



TRANSPARENCY
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LIFTING THE LID ON LOBBYING

HIDDEN POWER AND INFLUENCE IN THE NETHERLANDS



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Lead Author: Bart Vollebergh

Co-authors: Luuk van Roozendaal, Lotte van Teunenbroek and Pieter Schermers

Review: Lotte Rooijendijk & Arco Timmermans

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GLOSSARY, TABLES AND FIGURES

ABBREVIATIONS

AmCham	American Chamber of Commerce
BVPA	Beroeps Vereniging voor Public Affairs.
CPI	Corruption Perception's Index
DTIB	Dutch Trade and Investment Board
EM	Explanatory Memorandum (memorie van toelichting)
EU	European Union
FTM	Follow the Money
GDB	Global Data Barometer
GRECO	Group of states against corruption
IMI	Instituut Maatschappelijke Innovatie
MP	Member of Parliament
NIS	National Integrity System
NOB	Nederlandse Orde van Belastingadviseurs
ODB	Open Data Barometer
OECD	Organisation for Economic Cooperation and Development
OLAF	European Anti-Fraud Office
OSF	Open State Foundation
TI	Transparency International
TI-NL	Transparency International Nederland
VEN	Vereniging Energie Nederland
WOB	Wet Openbaarheid van Bestuur
WOO	Wet Open Overheid
WODC	Wetenschappelijk Onderzoek- en Documentatiecentrum

TRANSLATIONS

Advies College Openbaarheid en Informatiehuishouding	Advice Committee for Transparency and Information Management
Aanwijzingen voor de regelgeving	Instructions for draft legislation
Beroeps Vereniging voor Public Affairs	Professional Association for Public Affairs
Bronbelasting	Withholding Tax
Circulaire	Memorandum
College van Onderzoek en Integriteit	Oversight Committee
Instituut Maatschappelijke Innovatie	Institute for Societal innovation
Lobby in Daglicht	Lobbying in Daylight
Lobbyparagraaf	Lobby Paragraph
Memorie van Toelichting	Explanatory Memorandum
Ministerie van Binnenlandse Zaken en Koninkrijksrelaties	Ministry of the Interior and Kingdom Relations
Ministerie van Economische Zaken	Ministry of Economic Affairs

Ministerie van Infrastructuur en Waterstaat	Ministry of Infrastructure and Water Management
Nederlandse Orde van Belastingadviseurs	Dutch Order of Tax advisors
Vereniging Energie Nederland	Association Energy the Netherlands
Werkgroep Integriteit	Working Group Integrity
WOB	Law on Public Disclosure
WOO	Open Government Law
WODC	Research and Documentation Centre
Eerste Kamer	Senate
Tweede Kamer	House of Representatives

DEFINITIONS

Public official	Refers to an individual carrying out duties in the public sector, whether at the central or subnational levels of government, paid or unpaid, permanently or temporarily employed, who are subjects of lobbying and influence activities.
Parliamentarians	Members of the Dutch Parliament ('Tweede Kamer')
Senators	Members of the Dutch Senate ('Eerste Kamer')

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EXECUTIVE SUMMARY

This report demonstrates that, on the subject of lobbying, no progress has been made in the last seven years to improve the transparency, integrity or equality of access. The Dutch government has announced several proposals to improve laws and policies. However, at the time of writing, these proposals are either insufficient or still being implemented. We draw these conclusions from our review of the existing legislation in the Netherlands, which we analysed with our data collection questionnaire. This questionnaire contains over sixty indicators about lobby regulation and is based on international standards such as the OECD principles for transparency and integrity in lobbying. In addition to our law review, we investigate two lobby-related phenomena: the revolving door and the implementation of the legislative footprint. We find that the revolving door is still significantly pervasive in Dutch political culture. Based on our analysis of the period 2017 to 2022, we find that of the members of Parliament (MPs) and ministers that leave office, 23% and 44%, respectively, become lobbyists. Secondly, we investigate the implementation of the legislative footprint, which is a comprehensive public record of lobbyists' influence on a piece of legislation. We find that about 25% of proposals do not include any type of legislative footprint. The ones that do mention external actors, mostly do so by summarising the online consultation. This is a very limited interpretation of external actors. Actors outside of the formal online consultation should also be mentioned. Based on the law review and other analyses, we conclude that from the recommendations we made in our 2015 report, only one recommendation has been properly implemented (i.e., revoking the parliamentary pass). In the short term, we recommend that the government immediately pursue implementing an effective cooling-off period and increase lobbying transparency and integrity concretely by implementing a mandatory lobby register and statutory legislative footprint.

RECOMMENDATIONS

In light of the findings of this report, Transparency International Nederland (TI-NL) makes twelve recommendations as a call to action to the government, private sector and civil society. In our view, a decisive move is essential for mitigating the risks of undue influence and creating a fairer and more ethical representation of interests in the Dutch public decision-making process. Attentive readers will find that only minor changes have been made to the recommendations published in the previous report. Therefore, the bulk of those recommendations remain relevant in 2023.

1. Enshrine the legislative/decision-making footprint in law. All legislative proposals, and where feasible other decision-making processes, should include a, 'footprint', which tracks and summarises external input and contact between lobbyists and public officials/representatives. Demonstrate what has been done with the external input (e.g., dismissed the input or adopted in the proposal).

Who: Minister of the Interior and Kingdom Relations and public officials/representatives responsible for proposals and lobbyists (proactive disclosure).

2. Ensure a well-resourced independent body charged with oversight and enforcement of rules on the transparency of lobby activities and rules pertaining to ethical conduct (post-employment, conflicts of interest, gifts and hospitality, etc.).

Who: Minister of the Interior and Kingdom Relations.

3. Conduct a review and develop a coordinated integrity strategy for the whole public sector and, in addition, for MP and Senator Codes of Conduct, adopting the principles recommended by GRECO in the fifth round of evaluations published in 2019. Ensure that this strategy includes clear lobbying rules on the communications between public officials and lobbyists. This review should include broad consultation with all relevant stakeholders.

Who: Minister of the Interior and Kingdom Relations, House of Representatives, Senate and stakeholders.

4. Introduce a statutory code of ethics for lobbyists. Ensure that it includes clear lobby rules on communication between public officials and interest groups, as well as what constitutes ethical and responsible lobbying. This code should be established after broad consultation with all relevant stakeholders.

Who: Minister of the Interior and Kingdom Relations and other stakeholders.

5. Introduce a mandatory lobby register that requires timely registration by lobbyists, with detailed disclosure of information on whom they represent, who their lobbying activities target, when and how they lobby, as well as which supporting evidence is employed. A well-funded, independent authority should monitor this register and the statutory code of ethics for lobbyists. Disclosed information should be published in an easily accessible electronic format.

Who: Minister of the Interior and Kingdom Relations and the House of Representatives and the Senate.

6. Repeal the existing so-called Lobbyists Register at the House of Representatives.

Who: House of Representatives.

7. Ensure that lobby regulation is based on a set of broad definitions that capture all those paid to lobby or who lobby on behalf of an organisation and all key lobbying targets: public officials and politicians (including Senators).

Who: Minister of the Interior and Kingdom Relations.

8. Introduce mandatory post-employment cooling-off periods (two years) for all former ministers, state secretaries and members of Parliament before they can work as lobbyists and/or require them to receive permission from a designated ethics office/agency before taking up an appointment in the private sector where they could lobby their previous employer.

Who: Minister of the Interior and Kingdom Relations for all public officials (at all ministries) and House of Representatives and Senate for MPs

9. Improve and expand public consultation mechanisms to ensure they cover the entire legislative process and allow for meaningful participation by a broad range of interests in the political process. Input in the consultation procedure should be made public at all times, without exception.

Who: Minister of the Interior and Kingdom Relations and all ministries.

10. Introduce a legal requirement for public bodies to publish the results of consultation processes, including the (summarised) views of participants in the consultation process.

Who: Minister of the Interior and Kingdom Relations.

11. Introduce and publish guidelines for the selection of experts and stakeholders in expert committees, committee meetings (*rondetafelbijeenkomsten*) and other types of hearings.

Who: Minister of the Interior and Kingdom Relations, House of Representatives and Senate.

12. Continue professionalising the public affairs sector by introducing educational requirements and mandatory ethics training on responsible lobbying for all lobbyists (see Responsible Lobbying Guide)¹.

Who: BVPA and other sectoral organisations.

¹ Responsible Lobbying Guide. TI-Ireland. Retrieved from:
https://transparency.ie/sites/default/files/15.12_responsible_lobbying_guide.pdf

INTRODUCTION

Lobbying is a key part of the legislative process. It allows the public, corporations, and interest groups to make their voices heard and engage and share information with policymakers. It can serve as the basis of an open and inclusive policy-making process. At the same time, lobbying introduces risks to the policy-making process. What if certain interests gain undue influence? Are we able to hold politicians and public officials accountable for their relationships with private interests? How can we strengthen transparency in the decision-making process?

These are the primary questions of this report. The backdrop to these questions is the current low level of trust in our government and institutions.² The Netherlands is currently facing several simultaneous crises: a housing crisis, a nitrogen crisis, the climate crisis, and the effects of the war in Ukraine, just to name a few. At the same time, government trust is low due to its previous actions. Consequently, the current government faces three parliamentary investigations.³ This includes an investigation into the childcare benefits scandal, the natural gas extraction in Groningen, and an investigation into how the pandemic was handled.⁴ The number of parliamentary investigations is unprecedented.

Undue influence of private interest can lead to bad decision-making or decision-making that only favours a few. Transparency International's latest Global Corruption Barometer shows that 42% of people believe that the government merely serves private interests.⁵ This is hardly an unfounded public hunch. An important example of private interests entering politics was the discussion on the abolition of the dividend tax, a key legislative item introduced by the Rutte III Cabinet.⁶ It aimed to rescind the 15% tax paid by companies on stock dividends. It would have constituted a loss in revenue of nearly 2 billion euros. However, this policy was not mentioned in any party manifesto before the election. It raised serious questions about the extent to which the government was willing to cater to corporate interest at the expense of the public interest.

There is also a more structural trend visible, i.e. access to decision-makers. A few years ago, research from the collective LobbyWatch (which TI-NL was part of) and Follow the Money found that large umbrella organisations tend to have a disproportionate number of meetings

2 NOS, 2022. Retrieved From: <https://nos.nl/collectie/13915/artikel/2445243-enquete-vertrouwen-in-de-politiek-is-enorm-laag>

3 Parlement.com, 2022. Retrieved from: https://www.parlement.com/id/vh8lnhrpmxvd/parlementaire_enquetes_1851_heden

4 NOS, 2022. Retrieved From: <https://nos.nl/nieuwsuur/artikel/2434930-al-die-parlementaire-enquetes-is-dat-niet-te-veel-voor-de-kamer>

5 Transparency International, 2021. Retrieved From: https://images.transparencycdn.org/images/TI_GCB_EU_2021_web_2021-06-14-151758.pdf

6 Trouw, 2018. Retrieved from: <https://www.trouw.nl/nieuws/de-afschaffing-van-de-dividendbelasting-lijkt-van-de-baan-en-dat-is-pijnlijk-voor-rutte~bc2b26d2/>

with cabinet members.⁷ Research by the Open State Foundation (OSF) in 2020 corroborates these findings. OSF found that corporations and business organisations account for nearly 45.4% of meetings with government officials.⁸ It shows the effectiveness of transparent public decision-making. For the first time, the public was able to get a glimpse of the structural imbalances in the public policy-making process.

To address the issues mentioned above, this research focuses on three dimensions:

- Transparency: the public's ability to see who influences politics and policymaking;
- Integrity: the extent that they can depend on the trustworthiness of policymakers and;
- Equality of access: the extent to which different parties are engaged in policy and legislative processes.

In the following section, we outline the report's methodology.

7 Guest Author, 2018. Retrieved From: <https://www.ftm.nl/artikelen/dit-zijn-de-lobbys-die-het-vaakst-toegang-krijgen-tot-het-kabinet?share=rFHIJ2I%2FE%2Bx1oBuGmHyQPbkv5IbNoYjpp4SmEwpV7fUhEOG%2BaEE0nmjGmko>

8 Rosa Juffer, 2021. Retrieved From: <https://openstate.eu/wp-content/uploads/sites/14/2021/03/Thesis-Rosa-Juffer-11304162.pdf>

METHODOLOGY

This report is part of a larger and similarly named project called ‘Lifting the Lid on Lobbying’. The project aims to investigate and advocate for better regulation of lobbying in the Netherlands. The structure of the project adheres to TI-NL's common standards, which combine research and advocacy. We have outlined the structure and related activities in Figure 1 below. The activities, specifically research and outreach, were not consecutive. Rather, opportunities were taken as they arose to present our case in the media and improve. Thus, the report draws on research and practical experience.

An example of the dual approach to this report is the ‘cooling-off period’. At the start of the project, barely any regulation on the prevention of revolving doors existed. The report outlined the history and relevant case studies for this type of regulation. However, when Cora van Nieuwenhuizen, then Minister of Infrastructure and Water Management, left her job to join Vereniging Energie-Nederland (VEN), the project shifted its focus to advocacy. Parliament passed a resolution that called on the government to introduce a mandatory cooling-off period in September 2021. When new policies or laws were adopted, our report was updated accordingly to reflect the most recent developments up to the end of 2022.

- **RESEARCH / FACT FINDING**
 - Stocktaking and identification of key challenges:
 - Identifying good practices in Europe:
 - Background research: overview on key issues, good practices and innovative approaches world-wide.
- **OUTREACH**
 - Publication at national level:
 - Promotion of solutions towards public decision-makers (public officials, parliamentarians, etc.):
 - Promotion of solutions towards private sector (companies, lobbyists, etc.):
 - Alliance-building with key stakeholders and engagement of citizens.
- **EVALUATION**
 - Assessment of results and impact of project:
 - Sustainability planning.

