



This policy paper is part of a series of six on the priorities of the Netherlands for the EU for 2019-2024

# EU Governance: towards a future proof EU based on values and focused on results

## Key points regarding the functioning of the EU for the coming legislature

- **Union of values: Rule of law is a key priority. The EU instruments need to be protected and if possible enhanced.**
- **Constant monitoring of the functioning of the EU to ensure it delivers through:**
- **Pressing forward with the clustering model as introduced in 2014 with the aim to come to a comprehensive working method.**
- **As guardian of the treaties, the Commission must objectively safeguard compliance with the rules.**
- **Implementation and enforcement: Member States (good governance) and the Commission (objective enforcement) have to improve implementation and enforcement.**
- **Better Regulation – Subsidiarity and proportionality should be permanently embedded in the Commission’s working methods and ambitions.**
- **Governance of EU agencies needs to be reviewed.**
- **Transparency: open up the EU decision making process, without compromising the necessary space to think.**
- **National parliaments: explore possibilities for an informal ‘green card’ and extend the deadline for national parliaments to submit opinions concerning the subsidiarity principle.**

## Strategic Agenda

The Netherlands has identified five central themes which should be given priority in the EU: migration, security, a strong and sustainable economy that offers protection, climate policy, and protecting values and interests abroad. Next to these five

priorities the Netherlands is of the opinion that ideas regarding the functioning of the EU should also be embedded in the *Strategic Agenda*. The Netherlands wants a future-proof, effective and robust European Union, an EU of results and values. An EU that is accountable and gives and takes responsibility. The rule of law, the functioning of the EU institutions and agencies, subsidiarity and transparency are, amongst others, essential for a well-functioning EU and should be included in the *Strategic Agenda*.

## Union of values: Rule of Law

Respect for human rights, freedom, equality, democracy, human dignity and the rule of law are fundamental values of the EU. These values are ingrained in Europe’s identity. Common rules are applied effectively and unconditionally, everywhere and at all times. Similarly, for policy concerning freedom, security and justice mutual trust between the Member States and their legal systems is crucial.

- EU instruments to monitor, promote and enforce the rule of law need to be protected, and if possible enhanced. This includes the infraction procedures as to ensure EU law is upheld including in the field of Rule of Law.
- Rule of law conditionality should be part of the new Multiannual Financial Framework.
- An effective and efficient peer review mechanism on the rule of law could be set up to intensify the dialogue between Member States on strengthening the rule of law throughout the EU.

### Form to follow function

The EU organisation must be geared to achieving its objectives.

- Pressing onwards with the cluster model introduced in 2014 is helpful in implementing such a comprehensive working method. In this model, the Vice-Presidents of the Commission bear responsibility for the political priorities, and have the authority to take decisions that are binding on the other Commissioners in the same team.
- The Commission should explore ways of applying an integrated working method to its administration as well, so as to enhance flexibility in its services.
- The Commission is encouraged to seek options to better separate its work within its two mandates, legislative and enforcement respectively.
- A Comprehensive approach to migration by the EU: Internal and external migration policy must be seamlessly interwoven, as must the deployment of instruments and resources.

### Enforcement and implementation

A strong EU consists of strong Member States. These Member States bear the responsibility for the implementation and enforcement of EU law (good governance). Democratic, fair and effective public administration instils popular trust in government institutions, which is essential to the proper functioning of the Union and society as a whole. Furthermore, stability and resilience to shocks are strengthened when agreements are firmly implemented and complied with.

- The Commission oversees the application of the treaties, and should where necessary use its enforcement powers. The ground for enforcement should be based on impartial, objective and evidence based information, to ensure the uniform application of EU law.
- Improvement of enforcement capabilities of the Commission in a balanced way, providing Member States sufficient room to enforce in the most efficient way, and taking into account their national systems wherever possible.
- Consider measures at the EU level to support or encourage Member States to fulfil their responsibilities.
- The Commission could facilitate a dialogue between Member States on how the administrative capabilities could be enhanced and through which best practices can be exchanged.
- Encouraging the use of the EU pilot, as to continue the close cooperation with Member States in finding practical and speedy solutions to enforcement questions.
- A stock-taking of areas where enforcement and/or effective and uniform application of EU law needs to be improved resulted in the following list, that could be expanded further:

1. Internal Market: non-uniform implementation and differentiated enforcement or lack of enforcement lead to barriers experienced by entrepreneurs. Objective and transparent enforcement and a more facilitative role by the Commission are needed;
2. Labour mobility and worker's rights: insufficient cooperation between Member States (e.g. in exchange of data) causing an uneven playing field and insufficient protection of labour rights;
3. Cross-border food security and (prevention of) food fraud: speedy intra EU sharing of information is lacking;
4. Environmental legislation: continued focus on adequate enforcement, and further improving the enforceability of environmental legislation.
5. Animal welfare: unclear definitions in regulations lead to differences in implementation;
6. Cross-border enforcement of criminal and administrative pecuniary sanctions.
  - This stocktaking shows an array of problems for which specific solutions are necessary. It requires Better Regulation and sometimes better enforcement, or both.
  - The new Commission should undertake a substantial analysis in which areas and through which measures implementation of EU law can be improved.

### Better Regulation – subsidiarity and proportionality

- The current Commission has embedded the concepts of subsidiarity and better regulation at the heart of its work. The new Commission should carry on with the Better Regulation agenda, so as to permanently embed it in the Commission's working methods and ambitions.
- To ensure this, Better Regulation should be the responsibility of a/the First Vice-President.
- All new legislation should be accompanied by a substantial impact assessments that includes various options for EU action, including no action.

### Governance of EU Agencies

- The Common Approach that was agreed in 2012 should be updated to make the agencies more effective and accountable.

### Transparency

Transparency is key to strengthening the democratic legitimacy of the EU's decision making and support for EU decisions in particular where the EU exercises its legislative functions.

- All parties concerned should continue on the steps taken to build a modern and coherent transparency policy for the new legislature, without compromising the necessary space to think and within boundaries of the legislative framework.

### National parliaments

Getting the public involved in European decision making is essential to ensuring a robust, united and democratic Europe. National parliaments are a main linking pin between their constituency and the EU.

- The EU institutions should explore the possibilities, within the existing treaties and existing instruments, for national parliaments to promote their wishes and ideas for new European policy and legislation (a ‘green card’ procedure). Particularly with a view to facilitating joint initiatives by national parliaments.
- The Commission should to be more flexible about the deadline for national parliaments to submit opinions concerning the subsidiarity principle, within the limits of the existing treaties.