

The Netherlands and REACH

The interaction between the national and European fields of influence in the development of EU chemicals policy

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May 2008 – Final Report

TABLE OF CONTENTS

Summary	3
Chapter 1 Introduction	6
1.1. Description of assignment	6
1.2. Approach to the research	7
1.3. Use of timelines	8
1.4. Structure of the report	8
Chapter 2 Background and context	9
2.1. The Netherlands in European matters	9
2.2. Main aspects of SOMS and REACH	10
2.3. Conclusion	12
Chapter 3 The Netherlands on the European stage	13
3.1. Introduction: research questions and approach to the research	13
3.2. Knowledge strategy	17
3.3. Network-building strategy	22
3.4. Strategy for the EU Presidency	25
3.5. Reflections on the role of the Netherlands on the European stage	29
Chapter 4 Relationship between policy and parliaments	32
4.1. Introduction	32
4.2. Research questions	32
4.3. Approach to the research	33
4.4. Major players in REACH and its relevance for parliaments	35
4.5. The role of the Dutch parliament in relation to European matters	39
4.6. The role of the Dutch parliament during the REACH process	41
4.7. Government departments, the Lower House and the European Parliament	53
4.8. Discussion	59
4.9. Lessons learnt	61
Chapter 5 Conclusion	64
5.1. Findings	64
5.2. Points for attention and lessons for the future	66
References	69
Appendices	
1. List of interviewees	74
2. Timeline tables	76
3. Dutch non-governmental players between ‘The Hague’ and ‘Brussels’	101

SUMMARY

1. After lengthy negotiations between institutions of the European Union, European Member States and non-governmental players, the REACH Regulation was adopted in December 2006. This Regulation will considerably change the registration, assessment and authorisation of chemical substances in the EU. As one of the 25 negotiating Member States at the time, the Dutch government made its mark on the development of REACH.

2. It is important to gain an insight into how the Netherlands operated during the development of the REACH Regulation. A study of the extensive REACH dossier sheds light on many different patterns of interaction between the Dutch and European fields of influence. As a result, increasing insight into the role of the Netherlands in the development of REACH is ideal for learning lessons and identifying dilemmas and points for attention that should be taken into account when deciding on Dutch involvement in future European matters. The research conducted by Maastricht University focuses on patterns in the interaction between various players: the government departments and the Dutch and European Parliament (EP) on the one hand and the Dutch government, the European Commission, the Council of Ministers and other Member States on the other hand. These patterns are described based on a document analysis and approximately 50 interviews with people involved.

The Netherlands on the European stage

3. The analysis of how the Dutch government acted on the ‘European REACH stage’ as well as the perception of other parties show that the Netherlands adopted an active attitude and opted for an overarching approach. In retrospect, three strategies can be distinguished in that approach:

- a. Knowledge strategy: partly as a result of the Dutch SOMS process, the Dutch government had extensive knowledge of the matter and in this regard it was ahead of a large number of other Member States.
- b. Network-building strategy: the Netherlands developed a pragmatic and cooperative working attitude in relation to other Member States with the aim of creating and utilising bilateral contacts.
- c. Strategy for the EU Presidency: the Netherlands opted for a pragmatic and realistic approach to the Presidency.

Due to the combination of strategies employed, the Netherlands was able to punch above its weight and played a highly appreciated role in the development of REACH.

Relationship between policy and parliaments

4. The scope of REACH provided room for two different political perspectives, namely ‘environment and health’ on the one hand and a ‘pro-business attitude’ on the other. It is striking that the verdict of Members of Parliament on the eventual Regulation is in line with their political standpoint: the MPs who are active on the pro-business side were generally positive, whilst the MPs involved in environment and health were more critical. Maybe this is why some MPs sounded dissatisfied with their role and the information given to them in the interviews that they gave – in spite of the fact that the Cabinet chose to closely involve Parliament in REACH and the fact that Parliament was informed in various ways by the Ministry of Housing, Spatial Planning and the Environment (VROM) and by the Ministry of Economic Affairs (EZ). It was also striking that the members of the Lower House who were interviewed were all extremely positive about contacts with

Dutch MEPs, although the European Parliament members interviewed did not share the view that there had been frequent contact. In addition, the MEPs expressed doubts about the degree to which the Dutch Lower House was aware of the state of affairs in the REACH process.

5. With regard to the involvement of the Lower House, it should also be noted that the Netherlands was faced with a brief implementation period of 20 days for REACH. Within this period it was impossible to produce implementation regulations in the Netherlands. An innovative four-track approach was therefore deployed, so that REACH could still be implemented on time. One major aspect of this approach was to separate the debate regarding the substance of the Regulation from the rules for implementing REACH. It was decided that the rules would be laid down in legislation, with Parliament playing its role.

Success factors and points for attention

6. The findings suggest that the Netherlands played an active and highly appreciated role in the development of REACH. This is the result of strategic choices on the one hand and recognising and seizing opportunities on the other hand. The following general success factors can be identified based on the study of the REACH case:

- A. The knowledge strategy requires a lead with regard to both technical substance and policy. The SOMS/REACH case suggests that a national programme to prepare for the European process is a good way of achieving such a lead.
- B. It appears that the combination of a knowledge and network-building strategy (in other words, ensuring that the available knowledge is distributed strategically) is an effective method for a small Member State to be taken seriously as a discussion partner at the negotiating table. As a result of this combination of strategies, the Netherlands was able to exercise a relatively significant amount of influence during the REACH policy process.
- C. The Netherlands' realistic and pragmatic attitude during its Presidency of the European Union was greatly appreciated. In order to benefit the REACH development process, the Netherlands initiated the use of a footnotes document and working documents in the Ad Hoc Council Working Party (AHWP) for discussion of the Regulation. This procedure was considered – both at the national and the European level – to be an important instrument for a structured Presidency. In this context the Dutch division of roles, which consisted of a spokesperson supported by a national expert, the open attitude of the Netherlands during its Presidency and the encouraging of proposals by new Member States were highly important.

The study of the development of REACH also highlights a number of points and dilemmas that should be taken into account when determining Dutch involvement in future European matters:

- A. In future, the government departments (i.e. the ministries), the government and the parliament should keep an even closer watch on the position and agenda of the Commission and the other Member States from the start via contacts, interaction and feedback. This close monitoring is required to ensure a correct balance between looking after national interests and wishes on the one hand and European political reality on the other hand.
- B. The European Parliament (EP) is a political player that should not be underestimated, especially in view of the fact that the role of the EP will be further strengthened in the near future by the Treaty of Lisbon. The fact that decisions taken in the EP already take shape at an early stage in the co-decision procedure should also be taken into account. In practice this

means that one should be involved in the process as early as possible in order to be able to exert an influence. Another consequence is that contact has to be maintained with the major players within the EP, such as (co-)rapporteurs.

- C. Informing and involving the national parliament in complex, long-running European matters is not easy, which is an important factor to consider in view of the Treaty of Lisbon, in which the role of national parliaments in the EU policy-making process is greatly expanded. Our findings relating to the role of the Dutch parliament in REACH suggest that the Lower House will face a challenge in this regard in future when it comes to its monitoring of the government.

CHAPTER 1 - INTRODUCTION

After lengthy negotiations between institutions of the European Union, European Member States and non-governmental players, the REACH Regulation (1907/2006) was adopted in December 2006. This Regulation will considerably change the registration, assessment and authorisation of chemical substances in the EU. As one of the 25 negotiating Member States at the time, the Dutch government made its mark on the development of REACH.

It is important to gain an insight into how the Netherlands operated during the development of the REACH Regulation. A study of the extensive dossier sheds light on many different patterns of interaction between the Dutch and European fields of influence. As a result, increasing insight into the role of the Netherlands in the development of REACH is ideal for learning lessons and identifying dilemmas and points for attention that should be taken into account when deciding on Dutch involvement in future European matters.

The research conducted by Maastricht University focuses on patterns in the interaction between various players: the government departments and the Dutch and European Parliament on the one hand and the Dutch government, the European Commission, the Council of Ministers and other Member States on the other hand. These patterns are described based on a document analysis and approximately 50 interviews with people involved.

1.1 Description of assignment

The aim of the EVA-REACH project (November 2007 – May 2008), of which this report forms part, is to provide an insight into how the Netherlands operated during the negotiations, in the exploratory phases prior to the actual negotiations and in the implementation phase of the REACH Regulation. The Ministry of Housing, Spatial Planning and the Environment (VROM) commissioned this research and assessment project.

The question is whether lessons can be learnt from how the Netherlands operated. Consequently, the actions of the Netherlands in the REACH process need to be described and an insight is required into how the various parties involved view the role played by the Netherlands. Researchers at the Clingendael Institute have described the main aspects of the development of the Strategic Policy Document on Handling Chemical Substances (*Strategienota Omgaan met Stoffen* (SOMS)), the development of REACH, and the role played by the Netherlands¹. The researchers at Maastricht University were asked to study the following:

- 1) the interaction between the Dutch government, the Commission, the Council and Member States, and the Dutch operating method (1997-2006) (chapter 3);
- 2) the interaction between government departments and the Dutch and European Parliament (1999-2007) (chapter 4).

In addition, a survey of the role of the Dutch chemical industry and Dutch NGOs on the European playing field between 1999 and 2007 has been included as an appendix.

This provides insight into various patterns of interaction during the development of REACH, both from a Dutch and a European perspective. The insight can then be used as the basis for

¹ Clingendael Institute (2008). 'Stof tot nadenken'.

identifying points for attention and learning lessons for the future. The findings, success factors, points for attention and dilemmas are described in the summary and conclusion.

1.2. Approach to the research

The interaction between the various players was studied by means of a document analysis and 50 semi-structured in-depth interviews² (see also Appendix 1).

Institution	Number of interviews
Dutch government departments	7
Dutch Parliament	6
European Parliament	4
Other Member States, officials	15
European Commission	6
Council Secretariat	1
Dutch permanent representation	2
Other	2
Chemical industry	4
Dutch NGOs	3
Total	50

Table 1 – Brief overview of interviewees (interviews conducted between December 2007 and April 2008)

The information obtained provided the basis for a chronological description (timeline) and for identifying significant phases and moments during the policy-making process. In addition, more specific questions were addressed in a detailed analysis³ and it was possible to identify a number of patterns.

It should be emphasised that differences between the research questions discussed in Chapters 3 and 4 affected the way in which both chapters are structured. For Chapter 3, the researchers were soon able to divide the findings into three strategies, namely knowledge strategy, network-building strategy and strategy for the EU Presidency. As far as Chapter 4 is concerned, it was not immediately possible to distinguish more general patterns, which is why it was decided to take the institutions in Chapter 4's research question as a starting point and describe and explain their roles and patterns of interaction.

The information from the interviews was verified against available documentation as far as possible. The available documentation used for this purpose in Chapter 4 came from the archive at VROM, around 150 Parliamentary Papers (Parlando database), the archive at the European Parliament (OEIL, Per-lex and Eur-lex databases) and articles from various specialist journals (*Nederlands*

² At the request of the majority of the interviewees, the interview reports have not been included in this document and references to the respondents have been rendered anonymous. References to the interviews in the text are preceded by the symbol #.

³ See Chapters 3 and 4. A list of all the sub-questions can be found in the progress report published by Maastricht University in January 2008.

Tijdschrift Europees Recht, Chemie Magazine, Milieu & Recht). However, hardly any written sources are available as regards how European players viewed the role of the Netherlands (part of chapter 3), which means that the interviews were often the only source of data. Nevertheless, as a large number of interviews were held with people involved in various institutions, the interviews can also be used to validate or cast doubt on the statements of individual respondents. It is therefore possible to derive an inter-subjective description, whereby it should be noted that retrospective interviews are distorted by definition due to the limitations of memory and the tendency to assess the past based on the present. This is why interviews were also held with various respondents at VROM. In addition, internal peer review meetings were held (6 December, 26 March and 8 May, each meeting lasting 4 hours), in which Prof. Ellen Vos and Prof. Sophie Vanhoonacker acted as critical experts and commented on the approach, the findings and the interpretations. However, this remains a reconstruction after the fact, which makes it subject to a number of limitations as regards methodology. This will be taken into account when drawing conclusions (in other words, which conclusions can be drawn and their certainty and scope are determined by the degree to which the underlying observations can be validated from various sources).

1.3. Use of timelines

The sub-studies were used to draw up an extensive overview of all key moments regarding the interaction patterns in the development of REACH. This general overview, consisting of a timeline for the national level and one for the European level, can be found in Appendix 2. Chapters 3 and 4 will focus on this extensive timeline. This method yields key moments and timelines for specific themes. The result consists of both a general overview and a discussion of the key moments in the relevant context.

1.4. Structure of the report

Chapter 2 outlines the background and context that provide the framework for the sub-studies described in Chapters 3 and 4. In addition to a brief description of the standard Dutch approach to the EU legislative process, the main aspects of SOMS and REACH will also be addressed. Chapter 3 describes how the Netherlands acted on the European stage during preparation of policy and the formal decision-making process, focussing in particular on the interaction with the European Commission, the Council of Ministers and the other Member States. Chapter 4 analyses the relationships between the Dutch and European Parliaments, the Dutch government and the Dutch government departments involved. The conclusions focus on points for attention and lessons for the future.

CHAPTER 2 – BACKGROUND AND CONTEXT

This report centres on the patterns in the interaction between the Dutch and the other players in the development of REACH. Given this approach, it is first necessary to provide some information about the usual manner in which the Dutch government operates in European matters⁴. A number of the main aspects of SOMS and REACH are then briefly described. The background and context provided in this chapter can be used to read the following two chapters independently.

2.1. The Netherlands in European matters

Until recently the Netherlands was universally known for its open attitude with regard to international developments and organisations. This open attitude is enshrined in the Dutch Constitution, which includes articles that make international legislation immediately applicable within the Dutch legislative system and provide that international legislation supersedes national legislation. However, due to the expansion of the European Union to 27 Member States, it has become more difficult for the Netherlands as a small Member State to exert an influence on a European level. In addition, the Netherlands started to adopt a more critical attitude towards Europe during the 1990s.

A Member State requires a coordinated approach if it wishes to affect the European policy-making process. In the Dutch context this coordinated approach takes the form of meetings between ministries, municipalities and provinces. The starting point for such meetings is often a proposal by the European Commission for new European legislation. These proposals are discussed in the Assessment of New Commission Proposals Working Party, which sets out its conclusions on files. These sheets briefly describe the contents and objective of the proposal, the discussion process in Brussels, the legal basis for the proposal, aspects in relation to subsidiarity and proportionality, and the consequences for the Netherlands. They also identify the ministries responsible. This document is sent to the Upper and Lower Houses of Parliament.

The primary ministry responsible then prepares instructions for the Dutch delegation in Brussels. These instructions are flexible, allowing the latest state of affairs to be taken into account. After the relevant Council Working Party has dealt with the proposed legislation at the European level, it is the turn of the Permanent Representatives Committee (COREPER). The Dutch ambassador on the COREPER Committee receives instructions during the weekly instruction meeting of the Permanent Representation (PR), at which all ministries are present.

The interdepartmental Coordination Committee on European Integration and Association Issues, which meets weekly, prepares the standpoint of the Dutch Cabinet Ministers for the negotiations regarding the proposal in the Council of Ministers. This standpoint is approved by the Cabinet.

All Dutch ministries have their own representatives in the Dutch Permanent Representation and assign a number of officials for several years. These officials maintain contact with the European

⁴ Information in this regard can be found in Section 2.1, which is based on a chapter by M. van Keulen entitled ‘Retour Brussel – Den Haag: Europees bestuur en Nederlandse belangen’ (‘Brussels–The Hague return ticket: European government and Dutch interests’) from the book ‘De bestuurlijke kaart van de Europese Unie’ (‘The administrative map of the European Union’) (2007), edited by A. van der Vleuten.

institutions, often serve as negotiators in the Council Working Parties on behalf of the Netherlands and support the Permanent Representation in COREPER and the Minister in the Council. In addition, Dutch officials work (temporarily or permanently) at European institutions, where they serve European interests and are also useful sources of information for the Dutch government.

When a proposal is discussed in the EP according to the co-decision procedure and there are not enough supporters in the Council, contacting MEPs is also an option as regards influencing the policy-making process. In addition to direct contact, MEPs can also be informed about national interests and standpoints via political parties and via members of the Dutch Lower and Upper Houses of Parliament. As regards these last two representative institutions, it should be noted that parliamentary monitoring in relation to the EU decision-making process has its basis in the doctrine of ministerial responsibility. When studying parliamentary monitoring of European affairs, the role of the Parliamentary Standing Committees should also be taken into account, especially the Parliamentary Standing Committee on European Affairs, which has the task of commenting on the files produced by the New Commission Proposals Working Party ('BNC files') and, where required, providing recommendations to the expert committee or committees responsible.

2.2. Main aspects of SOMS and REACH

As the report by the Clingendael Institute goes into detail regarding the background to the development of the REACH Regulation, this section of the present report only provides a brief overview of items that will be considered further in Chapters 3 and 4.

During the decision-making process at the European level, the experience gained in the Dutch SOMS programme (1999–2004) was used as the basis for the national contribution during the negotiations, especially in the initial phase. During the discussion in Brussels, the Netherlands explicitly drew attention to its policy spearheads and the learning experiences from this national programme⁵ in which the Netherlands entered into partnerships with various Member States. The Dutch EU Presidency played a facilitating role in this regard. Bringing in the experience gained from SOMS had an ambitious objective: formulating a new chemicals policy – before 2020 – that would regulate the use of chemicals in such a way that people and the environment would face no more than negligible dangers or risks. The new chemicals policy had to provide a high level of protection, both in relation to working conditions and consumer interests.

The Dutch standpoint on REACH, as explained in the Dutch Framework Instructions⁶ and on the BNC file⁷, was based on SOMS and was fitted in with the ongoing developments and discussions at European level. At the initiative of Germany (#1) the Netherlands organised two meetings in the late 1990s of the Competent Authorities Council – the European Council's pre-REACH

⁵ Dutch chemicals policy in an international perspective: SOMS Implementation Policy Document' (Parliamentary Papers II 2003/04, 27 646, no. 13).

⁶ Dutch Framework Instructions' (VROM 040032).

⁷ BNC file (BNC = Assessment of New Commission Proposals) (Parliamentary Papers II 2003/04, 22 112, no. 302).

chemicals authority⁸. During these meetings the feasibility of the existing Chemicals Regulation 793/93 was criticised and the need for an overarching chemicals policy was emphasised⁹ by drawing up a black book (#1). The Dutch Environment Minister at the time, De Boer, then raised the issue of the existing Chemicals Regulation in the Environmental Council. At an informal Environmental Council meeting during the United Kingdom Presidency, the so-called ‘Chester meeting’, political agreement was reached about the need to update the chemicals policy. As a result of the Chester meeting the Commission was asked to reform the chemicals policy at a Council meeting in June 1999. Together with the review by the European Commission with regard to the functioning of four existing instruments, this formed the prelude to the updating of the chemicals policy¹⁰. Then, in February 2001, the Commission presented its white paper on ‘Strategy for a Future Chemicals Policy’, which marked the start of the policy preparation phase for REACH. The other key moments in the REACH process at European level were as follows:

- The Internet consultation on the preliminary draft of the Commission proposal in May-July 2003;
- The publication of the Commission proposal in October 2003;
- The political agreement in the Council during the British Presidency in December 2005;
- The EP standpoint (first reading: October 2005; second reading: December 2006);
- The compromise between the Council and the EP in December 2006, as a result of which REACH came into force in June 2007.

In this report these European developments are studied in relation to the Dutch operating method during the development of REACH. This report also discusses the way in which the Dutch government prepared for the implementation of the REACH Regulation¹¹. One characteristic of this working method was the separation of the discussion of the substance of REACH from the establishment of the rules for its implementation. Based on Article 249 of the EC Treaty, a Regulation such as REACH is binding and directly applicable in the Member States. This means that rights and duties arising from the Regulation do not require any prior conversion into national legislation, as is the case when European Directives are implemented. However, the Member States must ensure that a Regulation is implemented correctly, which does require some legislation. Implementation rules, though, are easier and much less extensive than the legislation required for the implementation of Directives. Rules setting out penalisation and enforcement powers and designating competent authorities are sufficient. It should be noted, however, that the implementation period for Regulations is generally much shorter than the implementation period for Directives. A common implementation period is 20 days after the Regulation has come into force, whilst it can be assumed that the implementation period for a Directive will be at least a year.

⁸ As a large and powerful Member State, Germany itself was cautious about expressing its dissatisfaction with the existing chemicals policy at the European level. By asking the Netherlands to make the Council of Ministers aware of the situation, Germany tried to create wider support for the updating of the chemicals policy.

⁹ Report of the ad-hoc meeting of the Competent Authorities for the implementation of Council regulation 793/93 on the evaluation and control of existing substances.

¹⁰ Clingendael Institute (2008) ‘Stof tot nadenken’, p. 9.

¹¹ See Chapter 4 of this report and Kwisthout, Swart-Bodrij & Woldendorp 2007 ‘De uitvoeringswet REACH: stof tot nadenken over de uitvoering van Europese verordeningen’, p. 145.

The implementation period for REACH was also 20 days in the original Commission proposal. The problem faced by the Netherlands was that implementation regulations could not be drawn up within this short period, regardless of the level at which it was done. The process of drafting the necessary implementing regulations therefore had to begin whilst the negotiations about REACH were still in full swing. There were two possible ways of drawing up these regulations, namely via accelerated implementation (establishment of the regulations at a lower level, which is subject to a shorter establishment procedure, preferably by ministerial order) or by creating regulations at the level of legislation (which requires a longer preparation period). Initially, accelerated implementation seemed to be the most obvious choice, but in the end the Netherlands decided to use implementation regulations in the form of an Act¹².

Even though, on the one hand, an early establishment procedure for implementation rules was required, these rules could not be definitively laid down until the text of the Regulation had been finalised. When the final text of the REACH Regulation was accepted on 18 December 2006, the effective date of the Regulation was ultimately set at 1 June 2007 after protests from various Member States. As a result, the assumed implementation period was extended by six months¹³ and, in retrospect, the working method of the Netherlands as described above was not that necessary. However, this does not detract from the significance and consequences of this working method for the relationship between policy and parliament¹⁴.

2.3. Conclusion

The background and context provided in this chapter can be used to read the following two chapters independently. Chapters 3 and 4 show that the Netherlands handled the REACH issue broadly along the lines set out in Section 2.1. It is striking that the Parliamentary Standing Committees on VROM and EZ played a greater role than the Standing Committee on European Affairs. Another notable aspect of REACH is that the Regulation was implemented via implementation regulations in the form of an Act of Parliament, which made it possible for the national parliament to influence the development of the REACH Regulation.

¹² Letter of 5 April 2004 to the Lower House, stating that the preparations for the legislative proposal were about to start (Parliamentary Papers II 2003/04, 22 112, 316).

¹³ Kwisthout, Swart-Bodrij & Woldendorp 2007 'De uitvoeringswet REACH: stof tot nadenken over de uitvoering van Europese verordeningen', p. 144.

¹⁴ See Chapter 4 for a more detailed explanation.

CHAPTER 3 – THE NETHERLANDS ON THE EUROPEAN STAGE

3.1. Introduction: research questions and approach to the research

European legislation is developed via a complex process in which many regional, national and supranational interests come together. The REACH Regulation is a good example of a lengthy process whereby many different interests were involved. The co-decision-making process in the first pillar – under which the REACH Regulation was developed – can be characterised as three different phases: policy preparation, formal decision-making and implementation (Figure 1).

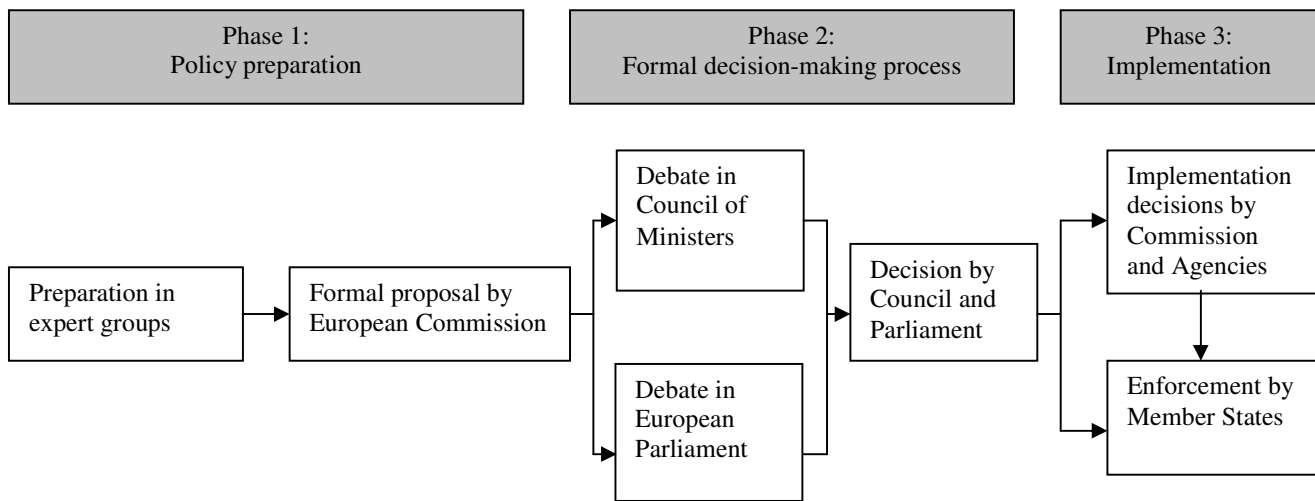


Figure 1 – Schematic representation of the decision-making process (Source: Princen, 2007: 76)

For Member States of the European Union there are various moments when participation in the European decision-making process is regulated, either formally or informally. This chapter describes the actions of the Dutch government on the European stage during the first two phases of this decision-making process (the policy preparation and the formal decision-making). Collaboration with the European Commission and fellow Member States in the Council of Ministers is crucial if a country is to play a role in these phases. This chapter therefore focuses on the role of the Dutch government¹⁵ in the interaction with the European Commission, the Council of Ministers and the other Member States¹⁶.

¹⁵ The roles of the Ministry of Housing, Spatial Planning and the Environment (VROM) and the Ministry of Economic Affairs (EZ) are discussed in this chapter.

¹⁶ The European Parliament is discussed in Chapter 4. The Council of Ministers was mainly analysed at the level of the Ad Hoc Working Party (AHWP) and COREPER.

The main features of the Dutch working method on the European stage during the REACH decision-making process between 1997 and 2006 include the following aspects in particular (see Table 3 for an overview of the key moments)¹⁷:

- The Dutch SOMS programme played an important role in the working method of the Dutch government in the REACH policy process;
- The Netherlands was especially active in organising workshops and maintaining contact with other Member States;
- During the policy preparation phase the Dutch government benefited from an expert seconded to the European Commission;
- The Presidency of the European Union came at a crucial time in the REACH negotiating process.

This chapter mainly focuses on assessing ‘the actions’ – or ‘the working method’ – of the Dutch government during the development of the REACH Regulation. The focus is on the following research question:

What specific working method or strategy did the Dutch government apply during the development of the REACH Regulation and how is this method or strategy perceived by the players involved on the European stage?

As no clearly defined, unambiguous and predetermined ‘Dutch strategy’ was documented during the policy preparation and decision-making process for the REACH Regulation, such a strategy can only be reconstructed afterwards based on document analysis and interviews with people directly involved. Based on these sources, the Dutch working method during the process of policy preparation and decision-making was reconstructed, which showed that the method could be broken down into three key strategies:

- (1) Knowledge strategy;
- (2) Network-building strategy;
- (3) Strategy for the Presidency.

Using these three strategies, this chapter describes how the Dutch working method is perceived on the European stage. The chapter concludes by setting out the strategies of the Dutch government that can be considered valuable and the points for attention that should be taken into account in future government action in the European decision-making process.

¹⁷ See the report by the Clingendael Institute (2008) entitled ‘Stof tot nadenken’ for the basic evaluation of the entire process.

Institution	Number of interviews
Dutch government departments (VROM & EZ)	4
Dutch permanent representation	1
European Commission	6
Council Secretariat	1
Officials of other Member States	15
Other	2
Total	29

Table 2 – Overview of interviews

As the key question in this sub-study is a question about the perception of external people, interviews were held with key people in the relevant institutions (see Table 2 and Appendix 1 for more details). At national level, officials of the most closely involved departments (VROM and EZ) were interviewed. The relevant European players that were contacted work for the European Commission (both the Environment Directorate-General and the Enterprise and Industry Directorate-General), the Ad Hoc Council Working Party (AHWP) and COREPER, and in several relevant Member States. The Member States were selected on the basis of their assumed contribution to the REACH decision-making process and/or on the basis of their relationship with the Netherlands during this process. The following Member States are represented in the set of interviews: Malta, Slovenia, Germany, the UK, Sweden, Denmark, Finland, Ireland and Luxembourg. The representatives interviewed from these Member States worked for national ministries and were either seconded to the European Commission in that capacity at the time of the policy preparations or they were involved in the discussions on the REACH proposal in the decision-making phase. Where possible, the assessments by the external people were validated on the basis of official documents, reports and presentations (see the list of references for the documents used).

Table 3: Key moments in the interaction between the Dutch government and European partners¹⁸

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
<i>Dutch government</i>			SOMS survey Leidschendam I workshop	SOMS development The Hague workshop	SOMS Strategic Policy Document Letter from Ministers Jorritsma (EZ) & Pronk (VROM) to Commission + Ministers of Environment & Industry of the Member States Scheveningen I workshop	Leidschendam II workshop	Joint response of Dutch government departments to draft REACH Regulation	SOMS Implementation Policy Document Scheveningen II workshop		
<i>European Commission</i>					Presentation of White Paper Secondment of Dutch official	Secondment of Dutch official	Draft REACH Regulation Secondment of Dutch official			
<i>Council of Ministers</i>	Questions put by Minister De Boer in Environmental Council	Chester meeting	Environmental Council conclusions				Establishment of Ad Hoc Council Working Party	Dutch EU Presidency Expert meeting on annexes		REACH adopted
<i>Contacts with other Member States</i>							Bilateral meetings relating to Presidency (Ger, Fr, Ire, It, Lux, UK)	Malta/Slovenia proposal		

¹⁸ This timeline is not intended to be comprehensive. It only lists the key moments that are important for outlining the Dutch working method on the European stage. See Appendix 2 for a more detailed timeline.

