s borders, terrorist attacks in France, growing frictions with Hungary and

² *Politico*, 7 January 2016.

Poland,³ and persistent unemployment. Relatedly, the atmosphere between countries had deteriorated affecting the willingness to strike compromises. In particular, the forced relocation of migrants that was imposed on the Visegrád countries under the Luxembourg presidency by the use of QMV had darkened the co-operative spirit. Moreover, sparked by migration flows and underlining the position of populist parties, the candidate from the Freedom Party of Austria (FPÖ) was barely beaten in the presidential elections.

Thirdly, member states themselves battled idiosyncratic crises. The impending British referendum cast a shadow over many discussions. The Dutch government, for instance, was keen to address the Commission's labour mobility package ('equal pay for equal work'). This package was initially foreseen for December 2015⁴ but was postponed due to the need to broker a deal with David Cameron, and the related sensitive relations with East European countries. The follow-ups from the proudly achieved European successes at the UN climate change conference in Paris (COP21) were lowered on the European agenda due to similar sensitivities even though the Netherlands had added it to its previously announced three priorities. But there were other political difficulties that affected the presidency such as the new Polish Law and Justice government that was alleged to be eroding European values,⁵ the historical low popularity figures of French president Hollande⁶ and the Slovak elections in March that resulted in a swing towards nationalist politicians (Haughton *et al.*, 2016). These are just some tensions that reinforced the impression of the EU's existential crisis and that resulted in demands for leadership.⁷

The Netherlands

The Netherlands struggles with the image of being a reluctant European.⁸ Apart from the squarely pro-EU centre-left liberal Party (D66) and the anti-EU Freedom Party of Geert Wilders (PVV), however, most parties are pro-EU albeit with lively discussions on what kind of EU would be desirable (Schout and Rood, 2013). The coalition government during the presidency was composed of the centre-right liberal party of premier Rutte (VVD) and the Labour Party (PvdA). Traditionally the Netherlands want a rule-based EU and Rutte showed his dislike of countries not respecting agreements on the rule of law or the euro at the opening meeting in Amsterdam: 'The Dutch government believes that promises should be kept. This will be a guiding principle of the Dutch presidency'.⁹ Moreover, he stressed that the government was in favour of lighter EU legislation and wary of deeper integration (Rutte, 2014).

Rather difficult in times of a polycrisis, the government operated the presidency without a (junior) minister for EU affairs. The government had reduced the number of

³ See Dinan's contribution to this volume.

⁴ See <http://www.mobilelabour.eu/5300/the-european-commission-has-postponed-the-announcement-of-the-labour-mobility-package-new-date-is-to-be-presented-next-year/>

⁵ See <http://www.politico.eu/article/poland-democracy-failing-pis-law-and-justice-media-rule-of-law/>; *The Guardian*, 13 January 2016.

⁶ See <http://www.straitstimes.com/world/europe/hollandes-popularity-on-the-slide-again>.

⁷ *Süddeutsche Zeitung*, 5 March 2016; *The New York Review of Books*, 11 February 2016.

⁸ *Financial Times*, 3 August 2013.

⁹ *Politico*, 17 January 2017.

ministers to thirteen and as the EU was regarded as politically salient, Rutte wanted to be intimately involved in EU affairs himself in close co-operation with the staff of the Foreign Ministry. Without a dedicated EU minister, Foreign Minister, Bert Koenders, had a full agenda and senior officials often had to stand in during the presidency as 'substitute' or 'deputy' ministers.

A referendum was held during the presidency on the association agreement with Ukraine on 6 April resulting in a negative outcome: 61 per cent rejection on a 32 per cent turn out. This fitted the impression of an 'increasingly eurosceptic' country in the eyes, for example, of European Parliament (EP) President Martin Schulz.¹⁰ Yet, the rejection may have had less to do with anti-EU inclinations (only 7.5 per cent of the no vote) and more with a dislike of corruption in Ukraine and a preference for keeping the country at bay.¹¹ EU sensitivities were also visible in the polls. The Freedom Party of Geert Wilders campaigned against migration of East Europeans (and of Muslims) and for the return of border controls. Wilders almost tripled his support in the polls between the elections in 2012 and the start of the Dutch presidency while the governing liberal party of Rutte dropped by 50 per cent and Labour crashed by 75 per cent.¹² For national and EU reasons, and given the human tragedies, it was clear that the flow of refugees was priority number one. This, combined with a desire for respect the agreed rules, was clearly visible when finance minister Jerome Dijsselbloem suggested, on the eve of the presidency, a mini-Schengen including Germany, Austria, Belgium and Sweden.¹³ Rutte subsequently considered discussing 'Plan B' for the migration crisis. Italy was not mentioned in the core group and this underlines that the presidency was not afraid to combine the role of honest broker with politics. Maybe because of its reputation as a professionally operating country, such harsh political statements were accepted by the other member states.

