

**Contribution of the President of the Senate, the Netherlands,
Mrs Yvonne E.M.A. Timmerman-Buck
at the occasion of the
Conference of European Senates – Bucharest 12 October
2007**

Dear Colleagues,

It is always a great pleasure to meet one another at the Conference of European Senates. I highly value and appreciate these exchanges of view and ideas. Yesterday, we all enjoyed an excellent evening. I would like to thank our host for a conference so well organised and interesting. May I also take this opportunity to thank all colleagues who were so kind to send me congratulations on my re-election as President of the Dutch Senate.

Today we discuss our contributions to ensuring a transparent and accountable governance. A well-chosen topic: It goes to the heart of our democracies. Stable democracies can only be built and grow when there is transparency and accountability. On every level in governance, from the local to the national, from parliament to government. But especially also on the European level.

Transparency, accountability but also open communication are important preconditions for democracy and the rule of law. Realising those preconditions will vice versa strengthen our democracies and rule of law.

As representatives of the European Senates, I believe we all face this multi-level challenge. On the national level we have to do our utmost to ensure responsible governance. In our primary role as democratic controllers of our governments and within our own institutions. On the European level, we face the same challenge and need to ensure responsible European governance – ranging from our own parliamentary European contribution to the input of our national governments and of course in relation to the European legislators.

A conference like ours today provides an excellent forum to exchange best practices regarding the multi-level challenge. I would therefore like to place our debate even in the framework of bicameral systems. More specific I want to put forward two additional questions related to our position as Senates. First of all, what is the added value of the Senate in ensuring good governance? Second, do we, the Senates, accentuate different matters than the Houses of Representatives do?

In answering those questions and contributing to the topic of our conference, I would like to elaborate on some practices of the Dutch Senate. Of course, I hope that these examples will be seen as best practices for my colleagues present today.

Let me start by explaining that in the work of the Dutch Senate three principles are very important: lawfulness, feasibility and enforcement. Our Senators test a draft-law against these three principles. We do not only test the national draft laws against these criteria, but we also apply them to draft European legislation. These guiding principles are not differentiated between the various political groups. On the contrary, regardless of political signature, all Senators see these principles as guiding. I think that this is an element of strength of the Dutch Senate, which sometimes brings about a somewhat different approach from the one followed by the House of Representatives. For a good understanding: the Members of the House are very much involved in daily politics, whereas the Senate functions more like a "chambre de reflection". Different from the House the Senate does not have the power to amend a bill, but it does have an absolute right to veto a bill.

The three principles - lawfulness, feasibility and enforcement - are also the criteria to test transparency and accountability of governance. If a national or European law does not comply with

these criteria there will be a problem - after implementation - with the accountability. The Dutch Senate strives at preventing that. If I were to look at the difference with our House of Representatives, there exists the possibility that amendments to the law accepted by the House of Representatives in the heat of the political struggle might effect the goal, content and accountability-procedures of a law. It is the task of the Senate to scrutinise the law as in the end adopted by the House of Representatives. This also does point to a difference in the activities of the Senate and the House of Representatives.

I do however have to state here, that in the Dutch parliamentary system the scrutiny of national laws takes place consecutively whereas the European laws are treated simultaneously.

A very successful instrument of the Dutch Senate to ensure good governance on the national level, but also for the national input on the European level is our system of pledges. During plenary debates, but also in written deliberations with the Dutch government, ministers might pledge their word on certain matters. Either requested by Senators or pro-active to remove remaining concerns of the Senate. Twice a year, the Senate asks for accountability on the part of Government for pledges made. It is a well-functioning mechanism and forced by the right of the Senate to veto a law. In addition, we publish these pledges of Gov-

ernment on our public website which of course provides accountability and transparency to our Dutch citizen.

If we look at transparency and accountability, you might also face the following challenge in your countries. Specific ministers and ministries are responsible and accountable for a certain policy field. However, in real terms it often occurs that policy or legal issues have much ground in common with different ministries. This especially applies to those broader questions that concern our citizens. In the Dutch Senate we turn those concerns into opportunities. We invite all members of government involved for a policy-coordinating, policy-overlapping debate. For example, we debated the country and environmental planning of the Netherlands with as many as six members of government. This way of working has brought to the surface that sometimes different ministries did not know they were doing the same things; they sometimes appeared to duplicate each other and they sometimes were counteracting each other, on the basis of different long term views.

Dear Colleagues, let me now integrate the national and European level. In the Dutch Senate we were sometimes confronted with proposals that entitled local governments to decide themselves on implementation-rules which could be in breach of national or standing law. The Dutch government often used these kind of

implementing regulations for the implementation of European directions. Over the last five years the Dutch Senate has continuously taken action against this possibility to deviate in implementing regulations from national law. Last May the Senate unanimously adopted a motion stating that the Senate will no longer accept any proposals of the Dutch government that make use of this mechanism. From the perspective of accountability, transparency and lawful policies within our Dutch constitutional system and the European system, a very important statement. Not to mention the importance in relation to our citizens.

Last but not least I would like to inform you on two important European initiatives of the Dutch Senate in relation to today's topic. First of all, our initiative for more transparency and openness of Council deliberations. In 2005 we gathered the support of all national parliaments to send a letter to the European Presidency for more openness of the Council. These days, indeed some Council deliberations are held in public. As national parliaments - for the benefit of European transparency and for our citizens - we need to make more use of information gained from these public deliberations. For example, the openness of the Council meetings helped the Dutch Senate a lot when we had fierce discussions with the Dutch government on the European Fundamental Rights Agency.

If in the nearby future, the new European treaty provides our parliaments with a strengthened control-mechanism, we need to increase our cooperation. If we jointly want to take a European stance, we need to make more and better use of instruments like openness and transparency of council deliberations for our parliamentary benefit.

The second European initiative I wanted to mention today are our efforts for more transparency and accountability in the European finances. Although improvements have been made, we need to strengthen the democratic control on the EU expenditure. We need confidence-building budget management and improve the control systems. Every country and not just the Netherlands should give out a Declaration of Assurance on the national EU spending.

In the Senate, we invite our National Court of Auditors for an annual meeting. This format of cooperation is successful. I urge you all to look into your national input for the improvement of financial control systems, recommendable in cooperation with your national courts of auditors.

As I tried to stipulate with the national examples I presented, in the Dutch Senate we try to emphasize other dossiers; we often deal with other aspects of the matter than our national House of

Representatives. We especially do that in the European field. The Senate is in the somewhat luxury position that we can pick and choose the European dossiers that we find of such importance that they need our regular and specific attention. I just presented two of those examples. I will however – even given the European involvement of the Dutch Senate - refrain from mentioning other practices.

Honourable Presidents,

At the beginning of my contribution I posed two questions. First, what is the added value of the Senate in ensuring good governance? Second, do we, the Senates, accentuate different matters than the Houses of Representatives do?

I hope that with the practices of the Dutch Senate, I presented today, I have been able to not only to convince you that yes, indeed as Senates we have added value in ensuring good governance, but also to emphasize that it is part of our task to pay extra attention to accountability, transparency and open communication. One of the instruments to do both is actually shifting accents between Houses of Parliament in a bi-cameral system. I think that in a bi-cameral system, the Houses of Parliament can better complement each other than duplicate.

Colleagues, ensuring transparency and accountability on the national and European level equals ensuring democracy and rule of law. That is why representative bodies of the people exist.

Thank you.

It does leave the answer to my posed questions at the beginning of my contribution still open