3.2. Knowledge strategy

The national Strategy on Handling Chemical Substances (SOMS) greatly affected the way in which the Dutch government acted during the development of REACH. Partly due to the parallel development of SOMS, the Netherlands built up a great deal of knowledge on the subject, as a result of which it could act proactively and strategically on a European level. In short, it is partly due to SOMS that the procedure used by the Dutch government during the REACH process can be described to a significant extent as a knowledge strategy. The Netherlands is considered to be *expert-minded* due to its strong technical chemical expertise and knowledge of chemicals policy (#22). This section analyses how the Dutch knowledge strategy was propagated and perceived.

3.2.1. Knowledge strategy via SOMS

The knowledge strategy of the Netherlands is mainly influenced by the way in which the Dutch government used SOMS on the European stage. The SOMS programme initiated in the Netherlands – which ran from 1999 to 2004, with the 2001–2003 period being the development phase – was launched as a joint initiative of the government, the business sector and civil-society organisations with the aim of developing ideas and instruments for the implementation of a new and improved chemicals policy. Even though the Dutch respondents have differing opinions on the question of whether SOMS should be viewed as a national process or as the Dutch response to the future change in chemical substances regulations at European level, they do agree that SOMS was useful for the Netherlands during the development of REACH. A great deal of subject knowledge was acquired (#1, 2, 3, 4, 6), whereby SOMS even fulfilled a ‘think tank’ function (#1). This gave the Netherlands the opportunity to develop a consistent and comprehensive approach at an early stage, as a result of which it could enter the negotiations with a proactive and ambitious attitude.

As Table 3 shows, the European institutions, the Member States and industry were actively made aware of SOMS. SOMS spearheads were explained on the European stage, based especially on the letter written by Ministers Jorritsma and Pronk¹⁹, several workshops²⁰, bilateral contacts, and on providing the Strategic Policy Document and the progress reports in English during Council Working Party meetings (#12, 13, 14, 18, 20, 21, 22, 23, 24, 26). The SOMS Implementation Policy Document defines four spearheads²¹:

1. Creating knowledge and catching up on any lag in knowledge as regards the most relevant chemicals;
2. Sharing knowledge by maximising the openness of data relating to chemicals;
3. Prioritising chemicals, so that chemicals posing the greatest danger or risk to humans and/or the environment can be addressed as a matter of priority;
4. Including a duty of care, whereby knowledge about the dangers and risks of chemicals is shared so that everyone can handle chemicals responsibly.

¹⁹ This response to the White Paper, sent to the Commission and the Ministers of the Environment, Industry and Public Health of the EU Member States with a cover letter by Ministers Pronk and Jorritsma (DGM/SAS/2001040921), can be viewed as ‘offering SOMS to them’.

²⁰ ‘Future European Chemicals Policy’ (Leidschendam, 16-17 December 1999), ‘Strategy On Management of Substances’ (The Hague, 28-29 June 2000), ‘European Chemicals Policy’ (Scheveningen, 7 December 2001) and ‘EU Chemicals Policy’ (Leidschendam, 24-25 January 2002).

²¹ SOMS Implementation Policy Document (‘Nederlands stoffenbeleid in internationaal perspectief’, The Hague 2004, pp. 36-7).

This final spearhead reflects the Dutch perception that SOMS was supposed to break through the damaged relationship between a government acting as regulator and enforcer and a business sector anticipating such actions by the government²². SOMS was supposed to cause a paradigm shift, whereby the business sector would be encouraged to come up with ideas and solutions with regard to chemicals policy.

The interviews show that the Netherlands indeed succeeded in drawing international attention to SOMS. With only a few exceptions, all international respondents had heard of SOMS and many of them were able to reproduce ideas from SOMS: “A very good idea. It gave a clear structure to handle/register dangerous substances, clear assessment procedures, proposals for restrictions and authorisation” (#15)²³. Two aspects drew particular attention: the prioritising of substances (#11, 18, 20) and the major responsibility of producers (#12, 13, 26). The comments by the respondents show that SOMS is mainly considered to be a Dutch process. It is seen as a programme that can only be implemented as a policy in a consensus culture like the one in the Netherlands (#12), as a programme that is difficult to transfer to the European level (#6, 8, 12), and as a programme that differs on many points from the course set by the Commission in its White Paper entitled ‘Strategy for a Future Chemicals Policy’ (#11)²⁴. For a number of external people it was also very clear that the Dutch government, partly because of SOMS, sometimes had a significant knowledge lead over many of the other Member States (#15, 23, 26). According to both national and international respondents, therefore, SOMS played an important role in how the Dutch government was able to use and did use both technical knowledge of chemicals and knowledge of chemicals policy during the development of REACH.

3.2.2. Knowledge strategy during the policy preparation phase

Both the Dutch people involved and a respondent at the European Commission indicated that the drafting of the White Paper was a particularly closed and internal affair (#1, 2, 11). After publication of the White Paper – which made it clear that this European process would have a different approach compared to that of the Dutch SOMS programme – various strategies were adopted (#2, 18, 20)²⁵. Like a number of other Member States (including Denmark and Sweden) the Dutch government submitted national ideas about updating the chemicals policy to the Commission. Although it is difficult to indicate what effect these submissions had, they at least made the Commission officially aware of the Dutch standpoint (#11).

An essential part of the Dutch knowledge strategy consisted of the unique secondment of a Dutch expert²⁶ to the European Commission’s Environment Directorate-General from late 2001 up to the publication of the draft Regulation in October 2003. This secondment can be

²² ‘Strategy On Management of Substances’, CEFIC–VNCI–VROM Workshop Report, 28–29 June 2000, p. 8.

²³ It is striking that the research conducted for Chapter 4 shows that MEPs were much less informed about the substance of SOMS than respondents from the Commission and other Member States.

²⁴ The major responsibility of industry as emphasised in SOMS was cited as a particular example of an aspect that would be difficult to copy in other Member States.

²⁵ SOMS covers only part of the overall substances policy and should be viewed much more as the national standpoint of the Netherlands. SOMS also places much more emphasis on prioritising. See the ‘triple measure’ in: Ministry of Housing, Spatial Planning and the Environment (VROM) ‘Strategienota Omgaan Met Stoffen’ (‘Handling Chemical Substances Strategic Policy Document’), The Hague 2001, pp. 39-40. See also the Netherlands’ comments on the White Paper in: ‘Kaderinstructie Witboek Chemische Stoffen Strategie’.

²⁶ De Kwaasteniet, M., De Graaf, R., Goezinne, B., Bosscher, P., Van Lierop, L. (2007) ‘De strijd voor de gestreepte naaktslak’, p. 12, where an expert is defined as: “An employee of the (central) government or knowledge institutions with specific expertise that is widely respected”.

considered unique because it was part-time. In general, secondment of national experts to the European Commission is only possible on a full-time basis in order to prevent conflicts of interest. However, according to people involved in the Commission, an exception was made for the Dutch expert because of his honest reputation (#9, 11). The secondment of the expert was seized by the Dutch government as an opportunity to monitor developments in the policy-preparation phase of REACH. In such cases a seconded expert can serve as a point of contact for national policy officials working in The Hague or at the Permanent Representation in Brussels, which is especially important because the Dutch government has little to no access to the formulation process within the Commission during this phase of drafting.²⁷

In the REACH process the Dutch expert was appointed and given the main task of organising an awareness raising workshop (#1). However, during his secondment the expert was mainly involved in the joint drafting of annexes V-XI of the draft Regulation (#1) – which is an essential part of REACH²⁸. The secondment was valued as an opportunity to influence the policy process (#1, 12) and as a point of contact to keep the ministerial officials up to date with developments in the team of writers (#1, 2, 4). The way in which this secondment was implemented – both from an organisational and a substantive point of view – was greatly appreciated at national and international level (#3, 6, 11, 15, 18, 20). As regards substance, the following Dutch ideas in particular were put forward during the expert's secondment and then incorporated in the Commission Proposal:

- *Duty of care;*
- *Information through the supply chain;*
- *Registration of substances*²⁹.

However, due to the responses from the Internet consultation – whereby stakeholders in the REACH process such as non-governmental organisations and the chemical industry responded to the preliminary draft of the Commission Proposal with approximately 6400 responses – the above points were rewritten or deleted. It can be concluded from this outcome that the seconded expert succeeded in influencing the Commission during the preparatory phase in some areas, but that this effect was almost completely nullified by the influence and consultations of other players.

Generally speaking, the aim of secondment can be described as providing the Commission with knowledge and practical experience in specific areas of expertise – in this case, chemicals policy³⁰. One of the respondents stated that the Dutch expert brought with him practical and technical experience that was lacking at the Commission (#11). The German and British officials in particular were impressed by how the Netherlands had organised the secondment (#15, 18, 19). In Germany there is no political culture of maintaining contact between a seconded official and his or her ministry. In other words, they do not use the position and knowledge of officials seconded to the Commission.

²⁷ Suvarierol, S. and Van den Berg, C. (2008) 'Bridge Builders or Bridgeheads in Brussels? The World of Seconded National Experts', pp. 116-7.

²⁸ Annexes I-XVII, pp. 235-36, Regulation (EC) No 1907/2006 of the European Parliament and of the Council of December 2006.

²⁹ Commission of the European Communities (2003) 'Consultation document concerning REACH', pp. 8-10.

³⁰ Suvarierol, S. and Van den Berg, C. (2008) 'Bridge Builders or Bridgeheads in Brussels? The World of Seconded National Experts', p. 109, 117. The Netherlands is a country with a high level of expertise in areas that are in high demand at the Commission. They include agriculture, the environment and transport.

The secondment of national experts to the European Commission during the development phase of European legislation was, quite rightly, seen as a constructive opportunity to contribute to the policy-making process at the European level. Whereas in this specific case the situation was unique because an opportunity for part-time secondment was created, the German respondents show that institutionalised feedback to the home front must be organised in cases of full-time secondment. Generally speaking, communication is usually one-way: *“Expertise of Dutch ministries/authorities flows largely toward the Commission [but] the Dutch administration does not always get the EU expertise back”*.³¹

3.2.3. Knowledge strategy during the decision-making phase

On several occasions a number of Member States were mentioned as being heavyweights during the decision-making process (the UK, Germany and France)³². The Netherlands was often included in this list as well (#10, 11, 15, 17, 18), especially due to its excellent reputation as regards chemicals policy (#18, 20, 22, 23). It is striking that the smaller new Member States especially appreciated the input of Dutch expertise (combined with the Netherlands’ open attitude) (#7, 8, 10, 22). The Netherlands’ good preparation and active approach on the European stage were appreciated. During the drafting phase the Netherlands seemed to be one step ahead in thinking about chemicals policy compared to other countries (#6, 15, 22). During the meetings of the AHWP the Netherlands made a positive contribution by submitting a large number of working documents³³ and the *constructive and detailed* position of the Dutch government was noticed (#6, 8, 10, 12, 16, 18, 22): *“The Dutch put their money where their mouth is”* (#23).

Like the UK, and partly as a result of SOMS, the Netherlands uses an overarching rather than an issue-to-issue approach³⁴. This approach has a positive effect on the reputation of a Member State and can play an important role in determining a country’s influence during the negotiations (#17). In addition – and the comparison with the UK once again applies – the important role of the national expert as a backup for the representative in the Council meetings was described as crucial (#16, 26). The unique combination of substantive expertise and management/negotiating skills was especially praised.

In short, the Dutch knowledge strategy during the decision-making phase can be described as proactive and overarching, set out through the submission of constructive and detailed working documents, whereby a strategic combination of negotiators and experts was deployed.

³¹ Suvarierol, S. and Van den Berg, C. (2008).

³² Italy, Finland, Denmark, Sweden and Malta were also mentioned several times.

³³ The UK and Sweden also submitted a large number of working documents. Council of the European Union, the Dutch delegation, Ad Hoc Working Party on Chemicals, Brussels, 5 February 2004, 6012/04.

³⁴ Department for Environment, Food and Rural Affairs (2002). ‘New EU Chemicals Strategy Position Statement by the UK Government and the Devolved Administrations’. London.

3.2.4. The Dutch knowledge strategy from a comparative perspective³⁵

The thorough Dutch preparation and expertise were not unique. The UK was often mentioned in the same breath as the Netherlands in this regard, which makes a brief comparison interesting. It is often stated that the UK had a similar strategy in which it determined its own, comprehensive standpoint at an early stage and – based on many discussions with key people (#20) – promoted this standpoint at the European level. This approach by the UK shows the importance of *know-how* and *who you know*; in other words “[t]horough substantive knowledge as well as knowledge of the organisations, procedures and individuals who shape the policy environment”³⁶. However, there are two crucial differences, as a result of which (from a comparative perspective) the UK approach was more successful than the Dutch strategy. First of all, the UK was more effective (and at an earlier stage) as regards considering the interests and position of the Commission itself and adjusting its own position accordingly (#4, 12, 17, 18, 20). Secondly the UK did not prepare itself by means of a concrete national process. Instead, it tried to reach a common, more flexible standpoint at national level at the earliest possible time and then to form coalitions on that basis at the European level³⁷.

Because of SOMS the Netherlands was already so far ahead with the development of its own national ideas that this distorted the relationship with other Member States, which were not so far advanced in the field of chemicals policy and used a more issue-to-issue approach. Combined with the failure to include the European Commission’s standpoint in a central position, this ensured that the Netherlands was unable to take full advantage of the advances that it had made in this field. Nevertheless, it was stated that the UK’s frequent contacts within the European Commission made it more successful in getting a foot in the door during the highly closed-off process of drafting the White Paper. This statement appears to indicate that the Dutch government can try to improve continuity and use the vertical network relationships³⁸ between national and European policy officials and experts more effectively. After the secondment of the Dutch expert came to an end, the contacts with the Commission were not continued as explicitly in the REACH policy process. During the formal decision-making phase for REACH, the expert was no longer seconded to the Commission and he supported the Dutch Permanent Representation during the EU Presidency. In this phase the Commission – in addition to the Council and the European Parliament – continuously formulated its own non-binding standpoint in terms of what was and was not acceptable in the final Regulation. In addition, officials from the Commission participated in the Council Working Party and acted as mediators between Member States and as ‘advocates’ of the draft

³⁵ Given the large number of references by respondents, a comparison is made on several occasions in this chapter between the Netherlands and the UK with regard to the use of a high-quality and effective knowledge strategy. However, we should ask ourselves to what extent this comparison is relevant for the Netherlands. As stated above, the UK operates on the basis of cases so that it can deploy officials in a strategic manner, which is an approach where the continuity of staffing is less relevant and the officials deployed therefore change more frequently. For the Netherlands this part of political culture at the level of officials is strange, as it does not fit in with the national capacities and possibilities. The UK also has a larger voting weight in the Council of Ministers than the Netherlands. By definition this makes the UK a partner with more status that can influence proposals in the Council on the basis of power politics and strategic collaboration. It is striking, though, that during the REACH process the UK did not use its power during the formal decision-making process. Instead, it chose to influence the process at the earliest possible stage of the policy preparations by promoting subjects with government-wide support at the European level.

³⁶ Jönsson, C., Strömviik, Strömviik, M. (2005). ‘Negotiating in networks’ p. 18.

³⁷ Department for Environment, Food and Rural Affairs (2002). ‘New EU Chemicals Strategy Position Statement by the UK Government and the Devolved Administrations’. London.

³⁸ Slaughter, A-M. (2004). *A New World Order*, p. 21.

Regulation³⁹. Via Member State amendments the Commission was also encouraged to explain provisions in the draft Regulation in more detail (#26). The Commission can be an important ally – especially in the aforementioned role as an ‘architect of compromise’ on controversial subtopics. Some Member States, such as the UK, therefore choose to maintain close contacts with the Commission during this phase. In short, it is strategically important for the Netherlands to actively use vertical contacts with the Commission during this phase in future.

For some people there is also the belief that the Dutch government was trying too hard to follow its own course – in the shape of SOMS – so that it could then confront the Commission with it and try to raise the SOMS programme from a national to a European level (#27). On the one hand, this resulted in a ‘think-tank function’. Because of SOMS the Dutch delegation was able to offer alternatives for the draft Regulation (#23, 26). However, on the other hand, the Netherlands consequently lacked the degree of flexibility needed to seek out a workable model at European level that might be acceptable for both Member States and European industry (#17, 18, 27). According to some respondents, this attitude resulted in tensions during the negotiations (#12, 18, 27). One respondent also stated that: “*The SOMS-kind approach was not so popular because it goes against the grain of REACH, which is about acquiring a basic level of data on all chemicals*” (#20).

In short, we can conclude that the Dutch input in the REACH decision-making process used a ‘knowledge strategy’. It is important to note here that various types of knowledge played a role. First of all, *technical* knowledge of chemicals is required in order to make a successful and strategic contribution to European negotiations. Secondly, knowledge of chemicals *policy* is required, and the third requirement is knowledge of the *EU policy process*. A basis for successful negotiations is only present if these different types of knowledge are combined. Based on our findings, we can conclude that the Netherlands was well-prepared (in the shape of SOMS) for a new European chemicals policy. In both the policy-preparation and decision-making phases for the Regulation the Netherlands provided ideas and proposals that were always based on technical knowledge of chemicals and knowledge of chemicals policy. By seconding a Dutch expert to the European Commission and submitting ideas and practical compromise proposals (#18; see also 3.4) during the REACH process the Netherlands showed that it was well informed about the possibilities in EU policymaking. At the same time, we can conclude that the Netherlands could probably have used its *knowledge advantage* better if it had taken the standpoints of the European Commission and the other Member States into account more and in an even more flexible manner.

3.3. Network-building strategy

The Dutch knowledge in the field of chemicals and chemicals policy was not only crucial in achieving an overarching approach to the negotiations during the REACH policy process. The available knowledge also affected how the Dutch government operated in the interaction with the other Member States on the European stage. In other words, based on its own knowledge and expertise (partly from SOMS) the Dutch government developed a particular working attitude, which can be described as a ‘network-building strategy’. This strategy consisted of an open and pragmatic attitude towards other Member States in the shape of bilateral and multilateral contacts in ‘horizontal information networks’. In these networks policy officials and experts exchanged and propagated knowledge about aspects within their own policy

³⁹ Hayes-Renshaw, F. (2006). ‘The Council of Ministers’, p. 76.

areas, e.g. by means of “*technical assistance and training programs provided by one country’s officials to another*”⁴⁰.

3.3.1. The significance of knowledge transfer

The above comments very much reflect our findings that the Dutch government actively used the available *technical* knowledge of chemicals and chemicals policy during the REACH policy process. For example, the Netherlands Government Information Service organised REACH training courses for new Member States (#4)⁴¹. Furthermore, the Ministry of Housing, Spatial Planning and the Environment (VROM) assisted the authorities in the new EU Member State of Estonia in their preparations for the implementation of REACH. This assistance consisted of study trips by Estonian officials to the Netherlands and training organised by the National Institute for Public Health and the Environment (RIVM)⁴². The Netherlands uses these forms of knowledge sharing to develop relevant contacts and create a network at the European expert level. Another consequence of these activities is that the Dutch government creates a position for itself as an *information line* for these fellow experts. It could be concluded that this is a way of exporting its own views on chemicals policy and creating new alliances.

Respondents from the new Member States mentioned the open approach to knowledge transfer used by the Dutch government (#8, 10). The strong presence of Dutch experts in training courses organised by the European Commission on chemicals policy and the introduction to Dutch ideas about chemicals policy as a result of a secondment to RIVM were mentioned in particular. The presence of Dutch experts in the pre-REACH Competent Authorities Meetings allowed the Netherlands to be convincing because of its expert knowledge (#11) – which is another good reason for developing contacts with experts from other Member States.

Apart from the contribution to training and the Competent Authorities Meetings, the Dutch government also organised a number of workshops that played an important role in the network-building strategy⁴³. The first of these workshops, which was organised in 1999, involved a brainstorming session between experts from Member States and the Commission on the allocation of responsibility to stakeholders in the future European chemicals policy⁴⁴. The aim of the second workshop in 2000 was to discuss the SOMS programme with the European industry umbrella organisation CEFIC⁴⁵. At the third workshop – on the subject of *European Chemicals Policy* – Dutch and European parties analysed the chemicals policy in the context of the White Paper⁴⁶. Finally, the workshop on *EU Chemicals Policy* was held in 2002, covering developments and the possible implementation at national level of ideas formulated in the White Paper and the Council conclusions of June 2001⁴⁷. During these workshops ideas from SOMS were propagated and thoughts were exchanged with Member

⁴⁰ Slaughter, A-M. (2004). *A New World Order*, p. 19.

⁴¹ The new Member States in question were Slovakia, the Czech Republic and Bulgaria.

⁴² VROM (2005) ‘Raising awareness and promoting preparations for the implementation of the REACH Regulation in Estonia’, pp. 7-8.

⁴³ The workshop organised during the Dutch EU Presidency in October 2004, *Impact Assessments*, is discussed in Section 3.4.

⁴⁴ VROM (1999) ‘Future European Chemicals Policy: Report Brainstorming Session’. Leidschendam 16-17 December.

⁴⁵ VROM (2000) ‘Strategy On Management of Substances: Report Workshop CEFIC–VNCI–VROM’. The Hague, 28–29 June.

⁴⁶ VROM (2001) ‘Workshop European Chemicals Policy’. Scheveningen 7 December.

⁴⁷ VROM. ‘Report of the Workshop on EU chemicals policy’. Leidschendam 24-25 January 2002.

States, non-governmental organisations and industry about new chemicals policy. All of these different “moments of knowledge transfer” painted a picture of the Netherlands as a Member State with expert knowledge in the field of chemicals and chemicals policy. One of the respondents even talked about a “*Dutch school of risk assessment*” (#8). This reputation is essential for network building.

3.3.2. From knowledge transfer to network building

At the time of the REACH policy process the Dutch government formed varying coalitions with individual Member States or groups of Member States on points where the parties involved could strengthen each other’s standpoints⁴⁸. The Netherlands always tried to use various formations in these coalitions: resistance is created if it is mostly one Member State or the same group of Member States submitting proposals (#4, 6). A large number of bilateral meetings were also held, especially during the preparatory phase for the Presidency. Various considerations played a role in this regard. Contact was mostly made with the Member States who had held or would hold the EU Presidency immediately before or after the Netherlands, namely Ireland, Luxembourg and the UK. There were also close contacts with countries that had a strong substantive opinion on REACH and that had an interest in the development of European regulations (Germany, the UK, France).

During the decision-making phase for REACH there were never any major, far-reaching textual proposals; even the relatively substantial “*one substance, one registration (OSOR)*” proposal from the UK and Hungary should be viewed in this light (#6)⁴⁹. The Dutch government informally joined in the deliberations of Member States that presented proposals and tried to give a direction to the proposals. The example mentioned most in the interviews was the Dutch involvement in preparing the proposal for information requirements for low volumes of chemicals from Malta and Slovenia. This proposal was written after the workshop on *Impact Assessments* in October 2004 and was extremely important for Malta in particular, as a trading country with a lot of medium-sized industry⁵⁰. The Dutch input in this proposal was greatly appreciated by the Member States in question (#7, 8, 10). Partly because they submitted this proposal, both Malta and Slovenia were seen as Member States that actively and constructively participated in the REACH negotiations (#3, 4, 16). One of the Dutch respondents suggested that it is strategically useful to actively involve new Member States in particular in proposals for change, as this increases the chances of success (#4)⁵¹. This collaboration fitted in well with the Netherlands’ aim of achieving a workable Regulation during the negotiations.

The Netherlands is also appreciated as a pragmatic Member State that wanted to organise legislation about chemicals policy in a practical and workable manner (#6, 7, 16, 17). Contrary to northern Member States such as Denmark and Sweden for example, which were highly focused on good legislation to protect the environment, the Netherlands is viewed as a Member State that tries to find the middle course between environment and industry. The Netherlands is very similar in this regard to the UK, which is like-minded in its pursuit of

⁴⁸ VROM, ‘REACH als voorbeeld voor “Beter omgaan met Brussel”’.

⁴⁹ Council of the European Union, ‘One Substance, One Registration’, Brussels, 14 January 2004, 5285/04. REACH Framework Instructions (, p.3. The proposed OSOR amendment submitted by the UK and Hungary consisted of two key elements. The first element emphasised the joint submission by producer and importer of a single registration file per substance and the second element focussed on the sharing of substance test data (both animal test data and non-animal test data).

⁵⁰ The Dutch support for the proposal submitted by Malta and Slovenia was mainly given to keep the process moving forward. See also 3.4.

⁵¹ See also the contribution by Hungary in the British OSOR proposal.

workable chemicals regulations and also seeks contact with other Member States in an open-minded way.

3.3.3. Appreciation for the Dutch working attitude

The Netherlands wanted to propagate REACH as it was one of the country’s spearheads as a Member State – and later also during the EU Presidency. Various active attempts were made to transfer knowledge through training courses and workshops, as well as through collaboration with other Member States. This open and pragmatic attitude on the part of the Dutch officials involved was explicitly appreciated by respondents from other Member States. Respondents from Malta and Slovenia, for example, appreciated the “*active support*” (#10) provided during the process of working out the details of their proposal. This indicates that the open working attitude and active formation of varying coalitions played a role in the appreciation for the Netherlands as a partner in the REACH policy process. Especially during the Dutch Presidency, the Dutch strategy was described as “*building trust and encouraging Member States, also new and small ones, to come with proposals and then show genuine interest in these proposals*” (#10).

3.4. Strategy for the EU Presidency

The Dutch Presidency of the European Union from July to December 2004 coincided with the initial negotiations on the wording of the draft REACH Regulation. To advance the process the Netherlands used a formal coordination structure within the Ministry of Housing, Spatial Planning and the Environment (VROM), at the interdepartmental level and at the European level⁵². At the centre of this coordination structure was the dedicated team set up in late 2003 to prepare for the Presidency in the Competitiveness Council and the Environmental Council, and the Dutch instructions for the country’s delegation in the AHWP. Interdepartmental coordination was provided in the interdepartmental Coordinating Committee for International Environmental Affairs (‘CIM group’)⁵³. During the six months of the EU Presidency a Presidency Team and a Presidency Steering Group was added to this coordination structure.⁵⁴

2004	January-June	Ireland
2004	July-December	The Netherlands
2005	January-June	Luxembourg
2005	July-December	United Kingdom
2006	January-June	Austria
2006	July-December	Finland

Table 4 – Overview of countries that held the EU Presidency during the REACH decision-making phase

⁵² EACH team), ‘Suggestions for tasks, structure, organisation, division of tasks, subjects to be discussed, etc.’).

⁵³ Clingendael Institute (2008). The dedicated team, including representatives of VROM, EZ and BZ (Ministry of Foreign Affairs), drew up the instructions for the Dutch negotiating position. These instructions were then addressed in the CIM, where no substantive discussion was possible because of lack of time.

⁵⁴ Clingendael Institute (2008), p. 25.

3.4.1. The European ambitions for the Dutch Presidency

The first full reading of the proposal took place and the debate on the main aspects of the proposal began during the Irish Presidency from January to June 2004. The draft Regulation was then discussed article by article during the Dutch Presidency in seven meetings of the Ad Hoc Working Party on Chemicals (AHWP)⁵⁵. Some respondents stated that the Dutch Presidency was when the Netherlands stopped using SOMS excessively as the basis for its views on REACH (#12). Whereas the Netherlands mainly viewed REACH from a SOMS-related perspective in the initial phase of the negotiations during the Irish Presidency (#12, 17, 18), it seems as if a switch took place during the Dutch Presidency, whereby the Netherlands became more Europe-minded and started looking at the Regulation in a more realistic and pragmatic manner (#12).

One especially crucial decision was the decision to discuss Annexes IV-IX during a special meeting of experts rather than in the AHWP due to their technical complexity. The REACH Strategy Document drawn up by the REACH team for the Dutch Presidency states that: “*In view of the circumstances, the ambition for the Dutch Presidency with regard to REACH is mainly process-based and to a lesser degree substantive*”⁵⁶. Because the REACH negotiations were still at an early stage at the European and national levels due to a variety of reasons⁵⁷, it was considered unlikely that a final result would be achieved during the Dutch Presidency. Even though the Strategy Document stated the ambition – in an ideal scenario – of reaching political agreement in the Council, it was emphasised at the same time that it would be difficult to do so.

The Netherlands therefore decided to emphasise progress in the process, in other words, the expedient advancement of the handling of the proposal during the successive presidencies, including the Dutch one. Discussions were therefore held with Ireland during its presidency and with Luxembourg and the UK as the two countries who would hold the presidency after the Netherlands. Luxembourg and the UK indicated their willingness to work with the Netherlands, so process agreements were made relating to their involvement in the preparation and completion of the work of the AHWP⁵⁸. As usual, a *Joint Presidency Work Programme* was drawn up between the three Member States and the Council Secretariat. This programme formed part of a larger strategic programme aimed at promoting collaboration between countries succeeding each other as holders of the EU Presidency⁵⁹.

Some respondents appreciated the close collaboration between the like-minded Netherlands, Luxembourg and the UK as a good example of teamwork over the three successive presidencies of these Member States (#20, 23, 26). Long before any of the three Member States took up the EU Presidency, agreements were made about political collaboration and the

⁵⁵ Van der Wielen, A. ‘REACH in the Council: Results of the NL Presidency and planning LU Presidency’, presentation of 16 March 2005, Brussels.

⁵⁶ ‘*Strategiedocument REACH ten behoeve van het Voorzitterschap NL 2e helft 2004*’, *dossiersteam REACH* (REACH team), 1 July 2004, p. 23.

⁵⁷ The reasons included the accession of new Member States, the European Parliament elections, the inauguration of the new Commission and Member States that let their final standpoint depend on the results of national business impact studies that had not been completed at the time. See also: Smulders, M. ‘De invloed van de door Nederland georganiseerde workshop over de REACH impact studies op de totstandkoming van de REACH Verordening’, The Hague 2008.

⁵⁸ Van der Wielen, A. Report on the bilateral meeting with the UK delegation, DGM/SAS/SN, 9 April 2003. ‘*Strategiedocument REACH*’ (‘REACH Strategy Document’), p. 5.

⁵⁹ Council of the European Union (2003). ‘Multi-annual strategic programme’, p. 4.

use of certain working methods⁶⁰. These agreements were based on the mutual desire to achieve a practical European chemicals policy that was acceptable both from the perspective of industry and the environment.

3.4.2. *The pragmatic approach in detail*

Following the Irish Presidency, in which the main aspects of the draft Regulation were discussed, the Netherlands set itself the task of presiding over discussion of Titles I-III – general aspects and registration, authorisation and registration, evaluation and agency, technical annexes, enforcement and BIS⁶¹. In the interests of both substantive and process-based progress, the Netherlands deemed it necessary as President to encourage the Member States to adopt less non-committal positions and to oblige the Commission to possibly amend its Commission Proposal. The Dutch REACH team intended to achieve these aims by taking a themed approach to the REACH proposal and discussing it one article at a time, and then recording the results of this discussion in a *footnotes document* (#3, 6, 18). The AHWP therefore worked with a footnotes document in conjunction with working documents. The working documents set out the various standpoints of the Member States and an attempt was made to find harmony between these standpoints. The discussion in the AHWP was then recorded in the footnotes document, which served as the basis for further negotiations.