The Netherlands can be termed 'EU-critical' but it is more accurate to regard the Netherlands as a country that wants respect for rule of law principles instead of an EU in which member states demand flexibility and solidarity (Schout, 2017). In any case, the politicized EU-climate influenced the agenda. In some dossiers, the government deliberately opted for a combination of a neutral chair with a political role for the national delegation (MinBuZa, 2016). Hence, curtailing labour mobility was put high on the agenda in spite of the realization that it would run into opposition from East European countries (Schout *et al.*, 2015). In sensitive national debates on migration, European suffrage rules, the emerging Turkey deal and so on, the government not only had to broker compromises at the EU level, but it also had to keep the national parliament on board. The national sensitivities were, among others, evident in the parliamentary debate on the Turkey deal on 9 March in which severe criticism came from all sides. In April, the Dutch–Turkish journalist Ebru Umar was put under house arrest during her holidays in Turkey because of critical reporting. Rutte, as Dutch Prime Minister, responded in harsh terms towards the Turkish government despite the Netherlands' presidency role. Rutte simply could not expect much leniency from Parliament¹⁴ nor, more generally related

¹⁰ *Die Zeit*, 8 March 2016; *Elsevier*, 12 April 2016.

¹¹ *NRC*, 18 November 2016.

¹² *De Dagelijkse Standard*, 10 January 2016.

¹³ *NRC*, 28 November 2016.

¹⁴ *NRC*, 26 April 2016.

to Turkey, from the EP and other member states.¹⁵ Political *fingerspitzengefühl* was probably needed more than ever – and this is one of Rutte's strong points.

II. The Dutch Presidency: From Planning for Efficiency to Coping with Crises

The Agenda

Although the presidency itself was dominated by crises, the preparations were not. Keywords during the preparations were sobriety, delivering on what is agreed, pragmatism and realism (instead of EU-visions), and allowing for the unknown unknowns. Underlining sobriety, a budget of €62.8 million was allocated (in purchasing power half that of 2004). This is comparable to the budgets of recent presidencies from smaller countries such as Cyprus (2012), Ireland (2013) and Latvia (2015).¹⁶ The first list of priorities outlined in early 2015 covered three broad themes: a focused EU, innovation and jobs, and a Union reconnected to the public.¹⁷ The focused agenda was regarded as a sign of lack of ambition,¹⁸ but the ambition to run a professional presidency was never in doubt and many meetings were organized between key players in The Hague, other capitals and the European Parliament. With the new Commission coming into full swing and concerns about the next presidencies, officials learned that they had to live up to high expectations. As a leading Dutch official explained in a public lecture: 'they say we are so experienced in running presidencies, but half our staff is below 27, none of us handled a post-Lisbon presidency, and so much is at stake'.

The agenda acquired more meat as ministers became more involved and after the trio-presidency with Slovakia and Malta produced the first agenda in the summer of 2015.¹⁹ 'International security' (following the Paris attacks in November 2015) and 'energy and climate' were added to the three general priorities already listed. Migration and the Paris attacks meant the careful planning had to be reconsidered profoundly. The Prime Minister became much more involved, additional justice and home affairs meetings were scheduled, and additional staff and meeting facilities had to be reallocated. Yet, the choice was made 'to prevent the urgent driving out the important'. The presidency would turn out, for all involved, to test the limits of what ministers and officials could handle. In the words of a senior official involved: 'It could not have lasted longer or we would have fallen over'.

As regards the Dutch priorities, firstly, the ambition was to deepen the internal market with among others better regulation, a focus on implementation and delivery, and progressing with sectors such as the digital market and services. Secondly, the Dutch aimed at improving procedures in particular related to transparency and giving political guidance to the Commission (as part of the Better Regulation agenda). Thirdly, a 'better Europe' also demanded attention for social conditions. It was understood that many of these efforts would be largely invisible in terms of immediate output but that it would be worthwhile if it would help to change the EU just a little bit for the better.

¹⁵ *The Guardian*, 28 April 2016.

¹⁶ See http://www.europa-nu.nl/id/vjdepap9lbl1/nederlands_voorzitterschap_europese_unie.

¹⁷ *Kamerbrief* 28 January 2015.

¹⁸ *Verslag AO*, 12 August 2015.

¹⁹ On the Slovak presidency see Bilčík's contribution to this volume.

It was clear from the start that most of the work would be done behind closed doors and that a great deal of the work would even be done for others, such as complementing the work of, or even stepping in for, Council President Donald Tusk. It was also acknowledged in interviews conducted that the public is not interested in issues such as 'better regulation', 'transparency', 'implementation' and 'better planning' and that, nevertheless, the efforts would be in the interest of a 'better EU'. The allegedly low ambitions included the rather ambitious goals of steering the EU back to its core (the internal market), trying to achieve better implementation, solving the migration crisis and of working as professionally as possible in demanding circumstances.