Figure 1: The ‘Lifting the Lid on Lobbying’ Project

REPORT METHODOLOGY

This second review builds on the progress presented in the 2015 *Lifting the Lid on Lobbying* report. The previous research was part of a larger international project on EU lobbying frameworks. This second review aims to build on the analysis of the previous report and mainly analyses changes since 2015. This report aims to assess whether lobbying is still an unregulated practice in the Netherlands and looks into the current measures, their sufficiency and whether greater transparency is feasible or desirable.

The research methodology was developed by the Secretariat of Transparency International, and the research itself is primarily qualitative. It includes various secondary sources such as Open State Foundation, Lobbywatch, several OECD and GRECO reports, parliamentary documents and public websites, complemented by primary data obtained from in-depth interviews with policymakers, lobbyists and experts in the field of lobbying.

In addition to the abovementioned sources, four semi-structured interviews were conducted with lobbying experts (see the full list in annex 2). Semi-structured interviews provided sufficient reliability between interviews but also enabled us to deviate from the interview structure when new ideas or concepts were introduced to the conversation.^{9&10} The interviews were divided into a fact-finding part and an opinion part. The latter provided additional information on the state of lobbying affairs and greatly improved our understanding of the topics at hand. All interviews were conducted in Dutch.

The report consists of three constituent parts: a law review, an analysis of lobbying in practice which includes investigations into the revolving door and the legislative footprint and, lastly, a conclusion. Cumulatively, the three parts aim to provide an overview of the current legislation and policies in the Netherlands.

Part one, the law review, applies the *Transparency International data collection questionnaire* (see Annex 1 for the full questionnaire and results) to the existing lobbying legislation in the Netherlands. The data collection questionnaire (henceforth: questionnaire) consists of three dimensions: *transparency*, *integrity*, and *equality of access*. Within each dimension, there are several indicators, all of which are posed as questions, for example: *'Is there a lobbyist register in the country?'*. Each indicator is assigned a score and tallied per dimension. While scoring may differ per question, the scores usually follow the following pattern: 2 = *'existent and sufficient legislation'*, 1= *'existent legislation but insufficient or not used'* and 0 = *'absent'*. The total score per dimension is found in the respective chapters of this report.

Part two analyses lobbying practices in the Netherlands. It covers two important phenomena that are also mentioned in the law review: the revolving door and the legislative footprint. The methodologies for these investigations are outlined within their respective chapters.

In the third and final part of this report, TI-NL discusses the results and provides avenues for improvement. These conclusions have informed our recommendations, which can be found at the beginning of this report.

9 Robert Yin, 2017. *Case Study Research and Applications: Design and Methods*. ISBN: 9781506336169

10 David Gray, 2018. *Doing Research in the Real World*. ISBN: 9781526418500

LOBBYING ON PAPER

In the following chapters, we analyse the Dutch legal framework. For this purpose, we employ the data collection questionnaire devised by Transparency International. Special emphasis is put on the changes since our 2015 report. However, before commencing this investigation, we need to clarify what we mean by lobbying.

HOW TO DEFINE LOBBYING

Lobbying is a legitimate part of the law-making process. Lobbying informs government policy and enables legitimate points of view from different interests in society to be heard during public debates and decision-making. It plays a key role in the democratic process. It is also important to understand that lobbying doesn't always directly influence a specific government policy but can be aimed at influencing the underlying policy climate. This policy climate shapes official attitudes on a given topic and has a bearing on future government policy and legislation.¹¹

A definition should aim to capture a variety of activities that actors use in the lobbying process. For this study, we use the international definition used by Transparency International:

Any activity carried out to influence a government or institution's policies and decisions in favour of a specific cause or outcome. Even when allowed by law, these acts can become distortive if disproportionate levels of influence exist – by companies, associations, organisations and individuals.¹²

For the purpose of clarity, we also discuss an alternative definition and some of the practices we perceive as related to lobbying. The OECD provides an alternative definition in their Recommendation of the Council on Principles for Transparency and Integrity in Lobbying from 2010, which states:

Lobbying, the oral or written communication with a public official to influence legislation, policy or administrative decisions, often focuses on the legislative branch at the national and sub-national levels. However, it also takes place in the executive branch, for example, to influence the adoption of regulations or the design of projects and contracts. Consequently, the term public officials include civil and public servants, employees and holders of public office in the executive and legislative branches, whether elected or appointed.¹³

In their more recent report, *Lobbying in the 21st Century: Transparency, Integrity and Access*, the OECD argues that new practices, actors, and contexts should be considered when describing lobbying.¹⁴ This is a major new avenue for undue influence in the policy-making

11 Transparency International Ireland. 2018. <https://www.transparency.nl/wp-content/uploads/2018/04/Responsible-Lobbying-Guide.pdf>

12 Transparency International, 2022. Retrieved From: <https://www.transparency.org/en/corruptionary/lobbying>

13 OECD, 2022. Retrieved From: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0379>

14 OECD, 2021. Retrieved From: <https://www.oecd-ilibrary.org/sites/c6d8eff8-en/1/3/1/index.html?itemId=/content/publication/c6d8eff8-en&csp=381daa981c42f6b279b070444f653f78&itemIGO=oecd&itemContentType=book>

process, and for that reason, listing some of the practices is useful. In doing so, we hope to provide a better understanding of the type of activities considered in this report:

- **Lobbying activities through contracting with professional lobbying or public relations firms, law firms and self-employed lobbyists mandated to represent an organisation's interests;**
- **Indirect lobbying by companies through trade organisations and labour unions;**
- **The increased use of social media;**
- **The use of gifts, the revolving door and means by which money enters politics;**
- The influence of foreign companies and interests;
- The influence of special interests through participation in established institutional arrangements such as government **advisory and expert groups** or **parliamentary inter-groups**;
- Influence through **academic institutions** (universities and university research centres) or **well-known experts and practitioners** that can shape major discussions on key policies and/or produce results favourable to some interests;
- **Influence by think tanks and other policy institutes.**¹⁵

15 OECD, 2021. Retrieved From: <https://www.oecd-ilibrary.org/sites/c6d8eff8-en/1/3/1/index.html?itemId=/content/publication/c6d8eff8-en&csp=381daa981c42f6b279b070444f653f78&itemIGO=oecd&itemContentType=book>

STRENGTHENING TRANSPARENCY

This section analyses the transparency level of lobbying activities and public decision-making. It mainly deals with the following questions: to what extent does the public have sufficient knowledge of (a) who is lobbying public representatives and public officials, (b) on what issues they are being lobbied, (c) when and how they are being lobbied, (d) how much is being spent in the process, and (e) the result of these lobbying efforts? To answer these questions, we first analyse the transparency score and continue by analysing some of the key developments.

THE TRANSPARENCY SCORE

Transparency is generally one of the key instruments that TI recommends for combatting corruption. It is a necessary condition for understanding the extent and intensity of lobbying and the prerequisite of holding decision-makers accountable. Table 1 shows the results of the data collection questionnaire regarding the subcategory Transparency. The score has slightly improved since the previous report. Two developments are noteworthy. The Netherlands now provides ministerial agendas, which results in an improved proactive disclosure score. At the same time, the TI-NL has concluded that the existing lobby register is so poor that we have reduced our score on the registration and disclosure of lobbyists. The net result is a slight improvement in the transparency score.

Dimension: Transparency	SCORE (2015) ¹⁶	SCORE (2022)
Access to information	67%	67%
Registration and disclosure by lobbyists	10%	7%
Oversight of register and sanctions	0%	0%
Pro-active disclosure/Legislative footprint	25%	38%
Average	25%	27%

Table 1: Transparency score

INFORMATION ACCESS

Legislation on information access enables citizens to access data held by national governments. This 'right to know' is essential for the transparency of decision-making. To scrutinise public decision-making, the public must know who has made certain decisions, why they were made, and who had what influence during the process.

The Netherlands has a broad provision in the Constitution that regulates access to information. The obligation to regulate information is found in Article 110 of the Constitution:

16 Transparency International, 2015. Retrieved From: <https://lobbywatch.nl/wp-content/uploads/2016/12/Lifting-the-Lid-on-Lobbying-Enhancing-Trust-in-Public-Decision-making-in-the-Netherlands.pdf>

In the exercise of their duties, government bodies shall observe the right of public access to information in accordance with rules to be prescribed by Act of Parliament.¹⁷

Even though this article is part of the legislation and administration section of the Constitution and not the fundamental rights section, it still provides a broad and robust statutory basis.¹⁸ The governmental obligation to provide an open public administration is rooted in this provision. The Open Government Law was passed (WOB) in 1991.¹⁹ It states that anyone can apply for information. However, this law was replaced in 2022 by the Open Government Law (WOO).

Where open data is concerned, our previous report mentioned two indices. The first was the Right to Information Index. Our intention was to compare these two datasets. However, this first index has not been updated, making it impossible for us to draw any comparisons. The second index was the Open Data Barometer (ODB). This report was last published in 2016. From 2017 onwards, the dataset only measures G20 countries. Out of 115 countries, the Netherlands ranked 8 in 2016, with a score of 75.²⁰ The ODB measures several types of open data, such as land registry data, open spending data, census data, crime statistics and public contracts. One of the key ODB findings is that the Netherlands could improve on publishing open spending data. More generally, it should make data available in machine-readable formats.

A more recent dataset measuring access to information is the Global Data Barometer (GDB).²¹ The GDB measures the availability and quality of data in several thematic areas, including political integrity data, governance, and public procurement. Unlike other registers, the GDB does not rank countries.²² For the sake of this report, we prepared our own analysis. When looking at the thematic area of governance, which includes freedom of information, we can compare the Netherlands to 26 OECD countries with similar economic and social development levels, including several EU states. Here, the Netherlands ranks 13 according to our calculations.²³ Under the Political Integrity theme, which includes lobbying frameworks, the Netherlands takes place 16.²⁴

The GDB found that the Netherlands could improve on several fronts. Dataset interoperability is the area of highest concern. Currently, there are no unique identifiers or frameworks that enable comparisons between datasets, making integrity risks difficult to spot. There is also much to be gained by using data more proactively. Datasets exist but are rarely used in

17 De tekst van de Grondwet met toelichting. Retrieved From:

https://www.denederlandsegrondwet.nl/id/vkwr6d92rnm/de_tekst_van_de_grondwet_met_toelichting

18 Global Right to Information Rating, 2018. Retrieved From: [www.rti-](http://www.rti-rating.org/view_country.php?country_name=Netherlands)

[rating.org/view_country.php?country_name=Netherlands](http://www.rti-rating.org/view_country.php?country_name=Netherlands)

19 Wet openbaarheid bestuur, 1991. Retrieved From: <https://wetten.overheid.nl/BWBR0005252/2009-10-01>

20 Open Data Barometer, 2016. Retrieved From: [https://opendatabarometer.org/4thedition/detail-](https://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=NLD)
[country/?_year=2016&indicator=ODB&detail=NLD](https://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=NLD)

21 Global Data Barometer, 2022. Retrieved From: <https://globaldatabarometer.org/about/>

22 Global Data Barometer, 2022. Retrieved From: [https://globaldatabarometer.org/wp-](https://globaldatabarometer.org/wp-content/uploads/2022/05/GDB-Report-English.pdf)
[content/uploads/2022/05/GDB-Report-English.pdf](https://globaldatabarometer.org/wp-content/uploads/2022/05/GDB-Report-English.pdf)

23 Global Data Barometer, 2022. Retrieved From: <https://globaldatabarometer.org/module/governance/>

24 Global Data Barometer, 2022. <https://globaldatabarometer.org/module/political-integrity/>

investigations or other forms of prosecution. It also states that the Netherlands is slow to decide on freedom of information requests.²⁵

WHAT HAS CHANGED?

In 2021, Parliament voted to replace the WOB with the 'Wet Open Overheid', Open Government Law (WOO). The WOO is the successor to the WOB and was approved by the Senate at the end of 2021.²⁶ The law entered into force on 1 May 2022. The new law improves several flaws identified in the WOB:

- It reduces the *de jure* deadlines for the release of information to four weeks;
- The government aims to proactively publish information instead of waiting for a submission of requests;
- A new advisory body called 'Adviescollege Openbaarheid en Informatiehuishouding' was established. This body advises the government and acts as a mediator between parties requesting information and the government;
- It establishes the ability of multiple organisations/ministries to simultaneously request information.

REMAINING ISSUES

While the new Open Government Law (WOO) provides an updated, more robust basis for the publishing of information by public officials, the current situation still contains serious flaws.

One such flaw is the stark difference between the *de jure* and *de facto* disclosure deadlines. The processing time for an open information request is, as OSF and the Institute of Social Innovation (IMI) put it: 'unbearably slow'.²⁷ In their 2022 report, the organisations showed that the government nearly always exceeds its deadline. While the government deadline for publishing data is 28 days (with an additional 28-day protracted deadline), the average request takes 161 days. Even for small requests (i.e., requests of 50 pages or less), the government is often late, exceeding the extended deadline by 56 days. For the report, the organisation analysed 1,200 requests in 2020 and 2021.²⁸ This is especially problematic given that the WOO reduced the deadline to a maximum of 42 days. When it comes to deadline compliance, the government has a long road ahead of it.

In addition to deadline issues, the new legislation provides no additional framework for lobbying-related transparency. While the new laws enable journalists to access information more quickly, there are no new requirements for third-party lobbyists to disclose information. In terms of the data questionnaire, that means there has been no information access-related progress.

25 Global Data Barometer, 2022. Retrieved From: <https://globaldatabarometer.org/open-data/>

26 Eerste Kamer, 2021. Retrieved From:

https://www.eerstekamer.nl/nieuws/20211005/eerste_kamer_stemt_in_met_de_wet

27 Instituut maatschappelijk innovatie.

https://www.imi.nu/userfiles/imi.nu/files/Ondraaglijk_traag_280122_def2-2.pdf

28 Open State Foundation and IMI, 2021. Retrieved From: <https://openstate.eu/wp-content/uploads/sites/14/2022/01/Ondraaglijk-traag-280122-def.pdf>

PUBLISHING AGENDAS

Another interesting development concerning the disclosure of lobbying information is the publication of agendas. At the end of 2021, Members of Parliament Joost Sneller (D66) and Laura Bromet (GroenLinks) introduced a resolution to publish the minister and state secretary agendas.²⁹ The resolution calls on public officials to publish all external meetings unless there are important arguments for not publishing. Furthermore, the resolution calls on the government to structure the data to make the type of meeting itself clear. That facilitates a better public understanding of the data. Lastly, the resolution requests that data be updated regularly.