Both documents provided a structure for the discussion in the AHWP and made it clear to the Commission where the parties agreed or disagreed. This working method also prompted the Commission to explain certain provisions in more detail. The Netherlands was the first Member State to structure the discussion in the AHWP in such a pragmatic way (#6, 26). The large amount of time and energy required by this approach, however, was one reason why other Member States avoided using this method during their Presidency. Nevertheless, from an organisational and process-related perspective, this aspect of the Dutch working method was considered to be an important instrument for a structured Presidency (#16, 22, 23, 24). The use of the documents continued during the Luxembourg Presidency and the Dutch delegation continued to play an active role. This exhaustive working method, the transfer of agenda items and the close collaboration between the three holders of the EU Presidency enabled the UK to reach a political agreement in the Council during its Presidency (#26)⁶².

Apart from its period as EU President, the Netherlands naturally also played a leading role as a Member State by assigning a high priority to REACH at the international level and by formulating ten ‘main issues’, three of which were set out in detail in position papers as Dutch spearheads⁶³. From a process point of view, the Netherlands prepared itself during the preceding Irish Presidency by starting the determination of interdepartmental standpoints and by starting national coordination for the European level in the form of the aforementioned dedicated REACH team and a focus group. However, this ambitious preparation to advance the process and the substance at national and European level was a cause for concern, because the Netherlands as EU President had to ensure that it did not frustrate the substantive wishes of the Netherlands as a Member State⁶⁴. This concern proved unfounded. The interviews show

⁶⁰ Van der Wielen, A. ‘*Verslag bilateraal gesprek met UK delegatie*’, DGM/SAS/SN, 9 April 2003.

⁶¹ ‘*Strategiedocument REACH*’, pp. 6-8.

⁶² Council of the European Union, ‘Proposal for a Regulation of the European Parliament and of the Council concerning REACH’, Brussels, 6 September 2005, 11844/06.

⁶³ ‘REACH Strategy Document’ (‘*Strategiedocument REACH*’), pp. 4-5. These spearheads were duty of care, prioritising chemicals in the registration phase and further operational implementation of the chain of responsibility.

⁶⁴ ‘REACH Strategy Document’ (‘*Strategiedocument REACH*’), p. 5.

that the Netherlands was appreciated as one of the few Presidents that managed to separate the national input and its duties as EU President during the REACH process (#12, 16, 25). The Dutch President, seconded via the Ministry of Foreign Affairs to the Environment and Nature Policy Department of the Dutch Permanent Representation, was praised for the neutral and constructive manner in which he led the discussion in the AHWP (#10, 16, 18, 25, 26). The working method of a President supported by an expert official was then also mentioned as an important element for an expedient process: *“The importance of an expert who can always reply to the detailed questions of other Member States. This constitutes a great tool”* (#16). This division of roles was compared to the use of staff under the British Presidency (#16, 26).

3.4.3. Key moments during the Dutch Presidency

As regards aspects of the process, special praise was therefore reserved for the close collaboration between the successive holders of the EU Presidency, the working method of using working documents and a footnotes document and the neutral and constructive manner in which the Netherlands presided. As regards substance, two meetings during the Presidency appear to have been crucial. The first one was a unique meeting of experts outside of the AHWP in September 2004, at which the annexes containing ‘information requirements for registration’ (IV–IX) were discussed⁶⁵. These annexes form an essential part of REACH, as they stipulate the data requirements for industry. Due to their high level of complexity and technicality these annexes were not discussed in the AHWP. However, the results were fed back to the Working Party and included in the draft Regulation by the President. Luxembourg finished the discussion of these annexes and the results of this working method were included in the final text of the Regulation. In short, the Dutch Presidency played an important role in initiating and steering the discussions on annexes IV-IX (#16).

Secondly, the *Impact Assessments* workshop was held in Scheveningen in October 2004. This workshop, which was aimed at supporting the organisation of a political debate at the end of the Dutch Presidency in the Competitiveness Council and the Environmental Council in order to show the way forward, focused on the studies published so far into the impact of the intended REACH Regulation⁶⁶. The purpose of this informal workshop was to exchange thoughts on the level of officials and distil more general conclusions from the various impact assessments carried out by parties such as the Commission, Member States, the business sector and NGOs. Assessing to what extent the workshop affected the REACH impact studies and the negotiating process falls outside the scope of this study⁶⁷. The interviews do show, however, that people considered the workshop to be an extremely important moment, as it greatly contributed to the political acceptance of REACH and as replies were given to the negative assessments from parties such as industry and other Member States (#16, 18, 19, 21, 22, 24, 26). This workshop and a follow-up workshop in May 2005 under the Luxembourg Presidency appear to have contributed greatly to creating a deeper general insight into REACH and – among other things – the environmental benefits of the Regulation, which are difficult to quantify⁶⁸.

⁶⁵ Ad Hoc Working Party on Chemicals, Expert Meeting on Annex IV-IX, ‘Outcome of Proceedings’, 29-30 September 2004. Council of the European Union, ‘Report from the Presidency to COREPER/Council’, Brussels, 3 December 2004, 15499/04.

⁶⁶ Competitiveness Council of 25-26 November 2004 and the Environmental Council of 20 December 2004.

⁶⁷ For such an assessment, see: Smulders, M. *‘De invloed van de door Nederland georganiseerde workshop over de REACH impact studies op de totstandkoming van de REACH Verordening’*.

⁶⁸ Smulders, M., p. 41. This publication shows that the Netherlands had more authority due to the fact that it organised the workshop in its capacity as EU President. If the Netherlands had organised the workshop merely as a Member State it remains uncertain whether it would have been taken equally seriously. In short: *“The workshop clearly benefited from the Presidency”*.

In short, it can be concluded that the Dutch Presidency was appreciated due to its realistic and pragmatic attitude: “*The Dutch handled the Presidency realistically and pragmatically in the best sense, meaning looking to what is both realistic and possible to achieve on such a complex and extensive dossier*” (#16). The Netherlands took a constructive and open approach to proposals from other Member States of the then EU-25. Furthermore, negotiations about the various aspects of REACH were held openly with the delegations and experts of the other Member States. This working method was an extension of what Dutch respondents described as the ‘importance of compromises’ (#1, 2).

3.5. Reflections on the role of the Netherlands on the European stage

The European REACH Regulation was drawn up via a process of negotiations between 25 Member States. The Dutch government played an active role on the European stage during this policy process. This chapter maps out how this role was perceived by external players. However, what were the views and assessments of the people involved in the European Commission, the AHWP and COREPER and in several relevant Member States regarding the Dutch strategy during the development of REACH, and what lessons can be learnt?

3.5.1. Success factors

By using a knowledge strategy the Dutch government recognised and seized many opportunities offered by the policy preparation and the decision-making process. Partly based on SOMS, the Netherlands developed a proactive and overarching approach to the negotiations. The Dutch standpoint concerning the updating of chemicals policy based on actual, detailed and constructive proposals was then propagated. The use of this knowledge strategy contributed to the Netherlands being taken seriously during the negotiations in the Council.

The Netherlands was able to use the network-building strategy to propagate its ideas relating to chemicals policy in an active and constructive manner through knowledge transfer at various levels and at various times. During the formal decision-making phase the Dutch government formed various coalitions and maintained horizontal contacts to guarantee the progress of both the substance and the process of REACH. Some of the coalitions were with Member States with a great deal of formal power in the Council and/or Member States that held the EU Presidency during the development of REACH. Furthermore, the Netherlands actively supported and encouraged new Member States during the development of REACH – especially with a view to advancing the process – in order to give their proposals a place in the Regulation.

The realistic and pragmatic attitude of the Netherlands as the President of the Council was appreciated. The close collaboration between like-minded, successive holders of the EU Presidency appears to have played a crucial role in the REACH negotiations; one respondent mentioned “*the luck that like-minded presidencies followed one another*” (#8). That cannot be described as a deliberate strategy of the Dutch government, because the Netherlands only rarely holds the Presidency of the Council and cannot control which subjects are on the agenda during its Presidency, nor can it ensure that it will be preceded and succeeded as President by like-minded countries with which it can easily cooperate⁶⁹. The Dutch

⁶⁹ Article 9b(6) & Article 9C(6). Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 13 December 2007. The rotating Presidency of the Competitiveness

government did, however, recognise and seize the opportunities offered by the Presidency in terms of collaboration. The working method used during the Presidency can therefore be considered a deliberate strategy. To benefit the REACH process the Netherlands initiated the use of a footnotes document and working documents in the AHWP to discuss the Regulation. This procedure was considered – both at the national and the European level – to be an important instrument for a structured Presidency. In this context the Dutch division of roles, which consisted of a spokesperson supported by a national expert, the open attitude of the Netherlands during its Presidency and the encouraging of proposals by new Member States were highly important.

3.5.2. *Points for attention*

As shown by the above overview of findings, there are various factors in this sub-study that had a strategic effect in the Dutch working method at the European level. Based on our findings, a number of points in the REACH process can also be identified that require more attention in future European issues.

Preparing for an EU decision-making process based on a national programme offers potential benefits (see knowledge strategy and network-building strategy), but it can also result in reduced flexibility. The first point for attention is that it will be important in a similar situation in future to monitor the standpoint of the Commission and the other Member States carefully from the start via a process of constant interaction, and then to be alert to – and to be willing and able to make – any changes that are required in the national standpoint. On the one hand, a good balance between a proactive and overarching strategy must be guaranteed and, on the other hand, sufficient flexibility to adjust this strategy is also needed. A large number of respondents also had the impression that the Dutch knowledge strategy (SOMS) served as a blueprint for the European chemicals policy. However, according to the Ministry of Housing, Spatial Planning and the Environment (VROM), SOMS was never intended to be a blueprint. Instead, SOMS acted as a point of reference to obtain an insight into the European field of influence and into the standpoints of the various European and national partners on chemicals policy. It is therefore important to make the role of any national programmes or strategies clear to the European institutions and other Member States during both the policy preparation and the formal decision-making phase for European rules.

Do not forget that it is important to maintain continuous and effective contact with relevant Commission officials. REACH showed – and this is no exception in the European policy process – that the Commission played an important role in both the policy preparation phase and in the formal decision-making phase. The Dutch government must ensure that it continuously and effectively uses the vertical network relationships between national and European policy officials and experts. In the case of REACH, the Dutch government strategically used the secondment of an expert to the Commission. However, the fact that no systematic contact was maintained with the relevant Directorates-General via the seconded expert's network after the end of the secondment was a missed opportunity. More specifically, providing an institutionalised follow-up to these contacts would enable the Netherlands to take up a more Europe-oriented preparation and negotiating position. It is then essential that the division of roles for this vertical interaction is coordinated at the national level and that the ministries involved do not work individually.

3.5.3. *Final considerations*

Council and the Environmental Council will be maintained. The Treaty provides for close collaboration between three successive holders of the Presidency.

The Netherlands had a greater effect on REACH than would be expected from a small Member State with limited formal weight. In an expanding European Union there are few Member States that use a proactive and overarching approach. Most use an issue-to-issue approach and try to reach agreement on a number of – nationally sensitive – subjects in a particular area. If an agreement can be reached with these Member States on these sensitive subjects, the negotiations in the Council can shift to the small group of Member States with an overarching approach and a knowledge strategy. The Dutch role in REACH shows that the Netherlands can be part of this latter group, which suggests that the Netherlands could also play a significant role in European negotiations about complex, knowledge-intensive issues in future. However, it should be noted that an approach of this kind requires considerable investments in terms of time, budget and human resources.

CHAPTER 4 – RELATIONSHIP BETWEEN POLICY AND PARLIAMENTS

4.1. Introduction

This chapter focuses on the relationship between parliaments, the Dutch government and Dutch government departments during the development of REACH. One important part of the analysis of how the Netherlands operated during the REACH development process is the study of the interaction between the Dutch government departments involved and the MPs. The government departments (with the Ministry of Housing, Spatial Planning and the Environment (VROM) playing the lead role) used a particular working method during the REACH negotiating process when approaching and involving Dutch MPs. This chapter focuses on this specific working method. The involvement of Dutch MPs in the development of REACH is also addressed as regards whether their involvement reflected the major social relevance of the Regulation.

A broad definition of the term 'parliaments' was adopted, to cover both the national parliament (Upper and Lower House) and the European Parliament (EP) in the analysis. In this study most attention is paid to the role of the Lower House, as it was the central player at the national level in the interaction between the Dutch government and the government departments.

As the REACH Regulation was handled under the co-decision procedure, the EP had the right of veto, which meant that the EP was a major player in the development of REACH. However, an extensive analysis of the role of the European Parliament in the development of REACH would exceed the scope of this sub-study. Such an analysis would require a study of the involvement of the EP in the decision-making process, including key moments such as the discussion of REACH in the various permanent committees of the EP and the negotiations between the EP and the Council. Instead, this document analyses the role of the EP from a Dutch perspective, setting out and analysing the relationship between MEPs and Members of the Dutch Parliament.

The study focuses on the period from 1999 to 2007. The start of the Dutch SOMS process in 1999 forms a natural starting point, with the entry into force of REACH on 1 June 2007 as the end point⁷⁰.

4.2. Research questions

This sub-study focuses on the evaluation of the relationship between parliaments and (other) Dutch players in the development of REACH. The central research question for this sub-study is as follows:

What was the role of the specific working method of the Dutch government departments in relation to the parliament in the development of the REACH Regulation and what was the nature of the interaction between the various players?

⁷⁰ In terms of the period studied, this sub-project extends slightly further than the sub-project described in Chapter 3. The decision to study a longer period was prompted by the possibility that supplementary data that is important for this sub-study could be drawn from the period between the adoption and the entry into force of the Regulation.

The research question can be broken down into three sub-questions. The first sub-question concerns the specific working method of the government departments and the Dutch government in relation to the parliament during the development of REACH. The answer to this sub-question should state which departments were the key players, how the interaction with the parliaments progressed, when information was exchanged and in what form this occurred.

The second sub-question concerns the role of the Lower House in the development of REACH. The answer to this question should establish the key moments and most important concerns in the eyes of the Members of the Lower House within the context of SOMS/REACH. To answer the research question relating to the interaction between the various players, it is important to determine what relationship existed between the Dutch government departments (with VROM as the lead) and the Lower House. Where possible and applicable, the Upper House will also be included in the analysis.

Finally, the role of the European Parliament will be analysed in relation to players in the Dutch context. This third major sub-question should establish in concrete terms whether there were any links between MEPs and Members of the Upper or Lower House, and what effect this had on the REACH decision-making process. In the context of the patterns of interaction between the various players it is also crucial to establish whether there were any contacts between the Dutch government departments and the Dutch MEPs and to specify any contacts that took place.

4.3. Approach to the research

The overarching research question requires both descriptive and opinion-based research. First of all, the Dutch working method with regard to the parliaments is described. An extensive document analysis was performed in order to obtain a picture of the Dutch working method. The analysis was based on various policy files from the VROM archive, including policy documents regarding the updating of chemicals policy in general and the responses on that subject from the business community and civil-society organisations, and files relating to the SOMS project and the associated memoranda and progress reports⁷¹. Other REACH policy files analysed involved correspondence with the Lower and Upper House and related to Parliamentary Questions, the REACH Implementation Act⁷² and the plenary debating of the Act in Parliament. Finally, files that had served as preparation for discussions with the Upper and Lower House were also analysed, and various articles from specialist journals (*Nederlands Tijdschrift Europees Recht*, *Chemie Magazine*, *Milieu & Recht*) were consulted.

In addition to an extensive and detailed analysis of relevant policy documents, various interviews were also held with people directly involved in the REACH process who worked

⁷¹ Handling Chemical Substances Strategic Policy Document (Parliamentary Papers II, 2000/01, 27 646, no. 2), Dutch chemicals policy from an international perspective: SOMS Implementation Policy Document (Parliamentary Papers II 2003/04, 27 646, no. 13), Progress Report: Implementation of Handling Chemical Substances Strategy (VROM 010745/h/12-01 17538/187) and the 2nd Progress Report: Implementation of Handling Chemical Substances Strategy (VROM 020602/10-02 21774/206).

⁷² Legislative proposal to expand and amend the Environmental Management Act in connection with the implementation of the EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and the transfer of the stipulations of the Chemical Substances Act to the Environmental Management Act, as well as the associated amendments to other Acts (Act implementing the EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)) (Parliamentary Papers II 2006/07, 30 600, nos.1-3).

for VROM and EZ (see Appendix 1). These interviews were held to guarantee that a complete picture was provided of the specific Dutch working method in relation to the parliament during the REACH process.

Another detailed analysis of documents was then performed in order to establish the *role* of parliaments in the development of the REACH Regulation. The web pages of the various parliamentary groups were analysed and approximately 150 Parliamentary Papers⁷³ were studied as part of the analysis of the role of the national parliament. The written documents exchanged between the government and parliament provide a good picture of the interaction between these two major players. These documents include letters from the Cabinet that provide information about the state of affairs with regard to REACH and the establishment of the Dutch standpoint, reports on meetings of the Council (EU) in which REACH was discussed, minutes of parliamentary committee meetings on the REACH Regulation where Cabinet members appeared, and documents relating to the REACH Implementation Act. An analysis of the Parliamentary Papers gave an insight into the information provided by the government/government departments to MPs and into the different views of the Members of the Upper and Lower House.

The MPs' views on REACH were also addressed in various interviews (see Appendix 1). The number of MPs actively involved in the REACH process was limited⁷⁴. The interviews were held with the MPs who were most actively involved in the development of REACH, especially during the period when the most important negotiations took place at the European level⁷⁵. These MPs were identified by studying the minutes of parliamentary committee meetings with Cabinet members regarding REACH.

The study of the role of the European Parliament included an analysis of documents that provided a picture of the REACH decision-making process as it unfolded at the European level. The documents were mainly obtained from sources such as the Legislative Observatory (OEIL), Per-lex and EUR-lex⁷⁶. A number of relevant articles from specialist journals such as *Chemie* magazine were also consulted⁷⁷.

Interviews were also held with Dutch Members of the European Parliament or Personal Assistants (PA) of the MEPs who were directly involved in the decision-making process at the European level (see Annex 1). It was decided to interview only Dutch EP respondents as the role of the EP was being analysed from a national perspective only.

⁷³ Obtained via Overheid.nl (<http://www.overheid.nl/op/>) and Parlando (<http://parlando.sdu.nl/cgi/login/anonymous>).

⁷⁴ After analysing all the Parliamentary Papers, counting the numbers of MPs who submitted Parliamentary Questions about REACH during the research period resulted in an initial estimate of the MPs who were most involved in this issue. This estimate was later verified and confirmed based on the results from interviews with the policy officials and MPs involved and on an analysis of the web pages of the various parliamentary groups.

⁷⁵ Mid-2003 to late 2006.

⁷⁶ Legislative Observatory (<http://www.europarl.europa.eu/oeil/>), Pre-lex

<http://ec.europa.eu/prelex/apcnet.cfm?CL=nl>) and EUR-lex (<http://eur-lex.europa.eu/nl/index.htm>).

⁷⁷ incl. These articles included '*REACH-besluit Milieucommissie Europees Parlement onevenwichtig*', *Europoort Kringen* 2005 Volume 44, no. 10, p.19; '*Kan het niet simpeler en praktischer?: Europarlementariërs reageren op REACH-voorstel*', *Chemie Magazine* 2004 Volume 2, no. 1, pp. 28-29; '*Autorisatie heet hangijzer: Europees Parlement stemt over REACH*', *Chemie Magazine*, Volume 3, no. 11, pp. 6, 9-11 and '*Discussie spitst zich toe op vervanging: laatste ronde REACH in Europees Parlement*', *Chemie Magazine* 2006 Volume 4, no. 9, pp. 36-38.

4.4. Important players in REACH and its relevance for parliaments

This section puts the REACH development process into context by discussing the relevance of the Regulation for parliaments. The role of government department and parliamentary players in the negotiations will also be discussed in detail.

4.4.1. *The REACH Regulation and its relevance for parliaments*

The REACH Regulation is very important for protecting people and the environment, as well as for the competitiveness of the European chemical industry. It covers a complex policy area where there are clearly distinguishable opposing interests. The scope of REACH is broader than that of traditional environmental legislation. REACH not only concerns the general protection of people against the risks posed by exposure to chemicals but also, more specifically, protection against possible direct harmful effects that people may suffer as consumers or in a work situation. Even before the actual REACH decision-making process had started, it was already clear that the entry into force of the Regulation could have far-reaching social and economic consequences because of the Regulation's broad scope. This was shown by the large number of responses (approximately 6400) to the Internet consultation in May and June 2003 regarding a preliminary draft⁷⁸. The major social relevance of a Regulation of this kind could be a reason for Parliament to make itself heard during the development process. That raises the question of whether the major social relevance of REACH was also reflected in the involvement of MPs in the development of the Regulation. Moreover, did the MPs take the broad scope of the Regulation into account and was that reflected in their actions?

According to Persson (2005), many different players could be expected to try to affect the decision-making process, solely because of the different interests involved in REACH. These players can be roughly divided into an 'environmental/health' camp and a 'pro-business' camp. Both camps tried to mobilise as many supporters as possible⁷⁹. At first sight, the parliaments appear to have succeeded in looking after the interests of both camps.

4.4.2. *The government departments involved in the negotiations with the parliaments*

Chapter 3 showed that VROM played a central role in the development of REACH. This finding is also supported by sources collected and analysed for the current chapter, as is clearly shown by the fact that VROM was stated as the primary ministry responsible in BNC file⁸⁰ no. 13, which was submitted to the Lower House on 23 January 2004 by the Ministry of Foreign Affairs (BuZa)⁸¹. Starting with the Strategic Policy Document, the various policy documents and progress reports relating to SOMS that were drawn up and published by VROM stated that the intention was to introduce the new chemicals policy developed at a national level into the European discussion about the updating of chemicals policy⁸². As

⁷⁸ Kwisthout, Swart-Bodrij & Woldendorp (2007), 'De uitvoeringswet REACH: stof tot nadenken over de uitvoering van Europese verordeningen', *Nederlands Tijdschrift Europees Recht* 2007, Volume 13, no. 7/8, p. 141.

⁷⁹ Persson, T. (2005). 'Democratizing European Chemicals Policy Lessons from the open consultation on REACH', Paper prepared for the Workshop on "The Institutional Shaping of EU-Society Relations" University of Mannheim, Mannheim Centre for European Social Research MZES October 14-15, 2005, p. 4.

⁸⁰ A BNC file (BNC = Assessment of New Commission Proposals) contains a brief description of a new proposal by the European Commission and its consequences for the Netherlands (see Section 4.6.1 for more about BNC files).

⁸¹ Parliamentary Papers II 2003/04, 22 112, no. 302 p. 28.

⁸² Handling Chemical Substances Strategic Policy Document (Parliamentary Papers II, 2000/01, 27 646, no. 2) pp. 6 and 7, Progress Report: Implementation of Handling Chemical Substances Strategy (VROM 0101745/h/12-

VROM was responsible for SOMS, it does not seem surprising that VROM was classed as the primary ministry responsible for the European chemicals issue. However, the responsibility of EZ (Ministry of Economic Affairs) was less obvious. Prior to the preparation of the BNC file, the division of responsibilities for REACH was a subject of some debate. EZ expressly argued for joint responsibility between VROM and EZ. However, the wording of the BNC file shows that this option was ultimately not chosen⁸³. EZ, however, maintained its objections to this wording⁸⁴.

The BNC file states that VROM was to collaborate closely with EZ. This is also reflected in the section of the BNC file that states the objective of the Dutch Cabinet pursuing decision-making at a European level in a combined meeting of both the Competitiveness Council and the Environmental Council. If collaboration between these two policy forums is sought at a European level, it would seem logical that collaboration between the two government departments would also be considered desirable at a national level. For EZ, this was another reason to explicitly state in the file that VROM and EZ had joint responsibility. However, as stated above, explicit joint responsibility was not ultimately chosen, but it was laid down at Cabinet level that both departments would work together for the official preparation⁸⁵.

An analysis of the roles played by VROM and EZ in the provision of information to the Lower House clearly shows that the division of roles as well as the collaboration between the departments was in line with the BNC file. In the early years (the years of the SOMS process until the moment when the decision-making started at a European level) VROM was usually the provider of information to the Lower House regarding developments concerning the updating of chemicals policy. The information was provided by submitting the SOMS policy documents and interim reports and by Cabinet members appearing before parliamentary committees⁸⁶. From the moment when the decision-making procedure at the European level started, both EZ and VROM informed the House about annotated agendas and reports from Competitiveness Council and Environmental Council meetings respectively. From that moment onwards EZ also played a prominent role in the provision of information to the House. The collaboration between EZ and VROM became more intensive when the departments jointly undertook a number of actions in 2005 and 2006 to involve the Lower and Upper Houses in the substance of REACH. For example, the departments organised a technical briefing in the Lower House on 2 November 2005 and sent a series of jointly signed letters to the Lower House⁸⁷. These letters provided information about the most recent

01 17538/187) p. 6, 2nd Progress Report: Implementation of Handling Chemical Substances Strategy (VROM 020602/10-02 21774/206) p. 7 and Dutch Chemicals Policy from an International Perspective: SOMS Implementation Policy Document (Parliamentary Papers II 2003/04, 27 646, no. 13) p. 3.

⁸³ The words "*Primary ministry responsible: VROM in close collaboration with EZ...*" can be found on page 28 of the BNC file.

⁸⁴ For a more in-depth analysis of the interaction between VROM and EZ, see the report by the Clingendael Institute (2008), p. 22.

⁸⁵ Clingendael Institute (2008), p. 22.

⁸⁶ Parliamentary Committee meeting on the Handling Chemical Substances Strategic Policy Document (Parliamentary Papers II 2000/01, 27 646, no. 9), Parliamentary Committee meeting on the 1st Progress Report (Parliamentary Papers II 2001/02, 27 646, no. 10), Parliamentary Committee meeting on the 2nd Progress Report (Parliamentary Papers II 2003/04, 21 501-08, no. 172) and Parliamentary Committee meeting on the Implementation Policy Document (Parliamentary Papers II 2004/05, 21 501-08, no. 193).

⁸⁷ Letter of 2 May 2005 (Parliamentary Papers II 2004/05, 21 501-08, no. 200), letter of 22 November 2005 (Parliamentary Papers II 2005/06, 21 501-08, no. 211), letter of 29 November 2005 (Parliamentary Papers II 2005/06, 21 501-08, no. 213), letter of 13 December 2005 (Parliamentary Papers II 2005/06, 21 501-08, no. 214), letter of 1 November 2006 (Parliamentary Papers II 2006/07, 21 501-08, no. 225) and letter of 13 December 2006 (Parliamentary Papers II 2006/07, 21 501-08, no. 230).

developments in the REACH negotiations and the standpoint taken in those negotiations by the Dutch government.

The document analysis reveals a picture of close collaboration between VROM and EZ. However, VROM played a leading role in the collaboration. This picture was confirmed in interviews with officials from both ministries (#30, 31, 32). VROM's lead role is also revealed by comparing letters sent by various departments to the Lower House. These letters from the ministries of Foreign Affairs (BuZa), Economic Affairs (EZ) and Housing, Spatial Planning and the Environment (VROM) to the Lower House explain the emphasis and intentions for the Dutch EU Presidency during the last six months of 2004⁸⁸. The letter from BuZa explains the intentions in general terms with regard to all sub-areas of the activities of the Council. The letters from EZ and VROM focus more specifically on the economy and the environment. With regard to REACH, the letters from BuZa and EZ indicate that the ministries saw no possibility to complete the first reading in the form of a common position and, due to the complexity of the issue, BuZa and EZ did not expect a political agreement either. The letter from VROM was the most optimistic with regard to achieving objectives and indicated that VROM wished to explore the possibilities for political agreement on only some aspects or for listing the problem areas and areas of agreement. Although all three letters provide a realistic picture of the progress to be achieved with regard to REACH, the letter from VROM appears to be the most ambitious, which is fitting given that VROM had the lead.

VROM's leading role is also indicated by the fact that, during the entire negotiating process, the parties relied on the SOMS Strategic Policy Document and the SOMS Implementation Policy Document, which were published by VROM. The Policy Documents were referred to in letters to the House to point to the necessity of REACH and the ideas developed and experience gained in the SOMS process that were deemed relevant for determining the Netherlands' standpoint at the European level.

The fact that VROM had the lead with regard to REACH and acted in close collaboration with EZ was confirmed during interviews with MPs (#33, 34, 37). Although the discussion prior to the BNC file about the division of responsibilities may have contributed to a somewhat greater emphasis on the different interests of the two departments during the process, the MPs generally had a positive view of the collaboration between VROM and EZ: *"I think that was also harmonious, especially because of the good personal relationship between the two Cabinet members responsible (...). It is not always easy to get two departments that have traditionally tended to prioritise different interests... to work together, but the two State Secretaries handled that very well at the time"* (#33).

All MPs saw VROM as 'having the lead' where REACH was concerned. One MP commented that this did not mean that EZ's role was less prominent during the process. This comment related to the alleged intensification of interests by both departments during the process: *"VROM ultimately had the lead, but a great deal of power came from EZ. When EZ on one occasion said 'no, we're not going to do it that way', that was a pretty important signal, which obviously had everything to do with the administrative burden agenda that ran through the entire process"* (#37).

⁸⁸ Letter from EZ of 21 April 2004 (Parliamentary Papers II 2003/04, 21 501-30, no. 42), letter from BuZa of 28 May 2004 (Parliamentary Papers II 2003/04, 29 361, no. 5) and letter from VROM of 28 June 2004 (Parliamentary Papers II 2003/04, 21 501-08, no. 182).

The BNC file mentioned other ministries apart from VROM and EZ, namely the Ministry of Health, Welfare and Sport (VWS), the Ministry of Social Affairs and Employment (SWZ), the Ministry of Agriculture, Nature and Food Quality (LNV), the Ministry of **Transport, Public Works and Water Management** (V&W), the Ministry of the Interior and Kingdom Relations (BZ), the Ministry of Justice (JUST) and the Ministry of Finance (FIN). This chapter only addresses the roles of VROM and EZ, as these departments were the most active with regard to the Members of Parliament⁸⁹. Apart from sending the important BNC file to the House, BuZa also played another role in keeping the House up to date: in addition to the letter from BuZa mentioned above with the memorandum relating to the emphasis during the Dutch EU Presidency, the House also received a memorandum on 18 January 2005 stating the results achieved during the Presidency⁹⁰. Otherwise, BuZa's role in respect of Parliament remained limited. All references in the rest of this chapter to the 'departments involved' will therefore mean VROM and EZ.