The Impossible Migration Crisis Ambition

Despite the ambition to bring Juncker's strategic agenda forward, the migration crisis demanded hard work on the Turkey deal and on getting the European Border and Coast Guard agreed in six months. More than a million migrants and asylum seekers had reached the EU. Most had travelled from Turkey to Greece. In his speech to the EP in January 2016, Rutte did something that is dangerous for a presidency. He came up with an ambitious promise almost certain to fail: 'We need a sharp reduction in the coming six to eight weeks'. Apparently, his staff had advised him not to create such high expectations but Rutte chose to confront the political challenge and expected commitment from all politicians, including in the European Parliament. If 'delivering results' was needed, migration was the area. Expecting failure, newspapers followed with a weekly countdown charting whether the EU would get the numbers strongly reduced within two months.

Given that Tusk (and his small staff) was fully occupied with negotiating the Tusk–Cameron deal for the European Council in February in the hope of preventing Brexit, the Dutch presidency was highly active in travelling between Brussels, Athens, Ankara and other capitals to broker a deal. From the side of the Commission, Frans Timmermans was also deeply involved in the negotiations. Aware of sensitivities and of possible misunderstandings, the efforts of the presidency were conducted in close co-operation with Tusk. In mid-March Merkel and Rutte agreed with Ahmet Davutoğlu the famous Turkey deal involving Turkish border control and the 1-for-1 agreement. To stop human trafficking the EU would return all asylum seekers and welcome formally screened asylum seekers from Turkey in return. Helped also by the closing of borders elsewhere in the Schengen zone, the figures did indeed go down drastically meaning Rutte had kept his promise. Nevertheless, the deal remained fragile and politically sensitive on all possible scores and continued to demand hands-on attention from Rutte.

Meanwhile, the EU's border policies were reinforced. The Commission had adopted, just before the Dutch presidency, a package including proposals to establish a European Border and Coast Guard to foster shared border management and to introduce systematic checks against relevant databases for people entering or exiting Schengen (European Commission, 2015). These measures were subsequently negotiated under great pressure so that a political agreement could be concluded in the June European Council. As a senior official remarked: 'it had been a Herculean task'.

The handling of migration underlines that EU decision-making can operate fast if needed. It involved a great deal of energy from the prime minister, the minister of foreign

affairs and his staff, the ministry for justice and home affairs, the permanent representation in Brussels and the bilateral embassies given that parallel efforts were needed at high political and at technical levels across the EU and in the relations with Turkey. In addition, close relations had to be nurtured with the EP, Commission and European Council and the office of Tusk. 2016 had also demonstrated that the office of Tusk is not equipped in terms of resources, networks and expertise for parallel crises. A rotating presidency can come in handy in times of need.

Horizontal Themes: Focus, Jobs and Reconnect

Although the government knew six months would not be enough, the priorities of the presidency included a reconnection to the public and this included ambitions to modernize interinstitutional relations, transparency, and to improve implementation and innovation. As regards 'implementation', Rutte had underlined that rules have to be respected and this message was repeated throughout the presidency in different fora. Among others, implementation of the European Semester recommendation was reinforced. It was a source of deep frustration in the Commission that the Semester had tended towards little more than a paper exercise without much political discussion and follow up. An element of peer pressure was introduced by addressing the Commission recommendations in the sectoral Councils while also taking stock of the progress member states had made.

Implementation was also an issue in many of the internal market discussions. Growth and jobs, in the Dutch view, also relates to timely implementation of agreements and enforcement concerning the digital market, liberalization of services and so forth. One of the key efforts of the presidency was to create an annual stock-taking exercise of liberalization of the internal market and the related implementation of legislation. This resulted in a new procedure concluded in the European Council meeting of June: 'The Council will report annually to the June European Council on progress in deepening the Single Market in all its aspects. Better implementation and enforcement of existing legislation will further help to reap the benefits of Europe's Single Market ambitions' (European Council, 2016).

A third broad area in which the Netherlands wanted to achieve some progress concerned institutions. An Inter-Institutional Agreement (IIA) on Better Law-Making was agreed under the Luxembourg presidency²⁰ and the Dutch presidency was keen to immediately start with the implementation of the IIA particularly regarding political guidance from the Council to the Commission. With the goal of an EU that delivers on the issues that really matters, and with a view to giving political steering, the presidency started the new procedure of discussing the upcoming work planning of the Commission first in the General Affairs Council. The presidency was also keen to deepen the transparency of EU decision-making and had started this agenda item with a Non-paper on Transparency with six member states.²¹ A start was also made for a one-stop portal for documents in the decision-making process. In addition, the Ambassador and his

²⁰ Official Journal of the European Union, 12.5.2016, L 123/1–14.