The resolution was adopted, and the request has since been executed by the government. As part of this report, TI-NL published the agendas of ministers and state secretaries on Integrity Watch.³⁰ This online tool allows civil society actors, journalists, and citizens to review minister and state secretary agendas. It was developed to provide more information on ministerial and state secretary activities. In short, it records the meetings of ministers and state secretaries with individuals from the private sector, lobby groups, or NGOs. Integrity Watch provides a tool that allows stakeholders to gain more insight into the integrity of decisions made by politicians in the Netherlands. The publication of agendas on [integritywatch.nl](https://www.integritywatch.nl) also drew attention to some flaws in the public agendas.

One of the primary concerns is that the current legal basis for publishing agendas is enshrined in policy, not law, which means minimal guarantees of ministerial compliance with the regulation. In addition, there is still a lot of information missing. In their current form, the agendas do not provide sufficient transparency on third-party contacts. More specifically, sufficient information about third-party contacts and a summary of meeting content are missing. Best practices prescribe that the interests or employers of the parties involved, names of the actors involved, and a summary of the conversations must be included. Lastly, the agendas are not published in accordance with open data standards best practices.

With these considerations in mind, a mandatory lobby register would provide much-needed additional information. If based on the standards of Transparency International, the lobby register would provide the necessary details to assess undue influence-related risks. Currently, if an individual wants to access to more information on third-party contacts, their only option is to lodge a freedom of information appeal.

There are also flaws in the implementation of the agendas. An analysis by OSF showed that ministers do not always comply with the existing rules. Additionally, there is a major discrepancy between ministries. Some ministries provide significant amounts of information, while others provide much less. In the most recent debate of 20 October, the Minister of Interior Affairs acknowledged the need for compliance with the regulations and has promised improvement.³¹ This has yet to be implemented.

29 Tweede Kamer, 2021. Retrieved From:

<https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2021Z18918&did=2021D40596>

30 Integrity Watch. Retrieved From: <https://www.integritywatch.nl>

31 Tweede Kamer, 2022. Retrieved From:

https://www.tweedekamer.nl/debat_en_vergadering/commissievergaderingen/details?id=2022A07439

REGISTRATION AND DUTY TO REPORT

There are two ways in which a lobbyist can register in the Netherlands. First, the lobbyist can become a member of the BVPA, which registers them and makes them subject to the Code of Conduct and the Complaints Committee (see ‘Self-Regulation of Lobbyist activities’). Second, the lobbyist can register in the so-called voluntary Lobbyist Register of the House of Representatives. We discuss the advantages and drawbacks of both systems below.

First, let’s consider a lobbyist who joins the BVPA. By becoming a member of the BVPA, a lobbyist consents to have their contact data published on the BVPA website. The organisation lists member data, all of whom are mentioned by name, and includes their employer or commissioning organisation and a phone number.³² The organisation has a regulatory code, which is overseen by an independent body. The government is not involved in drafting the list or maintaining it.

However, the list has several drawbacks. One of them includes that BVPA registration is voluntary. For that reason, it lacks sufficient enforcement for the public to be certain that it encompasses all lobbyists active in the Netherlands. While it is understandable from an organisational or club perspective – one cannot be forced to become a member of a club – it is not a sufficient guarantee for lobbying transparency. Moreover, the BVPA does not register meetings by specific lobbyists with the government. Lastly, the BVPA, as a club, is completely independent of government oversight. This issue is exacerbated by the absence of enforceability. There is no provision for independent audits or regular checks.

The second lobbyist register is the Lobbyist Register of the House of Representatives. This register has several significant drawbacks, which are discussed at length in the ‘access pass’ section under the Equality of Access category. For the transparency category, it is important to note that little lobby register-related progress has been made, and it fails to administer basic elements of the lobbying process. Its voluntary nature lacks enforceability, and no list of individual meetings is available. The latter would enable us to reflect on the access companies have to parliamentarians. Furthermore, the current register only indicates the company name and name of the lobbyist. This makes it nearly impossible to hold politicians and companies to account.

LOBBY REGISTERS

Mandatory and comprehensive lobby registers are an important part of the solution. Observant readers may already have noticed that many of the solutions draw on the lobby register as a benchmark. The register, if implemented correctly, would cover the bulk of recommendations in the transparency subcategory of our questionnaire. Because of its central role in the solution, we devote additional time to reviewing international best practices for lobby registers and, additionally, review some of the historical reasons behind their adoption by several countries.

Holman and Luneburg provide an overview of European and Anglo-Saxon models for lobbying and transparency.³³ They conclude that Canada and the United States have long struggled to

32 BVPA, Retrieved From: <https://bvpa.nl/over-bvpa/lidmaatschap>

33 Holman, C. and Luneburg, W. ‘Lobbying and Transparency: A Comparative Analysis of Regulatory Reform (Comparison)’, *Interest Groups & Advocacy*, 1.1 (2012), 75–104 DOI: <https://doi.org/10.1057/iga.2012.4>

reform their lobby registers but have a long-standing tradition of transparency. European countries took much longer to adopt measures that regulate access, transparency and integrity in the lobbying process. In Europe, the adoption process started in eastern European countries, while western European countries lagged behind. The latter perceived regulation primarily as a means of engaging businesses in the policy-making process to support economic growth.

However, European countries are increasingly implementing lobby registers. Notable examples include Ireland, the European Commission, and Germany (as of 2022). TI-NL has collected several excellent lobby register examples. These serve to strengthen our advocacy towards the government. The existing registers show that implementing a lobby register is effective and feasible. Because they form such an important part of our project, we discuss two examples, namely Ireland and Canada.

Ireland:

Ireland introduced the Regulation of Lobbying Act in 2015.^{34,35} In the accompanying memorandum, it states: ‘the Bill will allow the wider public to reach informed evidence-based judgments about the extent to which different interest groups are accessing key decision makers across the political and public service systems’.³⁶

The Bill required Ireland to introduce an online registry that contains 1,905 organisations and individuals registered as of 2019. In a return file, the lobbyist must indicate who was lobbied, the subject matter of the lobbying activity, the results the person was seeking to obtain, the type and extent of activity, the name of any person in the lobbying organisation who is or was a designated public official and carried out lobby activities, and, where relevant, information about any client on whose behalf they are lobbying.

The rules and regulations are administered by the Standards in Public Office Commission. This Commission oversees and drafts the lobbyist code of conduct. The Commission is empowered to investigate suspected rule violators. Their mandate provides for the subpoena of documents, requiring meeting attendance, and with the permission of a judge, may even warrant document search and seizure at private residences. Sanctions could include naming and shaming, warnings, and administrative penalties.

Ireland’s lobby register is one of Europe’s most comprehensive due to the aforementioned rules. It also has an excellent scope, covering employers, staff and third-party lobbyists. It even specifically mentions land development proceedings. There is, however, an ongoing discussion about drawbacks. For example, the lobby register is not connected to Parliament access. Additionally, some companies are not aware of the registration requirements, and a review of the relevant sanctions in case of non-compliance is needed.

34 Bauer, E., Thiel, M., Laurencin, E., and Holzapfel, V. (2019). Transparency of lobbying in Member States (comparison). November. <http://www.europarl.europa.eu/EPRS/Lobbying-transparency-comparative-analysis.pdf>

35 Irish Statute Book, 2015. Retrieved From: <https://www.irishstatutebook.ie/eli/2015/act/5/enacted/en/print#sec1>

36 Department of Public Expenditure and Reform, 2014. Retrieved From: <https://data.oireachtas.ie/ie/oireachtas/bill/2014/59/eng/memo/b5914d-memo.pdf>

Canada:

The lobbyist registration act, or Lobbying Act (LA) was introduced in 1988.^{37,38} This legislation is partially premised on the importance of public knowledge about the nature and scope of lobbying activities. The government assumed that improved transparency would lead to increased confidence in decision-making. Furthermore, it aimed to provide an overview of the actors seeking to influence government decision making and, thirdly, emphasised the necessity of open government for those affected by legislation.

In Canada, lobbying legislative and administrative agencies can trigger registration. More specifically, it covers all communication with public servants; however, some meetings with high-level officials also trigger additional reporting requirements. Interestingly, the Canadian law covers both direct and grassroots lobbying, the latter being activities that encourage officials to take a particular action through public pressure. People representing themselves and people who volunteer their lobbying services are not required to register. The law also differentiates consultants commissioned by third parties and entities that lobby on their own behalf. Entities who lobby on their own behalf only need to register employees if at least 20% of their duties are comprised of lobbying.³⁹

The following items require registration: i) identification and address, the client employing them, individual lobbyists employed by the registrant and various affiliated entities, (ii) a list of former public offices held by lobbyists identified on the registration, and (iii) specification of the areas where lobbying has occurred or is expected to occur. Entities must also provide reports on verbal communication with designated public office holders. There is also a professional code of conduct with legal effect. The main sanction for breaching the code is bad publicity.⁴⁰

The law is enforced by the Commissioner of Lobbying, an independent authority with ties to Parliament. The Commissioner has the same powers as a court to compel oral or written evidence under oath, and to produce documents and other items relevant to their investigation. The Commissioner can advise the police for prosecution, but they may also advise Parliament on violations resulting in public scrutiny. Punishment includes fines and, in very severe cases, imprisonment. However, to date, there have been very few sanctions.⁴¹

37 Government of Canada, 1988. Retrieved From: <https://laws.justice.gc.ca/eng/acts/L-12.4/>

38 Holman, C. and Luneburg, C. 'Lobbying and Transparency'.

39 Government of Canada, 1988. Retrieved From: <https://laws.justice.gc.ca/eng/acts/L-12.4/>

40 Idem.

41 Holman, C. and Luneburg, W. 'Lobbying and Transparency'

LEGISLATIVE FOOTPRINT

A legislative footprint is a comprehensive public record of lobbyist influence on a piece of legislation.⁴² When policies or laws are devised, it regularly involves many stakeholders. These stakeholders can range from businesses and NGOs to civilians. All have specific interests that are communicated by different means. When the government communicates its proposals to Parliament, the government is required to provide the legislature with an overview of the parties consulted. However, the current requirements for government to provide access beyond digital access (discussed under equality of access) are minimal.

The following paragraphs provide a short summary of the existing legislation previously published on TI-NL's website.⁴³ The information below is a summarised translation of that investigation. The legislative footprint was introduced in Parliament by the memorandum 'Lobby in Daglicht' by Lea Bouwmeester and Astrid Oosenbrug, both members of the Labour Party (Partij van de Arbeid).

When the legislative footprint was introduced and adopted by parliamentary resolution in 2016, it was a relatively new concept. The resolution called on the government to implement a legislative footprint that summarises the interests and actors involved in the legislative process. What many did not know, was how this differed from a resolution that had been handed in just days earlier; the resolution did not request that the legislative footprint be enshrined in law. This gave the responsible cabinet member, at the time, Henk Kamp (VVD), discretion to implement a more watered-down version of the law.

The policy in effect at the time of writing became two-fold. First, it requested that the government devote attention to the topics discussed in the consultation process in the explanatory memorandum (loosely translated from: *memorie van toelichting*). Second, an instruction was added to 'instructions for draft legislation' (loosely translated from: *Wettelijke Aanwijzing voor Wetgeving*), a policy document for government officials with policy-writing guidelines. It states that every draft law should include a paragraph addressing the stakeholders involved.

However, research by TI-NL shows that the word combination 'lobby paragraph' (or *lobbyparagraaf* in Dutch), was rarely discussed in Parliament after its adoption. In 2017, a second resolution was adopted, requesting a similar paragraph. However, there was no related government follow-up. It was only in 2022, when the political party Volt mentioned the lobby paragraph, that the concept resurfaced in Parliament's Minutes.

This article only investigated how often the lobby paragraph was mentioned. For greater insight into its use and comprehensiveness, we review actual law proposals. This analysis can be found below in the 'legislative footprint' section. There we analyse to what extent the current implementation of the lobby paragraph complies with TI-NL's best practice. Our conclusion is that lawmakers fail to make adequate use of the lobby paragraph. This article

42 Transparency International EU, 2015. Retrieved From: <https://transparency.eu/wp-content/uploads/2016/09/Transparency-05-small-text-web-1.pdf>

43 Bart Vollebergh, 2022. Retrieved From: <https://www.transparency.nl/nieuws/2022/05/hoe-de-lobbyparagraaf-verdween/>

and the analysis below show that Parliament and government have all but forgotten it, and much could be achieved in practice, by taking full advantage of this key transparency mechanism.

STRENGTHENING INTEGRITY

Transparency is not a stand-alone concept. It must be accompanied by a broader integrity framework applicable to both legislators and the government, as well as those who seek to influence them. A modern approach to conflicts of interest seeks to strike a balance by identifying risks, prohibiting unacceptable forms of private interest, raising awareness of the circumstances in which conflicts can arise, and ensuring effective procedures to resolve conflicts of interest.⁴⁴ We start by analysing the integrity score and continue by analysing a few key developments.

THE INTEGRITY SCORE

Progress has been minimal where the dimension of integrity is concerned. There is still no statutory code of conduct for lobbyists and no substantial legislation to combat egregious revolving door cases. Although, there have been some promising announcements for the latter, which are discussed below. Because statutory limitations have not materialised in legislation, this is not reflected in the scoring. The average integrity score does improve slightly for two reasons. First, because the government now has a limited provision to prohibit a public official from taking an ancillary lobbying position. Second, the self-regulatory code for lobbyists has improved. However, this does not lead to a higher score in this category. That is because we reduced the score of an indicator stipulating that lobbyists must be transparent about their clientele. We discuss the most notable integrity-related changes in recent years below.