4.4.3. The parliamentary players involved in the negotiations: a brief overview

The Lower House is the most political, directly elected player of the two Houses of the Dutch parliament and plays a dominant role with regard to legislation and political control. The Lower House is involved in daily politics, calls Ministers to account, makes statements on new policy and debates legislative proposals in detail, whereby it has the power to amend the text of a legislative proposal⁹¹.

The Upper House fulfils a different (more limited) task than the Lower House. It generally adopts a more reserved approach and uses its supervisory rights – such as the right to ask questions and the right of interpellation – in moderation. The Upper House reconsiders new legislative proposals and does not have the right to change them (the right of amendment). It only votes on the legislative proposal under consideration and can either pass or reject it. As a result, it has the final word on legislative proposals.

The Lower House is divided into various committees that consist of approximately 25 members and the same number of substitute members. All parliamentary groups are proportionally represented on each committee. There are five types of committees in the Lower House: standing (i.e. permanent) and temporary committees, themed committees, committees of inquiry and other committees⁹². The duties of the Standing Committee on European Affairs include commenting on the BNC files and, where required, providing recommendations on those files to the expert committee(s) responsible⁹³.

The work of the European Parliament is also performed in various committees. The 20 permanent committees of the EP have developed into a central element of the EU policy process and play a crucial role in the development of legislation. Not surprisingly, Westlake therefore describes the committees as the 'legislative backbone' of the EP⁹⁴. It should be

⁸⁹ See the 'Interdepartmental' sub-study in the report by the Clingendael Institute (2008) entitled '*Stof tot nadenken: Nederlandse belangenbehartiging in het Europees Stoffenbeleid*'.

⁹⁰ BNC file (Parliamentary Papers II 2003/04, 22 112, no. 302), Memorandum on Emphasis during the Dutch EU Presidency (Parliamentary Papers II 2003/04, 29 361, no. 5) and Memorandum on Results achieved during the Dutch Presidency (Parliamentary Papers II 2004/05, 29 361, no. 11).

⁹¹ Tans O., Zoethout C. and Peters J. (eds.) (2006). *National Parliaments and European Democracy. A Bottom-up Approach to European Constitutionalism*, Groningen: Europa Law Publishing.

⁹² Tans et al. (2006), pp. 171-173 and Parliament and Politics at www.parlement.com/9291000/modules/fzle0bho.

⁹³ Tans et al. (2006), p. 172.

⁹⁴ Westlake, M. (1994). *A Modern Guide to the European Parliament*. New York: Pinter Publisher., p. 191.

emphasised that the committees in the EP are not of equal size and power. The largest committee, which is responsible for Foreign Affairs, was created in 2004 (78 members). The committee on the environment, public health and food safety is the second largest committee with 63 members. This committee is responsible for the REACH Regulation. In general, it can be stated that it is not easy to reach a consensus with more than 60 members⁹⁵.

4.5. The role of the Dutch parliament in relation to European matters

4.5.1. Parliamentary supervision and EU matters in a comparative perspective

The role of national parliaments within the European system with several administrative layers is the subject of intense debate among politicians and academics. This item has been high on the agenda of the European Convention on the future of Europe, and both the Constitutional Treaty and the Treaty of Lisbon include paragraphs that argue for closer involvement of national parliaments. According to some, this makes the national parliaments the big winners in the negotiations about the new Treaty⁹⁶. However, the Treaty of Lisbon has not yet come into force, as a result of which this chapter will be based on the current rules on parliamentary monitoring of EU legislation by the Dutch parliament.

Comparative research has revealed that the Dutch parliament occupies a middle-ground position among national parliaments in the EU when it comes to the level of parliamentary monitoring of EU matters⁹⁷. Denmark clearly sets the standard by conducting meticulous parliamentary monitoring. The Danish parliament provides ministers with detailed instructions on how to vote in the Council. In Austria, Sweden and Finland the national parliaments also have the autonomy and resources required to deliver a political judgement on EU matters. However, these mandates are less binding for the governments in question compared to the Danish situation. The Netherlands and Germany closely follow these three countries in the list, in that these two neighbouring countries have parliaments that carefully monitor EU legislation and can provide their governments with a generally worded mandate. At the other end of the spectrum are countries such as Greece and Portugal, where the parliaments have very weak monitoring powers with regard to EU matters⁹⁸.

The differences between Member States as regards parliamentary monitoring were also mentioned in the interviews with Dutch Members of Parliament. One of the MPs stated that it was difficult to conduct parliamentary monitoring with regard to REACH because you never know exactly what standpoint the Netherlands will be taking once the Cabinet member sits down at the negotiating table in Brussels, regardless of the agreements reached in the preceding meeting. It often happens that the Dutch standpoint has to be adjusted due to the attitude of other Member States during the negotiations. The standpoint of the Dutch parliament and the government is therefore that a mandate has to be flexible to leave room for

⁹⁵ The EP Committees responsible for petitions and legal matters are the smallest with 25 and 26 members respectively.

⁹⁶ Jaime Gama, President of the Portuguese 'Assembleia da Republica', fourth 'joint meeting on the future of Europe', European Parliament, December 2007, <http://www.montesquieu-instituut.nl/9353000/1/j9vvhfxcd6p01c1/vhi9ktksc7qp>.

⁹⁷ Maurer, A., Wessels, W. (eds.) (2001). 'National Parliaments on their Ways to Europe: Losers or Latecomers?', *Baden-Baden: Schriften des Zentrums für Europäische Integrationsforschung (ZEI), Nomos Verlagsgesellschaft*.

⁹⁸ Maurer and Wessels (2001); Hegeland, H. and Neuhold, C. (2002). 'Parliamentary participation in EU affairs in Austria, Finland and Sweden: Newcomers with different approaches', in: *European Integration online Papers (EioP)*, Vol. 6 (2002) N° 10; Raunio, T. (2005). 'Holding Governments Accountable in European Affairs: Explaining Cross-National Variation', in: *Journal of Legislative Studies*, Vol. 11, No. 3-4, pp. 319-342.

compromises at the European level. The Danish parliament has a completely different approach:

"The Danes approach this differently. Their Cabinet member goes to the Council with a mandate that cannot be changed at all, which means that they cannot achieve much in the Council either" (#37).

However, proposals to introduce the Danish system of parliamentary monitoring in every EU Member State should be met with scepticism, because in an EU with 27 Member States that kind of system of parliamentary monitoring would greatly reduce the room for manoeuvre of government representatives during negotiations in the Council and seriously hamper their ability to reach agreement. Raunio also points out that there are EU Member States with parliamentary or semi-presidential systems (Finland, France), whereby the government has a relationship of dependency with the parliament.⁹⁹ In the current situation, this means in specific terms that if the parliament does not agree with the standpoint adopted by the government at EU level, the parliament can dissolve the government. In fact, all national parliaments in the European Union have this power, regardless of whether or not strict parliamentary monitoring is laid down in the Constitution, as is the case in Denmark.

4.5.2. Dutch structures and procedures to monitor EU matters¹⁰⁰

The relationship of dependency between government and parliament outlined above is also present in the Dutch political system and is expressed by two related standards in the Dutch Constitution with regard to parliamentary monitoring, namely the rule of trust and, especially, the principle of ministerial responsibility¹⁰¹. The principle of ministerial responsibility forces ministers to justify their activities at EU level to the Dutch parliament, not only in the sense of providing information, but also by answering questions and participating in debates and/or consulting with the House. In the Dutch system this responsibility is linked to the position of the Minister and not to the person holding the office, which means in practice that ministers can be held responsible for the policy and actions of their predecessors¹⁰².

The national parliament's right to information with regard to EU matters is laid down in Article 68 of the Constitution, which stipulates that Ministers and State Secretaries must provide the Upper and Lower House with information whenever one or more Members of Parliament request it and providing the information is not contrary to national interests. Article 70 of the Constitution also entitles both Houses to launch parliamentary inquiries¹⁰³.

In the academic literature the Standing Committee on European Affairs is described as the most important player in the Lower House when it comes to calling the Dutch government to account regarding its responsibilities relating to European matters. However, our findings indicate that other (parliamentary) players played a more prominent role in the parliamentary monitoring of the development of the REACH Regulation. As stated briefly at the beginning of this chapter, since 1991 the national parliament has been informed about new proposals

⁹⁹ The Raunio study referred to here concerns the EU when it had 15 Member States.

¹⁰⁰ See Tans et al. (2006), pp. 174-175 for a detailed discussion of the assent procedure in the European Council on issues that fall under the third pillar of the Treaty of Maastricht. In this chapter we will focus on the first pillar.

¹⁰¹ Article 42 of the Constitution.

¹⁰² Tans et al. (2006), p. 169.

¹⁰³ These parliamentary procedures are included in the Standing Orders of both Houses and in the Parliamentary Inquiries Act. These regulations give Members of Parliament the right of interpellation, the right to submit written and verbal questions (and to receive answers to these questions) and the right to request parliamentary inquiries, Tans et al. (2006), p. 167.

from the European Commission by so-called 'BNC files' ('*BNC-fiches*'), which are drawn up by the Assessment of New Commission Proposals Working Party. These BNC files provide a brief description of the contents and objective of the proposal, the discussion process in Brussels, the legal basis for the proposal, subsidiarity and proportionality factors, and the consequences of the proposal for the Netherlands.

The Committee on European Affairs selects the BNC files that it considers to be important and sends them on to the standing parliamentary committees responsible¹⁰⁴. It is, however, surprising that the BNC files are not always dealt with and debated in Parliament as a matter of course. According to Tans, an opportunity to influence the decision-making process at an early stage is missed as a result¹⁰⁵. Nevertheless, the next section shows that the BNC file on REACH was discussed in Parliament.

Parliamentary committees are another important means via which Parliament can monitor the government, both with regard to national policy and EU matters. The monitoring is based on meetings between the Parliamentary Committee and one or more Ministers and/or State Secretaries. The meetings are held to discuss policy (e.g. based on a letter, memorandum or report drawn up by the Cabinet) and give Members of Parliament the opportunity to ask questions and clarify matters.

4.6. The role of the Dutch Parliament during the REACH process

4.6.1. Dutch structures and procedures for monitoring the development of REACH

Following on from the general discussion of structures and procedures that the Dutch Parliament can use to monitor the government, this section analyses which ones were used for the REACH Regulation.

First of all, it should be emphasised that the Standing Parliamentary Committee on European Affairs was not the most important forum for discussions relating to the development of the REACH Regulation, because the main discussions took place in meetings of the Standing Committees on Housing, Spatial Planning and the Environment (VROM) and Economic Affairs (EZ). The fact that several standing parliamentary committees were involved in the development of REACH was mainly because the REACH Regulation was highly technical and complex – which required expertise in several policy areas – and also because the Regulation had a broad scope and therefore covered subjects that crossed committee boundaries.

As stated above, BNC files are important for the Dutch Parliament because they constitute an initial judgement by the Dutch government with regard to new proposals by the European Commission. The BNC file on REACH was sent to the House on 23 January 2004¹⁰⁶. As usual, the BNC file first addressed the background, content and objectives of the European Commission proposal. The draft implemented the proposals formulated in the Commission White Paper of February 2001 on strategy for a future chemicals policy. Furthermore, the BNC file stated the legal basis for the proposal¹⁰⁷, the decision-making procedure¹⁰⁸ and the

¹⁰⁴ The Committee on European Affairs also informs Parliament via a weekly newsletter and coordinates the flow of EU-related information in more general terms.

¹⁰⁵ Tans et al. (2006), p. 172.

¹⁰⁶ BNC file (Parliamentary Papers II 2003/04, 22 112, no. 302).

¹⁰⁷ Article 95 of the Treaty Establishing the European Community.

¹⁰⁸ Co-decision procedure or joint decision procedure.

subsidiarity and proportionality issues involved. The BNC file ended with an overview of Dutch interests and the initial general Dutch standpoint with regard to REACH. The following items were classed as key: duty of care, mandatory exchange of animal testing data, chain of responsibility, active disclosure, screening/prioritising, feasibility and the role of the agency, competitiveness of businesses and, finally, the consequences for countries and producers outside of the EU. The BNC file was then discussed in a meeting between the government and the Standing Committee on Housing, Spatial Planning and the Environment on 22 April 2004¹⁰⁹.

Another aspect that has to be included in the analysis of the procedures used during the development of the REACH Regulation is the approach chosen to involve Parliament. As regards the theme of the 'relationship between policy and Parliament', it is interesting to see that the Cabinet believed that Parliament could definitely play a role in the development of the European REACH Regulation. One reason was that the involvement of Parliament would strengthen the democratic legitimacy of the legislation. Active and intensive involvement of the House was considered necessary, especially in view of the fact that the national legislator had transferred many of the joint legislative powers to the European legislator¹¹⁰. The national parliament had a role to play because of the decision to implement REACH through national legislation¹¹¹. The implementation rules had to be established at relatively short notice¹¹². However, before the Lower House was able to vote on the wording of the proposed implementing legislation, the legislation had to be in line with the wording of the Regulation as much as possible¹¹³. The fact that the Upper House did not have a right of amendment also played a role because the government was able to allocate a very short period of time for the Upper House to discuss the legislative proposal. Due to the lack of time, any discussion of the substance of REACH was therefore not advisable during the passage of the implementing Act through Parliament. Any discussion of the substance during the passage of the legislative proposal could delay the process¹¹⁴.

This kind of problem with the passage of the implementing Act was tackled by taking the following four-track approach¹¹⁵:

1. Start preparing the implementing legislation at a very early stage.
2. Actively involve the national parliament in the development of REACH.
3. Take initiatives to improve or clarify REACH.

¹⁰⁹ Minutes of the meeting between the government and the Standing Committee on 22 April 2004 (Parliamentary Papers II 2003/04, 21 501-08, 180). More information relating to this meeting is provided in Section 4.6.2.

¹¹⁰ Kwisthout, Swart-Bodrij & Woldendorp (2007), p.145.

¹¹¹ The alternative choice of 'accelerated implementation' would have involved implementing REACH at the lower level of a ministerial order with no role for the national parliament.

¹¹² See Chapter 2 for more background information.

¹¹³ When establishing the penalties attached to Regulation provisions in national legislation, it is necessary to refer to the individual provisions of a Regulation that can be enforced under criminal law. Having to wait for the definitive numbering of the provisions of the REACH Regulation was avoided by including Article XI in the legislative proposal. Section XI gave the Minister of Housing, Spatial Planning and the Environment (VROM) the power to amend references to REACH provisions to reflect the final numbering in the REACH Regulation after the Act implementing REACH had been finalised but before it was published in the Bulletin of Acts, Orders and Decrees. This meant that it was no longer necessary to wait until the REACH Regulation was published in the Official Journal of the EU before adopting the implementing legislation (Kwisthout, Swart-Bodrij & Woldendorp (2007), p. 149).

¹¹⁴ Parliamentary Papers II 2004/05, 21 501-08, no. 200, Annex 3 and Parliamentary Papers II 2003/04, 22 112, 316 and Kwisthout, Swart-Bodrij & Woldendorp (2007), pp. 143, 145.

¹¹⁵ Kwisthout, Swart-Bodrij & Woldendorp (2007), p. 146.

4. Use creative legislative techniques.

An important principle of this approach was that discussion of the substance of REACH had to be separated from the implementing legislation. By frequently informing the Lower House about REACH it was possible to avoid the implementation of REACH being hampered by a discussion about the substance of the Regulation during the debate on the legislative proposal in the Lower House¹¹⁶.

4.6.2. Key moments in the relationship between the government and Parliament during the development of REACH

This section analyses the key moments that characterise the relationship between the Dutch government and Parliament in the context of REACH¹¹⁷. Firstly, the key moments for the Lower House are discussed, followed by any key moments for the Upper House if they were of a different nature.

It should be emphasised that most key moments relating to the Upper and Lower House concerned the provision of information, in which the government and the government departments took their roles with regard to informing Parliament very seriously. As stated above, VROM and EZ were the most active with regard to the provision of information – VROM as the primary ministry responsible and EZ in close collaboration with VROM.

The first key moment in the relationship between the government and the legislature as regards the provision of information involved the ***Handling Chemicals Strategic Policy Document (SOMS) in a broad sense***. Apart from the Strategic Policy Document, other relevant documents for analysis purposes were also published in the SOMS context, such as the progress reports and the implementation policy documents drawn up in 2001, 2002 and 2004. The publication of these documents made it clear to Members of Parliament that the process leading to a new chemicals policy had been initiated. Below is a brief overview of the documents mentioned and their contents:

- The *Handling Chemicals Strategic Policy Document* (*'Strategienota Omgaan Met Stoffen'*) fulfilled the promise made to the House in the 1998 national environmental policy plan (NMP3) that a report would be drawn up on the problems relating to persistent, bioaccumulating, toxic (PBT) substances, hormone-disruptive substances, and substances about which little to nothing was/is known (in terms of the dangers posed) and on the way in which these problems were resolved. In the Policy Document the government provided its view of the aforementioned problems. The view had been formulated using the unusual method of broad social consultations between the government, the business community and civil-society organisations with a stake in the issues concerned¹¹⁸.
- The *first and second progress reports* were interim reports on the elaboration and implementation of the new chemicals policy. The first progress report mainly reported on the operational implementation of those sections of the new policy that were required to implement the 'Quick Scan'. The report also clarified how the Cabinet would respond to the request by the Lower House regarding substances that were a cause for 'very grave concern'. The second progress report clarified which policy elements the Cabinet wanted to see anchored in the European chemicals legislation that was being developed. The report also

¹¹⁶ Kwisthout, Swart-Bodrij & Woldendorp (2007), p. 150.

¹¹⁷ A detailed timeline showing key moments can be found in the Annex to this report. This report does not discuss the key moments in chronological order.

¹¹⁸ Handling Chemicals Strategic Policy Document (SOMS) (Parliamentary Papers II, 2000/01, 27 646, no. 2) p. 14.

clarified how the government had fulfilled the promises it had made during the immediately preceding parliamentary committee meeting on the updating of chemicals policy¹¹⁹.

- In the final publication relating to the SOMS process – the *SOMS Implementation Policy Document* – the spearheads and the lessons learnt regarding chemicals policy were summarised in a transparent manner. This policy document also outlined the initiatives launched in the Netherlands at the time relating to the implementation of the updated chemicals policy and the Dutch approach in the European discussion about REACH¹²⁰.

The other key moments in the interaction between parliaments and the government in the SOMS context were the parliamentary committee meetings with the government on 13 June 2001, 7 March 2002, 21 November 2003 and 9 December 2004. The aforementioned documents were discussed in those meetings¹²¹.

¹¹⁹ Progress Report: Implementation of Handling Chemicals Strategy (VROM 010745/h/12-01 17538/187) pp. 5-6, 2nd Progress Report: Implementation of Handling Chemicals Strategy (VROM 020602/10-02 21774/206) p. 5.

¹²⁰ Dutch Chemicals Policy from an International Perspective: SOMS Implementation Policy Document (Parliamentary Papers II 2003/04, 27 646, no. 13) pp. 3-4.

¹²¹ Parliamentary Committee meeting with the government on the Handling Chemicals Strategic Policy Document (Parliamentary Papers II 2000/01, 27 646, no. 9), Parliamentary Committee meeting with the government on the 1st Progress Report (Parliamentary Papers II 2001/02, 27 646, no. 10), Parliamentary Committee meeting with the government on the 2nd Progress Report (Parliamentary Papers II 2003/04, 21 501-08, no. 172) and Parliamentary Committee meeting with the government on the Implementation Policy Document (Parliamentary Papers II 2004/05, 21 501-08, no. 193).

Table 5: Overview of key moments in the relationship between the government and parliament¹²²

	SOMS		SOMS/REACH		REACH		
	2001	2002	2003	2004	2005	2006	2007
<i>Lower House</i>	<ul style="list-style-type: none"> - SOMS Strategic Policy Document (March) - SOMS technical briefing - Parliamentary committee meeting with government (13 June) - Motions (3 and 5 July) 	<ul style="list-style-type: none"> - Parliamentary committee meeting with government (7 March) 	<ul style="list-style-type: none"> - Parliamentary committee meeting with government (5 June) 	<ul style="list-style-type: none"> - Parliamentary committee meeting with government (12 February) - Parliamentary committee meeting with government (14 March) - SOMS Implementation Policy Document (April) - Parliamentary committee meeting with government (22 April) - Parliamentary committee meeting with government (30 June) 	<ul style="list-style-type: none"> - Parliamentary committee meeting with government (1 March) - Parliamentary committee meeting with government (2 June) - Parliamentary committee meeting with government (23 June) - Parliamentary committee meeting with government (15 September) 	<ul style="list-style-type: none"> - Parliamentary committee meeting with government (6 March) - Opinion of the Council of State (24 March) - Parliamentary committee meeting with government (18 May) - Submission of REACH Implementation Act legislative proposal (20 June) 	<ul style="list-style-type: none"> - Implementation Act memorandum of amendment (17 January) - Plenary debate and amendment (7&8 Febr.) - Entry into force of REACH (1 June)

¹²² This timeline is not intended to be comprehensive. It only indicates the key moments that were important for the relationship between the government and the national parliament during the development of REACH. See Appendix 2 for a more detailed timeline.

	- 2 nd Progress Report (October)	- Parliamentary committee meeting with government (23 October)	- Study by KPMG, TNO, SIRA (15 Oct.) - REACH impact assessments workshop (25 to 27 October)	- Parliamentary committee meeting with government (5 October) - Actal recommendations (6 Oct.) - Parliamentary committee meeting with government (13 October)	- Report on Implementation Act (3 October)
	- 1 st Progress Report (December)	- Parliamentary committee meeting with government (18 December)	- Parliamentary committee meeting with government (17 November) - Parliamentary committee meeting with government (9 December)	- Technical briefing (2 November) - Parliamentary committee meeting with government (24 November) - Parliamentary committee meeting with government (1 December)	- Memorandum in response to report (11 Dec.) - Parliamentary committee meeting with government (14 December)
<i>Upper House</i>				- Discussion of draft REACH text (18 October) - Verbal consultation on REACH (8 November)	- Debate on legislative proposal (13 February) - Preliminary report (27 March) - Final report (8 May)

The role of the parliamentary committee meetings with government whilst the decision-making process was underway on a European level can also be considered important¹²³. This can be seen by the number of such meetings involving Members of the Lower House that were more or less related to REACH (there were 18 meetings in total)¹²⁴. These meetings were attended by the cabinet member(s) from VROM, EZ, VROM & EZ, EZ & OCW and OCW. During the meetings where the cabinet members from EZ and/or VROM were present the state secretaries of both departments addressed the questions relating to REACH. The State Secretaries at the time were Pieter van Geel of VROM and Karien van Gennip at EZ. Various matters were discussed in these committee meetings. The annotated agendas of the Environmental Council and the Competitiveness Council were discussed, as well as the minutes of Council meetings that had already taken place. Time was also reserved (once or several times) during the committee meetings for the discussion of the following subjects: the BNC file, the Dutch standpoint relating to European chemicals policy, the intentions and results concerning the Dutch EU Presidency, the consequences of REACH for national legislation and the implementation of the REACH Regulation, the REACH impact assessments, research into the administrative burden and the discussion of REACH and the progress of that discussion at the European level¹²⁵. The questions submitted during the parliamentary committee meetings addressed various subjects and came from MPs from various parliamentary groups. The following parties all gave their opinion on REACH during the parliamentary committee meetings: LPF, PvdA, SP, CDA, VVD, D66 and GroenLinks. However, PvdA, CDA, VVD and SP were clearly the most active as regards REACH, as is shown not only by the contents of the questions submitted by MPs from those four parties, but also by the number of questions they submitted.

The fact that the parliamentary committee meetings were the most important forum as regards the exchange of information between the legislature and the executive was also revealed in interviews with MPs: *“The information was mainly exchanged during parliamentary committee meetings with government representatives (...). The most important negotiating process took place in the Competitiveness Council and the Environmental Council”* (#33).

Another key moment that should be mentioned is the workshop on the REACH impact assessments, which was organised during and by the Dutch EU Presidency¹²⁶. The results of the study into economic consequences and administrative burdens for the Dutch business community were presented at this workshop¹²⁷. Representatives of almost all the EU Member States attended the workshop (representing both ministries of Economic Affairs and the Environment), as well as representatives of the European Commission, the European Parliament, the Economic and Social Committee and the Council Secretariat. Representatives

¹²³ Mid-2003 through to the end of 2006.

¹²⁴ Parliamentary Papers II 2003/04, 28 663 and 21 501-08, no. 14, Parliamentary Papers II 2003/04, 21 501-08, 177, Parliamentary Papers II 2003/04, 21 501-30, no. 40, Parliamentary Papers II 2003/04, 21 501-08, 180, Parliamentary Papers II 2003/04, 21 501-30, no. 55, Parliamentary Papers II 2004/05, 21 501-30, no. 75, Parliamentary Papers II 2004/05, 21 501-08, no. 193, Parliamentary Papers II 2004/05, 21 501-30 and 22 112, no. 92, Parliamentary Papers II 2004/05, 21 501-30, no. 109, Parliamentary Papers II 2004/05, 21 501-08, no. 205, Parliamentary Papers II 2005/06, 21 501-08, no. 209, Parliamentary Papers II 2005/06, 21 501-30, no. 124, Parliamentary Papers II 2005/06, 28 240 and 21 501-08, no. 38, Parliamentary Papers II 2005/06, 21 501-30, no. 128, Parliamentary Papers II 2005/06, 21 501-08, no. 215, Parliamentary Papers II 2005/06, 21 501-30 and 21 501-08, no. 134, Parliamentary Papers II 2005/06, 21 501-30, no. 144, Parliamentary Papers II 2006/07, 21 501-08, no. 233.

¹²⁵ See timeline in Appendix 2.

¹²⁶ The workshop was held from 25 to 27 October 2004 in the Kurhaus in Scheveningen.

¹²⁷ Letter to the Lower House of 15 October 2004 about research into the consequences of REACH performed by KMPG, TNO and SIRA Consulting (Parliamentary Papers II 2004/05, 29 515, no. 40).

of the European organised business community and various NGOs also took the opportunity to voice their opinion on the consequences of REACH during this workshop. During the workshop the costs and benefits of REACH were discussed for society as a whole and for the business community in particular. The consequences of REACH for the competitiveness and the innovative capacity of the European business community were also discussed. During the workshop the intention was not to determine the exact amounts of costs and benefits, but to clarify the reasons for the high costs. The workshop delegates unanimously adopted conclusions and recommendations. The two main conclusions/recommendations concerned the consequences for SMEs and the cost-effectiveness of REACH. The Lower House was informed of the results of the workshop by means of a letter¹²⁸.

The departments involved believe that the workshop was an important moment in the REACH process:

“A trend can be seen in proposals submitted relating to the Dutch Presidency, the workshop and changes to the REACH Regulation for the benefit of SMEs. The workshop had a profound effect on the final REACH Regulation. The focus on SMEs led by Van Gennip was established at the workshop” (#32).

However, opinions about the workshop differ among MPs. One of the Members of the Lower House stated: *“That workshop was not really a very crucial point for us in Parliament” (#33.* Another MP went even further: *“That workshop was not very important for the political process” (#37).* The MPs indicated that a number of “icons” were indeed discussed at the workshop (#37), such as the KPMG study, but that the workshop itself was not really a key moment for them because the study into the economic consequences and administrative burdens had already been submitted to the House¹²⁹. The MPs also believe that they were sufficiently informed about the workshop itself. The fact that the MPs did not consider the workshop to be a key moment might be because they were not directly involved. However, it should be noted that MPs do not believe that involvement in an activity such as the workshop forms part of their parliamentary role as monitor: *“I would not have wanted to be more involved in the workshop; we are required to monitor and I believe it is important to remain in that role” (#33).*

A key moment in which the Lower House was directly involved was the technical briefing on 2 November 2005, which was jointly organised by VROM and EZ¹³⁰. During this technical briefing a very extensive presentation was given about the basic principles, the key elements and the impact of REACH. The registration of chemicals, the REACH system as it would function in practice and the extent to which Dutch proposals had been included in the Regulation were addressed in some detail. As far as the impact of REACH was concerned, the direct and indirect costs for the next 11 years were discussed. The MPs interviewed gave different impressions with regard to the technical briefing of 2 November 2005. One MP expressed satisfaction with the technical briefing organised by VROM and EZ and saw it as an example of the proper provision of information:

¹²⁸ Letter of 17 February 2005 (Parliamentary Papers II 2004/05, 21 501-08, no. 197).

¹²⁹ Letter to the Lower House of 15 October 2004 about research into the consequences of REACH performed by KPMG, TNO and SIRA Consulting (Parliamentary Papers II 2004/05, 29 515, no. 40).

¹³⁰ The technical briefing is mentioned in the minutes of the parliamentary committee meeting with government on 13 October 2005 (Parliamentary Papers II 2005/06, 28 240 and 21 501-08, no. 380) and on the Europapoort website of the European Office of the Upper House at WWW <http://europapoort.eerstekamer.nl/9345000/1f/j9vvygy6i0ydh_7th0vgnbnil6pszc>.

“After some pushing and shoving, I am not dissatisfied with the way in which the Cabinet informed us at the time (...) We had a technical briefing in which the officials from the departments explained the situation” (#33).

The same MP also believed that the briefing had been held at a suitable time in the REACH process: *“The briefing was intended for the final decision-making moment, including at European level” (#33).* Another MP disagreed and indicated that the briefing should have been held earlier: *“That briefing was in late 2005, when we were already deep into the process. The briefing therefore came much too late and should have been held a lot sooner. If it had been held, say, two years earlier, we would have still had consistency” (#37).*

The key moments for the Upper House were mainly in the period when the legislative proposal relating to the implementation rules was discussed¹³¹. The Upper House was most evident in the final period of the REACH process. However, there was another key moment involving the Upper House earlier in the process when the Standing Committee on European Cooperative Organisations and the Environment Committee jointly discussed the draft REACH text in the Upper House on 18 October 2005. During that discussion the Environment Committee expressed the desire to plan a verbal meeting with the cabinet members from the departments involved. The Economic Affairs Committee would also be invited to this meeting. The Upper House therefore used this meeting to exercise its right to ask questions, which – as stated earlier – is rather exceptional. According to the Upper House, meetings like this one are organised for major and technically complex issues. The Upper House uses these meetings to keep up to date regarding the state of affairs in relation to such issues (#38).