²¹ *Enhancing Transparency in the EU*, Non Paper by Denmark – Estonia – Finland – The Netherlands – Slovenia – Sweden, April 2015.

deputy made their meeting schedules open to the public. Even such limited steps towards greater transparency, however, proved to be sensitive in the Council.

Three things stand out regarding the efforts in these horizontal themes. Firstly, good procedures and transparency have remained a solid part of the traditional Dutch interests in fostering a 'better Europe'. Secondly, these efforts underline how the government has been trying to 'reconnect' to the broader public via delivering what has been agreed (implementation and respecting rules), innovation, and political steering of the Commission agenda on 'big on big'. Finally, the government was willing to make sizeable investments in these horizontal and procedural discussions even though it was clear that the efforts could only have limited effects at best.

Conclusions and Assessment

Some hypotheses can be formulated in relation to the (underestimated) role of the rotating presidency and the position of the Netherlands. Firstly, a rotating presidency can be confronted with situations that are more comparable to the pre-Lisbon era than the presidency literature acknowledges. Irrespective of his/her personal qualities, the president of the European Council lacks resources and expertise to manage different crises at the same time. Moreover, it is uncomfortable for Germany to be forced into the role of the EU's crisis manager on its own. Demands for leadership relate in particular to the prime minister but also to other ministers and officials involved. Tusk was busy with the British situation and was, where possible, involved in the migration crisis but the vital political sensitivities had drawn in heads of government, particularly Merkel and Rutte as rotating president. Rather than having little involvement in the presidency, reports were circulating in The Hague that Rutte was half of his time – if not always, one way or the other – working on the Presidency. It seems elements of a successful presidency came together: opportunities for leadership, good preparation including contingency planning, strong presence in Brussels and in other capitals, a reputation for being effective and ample technical expertise related to Schengen, border control and migration. As interviewees from different levels of the national and EU administrations stated: it all seemed to fit during the Dutch presidency. A different country in the chair could have forced more leadership expectations on Germany.

Secondly, in addition to managing crises, the Dutch tried to keep the horizontal priorities on the agenda: implementation, innovation, reconnecting, the internal market and better procedures. As far as possible, the ambition was to 'not let the immediate drive out the important'. Moreover, the Dutch tried to operate professionally – and apparently succeeded. Complaints that the Netherlands has become EU-critical or that this presidency was lacking ambition are apparently based on implicit normative frameworks. Who is to judge that the Dutch are EU-critical or that this presidency lacked ambition? It may have been less visionary in an inspiring deeper integration type of way, but as this presidency underlined, the Dutch government was true to a rather traditional Dutch vision of the EU, more interested in a pragmatic and professionally operating EU.

Yet, not all went well. Firstly, its own agenda was, in the end, less 'focused' than initially hoped. Hobby horses of ministers and ministries appeared hard to resist. This may not have been such a problem after all as some 'showcasing' may actually have been positively received. Secondly, the traditional Dutch interest in better EU procedures and

learning mechanisms triggered debates about whether this really has an impact on the function of the EU. In any case, being a smaller country, the Netherlands may not have the luxury to rely on much else than EU procedures.

Thirdly, the visibility of Rutte was at some point probably reaching a level where it created the impression that he was too close to Merkel.²² Whether this criticism is valid remains to be seen. In any case, Germany could not have avoided playing a major role. Any professional operating rotating presidency would have had to be close to Merkel. The presidency was aware of this danger and was keen to keep all partners informed through the bilateral presidencies in the capitals and in The Hague. Yet, some complaints of being excluded from the frantic emergency meetings arose: 'The EU's nominal leaders [Tusk and Juncker] were almost entirely cut out of the deal-making'.²³ This also created a certain opposition from Cyprus on the sensitive Turkey deal and Tusk had felt obliged to state that 'Cyprus is as important as Germany, France, the Netherlands or any other member state. All animals are equal on my farm'. Despite efforts to prevent misunderstandings, Tusk seems to have been overruled by Merkel – and, hence, by Rutte – in his dislike of relying so much on Turkey.²⁴ Yet, with Dutch ministers, civil servants and EU officials touring between EU capitals and Turkey while liaising as much as possible with all concerned, it is almost surprising that so few misunderstandings and misgivings arose – particularly given the sensitive issues and the time pressure. The Turkey deal seems to be one of the most crisis-driven deals in the history of European integration. Whatever judgement is cast, the refugee numbers were brought down during this presidency. With politics squarely back on the EU agenda, this rotating presidency resembled the pre-Lisbon times more than many had thought. The same may apply to future presidencies in crises situations.

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²² *Financial Times*, 8 March 2016.

²³ *Financial Times*, Brussels Blog, 8 March 2016.

²⁴ *Financial Times*, 15 March 2016.

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