DIMENSION: Integrity	SCORE (2015)⁴⁵	SCORE (2022)
Post-employment and pre-employment restrictions	8%	8%
Code of Conduct for public sector employees	75%	75%
Statutory Code of Conduct for lobbyists	0%	10%
Self-regulatory codes of ethics for lobbyists	67%	67%
Average	38%	40%

Table 2: Integrity score

POST-EMPLOYMENT RESTRICTIONS

Post-employment restrictions serve to prevent conflicts of interest by people in executive roles after leaving their post.⁴⁶ International organisations such as the OECD argue that governments should ensure that appropriate measures are in place to avoid former public officials from misusing the information and power they hold to the benefit of their own private

44 OECD, Retrieved From:

www.oecd.org/corruption/ethics/managingconflictsofinterestinthepublicservice.htm.

45 Transparency International, 2015. Retrieved From: <https://lobbywatch.nl/wp-content/uploads/2016/12/Lifting-the-Lid-on-Lobbying-Enhancing-Trust-in-Public-Decision-making-in-the-Netherlands.pdf>

46 Transparency International, 2015. Retrieved From:

https://www.transparency.org/files/content/corruptiongas/Cooling_off_periods_regulating_the_revolving_door_2015.pdf

interests.⁴⁷ While the focus of revolving door regulation is usually on decision makers, such as ministers and members of the legislature, political advisors, senior public servants, chief executives, and managers of state-owned enterprises could also be included.⁴⁸

The most common form of post-employment restrictions is the cooling-off period. It safeguards against the negative effects of the revolving door. The term revolving door refers to the movement of individuals between positions of public office and jobs in the same sector in private or non-profit organisations, in either direction.⁴⁹ Intersectoral movement in and of itself is not illegal, but appropriate safeguards must be in place to prevent conflicts of interest.

The cooling-off period helps mitigate conflicts of interest that arise from the transition between the public and private sectors. For example, the cooling-off period prevents individuals from taking their future job prospects into consideration while in office. It also reduces the ability to exchange favours between the public and private sectors. Lastly, it prevents individuals from abusing their network or utilising insider information acquired during their tenure to the benefit of their new employer; both would grant their employer an unfair competitive advantage.⁵⁰

An effective post-employment restriction should include appropriate safeguards, such as a two-year cooling-off period. During this time, the individual should be prohibited from lobbying the Dutch government and Parliament. These restrictions should be monitored by an independent overseer that can assess risks and, in highly specific cases, identify mitigating circumstances. Rules on cooling-off periods should always attempt to reconcile the legitimate interest and fundamental right of employees to freely choose their occupation with the public interest of preventing undue influence, conflict of interest, and policy capture.⁵¹

WHAT HAS CHANGED?

TI-NL concluded in its 2015 report that only 8% percent of its recommendations had been implemented. This report concluded that the safeguards were insufficient to prevent conflicts of interest. The government has made some noticeable attempts to regulate the system, but these still fail to regulate the revolving door. In the following section, we describe the events that led to the current effort to implement an effective cooling-off period.

The Dutch government often needs a scandal in combination with sufficient public pressure to push regulation forwards. This has also been true of the revolving door in politics. The issue has long been a concern with notable examples such as Gerrit Zalm, former Minister of Finance, who later joined ABN Amro, or Camiel Eurlings, former Minister of Infrastructure and

47 OECD, Retrieved From:

www.oecd.org/corruption/ethics/managingconflictsofinterestinthepublicservice.htm.

48 Transparency International, 2015. Retrieved From:

https://www.transparency.org/files/content/corruptiongas/Cooling_off_periods_regulating_the_revolving_door_2015.pdf

49 Transparency International, 2017 Retrieved From: <http://transparency.eu/wp-content/uploads/2017/01/Access-all-areas.pdf>

50 Idem.

51 Transparency International, 2015. Retrieved From:

https://www.transparency.org/files/content/corruptiongas/Cooling_off_periods_regulating_the_revolving_door_2015.pdf

Water Management, who went on to work for KLM Airlines.^{52,53} This time, it was Cora van Nieuwenhuizen, then Minister of Infrastructure and Water Management, who left her job to join Vereniging Energie-Nederland (VEN).^{54,55} This organisation is a consortium of energy giants seeking to influence Dutch policy-making through lobbying. The move was especially controversial because Van Nieuwenhuizen also temporarily held the position of Minister of Economic Affairs, which directly deals with VEN.

The context surrounding the controversy worsened due to a behind-the-scenes event that had taken place. In the Netherlands, there was a memorandum (*circulaire*) that prohibited government officials from contacting their former ministry. This memorandum was then 'lost', as reported by the Dutch newspaper, the *Volkskrant*.⁵⁶ This enabled the minister to switch jobs unimpeded.

Understandably, the scandal generated public and parliamentary outrage. Parliament was disappointed that such revolving door cases remained possible. Volt introduced, and the Parliament adopted, a resolution that recommended implementing a cooling-off period of two years, including an oversight body. The government came up with three measures in response. First, a prohibition on public officials speaking to former ministers, which they confusingly call: the cooling-off period. Second, a prohibition against ministers poaching contracts from their former ministry, again confusingly named: the prohibition on the revolving door. Third, they introduced a cooling-off period with advice from an independent oversight body. The first two policies are merely a policy change and do not require the ministry to amend the law. The oversight body would require an amendment to the law. The drafting of such a bill still awaits ministerial action.⁵⁷

In addition to the above-mentioned measures, parliamentarians Pieter Omtzigt (Groep Omtzigt) and Laurens Dassen (Volt) introduced a memorandum entitled '*Initiatiefnota van de leden Dassen en Omtzigt over wettelijke maatregelen om de integriteit bij bewindspersonen en de ambtelijke top te bevorderen*'.⁵⁸ It specifically focuses on several measures to enforce compliance with GRECO's recommendations from their fifth round of evaluations of the Dutch Anti-corruption System.⁵⁹ The memorandum elaborates on the cooling-off period and introduces several policy proposals such as a risk-based code of conduct and a lobby register.

52 Jesse Frederik, 2014. Retrieved From: <https://decorrespondent.nl/708/de-hollandse-draaideur/42594199692-405e6ffb>

53 Stefan Drijver, 2016. Retrieved From: <https://www.transparency.nl/nieuws/2016/02/draaideur-politiek-lobbyen/>

54 Majda Ouhajji, 2021. Retrieved From: <https://www.nrc.nl/nieuws/2021/08/31/cora-van-nieuwenhuizen-stopt-als-minister-staatssecretaris-visser-opvolger-a4056602>

55 Energie Nederland, 2021. Retrieved From: <https://www.energie-nederland.nl/cora-van-nieuwenhuizen-wordt-nieuwe-voorzitter-vereniging-energie-nederland/>

56 Wilco Dekker, Ariejan Korteweg and Erik Verwiel, 2021. Retrieved From: <https://www.volkskrant.nl/nieuws-achtergrond/lobbyverbod-voor-ex-bewindslieden-blijkt-tussen-wal-en-schip-beland~bf943b451/>

57 Ministry of the Interior and Kingdom Relations, 2021. Retrieved From: <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/11/29/kamerbrief-over-integriteitsbeleid-voormalige-bewindspersonen>

58 Ariejan Korteweg, 2022. Retrieved From: <https://www.volkskrant.nl/nieuws-achtergrond/dassen-en-omtzigt-willen-strengere-regels-om-integriteit-bewindspersonen-en-topambtenaren-te-bewaken~b5cb6bdc/>

59 Council of Europe, 2021. Retrieved From: <https://www.coe.int/en/web/greco/-/netherlands-publication-of-5th-round-compliance-report>

TI-NL believes that adopting the memorandum's measures would further improve political integrity in the Netherlands.

PARLIAMENT'S CODE OF CONDUCT

In its 2015 report, TI-NL concluded that very little had been done to include lobbying in the Lobbyist Code of Conduct. At this point in time, there is no code of conduct for lobbyists. Consequently, the 2015 report recommended the following: 'Carry out a review of public sector and MP codes of conduct. Amend these to ensure that they include clear lobbying-related standards on communications between public officials and lobbyists. This review should include broad consultation with all relevant stakeholders.'⁶⁰ Below, we review whether there has been any change since 2014.

WHAT HAS CHANGED?

In 2020, Parliament introduced a new Code of Conduct.⁶¹ These new rules were the result of ongoing proceedings dating back to 2013, at which point several parliamentary bodies began discussing integrity rules.⁶² These initiatives were a response to the recommendations of GRECO, the Council of Europe's anti-corruption watchdog. This body published an initial report in 2013 and several evaluation reports in 2015, 2016 and 2018. The fourth round of evaluations in 2018 requested that the Dutch government respond to the remaining advice and take adequate measures. In response, Parliament developed the Integrity Working Group (*Werkgroep Integriteit*), which in turn drafted a response to GRECO's most recent advice.⁶³

GRECO saw two shortcomings in the Dutch integrity system that required addressing.⁶⁴ The first is the absence of a sufficient watchdog to preside over the Code of Conduct. The second is the absence of a policy regarding lobbyists. The new policy was adopted at the end of 2020. The oversight committee (*College van Onderzoek en Integriteit*) was implemented to monitor code of conduct breaches. They are authorised to receive complaints from anyone, investigate violations, and report to Parliament with sanction recommendations. Parliament, in turn, has the final say in penalising/sanctioning violations of the Code of Conduct. Parliament may not discuss the violation, and members can only vote 'yes' or 'no' on sanctions.⁶⁵ Second, a paragraph on proper conduct for lobbyists was added to the report. The paragraph reads as follows (loosely translated)⁶⁶:

60 Transparency International Nederland, 2015. Retrieved From: <https://lobbywatch.nl/wp-content/uploads/2016/12/Lifting-the-Lid-on-Lobbying-Enhancing-Trust-in-Public-Decision-making-in-the-Netherlands.pdf> (p.8).

61 Brief van het Presidium, 2014. Retrieved From: <https://zoek.officielebekendmakingen.nl/kst-33924-15.html>.

62 Tweede Kamer der Staten-Generaal, 2021. Retrieved From: https://www.tweedekamer.nl/sites/default/files/atoms/files/gedragscode_leden_-_maart_2021.pdf

63 Tweede Kamer der Staten-Generaal, 2018. Retrieved From: <https://www.tweedekamer.nl/downloads/document?id=24b5568c-3ae4-4d68-9b63-11901c302b81&title=rapport%20werkgroep%20integriteit.pdf>

64 Brief van het Presidium, 2019. Retrieved From: <https://www.tweedekamer.nl/kamerstukken/amendementen/detail?id=2019D48830>

65 Tweede Kamer Der Staten Generaal, 2021. Retrieved From: https://www.tweedekamer.nl/sites/default/files/atoms/files/regeling_toezicht_en_handhaving_mrt_2021.pdf

66 Tweede Kamer der Staten-Generaal, 2021. Retrieved From: https://www.tweedekamer.nl/sites/default/files/atoms/files/gedragscode_leden_-_maart_2021.pdf

In their relation to lobbyists, members of Parliament are to be aware of their independent position and the tasks consigned to them by the Constitution. Lobbyists, to a certain extent, fulfil an important public function for many members of Parliament. At the same time, proper boundaries must be maintained. A member of Parliament should refrain from taking any offers from lobbyists (excluding information) and refrain from making promises of any kind. Among others, offers include travel to foreign countries wholly or partially paid for by lobbyists. (p.4)

What is noteworthy here, is that it remains unclear as to why travel to foreign countries was explicitly added to the final sentence without mention of any other types of offers. The Code of Conduct also provides a definition of lobbyists, stating the following:

The definition of the word lobbyist should be interpreted broadly. It includes not just people from professional public relations firms, but it includes anyone who approaches a member to advocate their cause. (p.4)

INFLUENCE PEDDLING

Different types of societies exhibit different types of corruption. Even though western societies score well on Transparency International's Corruption Perceptions Index this does not mean corruption does not exist. A type of corruption that is particularly common in western societies is influence peddling or influence trading, i.e. 'when a person who has real or apparent influence on the decision-making of a public official exchanges this influence for an undue advantage.'

There are no specific provisions on influence trading in Dutch legislation. To keep it that way, the Netherlands made reservations to the Criminal Law Convention on Corruption, which states that, '[i]n accordance with Article 37, paragraph 1, the Netherlands will not fulfil the obligation under Article 12'.⁶⁷

According to the 2008 GRECO report the Dutch government maintains that:

... certain forms of influence (whether financial or not) over decisions of public officials or politicians may be lawful, for instance where representatives of interest groups perform lobbying activities. It is only when the lobbying or the attempt to exert influence results in holding out the prospect of specific advantages to public officials who are involved in the decision-making process, that the bounds of propriety are overstepped.⁶⁸

According to the government, influence peddling is covered by the provision in the Dutch Criminal Code prohibiting bribery and the bribery provision provides sufficient opportunity to prosecute the exercise of improper influence to obtain an undue advantage, and no separate offence needs to be established in order for this to be a criminal offence.⁶⁹ In our 2015 report

⁶⁷ GRECO, 2022. Retrieved From: <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=173&codeNature=0>

⁶⁸ Greco, 2008. Retrieved From: <https://rm.coe.int/16806c7963>

⁶⁹ Idem., par. 61.

and the NIS report, we concluded that the provisions of Dutch law addressing trading of influence are insufficient.⁷⁰ To date, there has been no change to the situation⁷¹.