The meeting was held on 8 November 2005. Notes made during the meeting show that the discussion focused on five subjects. The first subject was the state of affairs relating to the preparation of policy and the role of the Upper House in that regard. Technical aspects of REACH were also discussed, with special attention being paid to maintaining the correct balance between protecting the environment and health, and strengthening competitiveness. Questions were raised about the consequences of REACH for Dutch legislation and how the public should be informed about REACH. The Upper House also voiced some concern about the feasibility of REACH, given the consequences for small and medium-sized enterprises (SMEs), the bureaucracy as regards authorisation and the organisation of the European Chemicals Agency (ECA). The discussion about European agencies was on the agenda of the meeting, but one MP believed that that was not the primary reason for the meeting (#38). Informing the departments about the knowledge and expertise available in relation to REACH played an important role and the meeting also emphasised that the Upper House wanted to be informed adequately and in a timely manner with regard to REACH (#38). After the meeting, the Upper House was provided with the information it needed in the form of copies of various letters from VROM and EZ to the Lower House¹³².

¹³¹ 13 February 2007 (Parliamentary Papers I 2006/07, 30 600, no. A), Preliminary Report by the Upper House (Parliamentary Papers I 2006/07, 30 600, no. B), 23 April 2007 Memorandum of Reply by Minister Cramer (VROM) (Parliamentary Papers I 2006/07, 30 600, no. C) and 8 May 2007 Final Report by the Upper House (Parliamentary Papers I 2006/07, 30 600, no. D).

¹³² Copies, including copies of letters of 22 November 2005, 29 November 2005 and 13 December 2005 (Parliamentary Papers II 2005/06, 21 501-08, no. 211; Parliamentary Papers II 2005/06, 21 501-08, no. 213 and Parliamentary Papers II 2005/06, 21 501-08, no. 214).

4.6.3. Initiatives of the Dutch Parliament in the context of SOMS and REACH

Based on the above findings it can be concluded that government players took their role in the provision of information to Parliament very seriously, both with regard to REACH and SOMS. Apart from this observation, the study also needs to address the extent to which Dutch MPs themselves played an active role, not only by questioning the government, but also by putting forward motions and amendments.

Various MPs tabled motions on 3 and 5 July 2001 in response to the SOMS Strategic Policy Document¹³³. The motion tabled on 5 July by Jaap-Jelle Feenstra (PvdA) and Hans van den Akker (CDA) was responded to in the first progress report by the inclusion of a list of chemical substances that raised concerns based on the OSPAR criteria¹³⁴ and taking into account their use in society (including fire safety) and possible alternatives to these substances¹³⁵.

During the debate on the REACH Implementation Act an amendment was received from Member of the Lower House Diederik Samsom (PvdA) on 7 February 2007¹³⁶. In this amendment, the possibility created in the legislative proposal to exclude application of the General Administrative Law Act in emergency cases had been deleted. According to Samsom, urgency alone would not be sufficient reason to limit consultation exercises and appeal proceedings. Other MPs responded positively to the amendment during the plenary debate on the Implementation Act.

During the plenary debate on the Implementation Act on 8 February 2007 three motions were tabled as well, two by MP Remi Poppe (SP) and the third by MPs Diederik Samsom (PvdA), Boris van der Ham (D66), Esther Ouwehand (PvdD) and Remi Poppe (SP)¹³⁷. One motion by Remi Poppe requested that the government investigate whether it was necessary to amend working conditions legislation to ensure that employees would be sufficiently protected after the new legislation came into force. In the second motion Poppe requested that the government link the knowledge available at the Netherlands Centre for Occupational Diseases¹³⁸ relating to occupational diseases caused by contact with chemicals to the information system at the registration centre in Finland. Such a link would spread knowledge and information about occupational diseases, both nationally and internationally. The third and final motion requested that the government launch a notification procedure for mandatory administration for substances that are not covered by mandatory registration because of the amounts involved, but that could put people and the environment at risk due to the nature of their spread.

¹³³ Motions of 3 July 2001 by Poppe (SP), Van den Akker (CDA) and Van der Steenhoven (GL) (Parliamentary Papers II 2000/01, 27 646, nos. 3 to 7) and Motion of 5 July 2001 by Feenstra (PvdA) and Van den Akker (CDA) (Parliamentary Papers II 2000/01, 27 646, no. 8).

¹³⁴ Criteria taken from the OSPAR Convention for the Protection of the Maritime Environment in the North-East Region of the Atlantic Ocean, which entered into force in 1998.

¹³⁵ Annex 6 to Progress Report: Implementation of Handling Chemical Substances Strategy (VROM 010745/h/12-01 17538/187).

¹³⁶ Amendment by MP Samsom (Parliamentary Papers II 2006/07, 30 600, no. 9).

¹³⁷ Plenary debate on the Act implementing the EU REACH Regulation (Proceedings II, 2006/07, no. 41, pp. 2415-2433) Motions by Poppe (SP) Parliamentary Papers II 2006/07, 30 600, nos. 10 and 12, Motion by Samsom (PvdA) (Parliamentary Papers II 2006/07, 30 600, no. 11).

¹³⁸ Each year the Netherlands Centre for Occupational Diseases produces an occupational diseases report containing relevant information for policy and practice on behalf of the Ministry of Social Affairs and Employment.

4.6.4. The main points for attention and “concerns” of the Lower House relating to REACH

The above discussion provides an insight into the main points for attention of the Lower House with regard to complex issues such as REACH. However, it will be useful to analyse these points for attention in more detail, as this not only sheds light on technical matters, but also makes it clear that the points for attention raised by the MPs differ along political lines. This latter point provides further insight into the extent to which the Lower House can be considered a heterogeneous player.

In accordance with the division used by the government between the technical discussion and the establishment of the rules for implementation, the main concerns and points for attention of the Lower House with regard to REACH can be divided into two categories: concerns relating to the contents of REACH and concerns about the implementation of REACH. The concerns about the contents of REACH were mainly expressed when it was still possible to amend the Regulation¹³⁹. Concerns relating to implementation can be found in the reports drawn up by the Upper and Lower Houses¹⁴⁰. During the plenary debate on the REACH legislative proposal, the members of the Lower House were in a position to express concerns about implementation of REACH.

The main concerns raised in the parliamentary committee meetings with government representatives in the period when the decision-making process at European level was in full swing reflect the political motivations of each MP. The records of the meetings show, for example, that the parties on the centre-right of the political spectrum considered the possible decline in Dutch competitiveness and the high administrative burdens and costs in general – and for SMEs in particular – to be the greatest concerns as regards implementation of the Regulation. One MP answered the following to the question of what the most important concern was as regards the implementation of REACH: “*The concern as to whether the administrative burdens would remain limited and that the Netherlands would not once again be putting a Dutch addition on top of the rules*” (#34).

In the meetings, the parties on the (centre-)left expressed their concern about what they believed to be the subordination of environmental interests in the Regulation. One MP was mainly worried about how seriously the REACH Regulation would be implemented: “*The principle of REACH was really very simple, but after three years of squabbling there was obviously little that remained of the basic idea of REACH, namely replacing chemicals that are no good with alternatives. From the good starting principle¹⁴¹ the route afterwards was largely downhill*” (#37). The prioritisation on the basis of volume, the lack of mandatory substitution and the lack of a focus on workers were also raised as major concerns by the left-wing and centre-left parties. One MP paid particular attention to the interests of the workers: “*The main concern was ensuring the protection of workers and the environment*” (#35).

The parliamentary committee meetings with the government, however, show that the concerns relating to the proper **provision of information** were shared by all MPs. In various meetings,

¹³⁹ These concerns were also raised in the parliamentary committee meetings with representatives of the government.

¹⁴⁰ The reports by the Lower and Upper Houses with regard to the proposed Act implementing the EU REACH Regulation: 3 October 2006 report by the Lower House on the legislative proposal (Parliamentary Papers II 2005/06, 30 600, no. 5); 8 February 2007 Plenary debate on the legislative proposal (Proceedings II, 2006/07, no. 41, pp. 2415-2433); 24 March 2007 Preliminary report by the Upper House (Parliamentary Papers I 2006/07, 30 600, no. B) and 8 May 2007 Final report by the Upper House, Legislative proposal dealt with as a formality (Parliamentary Papers I 2006/07, 30 600, no. D).

¹⁴¹ The ‘starting principle’ refers to the Commission’s preliminary draft for the internet consultation.

MPs from a number of different parliamentary groups asked for further information on REACH, regardless of their political motivation¹⁴². It therefore seems that the most active MPs believed that the provision of information by the departments during the negotiating process could sometimes have been quicker. However, this picture was toned down in interviews with the MPs: *“Saying that the provision of information was poor would not do it justice. It was simply a very large issue. It was really very difficult to maintain an overview of it all”* (#37).

The perception that the REACH issue was very large and complex came out in various interviews. This limited the monitoring task of the Lower House and also made it more difficult because the negotiations about the legislative process for the implementation rules and the negotiations in Brussels were held at the same time (#33, 34, 37).

According to the MPs, a recurring problem throughout the entire process was the short period between the provision of information before the meeting, the meeting itself and the meeting of the Council at European level. One MP indicated that this problem mainly occurred with regard to the provision of the annotated agendas (#37). According to the MP, they were often late and also rather vague, whereas timely provision of information is necessary for the House to be able to perform its monitoring role correctly. Another example occurred in the parliamentary committee meeting with government on 1 December 2005, in which Liesbeth Spies (CDA) expressed her dissatisfaction with the poor provision of information relating to the European agendas¹⁴³. She believed that the information provided was too abridged. The House was first informed in a letter dated 22 November that the compromise text of 4 November was to be discussed in the Competitiveness Council on 28 and 29 November, which Spies believed left insufficient time to react in advance of that meeting. She emphasised that an MP can only make a political judgement once all the information has been shared¹⁴⁴. In the same meeting Diederik Samsom (PvdA) indicated that *“the PvdA also felt somewhat taken by surprise by the discussion in the Competitiveness Council.”*

One MP pointed out a fundamental dilemma with regard to informing MPs, namely that MPs do not see themselves as technical experts, but as representatives of the people: *“We are obviously not subject matter experts. Some of us may be, but I am mainly a representative of the people. I neither want nor need to be able to judge how many substances are in fire-retardant plastic”* (#33). This observation has implications for the relationship between government and parliament. On the one hand, the information provided to MPs should not be too technical but, on the other hand, the information must be detailed enough for them to come to a well-considered political judgement.

Another MP commented along the same lines that politicians limit themselves to matters they can comprehend: *“That is also the reason why animal testing became so important later on. People thought, ‘Look, that’s an interesting subject’. This showed that politicians focus automatically on what they can understand. I’m not blaming anybody for that, but it doesn’t make decision-making very sound either”* (#37).

¹⁴² For example, questions were put in the meetings of 22 April 2004 (Parliamentary Papers II 2003/04, 21 501-08, 180), 15 September 2005 (Parliamentary Papers II 2005/06, 21 501-08, no. 209) and 9 March 2006 (Parliamentary Papers II 2005/06, 21 501-30 and 21 501-08, no. 134).

¹⁴³ Parliamentary committee meeting with government on 1 December 2005 (Parliamentary Papers II 2005/06, 21 501-08, no. 215).

¹⁴⁴ In the same meeting Liesbeth Spies indicated that she had already expressed her dissatisfaction in September about the incompleteness of the information provided.

It is interesting to see that the MPs assessed the provision of information by the departments differently. The (centre-)right parties viewed the information provided as sufficient (#33, 34), whilst the (centre-)left parties were more critical about the provision of information (#35, 36, 37). This may be linked to the fact that the various political parties assessed the final Regulation differently and maybe as a result have differing views in retrospect regarding the provision of information. The parliamentary groups that placed economic interests first were more positive about the final Regulation than the parties for which environmental interests came first. This is illustrated by the following example. During the plenary debate on REACH, MP Remi Poppe (SP) indicated that she thought the final REACH Regulation was far from a good product and said the following: *“This means that very little remains of the initial idea behind REACH¹⁴⁵, namely no authorisation, no approval, no market to a much greater extent. The Regulation is a very poor victory over the ‘wild west’ on the chemical substances market. Anyway, looking at it in the most positive way possible – and I am really trying to do so – a framework has now been created that requires further expansion.”* Other parties, on the other hand, indicated during this debate that they were very satisfied with the final result. MP Jules Kortenhorst (CDA), for example, mentioned the following: *“The REACH Regulation is an important European success. This is one of the most complex and extensive pieces of legislation introduced by the European Union in recent years. The end result offers a good balance between, on the one hand, the protection of people, the environment and consumers, and on the other hand, increased competitiveness and innovative powers of Dutch and European industry.”*

The concerns relating to the implementation of REACH were also raised in the plenary debate. 118 MPs participated in the plenary debate, which was held on 8 February 2007. Seven MPs put questions to the VROM State Secretary (Pieter van Geel)¹⁴⁶. Several times MPs stated that the REACH Regulation had been adopted, which meant that there was no further possibility for amendment. The main concerns raised in the debate were concerns about the feasibility and the enforceability of the REACH Regulation. It was requested that special attention be paid to promoting alternatives to animal testing. The State Secretary indicated that the House would be further informed about the way in which this request would be met¹⁴⁷. Questions were asked about how the provision of information to the public should be specified further. Concerns were expressed about the prolonged transition periods utilised by REACH. People feared that a vacuum would be created between Dutch legislation and the full implementation of REACH. Small amounts of certain hazardous substances would not be subject to any rules whatsoever for a particular period of time. The concern was also raised that the European Chemicals Agency (ECA) would become too bureaucratic.

In general it can be concluded that the separation of the discussion of implementation from the technical discussion worked out well. The State Secretary for Housing, Spatial Planning and the Environment (VROM) complimented the Lower House on this latter point during the plenary debate. He thanked the House for the fact that they had handled this issue so expeditiously. During the plenary debate the Lower House stuck to matters relating to the implementation of REACH, and this was also the case in the report on the legislative

¹⁴⁵ The ‘initial idea behind REACH’ refers to the Commission’s preliminary draft that was used for the internet consultation.

¹⁴⁶ Helma Neppéus (VVD), Jules Kortenhorst (CDA), Remi Poppe (SP), Boris van der Ham (D66), Diederik Samsom (PvdA), Barry Madlener (PVV) and Esther Ouwehand (PvdD).

¹⁴⁷ Letter with response to promise relating to animal testing alternatives (Parliamentary Papers II 2006/07, 30 600, no. 14).

proposal. The intended division between the technical discussion of the REACH Regulation and the process of establishing implementing legislation therefore appears to have worked. During the debate on the proposed Act implementing REACH, no more extensive technical discussions were held. Finally, the lack of an extensive technical discussion during the debate on the Act implementing the EU REACH Regulation indicates that the MPs were sufficiently informed. Furthermore, during the plenary debate the MPs themselves regularly indicated that it was only a debate where questions relating to implementation could be asked. “*The REACH Regulation has been adopted. We can now only ask questions about its implementation in Dutch legislation,*” stated Esther Ouwehand from the Party for the Animals (PvdD)¹⁴⁸.

Now that the monitoring role of the Dutch Parliament in relation to the Dutch government within the context of REACH has been clarified, the next section will focus on the patterns of interaction between the European Parliament and the Dutch Parliament, and – where possible – between the Dutch government and the European Parliament. First of all, the involvement of the EP in the development of REACH will be placed in a general context by briefly describing the role of the EP in the European administrative system. This will be followed by a brief overview of the involvement of the EP in the development of REACH with a special detailed focus on the relationship with the Dutch Parliament.

4.7. Government departments, the Lower House and the European Parliament

4.7.1 The role of the European Parliament in the EU

The European Parliament (EP) is generally considered to be a co-legislator in addition to the Council. However, this is a relatively new development. For 30 years the EP did not have any actual right to participate in legislative processes. This changed when the Treaty on European Union came into effect. The introduction of the co-decision procedure gave MEPs the right of veto in a wide range of policy areas for the first time¹⁴⁹.

The Treaty of Amsterdam (1999) considerably strengthened the role of the European Parliament, especially with regard to its involvement in the legislative process. The co-decision procedure was expanded from 15 to 38 policy areas and issues and was applied in new areas such as transport, environment, energy and certain aspects of social policy. A significant new element in the Treaty of Amsterdam was the streamlining of the co-decision procedure, which made it possible for a legislative proposal to be adopted at first reading if the European Parliament is unable to amend the Commission proposal, or if the Council agrees with the amendments submitted by the EP¹⁵⁰. Given that the decision-making on the REACH Regulation was covered by the co-decision procedure, the European Parliament’s right of veto should be included in the analysis.

The increased power of the EP was accompanied by an upgrading of the role of its standing committees. It is also important to note that, as a result of the co-decision procedure, key players within the committees - such as committee chairmen and rapporteurs – were given roles as active legislators. The influence of these key players on EU legislation increased

¹⁴⁸ Proceedings II, 2006/07, no. 41, pp. 2415-2433.

¹⁴⁹ Initially, only 15 policy areas and issues were subject to the co-decision procedure, including the internal market, consumer protection, trans-European networks, cultural policy, public health and education.

¹⁵⁰ Shackleton, M. (1999). ‘The Politics of Codecision’, *Journal of Common Market Studies*, Vol. 38, No. 2, pp. 325-42; Corbett, R., Jacobs, F. and Shackleton, M. (2005). *The European Parliament*, 6th ed. London: John Harper; Hix, S., Noury, A., Roland, G. (2006). *Democratic Politics in the European Parliament*, Cambridge: Cambridge University Press.

significantly as a result. It is therefore crucial that anyone wishing to influence the outcome of EU legislation should make contact with these key players¹⁵¹. Another important aspect that should be included in the analysis of the role of the EP and its committees in the co-decision procedure is the tendency – following the expansion – to reach an agreement at the earliest possible stage in the procedure. In this process the standing committee is the first place where an agreement is reached on EU legislation¹⁵².

4.7.2. A few key moments for the EP with regard to REACH

As discussed extensively elsewhere¹⁵³, the Commission submitted its proposal for the REACH Regulation on 29 October 2003, which was followed by the Council meeting. For the purposes of this study it is relevant that the EP adopted its decision on the proposal in the Standing Committee on the Environment, Public Health and Food Safety (ENVI) on 4 October 2005. The rapporteur was Guido Sacconi (SPE, IT). The report was adopted by the Standing Committee at first reading, whereby several amendments were put forward. The scope of the Regulation had to be expanded to allow articles on hazardous substances to be included, and a requirement had to be introduced consisting of a warning label on products containing hazardous chemicals, so that consumers would be aware of the risks¹⁵⁴.

During the preparations for the vote in the Parliament and to promote consensus between the various political movements, it was decided that the procedure used for the REACH Regulation would be the formal EP procedure of *enhanced cooperation* between the ENVI Committee (as the leading committee), the Committee on the Internal Market and Consumer Protection (IMCO) and the Committee on Industry, Research and Energy (ITRE). This procedure¹⁵⁵ provides that an agreement be reached between the committees involved on the timetable for the debate in the Parliament and that the rapporteur and the team of writers keep each other informed of their progress. More importantly, however, the rules of *enhanced cooperation* state that a committee responsible, without a vote, must accept amendments from other committees responsible that have exclusive competence within the area to which the amendments relate. These amendments must not be in conflict with other elements of the report.

One of the co-rapporteurs of a committee involved explained the decision to opt for ‘enhanced cooperation’ by stating that REACH was related to more than just environmental issues: *“There was a fierce struggle over the leading committee. Internal Market wanted to be the leading committee (...) but in the content of the regulation there are very important environmental issues: therefore for this procedure was chosen, so that environment is leading, but Internal Market plays a role of its own”* (#39).

The enhanced cooperation method was also deemed necessary to observe national interests. In that light, it is striking that the co-rapporteur classified the Netherlands as a Member State that paid particular attention to REACH: *“In the case of REACH, there are additional factors why*

¹⁵¹ Raunio and Mamadouh (2003), p. 334; Neuhold C. and Settembri, P. (forthcoming). ‘Achieving consensus through committees: Does the European Parliament manage?’, *Journal of Common Market Studies*, Accepted for publication in December 2007.

¹⁵² It is interesting to note that no reports were adopted under the co-decision procedure at third reading between 2004 and 2009 (Neuhold and Settembri, forthcoming).

¹⁵³ For more information, see chapter 3 of this report and the report by the Clingendael Institute (2008).

¹⁵⁴ European Parliament, The Legislative Observatory.

¹⁵⁵ Rule no. 47 of the EP Rules of Procedure.

enhanced cooperation was necessary: more countries were more concerned than others. Germany, France, UK and the Netherlands” (#39).

The procedure of ‘enhanced cooperation’ seems to have worked very well with regard to “pre-digesting” the consensus, as the EP adopted the Resolution of the ENVI Committee in the plenary meeting of 17 November 2005 by 407 to 155, with 41 MEPs abstaining from voting. However, the report still had to be steered through its second reading.

The second reading started at the time when the common position was being established. When the Council established this standpoint the text of the REACH proposal had been reviewed several times in the previous two years. However, during that period the views of the Council and the EP had increasingly converged. Officially, the Council did not have to take into account the debate in the Parliament. However, the Council did include the European Parliament’s views when it established its standpoint¹⁵⁶. The Council incorporated around 200 European Parliament amendments in the common position. The EP received the common position in September 2006, after which it was debated further in the second reading.

On 10 October 2006 the ENVI Committee adopted the report relating to the common position (prepared by rapporteur Guido Sacconi) by a large majority. Members of the Committee voted in favour of adoption by 42 votes to 12, with 6 abstentions. In the report, the European Parliament Committee took a stricter position than the Council with regard to the REACH proposal under consideration at the time. The Committee argued in the report for substitution of ‘substances that are a reason for great concern’, bringing REACH into line with the duty of care, the mandatory registration of chemicals per year in the case of volumes of less than 10 tons and promotion of alternatives to animal tests. Other major amendments concerned SMEs, the European Chemicals Agency (ECA) and a European quality label for products.

The vote at second reading was held on 13 December 2006. A recommendation based on the Sacconi report was adopted. In the last few days before the plenary debate¹⁵⁷, the Parliament and the Council agreed on the final points of contention¹⁵⁸. One key discussion point was how to replace ‘substances that are a reason for great concern’ in the Regulation. In addition, the duty of care, animal welfare, low volumes of chemicals and the information provided by companies as regards substance data were also issues on which an agreement was reached at a late stage in the second reading. The package of compromises between the EP and the Council was adopted in the EP by 529 votes to 98, with 24 MEPs abstaining. Following the vote in the EP, the Commission also adopted 191 amendments in full in the compromise package on 15 December 2006, after which the REACH Regulation was signed by the EP and the Council on 18 December 2006¹⁵⁹.

¹⁵⁶ ‘Bijna op koers: Colette Alma over nieuw REACH-voorstel’. *Chemie Magazine* 2006 Volume 4, no. 7, pp. 34-37.

¹⁵⁷ The plenary debate on REACH was held on 11 December 2006.

¹⁵⁸ An agreement was reached on 30 November 2006 after various ‘trialogues’ (negotiating sessions between the EP (including rapporteur Sacconi and co-rapporteurs Lena Ek and Hartmut Nassauer), the Council and the Commission).

¹⁵⁹ Legislative Observatory, www.europarl.europa.eu/oeil/file.jsp?id=237952.

Table 6: Overview of key moments for the European Parliament¹⁶⁰

	2001	2002	2003	2004	2005	2006	2007
<i>European Parliament</i>					<ul style="list-style-type: none"> - Draft report by the Committee on Environment, Public Health and Food Safety (hereinafter referred to as the Environmental Committee) (22 February) - Report by rapporteur Sacconi adopted by Environmental Committee (4 October) - 1st reading of report (24 Oct.) - Vote on 1st reading (17 November) 	<ul style="list-style-type: none"> - Draft report by Environmental Committee (23 June) - Vote by Environmental Committee on REACH proposal 2nd reading (10 October) - Report on 2nd reading (13 October) - Plenary EP session on compromise (11 December) - Vote on 2nd reading (13 December) - Signing of REACH (18 December) 	Entry into force of REACH (1 June)
<i>European Commission</i>	<ul style="list-style-type: none"> - Presentation of White Paper (27 February) 	<ul style="list-style-type: none"> - Internet consultation for stakeholders on draft REACH legislation (7 May to 10 July) - Regulation proposal by the Commission (29 October) - Submission of proposal to the Council and the European Parliament (3 November) 			<ul style="list-style-type: none"> - Commission standpoint with regard to amendments by European Parliament at 1st reading (17 November) 	<ul style="list-style-type: none"> - Commission recommendation with regard to amendments by European Parliament at 2nd reading (15 December) 	
<i>Council of Ministers</i>		<ul style="list-style-type: none"> - Various debates (including 10 November, 28 November and 22 December) - Supplement to the original proposal (28 November) 	<ul style="list-style-type: none"> - Various debates (including 2 March, 17 May, 28 May, 25 November, 20 December) 	<ul style="list-style-type: none"> - Various debates (incl. 6 May, 24 May, 11 October, 17 October and 29 November) - Political agreement on Common Position (13 December) 		<ul style="list-style-type: none"> - Adoption of Common Position (27 June) - Signing of REACH (18 December) 	
<i>European Economic and Social Committee</i>				<ul style="list-style-type: none"> - Recommendation (31 March) 	<ul style="list-style-type: none"> - Recommendation (13 July) 		

¹⁶⁰ This timeline is not intended to be comprehensive. It merely indicates the key moments relating to the European negotiations regarding REACH in which the European Parliament was the main player. See Appendix 2 for a more detailed timeline.

<i>Committee of the Regions</i>		- Recommendation (24 February)	
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4.7.3. Interaction between government departments, the Lower House and the European Parliament

Following the brief overview of the role of the EP as regards REACH, this section focuses on the interaction between the Dutch MEPs and the Members of the Dutch Lower House.

First of all, it should be noted that Members of the Lower House believed that contact with Dutch MEPs was important to exchange information on REACH¹⁶¹. All MPs indicated that they had had contact with Dutch MEPs about this wide-ranging issue. Some had more contact – “*I had considerable contact with the MEP from my own parliamentary group in order to make sure that we were pulling in the same direction, i.e. to ensure that what she did was supported by what we did and vice versa...*” (#33) – and others had less contact – “*I believe I had contact with the MEP from my own parliamentary group, the liberal group*” (#34), but all Members of the Lower House indicated that they considered the contact to be useful and important.

It is interesting to see that Dutch MPs tried to use their national ties to promote their interests more strongly by concentrating on contacting Dutch MEPs rather than the central players in the EP, such as

(co-)rapporteurs: “... *you do try to contact your fellow Dutchmen in the European Parliament as much as possible, because we all have the interests of the Netherlands at heart*” (#33). Dutch MPs considered their contacts with Dutch MEPs to be important and even described them as key moments. The MPs were therefore aware of the fact that the EP plays an important role in the EU legislative process.

One especially striking result of the interviews with the MEPs was that they stated that they had had limited contact with Dutch MPs: “*We did have contact and information was exchanged, but it was not very intensive contact*” (#40). According to the MEPs interviewed, the MPs were mainly interested in what REACH would mean for the Netherlands and they focused too much on single issues, such as limiting the administrative burden (#40, 41, 42). The MPs lacked the broad perspective on REACH, which was present at the European level. The MEPs believed that MPs were missing the bigger picture and concentrated too much on what the MEPs saw as details. There was confirmation that matters were coordinated prior to parliamentary committee meetings with government, but the MPs still lagged behind in the discussion of this extensive issue. However, this finding is not entirely surprising, as MPs often stated as much in their interviews: “*We were never anywhere near up to date*” (#37).

There were also formal ties between Members of the Lower House and MEPs. For example, on 9 December 2004 MEP Dorette Corbey (PvdA) attended a debate on the Environmental Committee at the invitation of MP Diederik Samsom¹⁶². State Secretary Pieter van Geel (VROM) was also present, as was the Standing Committee on Housing, Spatial Planning and the Environment. During the debate, Corbey indicated that it is important to clarify the benefits of REACH within

¹⁶¹ The MEPs Ria Oomen (CDA), Dorette Corbey (PvdA), Hans Blokland (Christenunie/SGP) and Jules Maaten (VVD) were mentioned.

¹⁶² Minutes of parliamentary committee meeting with government on 9 December 2004 (Parliamentary Papers II 2004/05, 21 501-08, no. 193) and website of Member of the Lower House Diederik Samsom: <http://www.diederiksamsom.pvda.nl/renderer.do/menuId/54196/clearState/true/sf/54196/returnPage/54196/itemId/51660/realItemId/51660/pageId/53940/instanceId/54202/>.

the EU Council, whereby the Regulation should be viewed as an opportunity to improve health and benefit consumer interests.

The interviews with the MEPs showed that there were also indirect contacts between MEPs and the departments involved (EZ and VROM). This point was raised by one of the MEPs interviewed: “*VROM had the lead on REACH. There are a lot of people at VROM who really know what REACH is about. They were especially well informed from a technical point of view. EZ was more interested in the consequences. VROM was really involved*” (#40).

4.8. Discussion

The concluding sections of this chapter discuss the central observations relating to the interaction between government and parliament. The discussion is followed by an overview of the lessons learnt and the dilemmas that can be derived from the findings.

VROM was the key player in the process of interaction between the parliament and the government on REACH. This is clearly shown in the BNC file, it is confirmed by the Dutch parliament and EP respondents, and it is also shown by the fact that VROM’s Implementation and Strategic Policy Documents were repeatedly mentioned in the debates in the Lower House throughout the entire negotiating period.

The key parliamentary player as regards REACH at the national level was the Lower House. However, despite the fact that this finding is in line with earlier research into the involvement of the Dutch parliament in EU matters, there is another finding that is at odds with the current literature. There is consensus among political scientists that the Standing Committee for European Affairs is the main player in the Lower House when it comes to EU matters. However, our findings reveal that the VROM and EZ standing committees played a central role on REACH. This observation confirms the idea of the Dutch parliament as a ‘working parliament’, whereby the standing committees take the lead. The European Parliament is also using similar permanent committees to an increasing degree, and as a result is very similar to the German ‘*Arbeitsparlament*’¹⁶³. When REACH was under development the debate in the EP was also dominated by the permanent committees, whereby the ENVI Committee worked closely with the ITRE and IMCO committees on the basis of enhanced cooperation. The Upper House played a smaller role where REACH was concerned. The Upper House was further removed from the political negotiations and was mainly involved in the debate on the implementation rules for REACH at the end of the period studied.

Secondly, it was decided to distinguish between implementation and technical discussion when dealing with a technically complex matter such as REACH. This was an important underlying principle of the so-called 4-track approach and ensured that the Lower House could be informed about REACH and also closely involved in the implementation rules for the Regulation. Our findings indicate that this approach worked well, even if some MPs were not always aware of the division between technical content and process. It follows from this case as regards future use of the 4-track approach that the substantive ambitions of the House should be established at an early stage, so that the ministries can elaborate on those ambitions and act accordingly.

¹⁶³ Westlake (1994).

Thirdly, the MPs generally believed that they were sufficiently informed about the REACH Regulation. It should be noted, however, that there was a difference in perception relating to the provision of information between the different political parties in the Lower House. Whilst centre-right political parties – which form part of the ‘pro-business’ camp – expressed their satisfaction with the level of information provided, the centre-left MPs – who form part of the ‘environment/health’ camp – criticised the provision of information relating to the REACH Regulation and judged it to be insufficient. The MPs only tabled a limited number of motions and amendments in relation to REACH. In other words, the role of the Lower House was more monitoring in nature than proactive.

Apart from the perception of the provision of information, our findings also indicate the level of parliamentary monitoring with regard to the development of the REACH Regulation in ‘Brussels’. The view of the Lower House was that the agendas of the Council meetings sometimes arrived too late and that the parliamentary committee meetings with government were planned too soon after the Council meetings, with the effect that the parliamentary committee meetings had minimal effect on the establishment of the Dutch standpoint. In the negotiations at EU level in the Council, Dutch cabinet members were given a certain degree of flexibility by the Lower House, as a result of which room was left for compromises with other Member States. However, due to this flexibility and the need to reach compromises, Dutch cabinet members could be tempted to deviate from the agreements made with the Lower House about the Dutch approach during the negotiations. This differs from the Danish system of parliamentary monitoring, in which a mandate from the *Folketing* is not only binding, but also more rigid. With regard to the patterns of interaction between the Dutch parliament and the European level, we can state that the ties with Dutch MEPs were considered to be highly important by the Dutch MPs. However, the MEPs clearly had a different perception and stated that the MPs lacked knowledge, overview and vision, and that they limited themselves to the consequences of REACH for the Netherlands.

As far as the key moments are concerned, it was striking that they coincided with the moments when information was provided to the Lower House by VROM and EZ. These moments of provision of information were more or less related to REACH and took place during the parliamentary committee meetings with government. The Lower House designated these meetings as key moments and considered them to be important for the approach taken by the Netherlands to the decision-making process at EU level. For the Upper House the implementation rules were a key moment, as the Upper House could play a legislative role in that regard.

A general conclusion that can be drawn from the findings is that the Dutch parliament and the EP cannot be viewed as homogeneous players. The MPs had differing opinions on the results of the REACH negotiations. Political parties that belonged to the ‘pro-business’ side camp had a more positive view of the results than the parties that belonged to the ‘environment/health’ camp.

4.9. Lessons learnt

4.9.1. What succeeded in the process of developing REACH?

The departments involved tried to inform the national parliament as much as possible. The provision of information by the government to parliament was generally considered to have been

adequate. However, due to the complexity of the issue, MPs found certain points difficult to follow. Activities such as the technical briefing that was organised for the Members of the Lower House were considered positive, although MPs did have differing opinions on the correct timing of this briefing.

VROM enthusiastically took the lead role, but without neglecting cooperation with the other players involved. VROM was viewed as the central player at national level, both by the MPs and by the Dutch MEPs. This perception is based on the view that VROM had very extensive technical expertise with regard to REACH. The cooperation with the Ministry of Economic Affairs was also considered positive.

The distinction between substantive (i.e. technical) matters and implementation The 4-track approach basically worked well in relation to REACH. However, this approach cannot be seen as a blueprint for every European matter, as issues relating to content and implementation are often intertwined. It should also be noted that REACH is a Regulation and, as such, it applies directly at the national level. This is different to Directives, which still require conversion into national legislation.

As shown by the overview of findings above, various factors can be distinguished that were successful in the Dutch working method. However, the following section will discuss a number of dilemmas that can be derived from this study and that cannot be resolved easily. These dilemmas are not specific to REACH, but rather inherent in the fact that the EU decision-making process consists of several layers.

4.9.2. A few dilemmas

The EP cannot be underestimated as a political player. Even though it is not always easy to contact the EP with its political groups organised along transnational lines, it is a crucial player on the European playing field. The EP derives its power from its right of veto in key policy areas such as environment and research policy. Furthermore, the role of the EP will be strengthened even more in the near future by the Treaty of Lisbon, in the form of the expansion of the co-decision procedure with regard to justice and home affairs, and the common agricultural policy. As recent research has shown¹⁶⁴, decisions in the EP are made at an early stage of the co-decision procedure and these decisions are largely made in the EP's permanent committees. (Co-)rapporteurs can have a deciding influence in this process, which has also been shown a number of times during the development of the REACH Regulation.

In practice this means that one should be involved in the process as early as possible in order to be able to exert an influence. Another consequence is that contact has to be maintained with the major players within the EP – such as (co-)rapporteurs – who may not be from the Netherlands. Another possibility is to closely monitor the work of the main players, such as the rapporteur, and then to follow the national trail from the Council to negotiate directly with the rapporteur. As the rapporteur also depends on technical insights, a role can be played here by ministries such as VROM.

¹⁶⁴ Neuhold and Settembri, forthcoming.

Parliaments should not be viewed as a single player: A parliament's standpoints are not only established in its committees; they are also determined to a large extent by political parties, who have various needs when it comes to the provision of information, as was also clearly shown during the development of the REACH Regulation. For the government this means that it must satisfy players with completely different interests, whereby taking certain sub-interests of one political party into account could be in conflict with the sub-interests of another party.

MPs are not technical experts and mainly wish to concentrate on the main aspects MPs do not have the technical expertise required to follow complex matters such as REACH, but at the same time they must perform political monitoring, for which technical knowledge is obviously crucial. Despite the fact that the REACH technical briefing was successful in informing the Members of the Lower House, this does not mean that technical briefings can be used as blueprints for informing MPs on complex matters. A major role is played by the changing political composition of parliament, as a result of which parliament can become less open to these kinds of technical briefings. The fact that MPs wanted to perform their monitoring role on main aspects resulted in the unsatisfactory situation during the development of the REACH Regulation that MPs viewed their roles neither as steering development, nor as acting as 'watchdog': "... *Neither of these roles was really right. The problems of one compounded the problems of the other (#37)*. In addition, MPs viewed REACH as highly complex, focused on issues they could understand and only performed parliamentary monitoring on the issues that they understood.

The Dutch parliament can only monitor EU matters to a limited degree. According to the academic literature, the Dutch parliament occupies a medium position when it comes to monitoring the government on EU matters. The study into the involvement of the Dutch parliament during the development of the REACH Regulation, however, revealed that information was provided to parliament in carefully chosen doses. This can be seen as an advantage compared to other national parliaments such as the Austrian parliament, where information about EU matters is often sent directly to parliament without preselection by the ministries responsible. It is therefore not surprising that the Austrian parliament is often drowning in the mass of information provided to it¹⁶⁵. Unlike the Danish parliament, however, the Dutch parliament cannot bind the government to a strict mandate for the negotiations in the Council. Due to this more flexible working method, the Dutch parliament cannot take on a proactive role when it comes to monitoring EU matters. However, this may have to change, as the Treaty of Lisbon requires a more active role from national parliaments. This more active role is mainly reflected in the right of national parliaments to reject a Commission proposal if it conflicts with the subsidiarity principle¹⁶⁶. In this case, if parliaments wish to play an influential role in the EU policy-making process, they will have to coordinate their standpoints with other national parliaments.

¹⁶⁵ Tans et al. (2006).

¹⁶⁶ If at least one third of the votes assigned to national parliaments is reached, the Commission must review its proposal.

CHAPTER 5 – CONCLUSION

The aim of the project to which this report belongs was to obtain an insight into how the Netherlands operated during the development of REACH. The sub-studies conducted by Maastricht University focused on patterns in the interaction between various players. We mainly focused on the interaction between the government departments and the Dutch and European Parliament on the one hand and between the Dutch government, the European Commission, the Council of Ministers and other Member States on the other hand. In addition, we investigated the role of the Dutch chemical industry and Dutch NGOs. The previous chapters described the activities of the Netherlands in the REACH process and provided an insight into how the various parties involved viewed the role of the Netherlands. The study into the different patterns of interaction revealed several points for attention and lessons for the future. This concluding chapter summarises these points.

5.1. Findings

The analysis underlying chapters 3 and 4 revealed a large number of points. The following two sub-sections address the most important of these points. It should be noted that differences between the research questions discussed in chapters 3 and 4 affected the way in which the two chapters were structured. For chapter 3 the researchers were quickly able to divide the findings into three strategies, namely knowledge strategy, network-building strategy and strategy for the EU Presidency. However, for chapter 4 it was not possible to distinguish more general patterns directly. It was therefore decided to take the institutions stated in the research question for chapter 4 as a starting point and to describe and clarify their roles and patterns of interaction. These structural differences are also clearly present in the following report on the findings.

5.1.1. The Netherlands on the European stage

The analysis of how the Dutch government acted on the European REACH stage and the way in which this was perceived by other parties show that the Netherlands adopted an active attitude and opted for an overarching approach. Three strategies were used:

- a. the knowledge strategy;
- b. the network-building strategy;
- c. a realistic and pragmatic EU Presidency.

Partly as a result of the Dutch SOMS programme, the Dutch government had extensive knowledge in this area and a lead in that regard over other Member States. This knowledge lead was related to both technical knowledge about chemicals and knowledge of chemicals policy. This role was strengthened by the part-time secondment of a highly expert VROM official. In addition, this lead allowed the Netherlands to determine its approach to the negotiations at an early stage. In connection with this knowledge strategy the Netherlands developed an open working attitude towards other Member States. This attitude consisted of a pragmatic and helpful approach, creating and utilising bilateral contacts and other cooperation opportunities, such as training and workshops organised by the Netherlands, training organised by the European Commission and Competent Authority Meetings, and the formation of varying coalitions in the Council of Ministers. This attitude and the resulting cooperation assisted the Dutch aim of achieving a workable Regulation. Some of the contacts formed part of the preparations for the Dutch EU Presidency, which coincided with the initial negotiations on the wording of the draft REACH Regulation. Following on from the knowledge strategy and the network-building strategy, the Netherlands opted for a pragmatic and

realistic interpretation of its Presidency as regards REACH. The Netherlands successfully structured the discussion and found a good balance between national input and its duties as President. In this case the knowledge lead was also used to facilitate the policy-making process. Finally, the intensive cooperation between successive, like-minded presidencies (the Netherlands, Luxembourg and the UK) seems to have helped to advance the development of REACH.

Due to the combination of strategies used, the Netherlands played a highly appreciated role in the development of REACH and was able to 'punch above its weight'. However, a number of qualifying comments still need to be made. The Dutch approach was partly comparable to that of the UK, but there was one important difference. Whereas the Netherlands continued to view REACH from a national perspective (SOMS) for quite some time, the UK opted for a more European and more flexible approach. The Netherlands did not switch to a more Europe-minded and flexible working attitude until after it had become EU President. Various people involved have suggested that, had the Netherlands been able to abandon SOMS as a point of reference for REACH at an earlier stage, it would have been able to benefit even more from its leading position.

5.1.2 Relationship between policy and parliaments

Our analysis of the interaction between the national parliament, the government and the government departments, and between the Dutch and European Parliament revealed various patterns of interaction. In accordance with what was expected on the basis of the literature, the Lower House played a more prominent role in REACH than the Upper House.

Despite the fact that the BNC file identified several government departments as interested parties, VROM and EZ were the most active with regard to parliament. For example, the documents prepared by these two departments were consistently placed on the agendas of the parliamentary committee meetings between the Lower House and the government. The committees within the Lower House that played a role with regard to REACH were the three standing committees for European Affairs, Economic Affairs and Housing, Spatial Planning and the Environment. During the REACH development process a total of 18 parliamentary committee meetings were held, in which 17 MPs made a contribution but only 6 – from SP, PvdA, CDA and VVD – could be considered active. The fact that the VROM and EZ standing committees played a greater role than the Standing Committee for European Affairs is striking.

One important implication for the involvement of the national parliament in REACH was that the Netherlands was confronted with a situation in which the implementation period was initially set at 20 days. Within this brief period it is impossible to establish any implementing legislation, in other words, national legislation implementing a European Regulation. There were two options: 1) accelerated implementation, or 2) establishing legislation at the level of an Act, whereby a role could be played by the Parliament in the implementation of REACH. The government felt that the role of Parliament was important and therefore chose the second option. The consequence was that the Netherlands was ready to start with the implementing legislation, even though the final version of the REACH Regulation had not been finished yet. These issues were solved by the so-called 4-track approach, which included separating the technical discussion about the Regulation from the approval of the implementing legislation. The result was that the Lower House was regularly informed about REACH by VROM and EZ, and that the Lower House focused on monitoring the implementing legislation for the Regulation.

The scope of REACH provided room for two different political perspectives, namely ‘environment and health’ on the one hand and a ‘pro-business attitude’ on the other. The main concerns in the pro-business camp were the reduced competitiveness of the industry, the administrative burden and the consequences for SMEs. In addition to the political debates, the departments organised a technical briefing to improve the provision of information to MPs even more. MPs’ opinions regarding the REACH Regulation were in line with their political standpoint: the active MPs from the pro-business camp were generally positive, whilst the active MPs in the environment/health corner were more critical. This might also be related to the contents of the Regulation. According to the MPs interviewed, the point of the administrative burden was adequately addressed in REACH, whilst the respondents had different opinions on the extent to which the concerns from an environment/health perspective were included. In view of the fact that these were ex-post interviews, it is very possible that the opinion on the provision of information expressed in the interviews was coloured by the MPs’ political opinion on REACH. In this kind of situation it is also difficult to determine who needs what information. Unclear information requirements, the complexity of the matter in question and the political opinion on REACH could explain why – despite the fact that the Cabinet chose to involve Parliament in REACH and VROM and EZ informed Parliament in different ways – some MPs still appeared to be dissatisfied during the interviews about their own role and the provision of information.

Another striking observation is that the Members of the Lower House who were interviewed were all highly positive about contacts with Dutch MEPs, whilst the EP interviewees did not recognise the description of frequent contact. In addition, the EP interviewees expressed doubts about the degree to which the Lower House was aware of the state of affairs in relation to REACH.

5.2. Points for attention and lessons for the future

As a small Member State the Netherlands plays a minor role in the European field of influence. However, the Netherlands was still able to ‘punch above its weight’ in relation to REACH as a result of strategic choices and recognising and seizing opportunities. Nevertheless, a number of these opportunities were based on chance, such as the timing of the Dutch EU Presidency, the succession of presidencies of like-minded Member States, the opportunity to second a Dutch official and the exceptional situation that a part-time secondment was permitted. This means that certain factors for success in this case may be impossible to create in future situations.

A number of missed opportunities can also be identified in retrospect based on the analysis in the previous chapters. SOMS provided the Netherlands with a strong starting position, but according to some respondents¹⁶⁷ it became a kind of blueprint in a certain phase of the negotiations. Even though VROM never intended to present SOMS as a ‘blueprint’ for REACH but rather as a ‘reference point’, the perception of people involved from other Member States indicates that the status of SOMS could have been clearer. In retrospect it would therefore have been better for the Netherlands to make it absolutely clear in the technical discussions about REACH that SOMS was a reference point, because the strategy could then have been more flexible, more pragmatic and more focussed on the rules of the European policy-making process.

¹⁶⁷ The respondents with this view were members of the parliaments of other Member States who also participated in the negotiations on the REACH Regulation.

The findings suggest that the Netherlands played an active and highly appreciated role in the development of REACH. This is the result of strategic choices on the one hand and recognising and seizing opportunities on the other hand. The following general success factors can be identified based on the study of the REACH case:

- A. The knowledge strategy requires a lead with regard to both technical substance and policy. The SOMS/REACH case suggests that a national programme to prepare for the European process is a good way of achieving such a lead.
- B. It appears that the combination of a knowledge and network-building strategy (in other words, ensuring that the available knowledge is distributed strategically) is an effective method for a small Member State to be taken seriously as a discussion partner at the negotiating table. As a result of this combination of strategies, the Netherlands was able to exercise a relatively significant amount of influence during the REACH policy process.
- C. The realistic and pragmatic attitude of the Netherlands as the President of the Council was appreciated. To benefit the REACH process the Netherlands initiated the use of a footnotes document and 'working documents' in the AHWP to discuss the Regulation. This procedure was considered – both at the national and the European level – to be an important instrument for a structured Presidency. In this context the Dutch division of roles, which consisted of a spokesperson supported by a national expert, the open attitude of the Netherlands during its Presidency and the encouraging of proposals by new Member States were highly important.

The study of the development of REACH also highlights a number of points and dilemmas that should be taken into account when determining Dutch involvement in future European matters:

- A. In future, the government departments (i.e. the ministries), the government and the parliament should keep an even closer watch on the position and agenda of the Commission and the other Member States from the start via contacts, interaction and feedback. This close monitoring is required to ensure a correct balance between looking after national interests and wishes on the one hand and European political reality on the other hand.
- B. The European Parliament (EP) is a political player that should not be underestimated, especially in view of the fact that the role of the EP will be further strengthened in the near future by the Treaty of Lisbon. The fact that decisions taken in the EP already take shape at an early stage in the co-decision procedure should also be taken into account. In practice this means that one should be involved in the process as early as possible in order to be able to exert an influence. Another consequence is that contact has to be maintained with the major players within the EP, such as (co-)rapporteurs.
- C. Informing and involving the national parliament in complex, long-running European matters is not easy, which is an important factor to consider in view of the Treaty of Lisbon, in which the role of national parliaments in the EU policy-making process is greatly expanded. Our findings relating to the role of the Dutch parliament in REACH suggest that the Lower House will face a challenge in this regard in future when it comes to its monitoring of the government.

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APPENDIX 1 – OVERVIEW OF INTERVIEWEES

Chapter 3

- # 1. 29/11/07 & 12/12/07. Official of the Ministry of Housing, Spatial Planning and the Environment (VROM) / official seconded to COM/DGENV.
- # 2. 04/12/07. Two VROM officials (dual interview).
- # 3. 19/12/07. Official of the Ministry of Economic Affairs (EZ).
- # 4. 23/01/08. VROM official (also interviewed under #2).
- # 5. 28/02/08. Representative of RIVM.
- # 6. 30/01/08. Representative of the Dutch Permanent Representation.
- # 7. 21/01/08. Official from Malta.
- # 8. 24/01/08. Official from Malta.
- # 9. 28/01/08. Representative of COM/DGENV.
- # 10. 06/02/08. Official from Slovenia.
- # 11. 07/02/08. Representative of COM/DGENV.
- # 12. 14/02/08. Representative of COM/DGENV.
- # 13. 18/02/08. German official seconded to COM/DGENV.
- # 14. 22/02/08. Official from Germany.
- # 15. 25/02/08. German official seconded to COM/DGENT.
- # 16. 28/02/08. Representative of Council Secretariat.
- # 17. 28/02/08. Representative of COM/DGENV.
- # 18. 29/02/08. Official from Germany.
- # 19. 29/02/08. German official seconded to COM/DGENT.
- # 20. 10/03/08. Official from the UK.
- # 21. 10/03/08. Official from Sweden.
- # 22. 18/03/08. Official from Sweden.
- # 23. 19/03/08. Official from the UK.
- # 24. 27/03/08. Official from Denmark.
- # 25. 28/03/08. Representative of COM/DGENT. *Interview conducted by Clingendael Institute.*
- # 26. 31/03/08. Official from the UK.
- # 27. 08/04/08. Representative of RIVM / Representative of Commission / JRC.
- # 28. 06/05/08. Official from Finland.
- # 29. 06/05/08. Representative of European Chemicals Agency.

Chapter 4

- # 30. 04/12/2007. VROM official.
- # 31. 04/12/2007. VROM official.
- # 32. 29/12/2007. EZ official.
- # 33. 06/02/2007. *Member of the Dutch Lower House of Parliament.*
- # 34. 11/02/2007. *Member of the Dutch Lower House of Parliament.*
- # 35. 15/02/2007. *Member of the Dutch Lower House of Parliament.*
- # 36. 26/02/2008. *Member of the Dutch Lower House of Parliament.*
- # 37. 03/03/2008. *Member of the Dutch Lower House of Parliament.*
- # 38. 06/05/2008. *Member of the Dutch Upper House of Parliament.*
- # 39. 28/06/2006. *Co-rapporteur of the European Parliament.*

- # 40. 14/03/2008. *Assistant to Dutch Member of the European Parliament.*
- # 41. 18/03/2008. *Dutch Member of the European Parliament.*
- # 42. 21/03/2008. *Former assistant to Dutch Member of the European Parliament.*

Appendix 3

- # 43. 20/02/2008. Representative of VNCI.
- # 44. 12/02/2008. Representative of the Dutch Permanent Representation.
- # 45. 09/04/2008. Representative of the Foundation for Nature Conservation and Environmental Protection (*Stichting Natuur en Milieu*).
- # 46. 14/02/2008. Representative of CEFIC.
- # 47. 08/02/2008. Representative of the German chemical industry umbrella organisation VCI.
- # 48. 20/02/2008. Representative of WWF Europe.
- # 49. 15/02/2008. Representative of VNCI.
- # 50. 08/04/2008. Representative of Greenpeace Netherlands.
- # 51. 09/04/2008. Representative of WECF.

APPENDIX 2 – TIMELINE TABLES

National parliament¹⁶⁸/government timeline

Year	Date / period	Description of key moment	Reason for key moment	Sources
1997	December	Questions by Minister De Boer in the Environmental Council	NL requests attention for implementation of the regulation on current chemicals	European Union, the Council, 13208/97, 8 December 1997. Implementation of Regulation (EEC no. 793/93)
2000	28-29 June	Strategy Workshop On Management of Substances (CEFIC-VNCI-VROM)	Workshop aimed at informing CEFIC of the ideas and direction of the SOMS programme	Report on CEFIC–VNCI–VROM Workshop, 28–29 June 2000
2001	22 March	Letter sent when submitting the “Handling Chemicals Strategic Policy Document”	Including for insight into the provision of information to the House with regard to SOMS	Parliamentary Papers II, 2000/01, 27 646, no. 1-2
2001	April	White Paper letter from Ministers Jorritsma (EZ) & Pronk (VROM) to Commission / Ministers of Environment & Industry of the EU Member States	Official comments on the White Paper	Idem
2001	13 June	Parliamentary committee meeting with VROM Minister (Pronk) and the VROM Standing Committee about the Handling Chemicals Strategic Policy Document	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2000/01, 27 646, no. 9
2001	3 July	Various motions (MPs Feenstra, Poppe 2x, Van den Akker and Van der Steenhoven) relating to: - preparing a list of substances that constitute a reason for serious concern; - a substance approval council that assesses the risks of all new substances before they are introduced to the market; - establishment of the substance	Including for insight into views of MPs	Parliamentary Papers II, 2000/01, 27 646, no. 3–7

¹⁶⁸ Minutes of parliamentary committee meetings with government, reports by the Environmental Council or the Competitiveness Council and annotated agendas are only included in this timeline if REACH was actually addressed in those documents.

		properties for every hazard category according to the OSPAR Convention criteria; - making a list of the most hazardous substances and consulting with the business community on measures to be taken; - measures against substances that are already known to be hazardous according to the OSPAR Convention lists and the Health Council.		
2001	5 July	Amended motion (Van den Akker and Feenstra) on the preparation of a list of substances that constitute a reason for serious concern	Including for insight into view of MP	Parliamentary Papers II, 2000/01, 27 646, no. 8
2001	24 July	Minutes of parliamentary committee meeting with government on <u>13 June 2001</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2000/01, 27 646, no. 9
2001	31 July	Letter from VROM Minister (Pronk) with the minutes of the Environmental Council of 7 June 2001 in Luxembourg	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2000/01, 21 501-08, no. 136
2001	21 December	Letter + 1 st Progress Report on Implementation of Handling Chemical Substances Strategy	For insight into the provision of information to the House with regard to SOMS	VROM-2001-1285) VROM 010745/h/12-01 17538/187
2002	24-25 January	Workshop on EU chemicals policy, Leidschendam	Workshop organised by NL on the development of ideas and practices in Member States since the White Paper was published	Report
2002	7 March	Parliamentary committee meeting with VROM Minister (Pronk) and the VROM Standing Committee about: - the letter of 21 December 2001 relating to the progress report on Implementation of the Handling Chemical Substances Strategy, with regard to the new chemicals policy (VROM-2001-1285)	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2001/02, 27 646, no. 10
2002	26 March	Minutes of the parliamentary committee meeting with	Including for insight into	Parliamentary Papers II,

		government on <u>7 March 2002</u>	views of MPs and moment of contact with Cabinet members.	2001/02, 27 646, no. 10
2002	8 October	Letter + 2 nd Progress Report on Implementation of Handling Chemical Substances Strategy	For insight into the provision of information to the House with regard to SOMS	VROM -02-0941 VROM 020602/10-02 21774/206
2002	11 November	Letter from EZ State Secretary (Wijn) with the annotated agenda for the Competitiveness Council on 26 November 2002	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2002/03, 21 501-30, no. 8
2003	January	Interdepartmental preparation for NL EU Presidency		
2003	29 January	Letter from VROM State Secretary (Van Geel) with the minutes of the EU Environmental Council on 9 December 2002 in Brussels	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2002/03, 21 501-08, no. 160
2003	9 April	International SOMS strategy: bilateral meeting with the UK (Environment) as part of the NL EU Presidency		Report
2003	10-11 April	International SOMS strategy: bilateral meeting with Italy (Environment) as part of the NL EU Presidency		Report
2003	15 April	International SOMS strategy: bilateral meeting with France (Environment) as part of the NL EU Presidency		Report
2003	13 May	International SOMS strategy: bilateral meeting with Germany (Environment) as part of the NL EU Presidency		Report
2003	16 May	International SOMS strategy: bilateral meeting with Ireland (Environment) as part of the NL EU Presidency		Report
2003	28 May	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council on 13 June 2003 in preparation for the parliamentary committee meeting with government on 5 June 2003	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2002/03, 21 501-08, no. 166
2003	5 June	Parliamentary committee meeting with VROM State Secretary (Van Geel) with the VROM Standing Committee. Subjects included: - the minutes of the informal Environmental Council meeting on 3 and 4 May 2003 in Athens; - the agenda for the	Including for insight into views of MPs and moment of contact with Cabinet members	Parliamentary Papers II, 2002/03, 21 501-08, no. 168

		Environmental Council on 13 June 2003 (21 501-08, no. 166)		
2003	10 July	Minutes of the parliamentary committee meeting with government on 5 June 2003	Including for insight into views of MPs and moment of contact with Cabinet members	Parliamentary Papers II, 2002/03, 21 501-08, no. 168
2003	17 September	Letter from EZ Minister (Brinkhorst) with the annotated agenda for the Competitiveness Council meeting on 22 September 2003	Including when was REACH on the agenda and when was the agenda sent to the House	Parliamentary Papers II, 2003/04, 21 501-30, no. 23
2003	20 October	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council on 27 October 2003	Including when was REACH on the agenda and when was the agenda sent to the House	Parliamentary Papers II, 2003/04, 21 501-08, no. 171
2003	23 October	Parliamentary committee meeting with VROM State Secretary (Van Geel) and the VROM and EZ standing committees, including about the chemicals policy	Including for insight into views of MPs and moment of contact with Cabinet members	Parliamentary Papers II, 2003/04, 21 501-08, no. 172
2003	31 October	Letter from EZ Minister (Brinkhorst) with the annotated agenda for the Competitiveness Council on 10 November 2003 for the parliamentary committee meeting with government on 5 November 2003	Including when was REACH on the agenda and when was the agenda sent to the House	Parliamentary Papers II, 2003/04, 21 501-30, no. 25
2003	14 November	Letter from EZ Minister (Brinkhorst) with the annotated agenda for the Council on 26 and 27 November 2003	Including when REACH was on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2003/04, 21 501-30, no. 26
2003	18 November	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council meeting on 10 November 2003	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2003/04, 21 501-30, no. 27
2003	21 November	Minutes of the parliamentary committee meeting with government on 23 October 2003	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-08, no. 172
2003	5 December	Letter from VROM State Secretary (Van Geel) with the minutes of the Environmental Council meeting on 27 October 2003 in Luxembourg	Including for insight into the provision of information to the House with	Parliamentary Papers II, 2003/04, 21 501-08, no. 173

			regard to the state of affairs at European level	
2003	16 December	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council meeting on 22 December 2003	Including when was REACH on the agenda and when was the agenda sent to the House	Parliamentary Papers II, 2003/04, 21 501-08, no. 174
2003	18 December	Parliamentary committee meeting with VROM State Secretary (Van Geel) and the VROM and EZ standing committees. Subjects included: – the letter from the VROM State Secretary dated 19 August 2003 regarding the Netherlands in the EU: the European Environmental Agenda (28 663, no. 6); – the letter from the VROM State Secretary dated 8 December 2003 with the minutes of the Environmental Council meeting on 27 October 2003 (21 501-08, no. 173); – the letter from the VROM State Secretary dated 16 December 2003 with the annotated agenda for the Environmental Council meeting on 22 December 2003	Including for insight into views of MPs and moment of contact with Cabinet members	Parliamentary Papers II, 2003/04, 28 663 and 21 501-08, no. 14
2004	15 January	Letter from VROM State Secretary (Van Geel) containing the framework instructions from the Cabinet regarding the European chemicals policy (REACH) at the request of the VROM and EZ standing committees.	Framework instructions from the Cabinet on the European chemicals policy	VROM 040032
2004	22 January	Letter from VROM State Secretary (Van Geel) with the minutes of the EU Environmental Council meeting of 22 December 2003 in Brussels	Including for insight into the provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2003/04, 21 501-08, no. 175
2004	23 January	Letter from Foreign Affairs (BuZa) State Secretary (Nicolai) with BNC files on new Commission proposals Assessment of New Commission Proposals Working Party submits BNC files, including file no. 13 on REACH.	Insight into establishment of Dutch general standpoint with regard to REACH	Parliamentary Papers II 2003/04, 22 112, 302
2004	27 January	Minutes of parliamentary committee meeting with government on <u>18 December 2003</u>	Including for insight into views of MPs and moment of	Parliamentary Papers II, 2003/04, 28 663 and 21 501-08,

			contact with Cabinet members.	no. 14
2004	11 February	Letter from the VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council meeting on 2 March 2004	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2003/04, 21 501-08, no. 176
2004	12 February	Parliamentary committee meeting with VROM State Secretary (Van Geel) and the VROM Standing Committee. Subjects included - Letter from VROM State Secretary (Van Geel) dated 15 January 2004 about the Dutch standpoint on the European chemicals policy (REACH) (VROM-04-32) - - letter from the VROM State Secretary dated 22 January 2004 with the minutes of the Environmental Council (21 501-08, no. 175); - letter from the VROM State Secretary dated 11 February 2004 with the annotated agenda for the coming EU Environmental Council meeting in Brussels on 2 March	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-08, 177
2004	25 February	Minutes of parliamentary committee meeting with government on <u>12 February 2004</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-08, 177
2004	2 March	Letter from EZ Minister (Brinkhorst) with the annotated agenda for the Competitiveness Council meeting on 11 March 2004	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2003/04, 21 501-30, no. 37
2004	10 March	Parliamentary committee meeting with OCW (Education, Culture and Science) Minister (Van der Hoeven) and the EZ and OCW Standing Committees. Subjects included: - the minutes of the Competitiveness Council meeting on 27 November 2003 (21 501-30, no. 35); - the agenda for the Competitiveness Council meeting on 11 March 2004 (21 501-30, no. 37)	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-30, no. 40