70 Transparency International Nederland, 2012. Retrieved From:

<https://www.transparency.org/en/publications/national-integrity-system-assessment-netherlands>

71 Follow the Money, 2022. Retrieved from: [https://www.ftm.nl/artikelen/hugo-de-jonge-](https://www.ftm.nl/artikelen/hugo-de-jonge-integriteit?share=VAfZRJc9FrqMYsam%2FLaHDXfuECKEn4FBeHXonQi3eSyVOASKIJX2s1oYISKmlHY%3D)

[integriteit?share=VAfZRJc9FrqMYsam%2FLaHDXfuECKEn4FBeHXonQi3eSyVOASKIJX2s1oYISKmlHY%3D](https://www.ftm.nl/artikelen/hugo-de-jonge-integriteit?share=VAfZRJc9FrqMYsam%2FLaHDXfuECKEn4FBeHXonQi3eSyVOASKIJX2s1oYISKmlHY%3D)

EQUALITY OF ACCESS: LEVELING THE PLAYING FIELD

Balanced policymaking in the public interest is a key feature of democracy. To achieve this, stakeholders must be ensured fair and equitable access to decision-making processes. The next section assesses whether there are sufficient checks and balances in the Dutch decision-making system to allow for diverse participation and contribution of ideas and evidence by a broad range of interests that lead to policies, laws, and decisions that best serve society and broad democratic interests.

EQUALITY OF ACCESS SCORE

The Dutch government has made no progress in equality of access. There have been no improvements to equality of access in the legislative process.

DIMENSION: Equality of Access	SCORE (2015) ⁷²	SCORE (2022)
Consultation and public participation in decision-making	50%	50%
Advisory/expert group composition	20%	20%
Average	35%	35%

Table 3: Equality of access score

CONSULTATION AND PUBLIC PARTICIPATION IN DECISION-MAKING

Online consultations are a specific type of access. It is one of the most egalitarian and transparent forms of stakeholder engagement in the legislative process. That is because it allows all citizens to provide input equally. The Netherlands started with a pilot project for online consultations in 2009 as part of a larger implementation of the consultation process. Consultations are an accepted and mandatory practice in the Netherlands. In principle, the government should provide consultation access for all new legislation.⁷³

The online consultation procedure is an entirely voluntary procedure for members of the public to participate in the legislative process (be that citizens, companies, or other institutions).⁷⁴ The governmental procedure is to consider the concerns of different individuals related to specific legislation. Nonetheless, it must be noted that despite its broad application, the government has the final say over which legislation is made accessible for online consultation.⁷⁵ Namely, ministries reserve the right to decide whether online consultation is deemed necessary for a particular piece of legislation. Furthermore, this

72 Transparency International, 2015. <https://lobbywatch.nl/wp-content/uploads/2016/12/Lifting-the-Lid-on-Lobbying-Enhancing-Trust-in-Public-Decision-making-in-the-Netherlands.pdf>. In the previous report there was a mistake was made in calculation of the total score. The 2015 report indicates a total score of 39%. this is incorrect, it should have been 35%. Here the correct score is used.

73 Raad van State, 2018. Retrieved From: <https://jaarverslag.raadvanstate.nl/2018/in-de-staat/andere-procedures-en-vormen-van-overheidsregulering/proces-een-andere-wijze-van-totstandkoming-van-wetgeving/>

74 Parlement.com, 2021. Retrieved From: <https://www.parlement.com/id/vl1lcy62bpvw/internetconsultatie>

75 Idem.

procedure is only used when the legislation in question has an impact on the rights and duties of citizens, companies, or institutions.⁷⁶ It is also important to note that certain laws do not have to pass through the online consultation process. This includes *inter alia* emergency legislation, and legislation falling under the exceptions as enumerated under Article 10 of the WOB.⁷⁷

Nevertheless, research by the Research and Documentation Centre (WODC) shows that there are still significant problems. Internet consultations receive only five entries on average, and these entries are often provided by people connected to a lobbying organisation. There is also very little public awareness. Based on the WODC survey, only 18% of people are familiar with the concept of online consultations. In addition, 57% of respondents state that it is unclear how their feedback has been integrated into the legislative process.⁷⁸ This last point corroborates our findings with regards to the legislative footprint (see lobbying in practice), which indicated that in many instances stakeholder input is not well-represented in legislation. Additionally, draft laws do not mention what has been done with the input or how the input relates to the governmental position.

THE ACCESS PASS AND ITS LOBBY REGISTER

The Dutch Parliament access pass was introduced in 2012.⁷⁹ TI-NL reported about this in its 2015 report, where we also describe the law's origins.⁸⁰ By acquiring an access pass, a lobbyist is registered in the parliamentary lobby register. It is the only instrument through which a lobbyist can register with the government. But in practice, there is no formal requirement to do so. One could also gain access to Parliament simply by making an appointment; the pass only provides easy access.

According to the rules of the register, three types of interest groups/lobbyists are included in the Lobbyist Register, rendering them eligible for a regular access pass: staff of public affairs and public relations offices, representatives of public organisations/trade organisations and, lastly, representatives of municipalities and provinces. If a lobbyist fits into one of these groups and desires an access pass, they must submit a written request to the Director of Management, Personnel, and Organisation of the House of Representatives, in which they must state a plausible need for regular access to the House of Representatives.⁸¹

76 Tweede Kamer der Staten-Generaal, 2010. Retrieved From: <https://zoek.officielebekendmakingen.nl/kst-29279-114.pdf>

77 Idem.

78 Wetenschappelijk Onderzoek- en Documentatie Centrum, 2016. Retrieved From: https://repository.wodc.nl/bitstream/handle/20.500.12832/2212/2602-volledige-tekst_tcm28-124496.pdf?sequence=2&isAllowed=y

79 Tweede Kamer der Staten-Generaal, 2021. Retrieved From: https://www.tweedekamer.nl/contact_en_bezoek/lobbyisten

80 Transparency International Nederland, 2015. Retrieved From: <https://lobbywatch.nl/wp-content/uploads/2016/12/Lifting-the-Lid-on-Lobbying-Enhancing-Trust-in-Public-Decision-making-in-the-Netherlands.pdf>

81 Idem.

At the time of writing, there were 85 lobbyists (6 October 2022) in the lobby register.⁸² The register includes their name, the organisation they are employed by, and the interests they represent. The register is updated regularly. However, there are some drawbacks. The register is provided as a digital copy of a printed document. The format is non-machine-readable and a grave implementation shortcoming that could be easily remedied. Furthermore, because the list is ordered by name, it is hard to search for specific organisations. Ideally, the file should be digitally searchable, making it easier for journalists, NGOs, and the public to find who has access to their representatives. We consider the changes from 2015 onwards below.

WHAT HAS CHANGED?

Since the 2015 report, access pass-related regulations underwent changes on two occasions, namely in 2018 and in 2021.⁸³ Parliament introduced a policy amendment limiting access to semi-public spaces, the so-called *Statenpassage* and the public galleries of the Parliament building. Previously, lobbyists had access to the more private halls that lead to the offices of parliamentarians. The restrictions introduced in 2018 were the result of a review initiated by the parliamentary Presidium. The then speaker of the House of Representatives, Khadija Arib, noted that the policy amendment was implemented to create a level playing field and improve security.⁸⁴ The former, creating a level-playing field, is a particularly laudable ambition and one of TI-NL's top priorities. This was a first attempt at solving the resource discrepancy that characterises differences between smaller and larger organisations.

In the second modification of the access pass, Arib again played a pivotal role. Together with several other parliamentarians, she introduced a motion that called on the Presidium to revoke all access passes of former parliamentarians. The motion recognised that former parliamentarians occasionally become lobbyists, and that they could use their access pass to gain an unfair advantage vis-a-vis lawmakers. The motion was adopted by Parliament with an overwhelming majority of 144 out of 150 votes.⁸⁵

For this report, TI-NL sent an email in 2021 to the Presidium. In the email, we requested inclusion in the lobby register. After all, TI-NL lobbies for better legislation and regulation to mitigate corruption risks and to improve transparency and integrity. For these reasons, TI-NL falls under the definition of lobbyist. In response to our request, we received a two-fold answer.

First, the Presidium stated that the standing policy is that only a representative or umbrella organisations are eligible for registration. TI-NL does not fit this definition and thereby per definition is excluded. In addition, they were reluctant to give out new passes to organisations. This was because Parliament was about to move to a new temporary location due to renovations. Furthermore, non-representative organisations would be taken off the register on expiry of their passes. This was because organisations must use their access pass at least

82 Tweede Kamer der Staten-Generaal, 2022. Retrieved From:

https://www.tweedekamer.nl/sites/default/files/2022-10/20221006%20Lobbyistenregister_1.pdf

83 NOS, 2018. Retrieved From: <https://nos.nl/artikel/2213564-kamer-beperkt-bewegingsvrijheid-lobbyisten>

84 Idem.

85 Tweede Kamer der Staten-Generaal, 2021. Retrieved From:

<https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2021Z18919&did=2021D40597>

twice every two weeks. Hitherto unknown, this requirement makes many organisations ineligible for an access pass.

Second, the Presidium argued that the access pass, since 2018, does not provide access to the chambers of parliamentarians. In practice, they argued, this means that the access pass is not an effectual tool for lobbying. To gain 'effective access' to a parliamentarian, one would have to make an appointment. The organisation does not have a list of these meetings and thus does not provide something that would resemble the lobby register envisioned in our data assessment questionnaire.

To conclude this passage, we would like to reflect on some of the access pass issues. In its current form and implementation, the access pass is insufficient and unhelpful. The access pass is not a transparent instrument, nor does it provide certain guarantees for equal access. As the correspondence with the Presidium showed, the definition of a lobbyist is not exhaustive. This hinders registration by organisations aiming for transparency in their activities and, consequently shows that the register provides an incomplete picture of the lobbying landscape. The BVPA website is proof of this fact as it lists many more lobbyists than the parliamentary lobby register.⁸⁶ In its current form, the public cannot trust the access pass or the lobby register to provide an overview of the lobbying landscape and its subsequent influence on public officials and lawmakers.

86 BVPA, 2022. Retrieved From: <https://bvpa.nl/leden/ledenlijst>

LOBBYING IN PRACTICE

Now that we have reviewed the current state-of-affairs in lobbying regulation, it is time to move on to the question: how is lobbying conducted in practice? First, this chapter provides an overview of the most important news outlets that report on lobbying and summarises two case studies drawn from public media outlets that illustrate the current landscape. Second, we investigate lobbying practice by conducting two analyses of our own. The primary analysis focuses on the revolving door phenomenon between 2017 and 2022. The second looks at the legislative footprint and how it is implemented in practice and aims to provide an answer to the question: do we know who influences law and policymaking?

WHO REPORTS ON LOBBYING?

In the world of lobbying, several stakeholders thoroughly investigate lobbying. The list below includes media outlets that frequently report on lobbying developments. The following section provides summaries of specific articles from each of these organisations as an example of the type of lobby-related reporting that takes place in the Netherlands.

Name	Portfolio	Example
Follow the Money	Lobbycratie	‘Informeel Netwerken Zijn Een Bedreiging Voor de Democratie’ (Translation: ‘informal networks are a threat to democracy’) ⁸⁷
Volkskrant	No specific portfolio	‘Van Lienden Ontkent Misbruik Stichting: Miljoenendeal met VWS Was te Danken Aan “Persoonlijk Netwerk”’ (Translation: ‘Van Lienden Denies Misuse of Foundation: Million Euro Deal Was Thanks to “Personal Network”’) ⁸⁸
NRC	No specific portfolio	‘Wie profiteert van de onstuitbare opmars van de blokkendoos in buurtschap Californië, Limburg?’ (Translation: Who profits from the unstoppable

⁸⁷ Jan Hein Strop and Sophie Blok, 2022. Retrieved From: <https://www.ftm.nl/artikelen/interview-willeke-slingerland?share=XEWYretCtSKzfDUWyfatrcmi48opUap2QHkOqi8Ub6ncwvsWyuJ69W7%2FSij8HA%3D%3D>

⁸⁸ Frank Hendrickx and Tom Kreling, 2022. Retrieved From: <https://www.volkskrant.nl/nieuws-achtergrond/van-lienden-ontkent-misbruik-stichting-miljoenendeal-met-vws-was-te-danken-aan-persoonlijk-netwerk~b2bf23a8d/>

		advance of ‘block boxes’ in the hamlet of California in Limburg’) ⁸⁹
De Groene Amsterdammer	No specific portfolio	‘Dank voor je geweldige steun, Neelie’ (Translation: ‘Thanks for your incredible support, Neelie’) ⁹⁰
Investico	Pandora Papers, Corruption and money laundering ⁹¹	‘Nederlandse banken schakel in Russische miljardenfraude’ (Translation: ‘Dutch Banks Links to Russian Billion-euro fraud’) ⁹²
Lobbywatch	Ethical lobby	‘Eerste Kamerleden moeten publiek belang boven eigenbelang stellen’ (Translation: ‘Senators Must Place Public Interest Above Private Interests’). ⁹³
Vrij Nederland	Power	‘Lobbyclub MKB Nederland laat de ondernemingsbelangen van de eigen achterban ondersneeuwen’ (Translation: ‘Lobby Organisation SMEs undermines the corporate interests of its own supporters’) ⁹⁴

Table 4: Overview of ‘who reports on lobbying’

89 Karlijn Kuijpers, 2022. Retrieved From: <https://www.nrc.nl/nieuws/2022/11/14/de-onstuitbare-opmars-van-de-blokkendozen-in-buurtschap-californie-limburg-a4148195>

90 Romy van der Burgh en Linda van der Pol, 2022. Retrieved From: <https://www.groene.nl/artikel/dank-voor-je-geweldige-steun-neelie>

91 Investico, 2022. Retrieved From: <https://www.platform-investico.nl/dossiers/>

92 Karlijn Kuijpers, 2019. Retrieved From: <https://www.platform-investico.nl/artikel/nederlandse-banken-schakel-in-russische-miljardenfraude/>

93 Lobbywatch, 2019. Retrieved From: https://lobbywatch.nl/aws_career/715/

94 Dieuwertje Kuijpers, 2022. Retrieved From: <https://www.vn.nl/lobbyclub-mkb-nederland/>

CASE STUDIES

The beer lobby⁹⁵

The first case study involves the beer industry, written by Petra Wijnsema of *Follow the Money*.⁹⁶ The article draws attention to corporate lobbying through ‘independent’ NGOs. The article illustrates how corporate actors use NGOs as fronts to promote their interests in the public sector (not necessarily government) and use outdated scientific knowledge to their advantage.