2004	25 March	Minutes of parliamentary committee meeting with government on <u>10 March 2004</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-30, no. 40
2004	26 March	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council meeting on 11 March 2004	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2003/04, 21 501-30, no. 39
2004	5 April	Letter from VROM State Secretary (Van Geel) about the proposal of the European Commission for a Regulation on registration and assessment, licensing and restriction of chemicals (REACH)	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II 2003/04, 22 112, 316
2004	15 April	Letter from VROM State Secretary (Van Geel) with the minutes of the EU Environmental Council meeting of 2 March 2004 in Brussels	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2003/04, 21 501-08, 178
2004	21 April	Letter from EZ Minister (Brinkhorst) about the Dutch EU Presidency	Insight into intentions for NL EU Presidency in EZ areas	Parliamentary Papers II, 2003/04, 21 501-30, no. 42
2004	22 April	Parliamentary committee meeting with VROM State Secretary (Van Geel) and the VROM Standing Committee. Subjects included: – the letter from the Registrar of the Committee for European Affairs dated 17 February 2004 relating to BNC files (22 112, no. 302, BNC file no. 13) about the contents of the document (VROM-04-137); – the letter from the VROM State Secretary dated 5 April 2004 about the consequences of REACH for national legislation (22 112, no. 316); – the letter from the VROM State Secretary dated 15 April about submitting the minutes of the Environmental Council meeting on 2 March 2004; – the letter from the VROM State Secretary dated 16 April 2004 about the annotated agenda for the Informal Environmental Council meeting from 14–16 May 2004;	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-08, 180

2004	23 April	Letter from EZ Minister (Brinkhorst) about REACH	Insight into NL standpoint on CMR substances	Parliamentary Papers II, 2003/04, 21 501-30, no. 43
2004	23 April	SOMS Implementation Policy Document		Dutch chemicals policy in an international perspective
2004	4 May	Letter from VROM State Secretary (Van Geel) relating to submission of the SOMS Implementation Policy Document to the Lower House	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2003/04, 27 646, no. 13
2004	7 May	Long-term programme to recalibrate VROM regulations; letter from the Minister (Dekker) about the state of affairs with regard to the recalibration of VROM regulations		Parliamentary Papers II, 2003/2004, 29 383, no. 11
2004	10 May	Letter from EZ Minister (Brinkhorst) with the annotated agenda for the said Council meeting on 17 and 18 May 2004	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2003/04, 21 501-30, no. 44
2004	13 May	Letter from VROM State Secretary (Van Geel) about his standpoint on the Irish proposals for further processing of REACH and his standpoint on the English proposal relating to REACH	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2003/04, 21 501-30, no. 48
2004	13 May	Minutes of parliamentary committee meeting with government on <u>22 April 2004</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-08, 180
2004	28 May	Letter from BuZa Minister (Bot) and BuZa State Secretary (Nicolai) with the memorandum on the Dutch presidency of the Council of the European Union in 2004; emphasis The above memorandum is a supplement to the strategic Long-Term Programme 2004–2006 and the operational Irish-Dutch Annual Programme for 2004. Both programmes had already been sent to the House (Parliamentary Paper 29 361 no. 2).	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2003/04, 29 361, no. 5, pp. 4 and 12
2004	1 June	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council	Including for insight into provision of	Parliamentary Papers II, 2003/04, 21

		meeting on 17 and 18 May 2004	information to the House with regard to the state of affairs at European level	501-30, no. 47
2004	11 June	Letter from VROM State Secretary (Van Geel) with the minutes of the Informal Environmental Council meeting of 14–16 May 2004 and the agenda for the Environmental Council meeting of 28–29 June 2004	Including for insight into provision of information to the House with regard to the state of affairs at European level and when REACH was on the agenda of the Environmental Council.	Parliamentary Papers II, 2003/04, 21 501-08, 181
2004	14 June	Letter from VROM State Secretary (Van Geel) about the ambitions for the Dutch EU Presidency	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2003/04, 21 501-08, no. 182
2004	28 June	Letter from EZ Minister (Brinkhorst) and EZ State Secretary (Van Gennip) about the latest state of affairs with regard to the most important economic issues, including REACH	Insight into latest state of affairs regarding REACH	Parliamentary Papers II, 2003/04, 21 501-30 and 21 501-33, no. 53
2004	30 June	Parliamentary committee meeting with EZ Minister (Brinkhorst) and EZ State Secretary (Van Gennip) and the VROM and EZ standing committees. Subjects included: - the letter from the Minister of Economic Affairs dated 23 April 2004 relating to chemicals/REACH (21 501-30, no. 43) - the letter from the Minister of Economic Affairs dated 21 April 2004 about the Dutch EU Presidency (21 501-30/21 501-33, no. 42)	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-30, no. 55
2004	4 August	Minutes of parliamentary committee meeting with government on <u>30 June 2004</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2003/04, 21 501-30, no. 55
2004	24 August	Letter from VROM State Secretary (Van Geel) with the minutes of the Environmental Council meeting on 28 June 2004 in Luxembourg Overview of the most important	Including for insight into provision of information to the House with regard to the state of affairs at	Parliamentary Papers II, 2003/04, 21 501-08, no. 184 For review CIP

		European and international environmental meetings	European level	Lower House
2004	6 October	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council meeting on 24 September 2004	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2004/05, 21 501-30, no. 60
2004	15 October	Letter from EZ State Secretary (Van Gennip) and VROM State Secretary (Van Geel) about the study into the consequences of the REACH Regulation Two sub-studies, conducted by two research teams from KPMG and TNO, and from SIRA Consulting, respectively.	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2004/05, 29 515, no. 40
2004	10 November	Letter from EZ State Secretary (Van Gennip) with the annotated agenda for the Council meeting on 25 and 26 November 2004	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2004/05, 21 501-30, no. 61
2004	17 November	Parliamentary committee meeting with EZ Minister (Brinkhorst), EZ State Secretary (Van Gennip), OCW Minister (Van der Hoeven) and the EZ and OCW standing committees. Subjects included: – Minutes of the Competitiveness Council meeting on 24 September 2004 (21 501–30, no. 60) – Agenda of the Competitiveness Council meeting on 25 and 26 November 2004 (21 501-30, no. 61)	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2004/05, 21 501-30, no. 75
2004	3 December	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council meeting on 20 December 2004 in Brussels	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2004/05, 21 501-08, no. 190
2004	9 December	Parliamentary committee meeting with VROM State Secretary (Van Geel) and the VROM Standing Committee. Subjects included: – the letter from the VROM State Secretary dated 4 May 2004, Submission of SOMS Implementation Policy Document (27 646, no. 13); – the letter from the VROM	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2004/05, 21 501-08, no. 193

		<p>State Secretary dated 13 May 2004 about the debate on REACH (21 501-30, no. 48); – the letter from the EZ and VROM state secretaries dated 15 October 2004 about the REACH Regulation (29 515, no. 40); – the letter from the VROM State Secretary dated 14 October, Minutes of the Formal Environmental Council meeting (21 501-08, no. 188); – the letter from the VROM State Secretary dated 3 December 2004, Annotated agenda for the Environmental Council meeting on 20 December 2004</p>		
2004	14 December	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council meeting of 25 and 26 November 2004	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2004/05, 21 501-30, no. 67
2005	17 January	Minutes of the parliamentary committee meeting with government on <u>9 December 2004</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2004/05, 21 501-08, no. 193
2005	18 January	Memorandum from BuZa Minister (Bot) and BuZa State Secretary (Nicolai) on 'the results of the Dutch EU Presidency July–December 2004'	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2004/05, 29 361, no. 11
2005	19 January	Letter from EZ Minister (Brinkhorst) and EZ State Secretary (Van Gennip) about what was achieved in the second half of 2004 in the field of Economic Affairs	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2004/05, 29 361, no. 12
2005	28 January	Minutes of parliamentary committee meeting with government on <u>17 November 2004</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2004/05, 21 501-30, no. 75
2005	1 February	Letter from VROM State Secretary (Van Geel) with the minutes of the EU Environmental Council meeting on 20 December 2004	Including for insight into provision of information to the House with	Parliamentary Papers II, 2004/05, 21 501-08, no. 194

			regard to the state of affairs at European level	
2005	7 February	Letter from VROM State Secretary (Van Geel) with the letter about the environmental results achieved during the EU Presidency	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2004/05, 21 501-08, no. 195
2005	17 February	Letter from EZ State Secretary (Van Gennip) and VROM State Secretary (Van Geel) about REACH Impact Assessments workshop	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2004/05, 21 501-08, no. 197
2005	1 March	Parliamentary committee meeting with EZ Minister (Brinkhorst), EZ State Secretary (Van Gennip) and the EZ and OCW standing committees. Subjects included: - minutes of the Competitiveness Council meeting on 25 and 26 November 2004 (21 501-30, no. 67); - the annotated agenda for the Competitiveness Council meeting on 7 March 2005; and - EZ-related results during the Dutch EU Presidency 2004 (29 361, no. 12)	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2004/05, 21 501-30 and 22 112, no. 92
2005	4 March	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council meeting on 10 March 2005 in Brussels	Including when was REACH on the agenda and when was the agenda sent to the House	Parliamentary Papers II, 2004/05, 21 501-08, no. 198
2005	16 March	Letter from VROM State Secretary (Van Geel) about the European REACH Regulation relating to chemicals	Insight into provision of information about discussion regarding prioritisation	Parliamentary Papers II, 2004/05, 21 501-08, no. 199
2005	18 March	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council meeting on 7 March 2005	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2004/05, 21 501-30, no. 91
2005	23 March	Letter from VROM State Secretary (Van Geel) setting out the current state of affairs	Including for insight into the provision of information to the House with regard to REACH	Parliamentary Papers II, 2004/05, 29 383, no. 26
2005	29 March	Minutes of parliamentary	Including for	Parliamentary

		committee meeting with government on <u>1 March 2005</u>	insight into views of MPs and moment of contact with Cabinet members.	Papers II, 2004/05, 21 501-30 and 22 112, no. 92
2005	2 May	Letter from EZ State Secretary (Van Gennip) and VROM State Secretary (Van Geel) about REACH	Including for insight into the provision of information to the House with regard to REACH (process)	Parliamentary Papers II, 2004/05, 21 501-08, no. 200
2005	24 May	Letter from EZ Minister (Brinkhorst) with the agenda for the Competitiveness Council meeting of 6 and 7 June 2005	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2004/05, 21 501-30, no. 99
2005	25 May	Letter from VROM State Secretary (Van Geel) with the minutes of the EU Environmental Council meeting of 10 March 2005	Including for insight into provision of information to the House with regard to the state of affairs at European level.	Parliamentary Papers II, 2004/05, 21 501-08, no. 201
2005	2 June	Parliamentary committee meeting with EZ Minister (Brinkhorst), EZ State Secretary (Van Gennip), OCW Minister (Van der Hoeven) and the EZ and OCW standing committees. Subjects included: – minutes of the Competitiveness Council meeting of 10 May 2005 (21 501-30, no. 97) – agenda for the Competitiveness Council meeting of 6 June 2005 (21 501-30, no. 99)	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2004/05, 21 501-30, no. 109
2005	20 June	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council meeting of 6 and 7 June 2005	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2004/05, 21 501-30, no. 108
2005	21 June	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council meeting on 24 June 2005 in Luxembourg	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2004/05, 21 501-08, no. 204
2005	23 June	Parliamentary committee meeting with VROM State Secretary (Van Geel) and the	Including for insight into views of MPs	Parliamentary Papers II, 2004/05, 21

		VROM Standing Committee. Subjects included: - the letter from the VROM State Secretary dated 25 May 2005 relating to the minutes of the EU Environmental Council meeting of 10 March 2005 (21 501-08, no. 201); - the letter from the VROM State Secretary dated 9 June 2005 relating to the agenda for the Environmental Council meeting on 24 June 2005 in Luxembourg (21 501-08, no. 202)	and moment of contact with Cabinet members.	501-08, no. 205
2005	24 June	Minutes of the parliamentary committee meeting with government on <u>2 June 2005</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2004/05, 21 501-30, no. 109
2005	22 July	Minutes of the parliamentary committee meeting with government on <u>23 June 2005</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2004/05, 21 501-08, no. 205
2005	8 September	Letter from VROM State Secretary (Van Geel) with the minutes of the EU Environmental Council meeting of 24 June 2005 in Luxembourg	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2004/05, 21 501-08, no. 206
2005	15 September	Parliamentary committee meeting with VROM State Secretary (Van Geel) and EZ State Secretary (Van Gennip) and the VROM and EZ standing committees. Subjects included: - the letter from the VROM and EZ State Secretaries of 22 May 2005 about REACH negotiations and implementation of the REACH Regulation (21 501-08, no. 200); - the letter from the VROM State Secretary of 16 March 2005 about prioritising as part of the production of the European REACH Regulation relating to chemicals (21 501-08, no. 199); - the letter from the VROM and EZ State Secretaries of 17 February 2005 relating to the REACH Impact Assessments (21 501-08, no. 197).	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-08, no. 209
2005	30	Letter from EZ Minister	Including when	Parliamentary

	September	(Brinkhorst), providing information about the informal Competitiveness Council meeting that was held in Cardiff on 11 and 12 July and the annotated agenda for the Competitiveness Council meeting of 11 October 2005.	was REACH on the agenda and when the agenda was sent to the House	Papers II, 2005/06, 21 501-30, no. 121
2005	5 October	Parliamentary committee meeting with OCW Minister (Van der Hoeven), EZ State Secretary (Van Gennip) and the OCW and EZ standing committees. Subjects included: : – Minutes of the Competitiveness Council meeting of 6 and 7 June 2005 (21 501, no. 108); – Minutes of the Informal Competitiveness Council meeting of 11 and 12 July 2005; – Agenda for the Competitiveness Council meeting on Tuesday 11 October 2005.	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-30, no. 124
2005	6 October	Actal recommendation relating to REACH Implementation of the EU Regulation on Registration, Evaluation and Authorisation of Chemicals (REACH)	Including because this was viewed as a key moment by people involved in the REACH process	Parliamentary Papers, Upper and Lower House, publication number 29383
2005	11 October	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the EU Environmental Council meeting on 17 October 2005	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2005/06, 21 501-08, no. 208
2005	13 October	Parliamentary committee meeting with VROM State Secretary (Van Geel) and the VROM Standing Committee. Subjects included: – letter dated 8 September 2005 with minutes of EU Environmental Council meeting on 24 June 2005 (21 501-08, no. 206); – letter dated 5 October 2005 with the draft agenda for the EU Environmental Council meeting on 17 October 2005 (21 501-08, no. 207); – letter dated 11 October 2005 with the annotated agenda for the EU Environmental Council meeting (21 501-08, no. 208).	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 28 240 and 21 501-30, no. 124
2005	18 October	Meeting in the Upper House with the Standing Committee for European Cooperative		

		Organisations and the Standing Committee for the Environment about the draft wording		
2005	20 October	Minutes of parliamentary committee meeting with government on <u>15 September 2005</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-08, no. 209
2005	2 November	Technical briefing of Lower House organised by VROM	Including because this was viewed as a key moment by people involved in the REACH process	Parliamentary Papers II, 2005/06, 28 240 and 21 501-08, no. 38
2005	7 November	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council meeting on 11 October 2005	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2005/06, 21 501-30, no. 123
2005	8 November	Verbal consultation about REACH with VROM State Secretary, EZ State Secretary and the standing committees of the Upper House for the Environment, European Cooperative Organisations and Economic Affairs		File to prepare verbal REACH consultations with the Upper House
2005	21 November	Letter from EZ Minister (Brinkhorst) sent together with the annotated agenda for the Competitiveness Council meeting of 28 and 29 November 2005.	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2005/06, 21 501-30, no. 125
2005	22 November	Letter from EZ State Secretary (Van Gennip) and VROM State Secretary (Van Geel) about REACH to Lower House (+ copy to Upper House)	Including for insight into the provision of information to the House with regard to REACH (process)	Parliamentary Papers II, 2005/06, 21 501-08, no. 211
2005	23 November	Minutes of parliamentary committee meeting with government on <u>5 October 2005</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-30, no. 124
2005	23 November	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council meeting on 2 December 2005 in Brussels	Including when was REACH on the agenda and when the agenda was sent to the	Parliamentary Papers II, 2005/06, 21 501-08, no. 212

			House	
2005	24 November	Minutes of parliamentary committee meeting with government held on <u>13 October 2005</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 28 240 and 21 501-08, no. 38
2005	24 November	Parliamentary committee meeting with the Deputy Prime Minister, EZ Minister (Brinkhorst), EZ State Secretary (Van Gennip), OCW Minister (Van der Hoeven) and the EZ and OCW standing committees about: – the minutes of the Competitiveness Council meeting on 11 October 2005 (21 501-30, no. 123); – the agenda for the Competitiveness Council meeting on 28 and 29 November 2005 (21 501-30, no. 649)	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-30, no. 128
2005	29 November	Letter to Lower House (+ copy to Upper House) from EZ State Secretary (Van Gennip) and VROM State Secretary (Van Geel) about study into administrative burden of REACH	Including for insight into the provision of information to the House with regard to REACH (process)	Parliamentary Papers II, 2005/06, 21 501-08, no. 213
2005	1 December	Parliamentary committee meeting with the VROM State Secretary (Van Geel) and EZ State Secretary (Van Gennip) and the VROM and EZ standing committees. Subjects included: - the letter from the VROM and EZ State Secretaries of 22 November 2005 about the REACH negotiations (21 501-08, no. 211); - the letter from the VROM State Secretary and the EZ State Secretary dated 29 November 2005 with the report on the study into the administrative burden for the business community with regard to the original REACH proposal (21 501-08, no. 214).	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-08, no. 215
2005	12 December	Letter from EZ Minister (Brinkhorst) with the minutes of the Competitiveness Council meeting of 28 and 29 November 2005	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2005/06, 21 501-30, no. 127
2005	13 December	Letter to the Lower House (+ copy to the Upper House) from	Including for insight into the	Parliamentary Papers II,

		EZ State Secretary (Van Gennip) and VROM State Secretary (Van Geel) about the new EU proposal as a result of the negotiations about the REACH Regulation	provision of information to the House with regard to REACH (process)	2005/06, 21 501-08, no. 214
2005	16 December	Minutes of parliamentary committee meeting with government on <u>24 November 2005</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-30, no. 128
2005	22 December	Letter from EZ Minister (Brinkhorst) with the minutes of the additional session of the Competitiveness Council on 13 December 2005	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2005/06, 21 501-30, no. 129
2006	31 January	Minutes of parliamentary committee meeting with government on <u>1 December 2005</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-08, no. 215
2006	17 February	Letter from VROM State Secretary (Van Geel) with the annotated agenda of 9 March 2006 and the minutes of the Environmental Council meeting on 2 December 2005	Including when was REACH on the agenda and when was the agenda sent to the House, and insight into the state of affairs at European level	Parliamentary Papers II, 2005/06, 21 501-08, no. 216
2006	9 March	Parliamentary committee meeting with the Deputy Prime Minister, the EZ Minister (Brinkhorst) and the EZ and OCW standing committees. Subjects included: - Minutes of the Competitiveness Council meetings on 28/29 November and 13 December 2005 (21 501-30, nos. 127 and 129); - Agenda for the Competitiveness Council meeting on 13 March 2006; - REACH negotiations / administrative burden for Dutch business community (21 501-08, no. 123); - REACH: EU Presidency compromise proposal dated 8 December 2005 (21 501-08, no. 214);	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-30 and 21 501-08, no. 134
2006	24 March	Opinion of the Council of State	Opinion of the Council of State	Parliamentary Papers II, 2005/06, 30

			on REACH Implementation Act	600, no. 4
2006	30 March	Minutes of parliamentary committee meeting with government on <u>9 March 2006</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-30 and 21 501-08, no. 134
2006	15 May	Letter from EZ Minister (Brinkhorst) with the annotated agenda for the Competitiveness Council meeting on 29 and 30 May 2006	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2005/06, 21 501-30, no. 140
2006	18 May	Parliamentary committee meeting with Deputy Prime Minister, EZ Minister (Brinkhorst), EZ State Secretary (Van Gennip), OCW Minister (Van der Hoeven) and the EZ and OCW standing committees. Subjects included: – the letter dated 8 May 2006 relating to the minutes of the informal Competitiveness Council meeting of 20–22 April 2006 (21 501-30, no. 139); – the letter dated 15 May 2006 relating to the annotated agenda for the Competitiveness Council meeting of Monday 29 and Tuesday 30 May 2006 (21 501-30, no. 140);	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-30, no. 144
2006	8 June	Letter from EZ Minister (Brinkhorst) with the minutes of the meeting of 29-30 May 2006	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2005/06, 21 501-30, no. 143
2006	9 June	Minutes of parliamentary committee meeting with government on <u>18 May 2006</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2005/06, 21 501-30, no. 144
2006	12 June	Letter from VROM State Secretary (Van Geel) with the draft agenda for the Environmental Council meeting on 27 June 2006 in Brussels	Including when was REACH on the agenda and when the agenda was sent to the House	Parliamentary Papers II, 2005/06, 21 501-08, no. 220
2006	16 June	Letter from VROM State Secretary (Van Geel) with the annotated agenda for the Environmental Council meeting	Including when was REACH on the agenda and when the	Parliamentary Papers II, 2005/06, 21 501-08, no. 221

		on 27 June 2006 in Luxembourg	agenda was sent to the House	
2006	20 June	Royal Message, legislative proposal and Explanatory Memorandum	Including for insight into development of legislative proposal for REACH Implementation Act	Parliamentary Papers II, 2005/06, 30 600, no. 1-3
2006	18 August	Letter from VROM State Secretary (Van Geel), submitting the minutes of the meeting of the Council of 27 June 2006 in Luxembourg	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2005/06, 21 501-08, no. 223
2006	3 October	Report by Lower House (VROM Standing Committee) on the findings regarding the legislative proposal	Including for insight into views of MPs	Parliamentary Papers II, 2005/06, 30 600, no. 5
2006	1 November	Letter from VROM State Secretary (Van Geel) and EZ State Secretary (Van Gennip) about REACH	Including for insight into the provision of information to the House with regard to REACH (process)	Parliamentary Papers II, 2006/07, 21 501-08, no. 225
2006	11 December	Policy Document by VROM State Secretary (Van Geel) as a result of the report by the Lower House	Insight into the response to the views of the MPs taken from the Lower House Implementation Act report	Parliamentary Papers II, 2005/06, 30 600, no. 6
2006	13 December	Letter from EZ State Secretary (Van Gennip) and VROM State Secretary (Van Geel) about the compromise 'reached' with regard to REACH	Including for insight into the provision of information to the House with regard to REACH (process)	Parliamentary Papers II, 2006/07, 21 501-08, no. 230
2006	14 December	Letter from EZ Minister (Wijn) with the minutes of the meeting dated 4 December 2006	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2006/07, 21 501-30, no. 153
2006	14 December	Parliamentary committee meeting with VROM State Secretary (Van Geel) and the VROM Standing Committee. Subjects included:	Including for insight into views of MPs and moment of contact with	Parliamentary Papers II, 2006/07, 21 501-08, no. 233

		<p>– the letter from the VROM State Secretary dated 13 October 2006 with the minutes of the Environmental Council meeting of 23 October 2006 (21 501-08, no. 224);</p> <p>– the letter from the VROM State Secretary dated 1 November 2006 about the progress of the implementation programme for the EU Regulation on Registration, Evaluation and Authorisation of Chemicals (REACH) (21 501-08, no. 225);</p> <p>– the letter from the VROM State Secretary dated 12 December with the annotated agenda for the Environmental Council meeting of 18 December in Brussels (21 501-08, no. 229H)</p>	Cabinet members.	
2007	17 January	Letter from VROM State Secretary (Van Geel), submitting a memorandum of amendment (Parliamentary Paper 30600, no. 8)	Including for insight into development of legislative proposal for REACH Implementation Act	Parliamentary Papers II, 2005/06, 30 600, nos. 7 and 8
2007	22 January	Letter from VROM State Secretary (Van Geel) with the minutes of the Environmental Council meeting of 18 December 2006	Including for insight into provision of information to the House with regard to the state of affairs at European level	Parliamentary Papers II, 2006/07, 21 501-08, no. 232
2007	24 January	Minutes of parliamentary committee meeting with government on <u>14 December 2006</u>	Including for insight into views of MPs and moment of contact with Cabinet members.	Parliamentary Papers II, 2006/07, 21 501-08, no. 233
2007	7 February	Samsom amendment	Including for insight into view of MP	Parliamentary Papers II, 2006/07, 30 600, no. 9
2007	8 February	<p>Plenary debate in Lower House and unanimous adoption of legislative proposal by Lower House</p> <p>and</p> <p>promises by VROM State Secretary (Van Geel) during plenary debate (Parliamentary Paper 30 600, no. 13 – date 13 February 2007)</p>	Including for insight into development of legislative proposal for REACH Implementation Act and insight into promises by VROM State Secretary	<p>Proceedings II, 2006/07, no. 41, pp. 2415-2433</p> <p>Parliamentary Papers II, 2006/07, 30 600, no. 13</p>
2007	8 February	Motions (Poppe, Samsom) to:	Including for	Parliamentary

		<ul style="list-style-type: none"> - investigate the need to inform employees about all the details arising from the new legislation relating to chemicals and products - start a notification procedure for the administration of chemicals that fall outside of the registration system due to their volume - link the knowledge about the consequences of coming into contact with chemicals that is present at the Dutch Centre for Occupational Diseases with the information system at the registration centre in Finland 	insight into views of MPs	Papers II, 2006/07, 30 600, nos. 10-12
2007	13 February	Upper House; amended legislative proposal	Including for insight into development of legislative proposal for REACH Implementation Act	Parliamentary Papers I, 2006/07, 30 600, no. A
2007	27 March	Preliminary Upper House report by Standing Committee for the Environment	Including for insight into development of legislative proposal for REACH Implementation Act	Parliamentary Papers I, 2006/07, 30 600, no. B
2007	23 April	Upper House; Memorandum of Reply by VROM Minister (Cramer)		Parliamentary Papers I, 2006/07, 30 600, no. C
2007	8 May	Upper House; Final Report by the Standing Committee for the Environment		Parliamentary Papers I, 2006/07, 30 600, no. D
2007	25 May	Response given by VROM Minister (Cramer) to promise relating to animal testing alternatives made by predecessor in office, VROM State Secretary Van Geel	Including for insight into development of legislative proposal for REACH Implementation Act	Parliamentary Papers II, 2006/07, 30 600, no. 14
2007	1 June	Entry into force of REACH		
2007	21 December	VROM Minister (Cramer) keeps promise made by VROM State Secretary (Van Geel) relating to the enforcement of the European REACH Regulation	Including for insight into development of legislative proposal for REACH Implementation Act	Parliamentary Papers II, 2006/07, 30 600, no. 15

European Parliament/Council/Commission

Year	Date / period	Description of key moment	Reason for key moment	Sources
1997	March	Ad hoc meeting of the Competent Authorities for the implementation of Council Regulation 793/93 on the evaluation and control of existing substances	The Council criticised the feasibility of Regulation 793/93 (current chemicals policy). This is important, as the chemicals policy was placed on the political agenda → Environmental Council / De Boer.	Report, Ad hoc meeting of the Competent Authorities for the implementation of Council Regulation 793/93 on the evaluation and control of existing substances
1997	July	Second ad hoc meeting of the Competent Authorities for the implementation of Council Regulation 793/93 on the evaluation and control of existing substances	Idem	Report, second ad hoc meeting of the Competent Authorities for the implementation of Council Regulation 793/93 on the evaluation and control of existing substances
1998	April	Informal Environmental Council meeting (Chester meeting) during the UK EU Presidency	Renewal of chemicals policy is placed on the political agenda by the UK; it becomes part of the Council agenda.	Interview with Arnold van der Wielen (VROM), 12-12-2007, conducted by Jan Braun (UM)
1999	June	Environmental Council conclusions	Formal conclusions regarding chemicals policy renewal	
2001	27 February	White Paper by the Commission on the strategy for a future chemicals policy	White Paper	COM(2001)88
2001	May/June	Discussion of chemicals white paper strategy in Council	2001	Discussion of chemicals white paper strategy in Council
2001	7 December	European Chemicals Policy Workshop	Workshop organised by the Netherlands (VROM) (with EP/EC)	Report
2002	23 July	Notification of NL draft decision regarding	The Dutch government gives notification of the SOMS proposal	Notification 2002/0292/NL

		amendment of WMS Registration Decree via Directive 98/34/EC		
2003	7 May to 10 July	Internet consultation for stakeholders on draft REACH legislation	Insight into responses by stakeholders to draft REACH legislation	
2003	29 October	Proposal by the Commission	Start of procedure	COM(2003)0644
2003	29 October	Supplement	Insight into decision-making procedure	SEC(2003)1171
2003	November	Ad hoc chemicals working party	Establishment of the working party that will be dealing with REACH in the Council	
2003	3 November	Submission of proposal to the Council and the European Parliament	Insight into decision-making procedure	
2003	10 November	Council debate	Discussion of REACH in the Competitiveness Council	PRES/2003/316/
2003	28 November	Supplement to the original proposal		CSL 15409/2003
2003	22 December	Council debate	Discussion of REACH in Environmental Council	PRES02003/376/
2004	5 February	First NL REACH position paper on draft REACH Regulation		Council of the European Union, 6012/04
2004	2 March	Council debate	Discussion of REACH in Environmental Council	CS/2004/6200/
2004	31 March	Recommendation by European Economic and Social Committee	Insight into decision-making procedure	<u>Source:</u> ESC CES1696/2004 <u>Official journal:</u> C 112 30.04.2004. p.0092-0099
2004	17 May	Council debate	Discussion of REACH in the Competitiveness Council	PRES/2004/140/ CS/2004/9586/
2004	28 June	Council debate	Discussion of REACH in Environmental Council	PRES/2004/203/
2004	July-December	NL EU Presidency		
2004	29-30 September	Ad hoc meeting of national experts / Commission to analyse annexes IV-IX		Report
2004	24-27 October	Impact Assessments		Smulder, M. 'De invloed van de

		Workshop in Scheveningen		door Nederland georganiseerde workshop over de REACH impact studies op de totstandkoming van de REACH Verordening.'
2004	25 November	Council debate	Discussion of REACH in the Competitiveness Council	PRES/2004/323/ CS/2004/15259/7
2004	20 December	Council debate	Discussion of REACH in Environmental Council	PRES/2004/357 CS/2004/16275/
2005	22 February	Draft report by Committee on Environment, Public Health and Food Safety	Insight into ENVI role	EP PE353.529
2005	24 February	Recommendation by Committee of the Regions		<u>Source:</u> CofR CDR0238/2004 <u>Official journal:</u> C 164 05.07.2005. p. 0078-0081
2005	6 June	Council debate	Discussion of REACH in the Competitiveness Council	PRES/2005/133/ CS/2005/9816
2005	24 June	Council debate	Discussion of REACH in Environmental Council	PRES/2005/147/ CS/2005/10529
2005	13 July	Recommendation by European Economic and Social Committee		<u>Source:</u> ESC CES0850/2005 <u>Official journal:</u> C 294 25.11.2005. p. 0038-0044
2005	4 October	Report by rapporteur Sacconi adopted by Committee on Environment, Public Health and Food Safety	Insight into ENVI role	
2005	11 October	Council debate	Discussion of REACH in the Competitiveness Council	Pres/2005/245/ CS/2005/13170
2005	17 October	Council debate	Discussion of REACH in Environmental Council	PRES/2005/255 CS/2005/13362
2005	24 October	EP: submission of report, first reading	Insight into decision-making procedure	EP A6-0315/2005
2005	17 November	Vote in European Parliament at 1 st reading (adopted with amendments)	Insight into decision-making procedure	EP T6-0434/2005

2005	17 November	Commission standpoint on amendments by European Parliament at 1 st reading	Partial commitment	
2005	29 November	Council debate	Discussion of REACH in the Competitiveness Council	PRES/2005/287
2005	13 December	Political agreement on Common position	Discussion of REACH in the Competitiveness Council	PRES/2005/333/ CS/2005/15738
2006	30-31 March	Conference in Vienna on REACH, where the Council and EP standpoints were compared		
2006	15 June	EU Council: statement on common position		CSL 10411/2006
2006	23 June	Draft report by Committee on Environment, Public Health and Food Safety	Insight into ENVI role	EP PE371.746
2006	27 June	Establishment of Common position	Discussion of REACH in Environmental Council	Source: CS/2006/7524 Official journal: C 276 14.11.2006. p. 0001-0251 E
2006	12 July	Supplement	Insight into decision-making procedure	SEC(2006)0924
2006	12 July	Adoption by Commission of Common position statement and submission to Council and EP	Insight into decision-making procedure	COM (2006)0375
2006	7 September	Receipt of Common position by European Parliament	Insight into decision-making procedure	
2006	10 October	Vote by Committee on Environment, Public Health and Food Safety on the report on the REACH proposal at second reading	Insight into ENVI role	
2006	13 October	EP: submission of report, second reading	Insight into decision-making procedure	EP A6-0352/2006
2006	11 December	Plenary session of the European Parliament on the compromise package	Insight into decision-making procedure	
2006	13 December	Vote in European Parliament at 2 nd	European Parliament votes on compromise	EP T6-0552/2006

	r	reading (adopted with amendments)	agreed with the Council	
2006	15 December	Recommendation by Commission on amendments by European Parliament at 2 nd reading and submission of recommendation to Council and European Parliament	Insight into decision- making procedure	COM (2006)0842
2006	18 December	Adoption by the Council at 2 nd reading	Discussion of REACH in Environmental Council	CS/2006/16604
2006	18 December	Signing by European Parliament and Council	Conclusion of procedure	<u>Source:</u> EU 32006R1907 <u>Official journal:</u> <u>L396 30.12.2006,</u> <u>p. 0001</u>
2007	1 June	REACH enters into force		

Commission

European Parliament

Council

European Economic and Social Committee

Committee of the Regions

Additions from Parliamentary Papers

APPENDIX 3 - DUTCH NON-GOVERNMENTAL PLAYERS BETWEEN ‘THE HAGUE’ AND ‘BRUSSELS’

This appendix briefly presents a number of findings relating to the role of the Dutch chemical industry and Dutch NGOs at the European level during the development of REACH. In addition to government institutions at the national and European level, an analysis of the patterns of interaction between the national and European level during the development of a Regulation must also take into account players that do not form part of the government. Players from civil society can use their practical knowledge to contribute to the quality of legislation, and involving these players can increase the legitimacy of the resulting Regulation. This consensus-based approach was also used on a national level in the context of SOMS and REACH. The special situation of having a national programme alongside the European Regulation makes it possible to analyse the behaviour of Dutch civil society players between ‘The Hague’ and ‘Brussels’. This is expressed in the central question of this exploratory study:

To what extent have Dutch NGOs and the umbrella organisation of the Dutch chemical industry (VNCI) been present as Dutch players at the European level?

Dutch NGOs and the Dutch umbrella organisation of the chemical industry will be viewed in this exploratory study as ‘Dutch players’ if they put forward points on a European level that were central to the Dutch SOMS programme.

The data used to reach conclusions were collected from interviews with employees of the umbrella organisation of the Dutch chemical industry (VNCI) and its equivalent on the European stage (CEFIC). Apart from industry representatives, other Dutch civil society players were also included in the analysis. Only a few NGOs could be considered active on both a Dutch and European level. Three of these NGOs are discussed in this exploratory study: the Foundation for Nature Conservation and Environmental Protection (*Stichting Natuur en Milieu*), Greenpeace Netherlands and Women in Europe for a Common Future (WECF). The findings from the interviews (9 in total) are then compared to the data collected and analysed for chapters 3 and 4.

The Dutch industry on the European playing field

Patterns of interaction between the Dutch industry and other players can be distinguished at two levels. First of all, the Dutch industry was involved in the national SOMS programme. In that case the interaction between the Dutch industry and VROM and EZ was important. This point will be central to one of the reports by Erasmus University Rotterdam. The present appendix discusses the patterns of interaction on a European level and examines whether the Dutch industry can be described as a player with a typically Dutch approach on the European playing field. In this context it is important to identify the extent to which SOMS was propagated on a European level by the Dutch chemical industry, which is organised collectively in the VNCI.

The players

Before the patterns of interaction can be discussed, the players must first be identified. The interests of the Dutch chemical industry are organised in the Netherlands Chemical Industry Association (VNCI). This Dutch umbrella organisation represents major companies such as Akzo Nobel and DSM, but also various small and medium-sized companies (75 individual members in total)¹⁶⁹. VNCI in turn is a member of VNO-VNCW, the interest group for Dutch employers. VNCI is also a member of the European Chemical Industry Council (CEFIC), which is the European umbrella organisation for the chemical industry. The Netherlands is the fifth largest member of CEFIC¹⁷⁰. Various major Dutch chemical companies are also direct members of CEFIC. On a European level, VNCI is represented indirectly by VNO-NCW as a member of BusinessEurope, which is the European federation of employers' organisations (#43, 46, 49). Apart from the various umbrella organisations, several European institutions should also be mentioned in the context of patterns of interaction. Apart from the European Commission and the Council, VNCI actively tried to influence Dutch MEPs.

The Dutch industry between 'The Hague' and 'Brussels'

Various moments can be identified when there was interaction between the Dutch industry, represented by VNCI, and the players mentioned above. The first key moment occurred when the European Commission's proposal was submitted. In this phase, VNCI was not involved in influencing the European Commission on a daily basis; instead, the organisation played a coordinating background role within CEFIC. Every month VNCI was updated by CEFIC on the progress relating to the Commission proposal (#49). It is striking that in this phase – and afterwards as well – VNCI only once tried to draw attention to SOMS within CEFIC (June 2000)¹⁷¹. From then on, VNCI focused on drawing attention to the specific sub-interests of the industry (reduction of administrative burden), which meant that it conformed to the CEFIC standpoint.

The Dutch chemical industry was also active in the phase when the European Commission's proposed legislation was being drafted. This could be seen in particular during the Internet consultation prior to the Commission proposal, in which the interests of stakeholders had to be identified¹⁷². To increase the visibility of the sector, it was decided to allow various players from the sector to contribute to the consultation. Nine position papers were submitted by various players from the Dutch chemical industry, including DSM, Akzo Nobel and Eastman Chemical¹⁷³.

¹⁶⁹ VNCI (2007). 'Annual Report 2006'. Accessed on 14 February 2008: <http://www.vnci.nl>, pp. 36-39.

¹⁷⁰ CEFIC (2008a). 'Facts and Figures. Profile of the Chemical Industry'. Accessed on 16 February 2008: http://www.cefic.org/factsandfigures/level02/profile_index.html; CEFIC (2008b). 'About us'. Accessed on 28 January 2008: <http://www.cefic.be/Templates/shwStory.asp?NID=479&HID=388>.

¹⁷¹ Ministry of Housing, Spatial Planning and the Environment (VROM) (2000). 'Strategy On Management Of Substances', Report on CEFIC–VNCI–VROM Workshop, 28–29 June 2000. The Hague.

¹⁷² European Commission (2006). 'Mitteilung der Kommission an den Rat, das Europäische Parlament, den Europäischen Wirtschafts- und Sozialausschuss und den Ausschuss der Regionen vom 14.11.2006. Strategische Überlegungen zur Verbesserung der Rechtsetzung in der Europäischen Union'. COM (2006) 689.

¹⁷³ European Commission (2007a). 'REACH Regulation – Public Consultation'. Accessed on 15 January 2008: http://ec.europa.eu/enterprise/reach/consultation_en.htm; European Commission (2007b). 'CONNECS. European Environmental Bureau'. Accessed on 12 June 2007: http://ec.europa.eu/civil_society/coneecs/detail.cfm?CL=en&organisation_id=38.

After the Internet consultation the European Commission had to draw up an impact assessment for the proposed Regulation. The assessment of REACH resulted in a great deal of criticism from the chemical industry, which then tried to convince governments to put forward studies of their own. The Dutch Ministry of Economic Affairs prepared an impact assessment in collaboration with KPMG, TNO and SIRA, with VNCI monitoring progress (#49)¹⁷⁴.

The nature of the patterns of interaction between the Dutch industry and European players changed once the European Commission had submitted its legislative proposal. As the REACH Regulation took shape, the industry turned its attention more and more to the European Parliament. In general, the Dutch industry followed the developments and debates in the EP via reports from VNCI, which in turn was kept informed by VNO-NCW and CEFIC. Only on a few occasions were VNCI representatives present at hearings and EP voting rounds (July/October 2005). VNCI also tried to influence the voting behaviour of MEPs via contacts with Dutch MPs who had links with Dutch MEPs (#44). Based on the findings of chapter 4 this strategy can be described as relatively inefficient. The Members of the Lower House had a completely different idea of the patterns of interaction with the EP compared to the Dutch MEPs and the Dutch Parliament proved to have only limited knowledge of the latest state of affairs in relation to REACH.

Apart from the contacts with Members of the Lower House, VNCI also maintained links with Dutch MEPs, such as Ria Oomen-Ruijten, Dorette Corbey (PSE), Johannes Blokland (ID), Sophie in 't Veld (ALDE) and Jules Maaten (ALDE). These contacts were more intensive in the summer and early autumn of 2005 – just before the plenary voting rounds – when VNCI representatives travelled to Brussels every week to follow the development of REACH from close up. In this phase VNCI relied heavily on CEFIC. Due to the fact that VNCI does not have its own liaison office in Brussels, it used the CEFIC office. Furthermore, even though VNCI representatives were often in Brussels, there were daily consultation meetings between VNCI and CEFIC during the REACH decision-making process. These meetings were mainly conference calls, in which CEFIC updated the VNCI staff on the most recent developments (#43, 49).

A second European player on which the industry focused more and more once the European Commission had submitted its proposed legislation was the Council. This is shown by contacts between VNCI and VROM and EZ officials who were involved in the determination of the Dutch government's standpoint in the Council. It is striking that VNCI did not have any close contact with the Dutch Permanent Representation (#49), which meant that an important channel – via which the process could have been influenced – was not fully utilised.

The above report of findings indicates that VNCI did not propagate SOMS actively or for a long time at European level. Soon after the REACH process had been launched, VNCI conformed to the CEFIC standpoint, which was aimed at reducing the administrative burden (#43, 46). Other factors that hindered VNCI in its attempts to draw attention to SOMS were the lack of ties with the Dutch Permanent Representation and the lack of a liaison office in Brussels. An office of that kind would probably have resulted in a stronger VNCI presence at EU level at the start of the

¹⁷⁴ Witmond, B., Groot, S., Groen, W., Dönszelmann, E. (2004). 'EU2004REACH. The impact of REACH. Overview of 36 studies on the impact of the new EU chemicals policy (REACH) on society and business', The Hague: Ministry for Foreign Trade/Ministry for Housing, Regional Development and the Environment, p. 120.

REACH process, a stronger personal network, reduced dependency on CEFIC, and a greater role for VNCI within CEFIC. Due to the lack of an office in Brussels, representatives of VNCI have to fulfil the dual remit of providing expertise and maintaining contacts with institutions. When comparing VNCI to the national umbrella organisation of the German chemical industry, it is striking that the latter has a liaison office in Brussels, which maintains the contacts with political institutions, whilst representatives working at the main office in Frankfurt provide expertise (#47).

The findings indicate that the relationship of dependency between VNCI and CEFIC, which became stronger as the REACH process progressed, played a significant role when the VNCI standpoints changed during the development of REACH. Initially VNCI still tried to draw attention to points from SOMS within the European CEFIC umbrella organisation. However, as the REACH process progressed and VNCI became more dependent on CEFIC for information, VNCI abandoned the overarching SOMS approach and conformed to the CEFIC standpoint. As a result, doubts can even be raised as to whether the Dutch industry did have a specific Dutch approach (#45, 50).

The Dutch NGOs on the European playing field

The Dutch NGO landscape is a mix of small and large organisations, either with or without links to national or international umbrella organisations. The following report on findings will provide an overview of the most important players and the patterns of interaction between NGOs and authorities. The aim of this report is to analyse to what extent Dutch non-governmental players chose SOMS as a starting point for their approach at the European level, meaning that they can be described as ‘Dutch’ players.

The players

As part of the development of REACH, a number of Dutch NGOs maintained regular contact in order to coordinate their activities. This was done in the form of monthly meetings, which were attended by Greenpeace Netherlands, Women in Europe for a Common Future (WECF), Friends of the Earth Netherlands, the Foundation for Nature Conservation and Environmental Protection, the North Sea Foundation (*Stichting Noordzee*) and the Wadden Society (*Waddenvereniging*)¹⁷⁵. These NGOs were involved in both SOMS and REACH, whereby some NGOs wanted to prevent SOMS being cut down to the bone for use as a point of reference for REACH (#45)¹⁷⁶. Greenpeace Netherlands and WECF took the lead during these meetings.

Friends of the Earth Netherlands, WECF Netherlands, the Foundation for Nature Conservation and Environmental Protection and the Wadden Society are also affiliated to the European Environmental Bureau (EEB), which is a platform with a total of 143 national NGOs from all over Europe (#45)¹⁷⁷. Due to its broad membership base the European Commission considers the

¹⁷⁵ WECF (2004). ‘Activity Report 2004. Looking back at WECF in 2004 and 2003’, accessed on 11 February 2008: www.wecf.org.

¹⁷⁶ Apart from the NGOs stated, WWF was also involved in the development of the REACH Regulation. However, WWF Netherlands did not participate in the REACH campaign (#47).

¹⁷⁷ EEB (2008). ‘Members Netherlands’. Accessed on 18 March 2008: <http://www.eeb.org/members/netherlands.html>.

EEB to be an important partner and EEB participates in various advisory committees¹⁷⁸. The North Sea Foundation is not a member of EEB, but it does belong to the international NGO 'Seas at Risk', which was also active in the REACH process.

A few Dutch NGOs between 'The Hague' and 'Brussels'

In the monthly meetings between the aforementioned NGOs, their priorities and joint spearheads in the context of SOMS and REACH were established. This informal collaboration between NGOs was led by Greenpeace Netherlands and WECF (#45, 50). Using the agreed starting points as the basis, each NGO developed its own activities and strategies, and matters were coordinated to prevent overlap. To provide a picture of the patterns of interaction, the following sections discuss the activities at EU level of three Dutch NGOs.

Foundation for Nature Conservation and Environmental Protection

One of the Dutch NGOs involved in the development of chemicals policy from the start was the Foundation for Nature Conservation and Environmental Protection. Apart from actively acquiring knowledge of the practical ins and outs of the Dutch chemical industry, the Foundation for Nature Conservation and Environmental Protection maintained contacts with the Dutch government and was involved in the SOMS consultation process (#45). The Foundation was also the only Dutch NGO present at the meetings of the EEB chemicals policy working party. The working party convened biennial to coordinate activities (including lobbying) (#45). Despite the fact that EEB activities were not aimed at developing policy instruments or an overarching strategy for handling chemicals, the Foundation for Nature Conservation and Environmental Protection did draw attention to various key aspects of SOMS within EEB. This contribution was appreciated by the other members of the EEB working party and was even given explicit support¹⁷⁹.

Despite its participation in the EEB working party, the Foundation did not maintain any close ties with players at the European level. Apart from the biennial meetings of the working party, the representative of the Foundation never once travelled to Brussels during the REACH development process. Moreover, the Foundation was no longer really active after the White Paper and the conclusions of the European Environmental Council (June 2001) had been published. The Foundation, for example, did not participate in the Internet consultation, it only maintained a few contacts with MEPs and it no longer participated in the meetings of national NGOs (#45). The only activity in which the Foundation for Nature Conservation and Environmental Protection was involved after June 2001 was the impact assessment, in collaboration with Greenpeace Netherlands (#50), which was performed on behalf of the Ministry of Economic Affairs. The most important reason for this sudden inactivity was a change of staff within the NGO.

Greenpeace Netherlands

Greenpeace Netherlands was initially also involved in both the national and the European process, with an increasing focus on REACH along the way at the expense of SOMS. The strategy of Greenpeace within the context of REACH was aimed at increasing the general

¹⁷⁸ Greenwood, J. (1997). *Representing Interests in the European Union*. London: Macmillan Press Ltd., p.187; European Commission (2007b). 'CONNECS. European Environmental Bureau'. Accessed on 12 June 2007: http://ec.europa.eu/civil_society/coneccc/detail.cfm?CL=en&organisation_id=38.

¹⁷⁹ This was mainly the case for the following points: 'revision of the load of proof', the 'no data, no market' principle, and the concept of 'persistent and accumulative substances' (#44).

public's awareness of the dangers of chemicals. This resulted in activities where Greenpeace explained what the dangers of chemicals were, using language that could be understood by the public at large. The result of this specific strategy was that Greenpeace Netherlands hardly ever referred to REACH and SOMS (#50). Greenpeace Netherlands considered references to these processes to be too detailed and too technical for the general public.

The findings do not indicate that SOMS was actively propagated at EU level by Greenpeace Netherlands. This is closely related to the international orientation of Greenpeace, whereby the Dutch branch coordinated activities in close collaboration with the international and EU branches. As a result, the strategy of Greenpeace Netherlands could never be considered 'too' Dutch, as it had to be coordinated at an international level. Nevertheless, Greenpeace Netherlands fulfilled an active role in the coordination of NGO activities on the Dutch playing field. The fact that Greenpeace Netherlands had the greatest financial strength made it possible for the organisation to support other NGOs in campaigns and enter into an alliance with other Dutch environmental NGOs, consumer organisations and trade unions during the Dutch EU Presidency to increase the pressure on the government¹⁸⁰. During the Dutch EU Presidency Greenpeace Netherlands requested that VROM analyse all the studies performed in the context of REACH. Greenpeace's aim in making this request was to counterbalance various impact assessments that emphasised the positive effects of REACH. However, the Dutch report eventually resulted in a balanced summary of all studies, which meant that Greenpeace Netherlands did not achieve its aim.

Apart from entering into alliances on a national level, Greenpeace Netherlands also tried to draw attention to REACH via the national media (#50). When the media reported a fire in a Dutch chemical plant, Greenpeace outlined the consequences for the environment, because the water used to extinguish the fire ended up in a canal, together with chemicals. In addition, Greenpeace Netherlands published rapports on the negative effects of chemicals on public health¹⁸¹. Greenpeace Netherlands also contacted all the Dutch MEPs, regardless of whether they were involved in REACH or not. As part of these activities, representatives of Greenpeace Netherlands travelled to Brussels on an irregular basis, sometimes once every five months and sometimes every two weeks (#50).

Greenpeace Netherlands also maintained contacts with the Dutch chemical industry and tried to break this front by focusing on downstream users. Greenpeace Netherlands approached companies such as SONY, SAMSUNG, Unilever and Procter & Gamble, as these companies' products are well known among the general public. The ultimate aim was to coerce the chemical industry into finding safer alternatives to certain chemical products. Having been spurred on to do so by Greenpeace Netherlands and ChemSec – a Swedish NGO – various companies committed themselves to disposing of hazardous substances (#50).

WECF

Women in Europe for a Common Future (WECF) is an international network of women and environmental organisations in 30 countries in Europe and Central Asia. The NGO has three

¹⁸⁰ This resulted, for example, in petitions as part of the 'Clean Body Demand' campaign.

¹⁸¹ Report on household dust (2001), pollution in rainwater (2002), several reports on tested products (mobile phones, sports equipment) (2003/2004), report on blood testing of adults (2005), 'how safe is your sex toy' (2006).

European offices that handle the coordination of activities in Europe: the offices in Germany, the Netherlands and, more recently, France. WECF is primarily an organisation that focuses on international cooperation. WECF enters into partnerships with national women's organisations and is involved in national politics. WECF's aim is to bring together various organisations and have them speak with one voice (#51). The organisation therefore takes up a position somewhere in the middle between an international and a national NGO.

As WECF has been active in the field of chemicals policy since 1995, it is not at all surprising that the NGO inquired about the national SOMS programme. However, REACH soon became a spearhead. Against this background WECF participated in a symposium in Soesterberg, where experts and stakeholders met. Apart from WECF, WWF International, Greenpeace International and VROM were also involved in the symposium. The European Commission was invited, but did not take up the invitation (#51).

At the Dutch WECF office two policy assistants were responsible for REACH. The WECF President, Marie Kranendonk, was also actively involved in REACH (#51). This made WECF one of the most active NGOs in the Netherlands; together with Greenpeace Netherlands, WECF led the national coalition of NGOs involved in the development of SOMS and REACH. Between 2003 and 2005 the WECF organised the 'towards a toxic free future' campaign, which was aimed at both the international and national level. The aim of the campaign was to increase awareness of the effects of hazardous chemicals on public health¹⁸². Activities in the Netherlands consisted of workshops in which various women's organisations participated, the development of a toolkit called 'Working Towards a Toxic Free Future', a postcard campaign¹⁸³ and the publication of an extensive brochure called 'Women in a Toxic World'¹⁸⁴ with a foreword by MEP Hiltrud Breyer (#51)¹⁸⁵. As part of this campaign WECF also organised various training sessions about chemicals. These training sessions were organised to increase knowledge of chemicals among women in daily life and to allow them to protect themselves against the hazardous effects of chemicals. Apart from increasing awareness, WECF tried to encourage the participants at the training sessions to write letters to politicians, for example (#51). WECF collaborated with the Netherlands Union of Women from Rural Areas (*Nederlandse Bond van Plattelands-vrouwen*)¹⁸⁶, the Netherlands Women's Council (*Nederlandse Vrouwen Raad*), the International Network on Children's Health, Environment and Safety (INCHES), as well as TIYE (a Dutch organisation for migrants) (#51)¹⁸⁷. Further activities consisted of setting up a WECF website called 'Women on REACH' (in English, German and Dutch) and publishing various press releases¹⁸⁸.

¹⁸² WECF (2004). 'Activity Report 2004. Looking back at WECF in 2004 and 2003', accessed on 11 February 2008: www.wecf.org; WECF (2006). 'Activity Report 2005. Overview of WECF's accomplishments in 2005'. Accessed on 11 February 2008: www.wecf.org.

¹⁸³ 'Call for a chemical free body', WECF (2004). 'Activity Report 2004. Looking back at WECF in 2004 and 2003', accessed on 11 February 2008: www.wecf.org.

¹⁸⁴ To be accessed via: http://www.wecf.eu/cms/download/2007/EN_Women_Toxic_World_Updated2007.pdf

¹⁸⁵ WECF (2004). 'Activity Report 2004. Looking back at WECF in 2004 and 2003', accessed on 11 February 2008: www.wecf.org; WECF (2006). 'Activity Report 2005. Overview of WECF's accomplishments in 2005'. Accessed on 11 February 2008: www.wecf.org.

¹⁸⁶ An example of this is a meeting with the Netherlands Union of Women from Rural Areas in January 2005 (WECF 2006).

¹⁸⁷ WECF (2004); WECF (2006).

¹⁸⁸ WECF (2004); WECF (2006).

WECF also expressed its concerns and wishes in meetings with the Dutch chemical industry. Representatives of WECF consulted with employees from Akzo Nobel, Dow Chemicals and Cosmetic Association, as well as with VNCI. Even though these meetings were held in a good atmosphere, WECF realised that the meetings would not result in the chemical industry changing its standpoint. During the development of REACH, representatives of WECF and CEFIC were involved in discussions in a European Commission technical working party (#51). WECF also contacted authorities and politicians on a national and international level. Letters and press releases were sent to various ministers (EZ, VROM, VWS and V&W), and a meeting was organised between WECF and Dutch MEPs who had previously been contacted by WECF. In April 2005 WECF published a common position with nine Dutch NGOs and the Dutch umbrella organisation for trade unions¹⁸⁹. WECF was fairly active on the European playing field compared to other Dutch NGOs. Among other things, this is shown by the fact that WECF was one of the few Dutch NGOs to contribute to the Internet consultation¹⁹⁰. In late 2007 the policy assistant responsible for REACH left the organisation. WECF subsequently only followed the implementation of REACH indirectly, but it did send letters relating to the establishment of the European Chemicals Agency in Helsinki (#51).

Dutch NGOs as 'Dutch players' at the EU level?

As shown by the above report of findings, the aforementioned NGOs differed in terms of their approach. The Foundation for Nature Conservation and Environmental Protection had the closest ties to the Dutch government and promoted SOMS on a European level within EEB, but failed to remain active during the entire REACH process. Greenpeace Netherlands had to operate within the scope provided by the international strategy of the parent organisation and conformed to the standpoints of Greenpeace International/EU. Despite the various activities of Greenpeace Netherlands, this NGO was therefore unable to propagate any aspects of SOMS on an EU level. The WECF campaign was aimed at increasing the awareness of women with regard to chemicals and, as one of the few 'Dutch' NGOs, it contributed to the European Commission Internet consultation. In this case WECF had the same aim as Greenpeace Netherlands, namely to increase awareness among (part of) the general public with regard to the risks of chemicals. As a result, references to REACH were rejected as being too technical for the wider public, and both NGOs concentrated on explaining certain aspects of the issues in language that the general public could understand. In summary, it can be stated that the NGOs can only be described as 'Dutch players' on the European playing field to a limited degree, and then only early in the process of development of the REACH Regulation. Furthermore, WECF is more of an international NGO with an office in the Netherlands than a 'purely' Dutch player. This resulted in a focus on REACH and only a marginal focus on SOMS.

Conclusion

The exploration of the role of the Dutch chemical industry at EU level revealed that the involvement of VNCI during the development of REACH was greatly affected by the relationship of dependency with CEFIC. As a result, VNCI only once tried to draw attention to SOMS within CEFIC (June 2000). As the REACH process progressed and VNCI became more

¹⁸⁹ WECF (2004); WECF (2006).

¹⁹⁰ European Commission (2007a). 'REACH Regulation – Public Consultation'. Accessed on 15 January 2008: http://ec.europa.eu/enterprise/reach/consultation_en.htm.

dependent on CEFIC for information, VNCI abandoned the overarching SOMS approach and conformed to the CEFIC standpoint. It is therefore doubtful whether the Dutch umbrella organisation acted as a 'Dutch' player on the European playing field.

The Dutch NGOs studied only used SOMS to a very limited degree when determining their approach at the European level. The Foundation for Nature Conservation and Environmental Protection managed to draw attention to aspects of SOMS on the European playing field. However, despite the positive response to SOMS from representatives of national NGOs within the umbrella organisation EEB, the Foundation for Nature Conservation and Environmental Protection was unable to continue this strategy because of changes of staff within the NGO. The strategy adopted by Greenpeace and WECF in relation to REACH was aimed at increasing the awareness of the general public about the dangers of chemicals. Greenpeace Netherlands never once actively propagated SOMS at the EU level. This was closely related to the international orientation of Greenpeace, whereby the Dutch branch coordinated activities in close collaboration with the international and EU branches. As a result, the approach taken by Greenpeace Netherlands could never become 'too' Dutch. WECF is an international organisation by definition, has one of its coordinating offices in the Netherlands, focuses on a small part of the general public (women) and therefore limited itself to representing part interests. Even though this NGO played a role in the Internet consultation on a European level, the fact that it represents a niche reduced the impact of its attempts to influence the process compared to NGOs that focus on even more general interests (environment). The findings relating to the Foundation for Nature Conservation and Environmental Protection and Greenpeace Netherlands appear to confirm a picture in which Dutch NGOs that are more involved in the national policy process (Foundation for Nature Conservation and Environmental Protection) are more willing to propagate aspects of SOMS on an EU level. However, these 'purely' Dutch NGOs are less active on the European playing field by definition. WECF takes up a position somewhere in the middle between an international and a national NGO with exclusive attention on REACH due to the international nature of WECF. Consequently, there was hardly any focus on SOMS within the European NGO context.

The above report of findings shows that players from Dutch civil society did not propagate the results of the Dutch consensus method (SOMS) at EU level. Among other things, this indicates the limited role that Dutch NGOs and the Dutch umbrella organisation for the chemical industry play on the European playing field and the dominance of the international/European umbrella organisations.