The NGO is called the Beer Knowledge Institution (*Kennisinstituut Bier*).⁹⁷ And it is financed by *Nederlandse Brouwers* (Dutch Brewers) an interest group that represents 95% percent of beer manufacturers in the Netherlands. On the organisation’s board, there are several professors, which provides the organisation with a veil of objectivity.

The main argument put forward by the knowledge institute is that modest amounts of alcohol might be beneficial to the consumer; the so-called J-curve (a trendline that shows an initial loss immediately followed by a dramatic gain). It argues that a maximum of one glass per day can reduce the risk of cardiovascular diseases and diabetes type 2. However, the article finds that this has since been disproven by medical experts, listing at least three such experts. There was a scientific debate about modest alcohol consumption in the past as beneficial to an individual’s health, however, this has since been completely disproven.

Interestingly, the knowledge institute provides this outdated information in retraining courses for medical professionals. Doctors and nurses receive this information via professional associations that are in charge of providing retraining. The material explicitly mentions the J-curve and its beneficial effects in its questionnaires. Via this scheme, the J-curve remains part of the medical system and consequently, continues to be passed down to patients. When asked by FTM about the use of these materials, most of the professional associations withdrew the material from their listings. They mention that it is not in line with their code of conduct to promote materials that entail a risk of conflict of interest.

The organisation also influences policymaking at the national level. While drafting the national prevention accord (*preventie akkoord*) they lobbied at the Ministry of Health, Welfare and Sport (VWS) to withdraw a sentence stating that ‘alcohol consumption is related to over 200 diseases’. This was partially successful, with the amended version stating: ‘with the consumption of one glass a day we see good and ill health effects’.

Neelie Kroes and the Uber Files

A clear example of the revolving door lobby is Neelie Kroes and her work for Uber after stepping down from the European Commission. At the Commission, she was responsible for

95 Petra Wijnsema, 2022. Retrieved From: <https://www.ftm.nl/artikelen/hoer-drank-in-de-spreekkamer-van-de-huisarts-terecht-komt?share=WHltEqGzbHLIGBlkTo2r%2B1Ww4mdibF%2F2e7ULt2oV5%2BhoMZ%2FiN4Z2moLMiFsZ21w%3D>

96 Petra Wijnsema (FTM) 2022. Retrieved from: <https://www.ftm.nl/artikelen/hoer-drank-in-de-spreekkamer-van-de-huisarts-terecht-komt?share=eOSS%2BcSzZuXGdli1tTCobT3K%2FcvA3QTSa%2BndsUdIQGbeWKXUD9IQBnnLf8lMs8%3D>

97 Kennis Instituut Bier, Retrieved From: <https://www.kennisinstituutbier.nl>

the digital affairs portfolio until 2014.⁹⁸ To reduce the risk of conflicts of interest, commissioners must spend a 18-month cooling off period before starting employment in a field related to their job at the Commission.⁹⁹ A large part of the issue in this case rests with the fact that Neelie Kroes chose to start unofficially working for Uber before she had even stepped down as a Commissioner.¹⁰⁰

Considering this report's subject matter, it is important to consider how this affects the Netherlands. That is, Uber Europe is headquartered in Amsterdam, and as such is largely subject to Dutch law. Furthermore, Neelie Kroes, as a well-known and influential member of Mark Rutte's VVD (People's Party for Freedom), had access to many highly-placed individuals. Particularly it became evident that in her work (both officially and unofficially) as an Uber lobbyist, she had contact with high-ranking civil servants and politicians.¹⁰¹ A non-exhaustive list of politicians and government officials she contacted includes the Secretary General (highest civil servant of a ministry) of the Ministry of Infrastructure and Water Management (Siebe Riedstra), the Mayor of Amsterdam (Eberhard van der Laan), the Minister for Infrastructure and Water Management (Melanie Schultz), the Minister for Economic Affairs (Henk Kamp), and even the Prime Minister, Mark Rutte. Interestingly, all the elected officials she contacted, other than the Mayor of Amsterdam, were members of the VVD.^{102 103}

Given the recent Uber files revelation, it became evident that she was lobbying on behalf of Uber before the 18-month cooling-off period had ended. She also ignored Jean-Claude Juncker's explicit injunction that she would not be able to work until this cooling-off period had ended.¹⁰⁴

Considering the above, it is clear that the revolving door lobby in the Netherlands is significantly problematic. The above suggests that Neelie Kroes' position in the VVD allowed her to gain access to high-level politicians and civil servants to further the interests of Uber. The very fact that this occurred at such high levels, further suggests that this is a commonly accepted practice in the Netherlands, or that at the very least it is not frowned upon enough to entirely discourage. Of course, at this point it should be noted that the investigation into Neelie Kroes is ongoing. As such, OLAF (European Anti-Fraud Office) will, in time, rule on whether she ought to be sanctioned for her conduct.

98 Jennifer Rankin, 2022. Retrieved From: <https://www.theguardian.com/business/2022/sep/30/eu-investigates-dutch-ex-commissioner-over-uber-lobbying-claims-neelie-kroes>

99 Idem.

100 Romy van der Burgh and Linda van der Pol, 2022. Retrieved From: <https://www.groene.nl/artikel/dank-voor-je-geweldige-steun-neelie>

101 Idem.

102 Simon Goodley and Jennifer Rankin, 2022. Retrieved From: <https://www.theguardian.com/news/2022/jul/10/former-eu-digital-chief-neelie-kroes-secretly-helped-uber-lobby-dutch-pm-leak-suggests>

103 Gaby de Groot and Johan Leupen, 2022. Retrieved From: <https://fd.nl/bedrijfsleven/1444491/neelie-kroes-lobbyde-voor-uber-ondanks-verbod-europese-commissie-ldk2ca2QYH3U>

104 Idem.

THE REVOLVING DOOR

The revolving door and its negative effects have long been part of public debate. For this report, TI-NL deemed it important to investigate this phenomenon in the Netherlands. The term ‘revolving door’ refers to transitioning between positions of public office and jobs in the same sector in private or non-profit organisations, in either direction.¹⁰⁵ While transitioning between the public and private sector is not itself illegal, the so-called revolving door erodes trust in the independence of public institutions.

This research focused on Members of Parliament (MPs) as well as ministers and state secretaries (hereafter referred to as ministers from 23 March 2017 through 30 March 2021). We looked at an individual’s new employment opportunity and compared it to their current positions as MPs and ministers. The goal of the research is to map revolving door lobbying for the period. The following bullet points outline the scope of this research:

- MPs in office from 2017 to 2021
- Ministers from 2017 to 2021

These individuals were studied using online open-source information. For example, by analysing their LinkedIn page or CVs published on parlement.com. In addition to our own analysis, we compared our results to similar studies by the Open State Foundation (OSF) and Public Radio 1.^{106,107} Comparing our research to other investigations enabled us to make significant improvements to the project and provide a comprehensive review of revolving door lobbying in the abovementioned period.

In practice, identifying lobbyists can be tricky. TI’s definition of lobbying casts a wide net, stating: *‘Any activity carried out to influence a government or institution’s policies and decisions in favour of a specific cause or outcome’*. This does not make it immediately clear who is a lobbyist. For example, an individual may be engaged in lobbying activities as part of their role as a company CEO; however, it might not be their primary duty. In that case, is this person a lobbyist? To complicate the matter, individuals do not identify themselves as such, often referring to themselves as ‘communications advisor’ or ‘public affairs official’.

In principle, for this research TI-NL considers anyone who is professionally engaged in activities carried out to influence a government or institution’s policies and decisions in favour of a specific cause or outcome, as a lobbyist. However, for the purpose of this analysis, we should be able to reasonably identify that this person undertakes lobbying activities. If this does not follow from public records, we verified our results by using the comparative analysis of OSF and Radio 1.

¹⁰⁵ Transparency International, 2017. Retrieved From: <http://transparency.eu/wp-content/uploads/2017/01/Access-all-areas.pdf>

¹⁰⁶ Open State Foundation 2021. Retrieved from: <https://openstate.eu/nl/2021/09/doe-de-draaideur-dicht/>

¹⁰⁷ NPO Radio 1. 2021. Retrieved from: <https://www.nporadio1.nl/fragmenten/dit-is-de-dag/2f068822-af63-4446-b63f-b7c405125dd2/2021-10-13-nieuwe-baan-na-de-politiek-bijna-de-helft-wordt-lobbyist>

RESULTS

MEMBERS OF PARLIAMENT

In total, 193 (former) MPs were investigated. This includes all MPs that left their position early, and those who were appointed as temporary or replacement MPs.

1

Before analysing the number of individuals who went on to a lobbying position, we first need to identify who left office. Out of the 193 MPs analysed in the period from 2017 to 2021, 102 MPs left Parliament. The others remained in politics and are discarded from the study.

Out of the 102 MPs that left office 24, or about 23%, became lobbyists. These MPs spent their time working for a public affairs office, running their own consultancy firm, or advocating for an organisation. Table 6 shows the difference between parties. In this table, the VVD stands out; 43% percent of their MPs went on to become lobbyists.

Political party	Number of MPs	Number of MPs who accepted a lobbying position after their tenure	Percentage
VVD	30	13	43,3%
PvdA	5	2	40%
50Plus	5	2	40%
CU	5	1	20%
CDA	14	2	14.3%
D66	14	2	14.3%
SP	7	1	14.3%
GroenLinks	12	1	8.3%
PVV	5	0	0%
PvdD	3	0	0%
DENK	1	0	0%
SGP	1	0	0%
FvD	1	0	0%

Table 5: Post-tenure employment as lobbyist per party

MINISTERS

The research includes an investigation into 31 (former-) ministers. This includes all ministers that left their position early and those that were appointed as temporary or replacements from 2017 to 2021.

We tallied the number of ministers that have left office. Of the 31 (former) ministers from 2017 to 2021, nine left the political-administrative field. Of the ministers that left (44%), or four ex-ministers became lobbyists after stepping down.

Percentage of Ministers Engaging in Lobbying Activities After Tenure

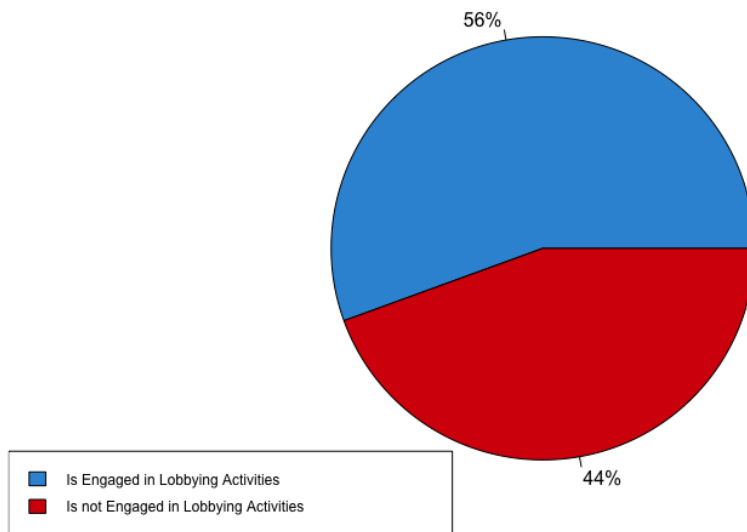


Figure 2: Percentage of Ministers Engaging in Lobbying Activities After Tenure

Percentage of MPs Engaging in Lobbying Activities After Tenure

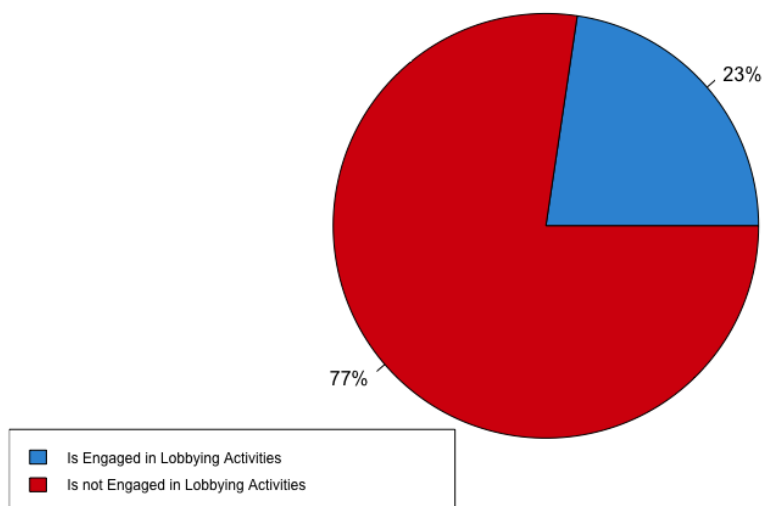


Figure 3: Percentage of MPs Engaging in Lobbying Activities After Tenure

CONCLUSION

The analysis shows that the revolving door is still a pressing issue. Based on our analysis of the period from 2017 to 2021, we find that of the MPs and ministers leaving office, 23% and 44% respectively become lobbyists. This is proof of the revolving door's continued existence.

The revolving door remains an unregulated practice. In our law review, we point out that only minor changes have been made in the area of revolving doors. Despite some announcements, there are hitherto no laws that prohibit MPs or ministers from taking a job in the private sector and prevent serious conflicts of interest. Without regulation, this phenomenon will continue without scrutiny, and continue to erode trust in public institutions.

LEGISLATIVE FOOTPRINT AND RESEARCH OUTLINE

In addition to the investigation into the revolving door, we looked into the legislative footprint of parliamentary law proposals in the Netherlands. A legislative footprint is a comprehensive public record of lobbyists' influence on a piece of legislation.¹⁰⁸ The document should detail contacts with stakeholders to provide an accurate picture of any person or organisation that could have had an influence on the proposal. In addition, it should provide an overview of the actors involved and detail the time, event, person, and subject of legislators' and senior public officials' contact with a stakeholder. This is formulated in our questionnaire (see annex 1).

For this report, TI-NL investigated the extent to which the current practice in the Netherlands adheres to best practices. The current laws prescribe that the government must provide an overview of the consulted stakeholders in the *memorie van toelichting* (explanatory memorandum, henceforth EM). This is stipulated in the instruction for draft legislation. For that reason, we looked at 73 EMs between 1 January 2022 and 5 August 2022 to gauge the extent to which the government complies with current legislation, and determine whether this meets the criteria of the legislative footprint as prescribed in our questionnaire.¹⁰⁹

THE DATA AND RESEARCH INDICATORS

Of the 73 aforementioned EMs, 11 were (amendments to) ministerial budgets that do not contain any consultation, leaving us with 62 EMs. Of those 62 EMs, 51 were submitted by the government and 11 by one or several Members of Parliament (MPs).

For the sake of this report TI-NL formulated several indicators to quantify the results. These indicators help us to identify differences between proposals. The explanatory memoranda of these proposals were coded using the following indicators (see annex 4 for an overview):

13. the number of pages devoted to the legislative footprint
14. whether the mandatory online consultation was mentioned
15. whether another form of consultation or advice was mentioned
16. in what detail the consultation or advice provided to the lawmaker was described
17. to what extent the proposal carefully considered third-party advice and mentions how it acted upon that advice

The scoring differs per indicator. However, the scoring generally follows the following pattern: 2 = 'existent and sufficient', 1 = 'existent but insufficient' and 0 = 'absent' (see annex 4 to review

¹⁰⁸ Transparency International. Retrieved from: <https://transparency.eu/wp-content/uploads/2016/09/Transparency-05-small-text-web-1.pdf>

¹⁰⁹ All proposals were taken directly from <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen>. Only the proposals on that page were considered. See the Appendix for a full overview of the proposals that were considered in the analysis.

scoring per variable). In the following section, we further clarify the definition and use of these variables.

DESCRIPTIVE RESEARCH FINDINGS

When considering the 62 EMs, we first analysed some descriptive findings. We first attempted to quantify the amount of attention given to the legislative footprint. We did this by looking at the number of pages in the explanatory memorandum dedicated to the legislative footprint, expressed as a percentage of the total pages of the EM. We find that on average, 10.1% of the memorandum was devoted to the legislative footprint. The highest percentage was 41.3%, for a proposal on network and information systems by the Ministry of Justice and Safety.

The second indicator reviewed whether the online consultation was mentioned in the EMs. We considered only the 51 EMs put forward by the government and not those of parliamentarians in this case. In 40 out of 51 EMs (or 78.5%) the online consultation procedure is mentioned in some form. Conducting an online consultation and reporting the findings is mandatory for government entities. Nevertheless, the above data shows that over a fifth of the EMs do not include a discussion on the online consultation in *any* capacity over the given timeframe. Furthermore, it is noteworthy that of the 51 EMs considered, another eight mention the online consultation procedure, but note that it was not carried out. In practice, then, there is a total of 19 EMs in which online consultation is either not mentioned (and thus by assumption not carried out) or is mentioned and explicitly stipulates that it was not carried out. In other words, 37% of EMs do not contain a completed online consultation procedure.

However, and this is critically important, the online consultation is not the whole story. The public should also be able to identify how, and which other third-party stakeholders were involved during the drafting process. After all, this is what a legislative footprint is: a comprehensive public record of lobbyists' influence on a piece of legislation.

Based on our analysis, we find that other types of consultation and stakeholder engagement were mentioned less frequently. In 31 out of the 51 government proposals (60.8%) other forms of consultation were mentioned. In many, though not all cases, this additional consultation refers to formal advice from other government bodies or independent counsels. While this advice might influence the outcome and is therefore important to mention, it is not a sufficiently exhaustive list of all stakeholders involved. There is an obvious difference between a closed-door meeting with an interest group and sending a proposal to a relevant government body to conduct judicial tests. Table 6 below shows an overview of the average indicator scores of the proposals.

Mention of Internet Consultation in Government Proposals

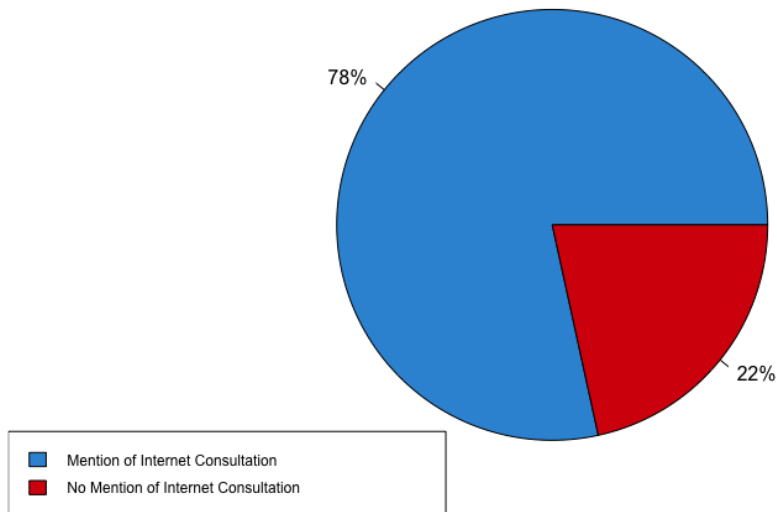


Figure 4: Mention of Internet Consultation in Government Proposals

Mention of Other Consultation In Government Proposals

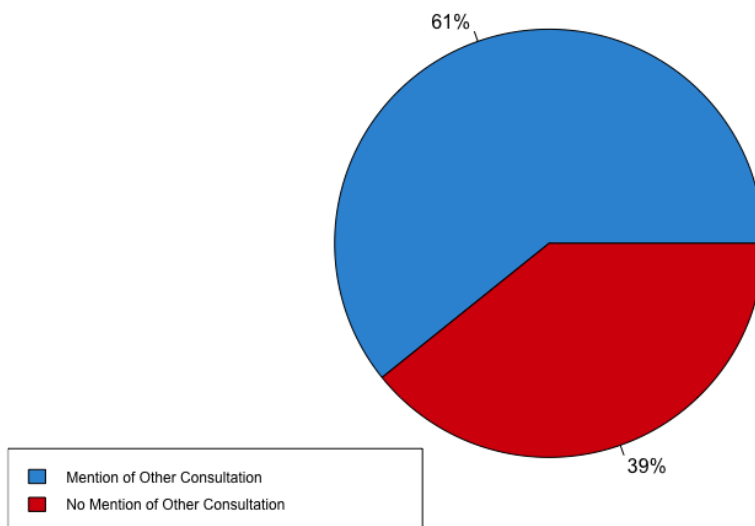


Figure 5: Mention of Other Consultation in Government Proposals

HOW USEFUL IS THE CURRENT LEGISLATIVE FOOTPRINT?

To analyse how useful the legislative footprint is we need to look at the contents of the legislative footprint. To review the contents of the exploratory memoranda we use our final two indicators. First, we look at the level of detail in the consultation description and second,

we looked at the extent to which the proposal carefully considered the advice from third parties, mentioning how it acted upon it.

The first of these indicators, the detail of description, was coded as follows. The proposal was coded '0' if there was no mention or description of specific points or comments; the proposal was coded '1' if it mentioned specific points or comments made by stakeholders but did not connect these points or comments to the respective stakeholders. Lastly, it was coded '2' if it mentioned specific points or comments and connected them to the stakeholders that made them.

Our findings indicate that the proposals tend to the extremes: of the 51 government proposals, 28 (54.9%) scored a 2, while 17 (33.3%) scored a 0. Only 6 (11.8%) scored a 1. This means that in nearly half the cases, we are unable to properly identify which stakeholders have participated in the legislative process.

The indicator on *careful consideration of advice* was coded as follows. A proposal was coded '0' if the points or comments mentioned in the consultation were either not discussed at all or simply mentioned without careful consideration and/or responded to without clear argumentation. A proposal was coded '1' if the responses to the consultation were thoroughly discussed and acted upon based on clear justification and reasoning. We analyse the extent to which government considers and acts upon arguments provided by third parties because this makes the government more accountable. If the position is adopted in policy without providing considerations, it becomes harder to hold government accountable.

The results show that less than half of the proposals pass this test: of the 51 proposals, 23 (45.1%) score a 1 and the remaining 28 (54.9%) score a 0. The data is shown for government proposals and MP proposals.

Type of proposal	Number of proposals	Average % of EM used for consultation	% Mentioning online consultation	% Mentioning other consultation	Average score detail of description (out of 2)	% Careful consideration of third-party input
Government	51	10.1	76.5	60.8	1.22	45.1
MP	11	0.6	36.4	18.2	0.73	27.3
Total	62	8.8	69.4	53.2	1.13	41.9

Table 6: Legislative footprint analysis

Substance of Consultation Discussion

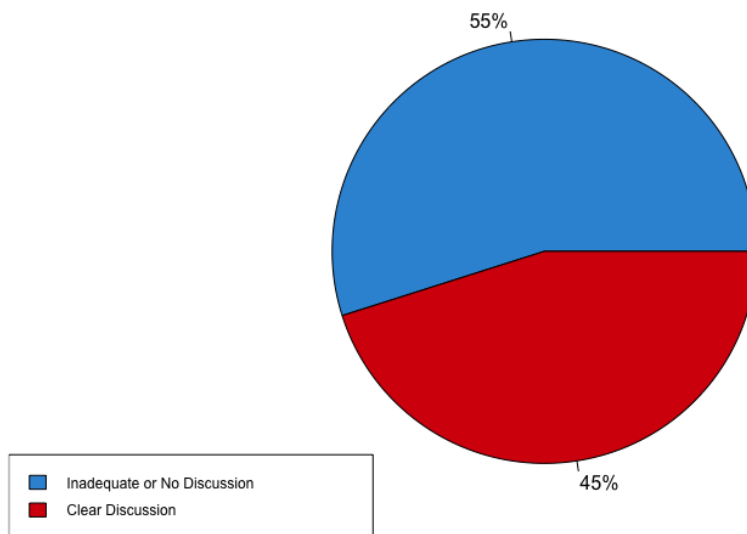


Figure 6: Substance of the Consultation Discussion

INTER-MINISTERIAL DIFFERENCES

When disaggregating the results to the ministerial level, we find considerable differences. To start, there is a difference in the number of proposals that different ministries table. The Ministry of Finance was involved in the most proposals with 13 out of 51 while the Ministers of Defence, Nature and Nitrogen, and Primary and Secondary Education were respectively only involved with one. These are natural differences since ministry size differs as does the extent to which they need to pass laws through Parliament to function and to what extent a ministry is needed to pass a specific law. A number of proposals from different ministries also included the Ministry of Finance because they are important for funding and resources.

The differences are not only found in terms of quantity but also in terms of indicator scores. Again, looking at the percentage of explanatory memoranda spent on consultation, the Ministry of Justice and Security and the Ministry of Education, Culture, and Science perform well with 20.7% and 20.8% respectively. On the other end of the spectrum, the Minister of Defence and Minister of Foreign Affairs spent only 0% and 1.8% on consultation in their respective proposals.

To get a good idea of how each ministry scored in general, we tallied their average scores on all the indicators discussed above. This gives us a scale from 1 to 5. On this scale, a five is a perfect score, indicating that it received the highest score across all indicators for all proposals brought forward. When looking at these scores the Ministry of Justice and Security can again be found at the top with a score of 4.6. The Ministry of Housing and Spatial Planning scored 4.5 and the Ministry Education, Culture, and Science came in at 4.25. The other end is taken up by the Ministry Defence with a 0 and Minister of Foreign Affairs with a 0.84. Other

underperformers are the Ministry of Economic Affairs and Climate Policy and the Ministry of Finance.

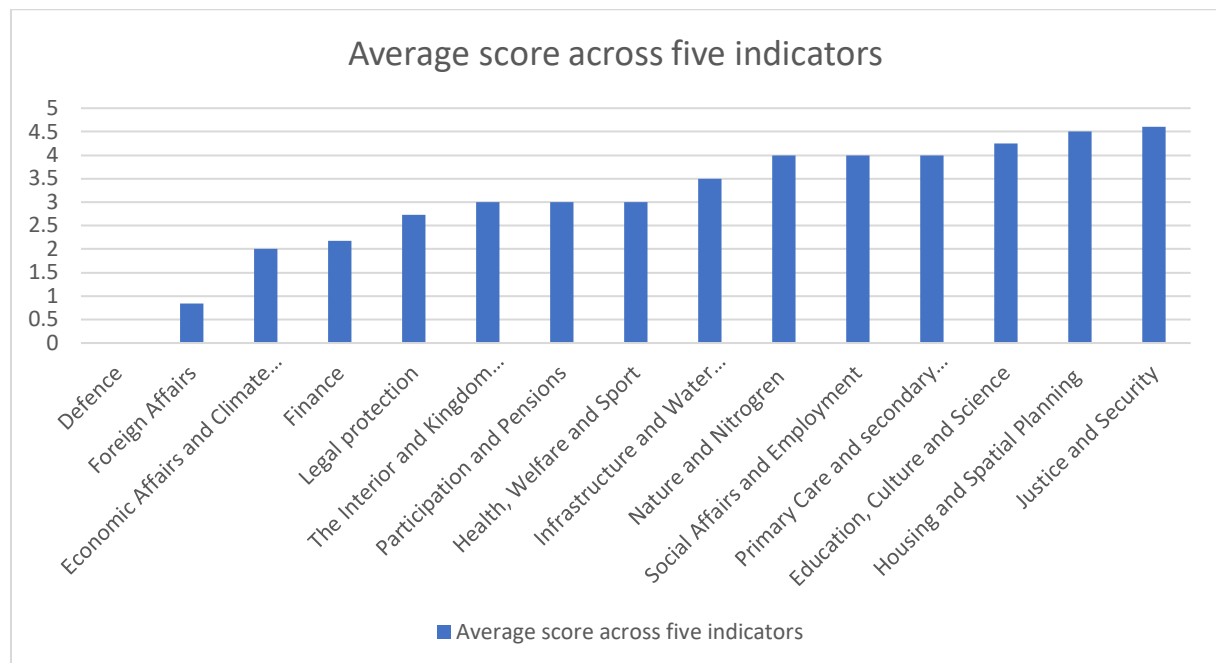


Figure 7: Results per Ministry

CASE STUDY: THE WITHHOLDING TAX

To illustrate the problems with the current legislative footprint incarnation in Dutch law proposals, we conducted a case study into the 2021 Withholding Tax Law. In late 2021 and early 2022, the investigative journalism platform *Follow the Money* took a deep dive into the influence of the American Chamber of Commerce (AmCham) on Dutch politics.¹¹⁰ AmCham represents the interests of US based companies, like General Electric, Netflix, Nike, and Exxon Mobil in the Netherlands. *Follow the Money* found that AmCham played an important role in making sure that the Dutch government used a narrow definition of royalties in the 2021 Law on Withholding Tax. The narrower definition of royalties leaves a lot of room for interpretation and, as a result, gives companies more opportunity to avoid taxes.¹¹¹

While this situation in itself is a good example of undue influence of powerful companies in the political system, it is not the purpose of this case study. This example is interesting because the explanatory memorandum of this law does not mention AmCham anywhere.¹¹² In the memorandum, there is mention of conversations with the interest groups Dutch Order of Tax Advisors (NOB) and VNO-NCW who, as shown by *Follow the Money*, previously worked with AmCham on this subject. A mention of AmCham, however, is nowhere to be found.

110 Officiële Bekendmakingen. Dossier number 35 305, Retrieved from: <https://zoek.officielebekendmakingen.nl/dossier/35305> for all documents related to the law.

111. FTM 2022. Retrieved from: <https://www.ftm.nl/artikelen/amcham-versus-de-bronbelasting?share=6ll1zFiNxPPhzGLLNkyTv45ztl%2FITEoyQwIHdh25l8Xi9w86AiCqXdy8yTrtcl%3D>

112 Eerste Kamer. Retrieved from: https://www.eerstekamer.nl/behandeling/20190917/memorie_van_toelichting_24/document3/f=/vI21n6jznI6g.pdf

This begs the question: why was the meeting with AmCham, which was clearly documented, not mentioned in the explanatory memorandum? Without *Follow the Money's* research and the use of a freedom of information request, it would have been impossible for the public to know that AmCham had any sort of influence on the law. The answer can be found in the response of the Ministry of Finance to *Follow the Money's* questions, found at the bottom of their article.

In their response, the Ministry reveals that the meeting with AmCham was a result of AmCham's response to an online consultation for a completely different law, namely the implementation of an EU directive on tax evasion.¹¹³ The Ministry mentions that the narrow definition of royalties was discussed in this meeting. Looking at the explanatory memorandum of the tax evasion law, there is indeed a mention of a meeting with AmCham, among others, about the proposal. So, the meeting was discussed but in a completely different proposal.

The case shows that an interest group can lobby for a specific policy goal in one file and, in addition, provide information for a completely different dossier, enabling the government to withhold this information and not list it in the explanatory memorandum. This creates a loophole for the government to arbitrarily bend the rules, filing controversial meetings away in explanatory memoranda of unimportant laws while actually using them for completely different decisions. It is, therefore, impossible to know which interests have influenced a given proposal.

The case study illustrates that how the legislative footprint is currently interpreted by the government is wholly inadequate for an accurate view of the consultation process. If a lobby paragraph as proposed by Transparency International had been in place, all contacts between lobbyists and government officials in relation to this law would have been mentioned in the law proposal.

CONCLUSION: THERE IS NO LEGISLATIVE FOOTPRINT

In our 2015 report *Lifting the Lid on Lobbying*, TI-NL explained that the explanatory memoranda only includes information about parties that were 'actively consulted during the consultation or online consultation.' We concluded that '[it] does not mention parties that were able to influence law proposals prior to the official consulting process, for instance through private meetings or by providing information to public officials working on a draft bill.'¹¹⁴

Based on our analysis, we can conclude that little has changed in practice with regard to the legislative footprint and that serious shortcomings persist. A legislative footprint, as proposed by Transparency International, does not exist in the Netherlands. The current 'consultation' paragraph in the explanatory memoranda of law proposals insufficiently provides an accurate overview of third-party contacts. The case study demonstrates that third-party contacts are

113 Officiële bekendmakingen. Dossier number 35 241. Retrieved from: <https://zoek.officielebekendmakingen.nl/dossier/35241> for all documents relating to this law.

114 Transparency International Nederland, 2015. Retrieved from: <https://lobbywatch.nl/wp-content/uploads/2016/12/Lifting-the-Lid-on-Lobbying-Enhancing-Trust-in-Public-Decision-making-in-the-Netherlands.pdf>

not reported exhaustively and that the public can only retrace a complete list of third-party contacts through investigative journalism.

While most proposals mention some form of (online) consultation in the explanatory memorandum, there is no clear or consistent format in which this is presented. Every ministry uses different standards and formats. In addition, a majority (55%) of proposals did not adequately discuss the stakeholders consulted nor did they act upon them with clear justification or argumentation. Lastly, there are considerable differences between ministries. The Ministry of Justice and Security and the Ministry of Education, Culture and Science tend to score the best. In contrast, the Ministry of Defence, the Ministry Foreign Affairs the Ministry of Economic Affairs and Climate tend to score the worst.

CONCLUSION

This study looked at the lobbying landscape in the Netherlands in theory and in practice. Based on our international recommendations, TI-NL looked at three dimensions, namely: **Transparency, Integrity and Equality of Access**. Based on an extensive analysis we conclude that *de jure* and *de facto* **only minor progress** has been made with regard to lobbying regulations in the Netherlands.

Based on our **law review**, we find only minor progress in the last seven years. Improvements include several initiatives by the Parliament to restrict access to the Parliament by abolishing the access pass, the publishing of agendas, a better code of conduct by the lobbyist organisation BVPA and several (announced) policy instruments to restrict the revolving door between politics and the private sector. There are several notable initiatives related to lobby legislation mentioned in this report. Particularly promising are the resolutions put forward by Parliament to introduce a mandatory lobby register, a cooling-off period, and the policy memorandum written by Laurens Dassen (Volt) and Pieter Omtzigt (Groep Omtzigt). It is promising that lobby regulations and, more generally, the strengthening of transparency and integrity, have returned to the political agenda.

The second part of the report focused on lobbying practice. It concentrated on two specific phenomena: the revolving door and the lobby paragraph or legislative footprint. It turns out that **the revolving door** is still very much alive and well, and there is little regulation to prevent MPs from switching jobs between the public and private sector. Based on our analysis of the period 2017 to 2021, we discovered that of the MPs and ministers that leave office, 23% and 44% respectively become lobbyists in one way or another. The revolving door between politics and the lobby sector remains one of the most damaging forms of corruption in politics, eroding public trust in democratic decision-making and politicians in general.

The legislative footprint is still not implemented in the Netherlands as prescribed in international best practice. In earlier research, we found that parliamentary records make little to no reference to the lobby paragraph in the period between 2016 and 2022. Consequently, we looked at the practical implementation of this instrument. Based on our analysis of 62 EMs of law proposals in 2022, we found that the lobby paragraph does not meet our standards as formulated in the data collection questionnaire. About 20% of proposals do not contain any type of reference to third-party input. The 80% that do mention external actors, mostly do so by summarising inputs from the online consultation. Based on our results, we can conclude that at least 40% of proposals do not provide an exhaustive list of consulted stakeholders. In current practice, the Dutch government equates online consultation with a legislative footprint. This is inadequate. International best-practice prescribes that a lobby paragraph should, at a minimum, detail an exhaustive list of actors, the meeting dates, and the subject of the meetings.

This report re-affirms Transparency International's latest publication of the Corruption Perceptions Index. **This report stated that public sector anti-corruption efforts are stagnating.** It should be a wake-up call to politicians and government alike that the Netherlands is not doing enough to mitigate corruption risks in politics and the legislative process. The Netherlands must invest in its anti-corruption efforts and reclaim its role as an international example of good practice. We recommend that the government use the recommendations mentioned in this report as a starting point.

In the short term, we recommend that the government take immediate steps towards implementing a mandatory cooling-off period. In addition, the government should work towards increased transparency and improve equality of access. This should start with comprehensive transparency of the legislative process. Several proposals for increased transparency have already been put forward in Parliament that could be used as a starting point. Lastly, the government should enshrine the legislative footprint in law and provide a more exhaustive list of third-party inputs.

ANNEX 1: DATA COLLECTION

QUESTIONNAIRE

Definitions

1. To what extent does the law clearly and unambiguously define ‘lobbyists’ to capture all who lobby professionally including professional lobbyists, public affairs consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations and academics?

0 – No definition/Wholly inadequate definition covering a small proportion of lobbyists

1 – Partially but inadequately/too narrowly/too broadly defined

2 – The law clearly and unambiguously defines lobbyists to include professional lobbyists, public consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations and academics.

Check, by making the text bold, all categories covered by law:

Professional lobbyist

Private Sector Representatives

Public affairs consultancies

Representative from NGO

Representative from a for-profit corporation Representative from industry/professional association Trade unions

Think tanks

Law firms

Faith-based organisations

Academics

Other, please specify _____

2. To what extent does the law/regulation define ‘lobbying targets’ in a sufficiently broad manner to include members of national and subnational legislative and executive branches (including advisors) and high-level officials in national and subnational public administration, regulatory bodies and private bodies performing public functions?

0 – Lobbying targets are not defined in law/ Wholly inadequate definition covering a small proportion of lobbying targets

1 – Lobbying targets are inadequately defined in law (including some but not all of the above-mentioned targets)

2 – Lobbying targets are broadly and adequately defined in law to include members of national and subnational legislative and executive branches (including advisors) and high level officials in national and subnational public administration, regulatory bodies and private bodies performing public functions

Check, by making the text bold, all categories covered by law:

National Legislators

Subnational Legislators

National Executive

Subnational Executives

Executive Advisors

High-level public officials

Regulatory bodies

Private bodies performing public functions

Other, please specify _____

3. To what extent is the term ‘lobbying’/‘lobbying activities’ clearly and unambiguously defined in law/regulation to include any contact (written or oral communication, lobbying targets (see above)

0 – No definition/Wholly inadequate definition covering a small proportion of lobbying activity

1 – Partially but inadequately/too narrowly defined

2 – Definition is clear and unambiguous and is comparable to the following international standard: any contact (written or oral communication, including electronic communication) with lobbying targets for the purpose of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government program, policy, or position.

Transparency

Framing Questions to bear in mind when constructing the narrative for this section: To what extent does the public have sufficient knowledge of (a) who is lobbying public representatives (b) on what issues they are being lobbied (c) when and how they are being lobbied (d) how much is being spent in the process (e) what is the result of these lobbying efforts etc? Is the onus for transparency placed on both lobbyists and public officials/representatives?

Access to Information

4. To what extent is there a comprehensive access to information law that guarantees the public’s right to information and access to government data?

0 – No law exists

1 – Law exists but with inadequacies

2 – Comprehensive law in place

5. In practice, to what extent do citizens have reasonable access to information on public sector activities and government data?

0 – In practice, citizens face major problems in accessing information and/or frequent violations of the law

1 – In practice, access is not always straightforward/citizens often face obstacles to access

2 – In practice, it is easy for citizens to access to information on public sector activities and government data

6. Do access to information laws apply to lobbying data?

0 – No law exists/Law does not apply to lobbying data

1 – Some but not all lobbying data accessible under access to information laws

2 – Access to information laws cover lobbying data

Registration and Disclosure by Lobbyists

7. Is there a lobbyist register in the country?

0 – No register exists

1 – Voluntary register exists/A register for a particular institution exists but does not apply to all lobbying activity

2 – A mandatory register exists

8. Where a register exists, to what extent does it capture all who lobby professionally including professional lobbyists, public affairs consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations and academics in the country?

0 – Wholly inadequate scope covering only a small proportion of lobbyists

1 – Register captures many of the categories of lobbyists mentioned above but there are still some gaps

2 – The register clearly captures professional lobbyists, public affairs consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations and academics.

Check, by making the text bold, all categories covered by register:

Professional lobbyist

Private Sector Representatives

Public affairs consultancies
Representative from NGO
Representative from a for-profit corporation
Representative from industry/professional association
Trade unions
Think tanks
Law firms
Faith-based organisations
Academics
Other, please specify _____

9. To what extent are lobbyists required to register in a timely (within 10 days of beginning of lobbying activity) manner?

0 – No compulsory registration

1 – Lobbyists required to register, but with significant time lag (more than 10 days)
2 – Lobbyists required to register within 10 days of beginning lobbying activity

10. To what extent are lobbyists required to report regularly on their lobbying activities and expenditures in a timely manner (max real-time - min quarterly)?

0 – No requirement to report/Reporting less often than annually

1 – Reporting requirement less often than quarterly but more often than annually
2 – Realtime - Quarterly reporting required

11. To what extent are lobbyists and organisations that lobby required to publicly disclose relevant personal and employment information: name of the organisation (if applicable); address and contact information; names of all active lobbyists working on behalf of the organisation (if applicable)?

0 – No information required to be publicly disclosed by lobbyists

1 – Only basic information required to be publicly disclosed

2 – Sufficient information required to be publicly disclosed Check all categories covered by law:

Check, by making the text bold, all categories covered by law:

Name (of individual or organisation)

Address and **contact details**

Names of all active lobbyists working on behalf of organisation

Other: company/organisation lobbying for and subject (can be very short)

12. To what extent are lobbyists and organisations that lobby required to publicly disclose relevant information on lobbying objectives and clients: name of the persons or organisations paying for the lobbying activities; names of the lobbyists' clients; specific subject matter lobbied?

0 – No information required to be publicly disclosed by lobbyists

1 – Only basic information required to be publicly disclosed
2 – Sufficient information required to be publicly disclosed

Check, by making the text bold, all categories covered by law:

Name of the persons or organisation paying for the lobbying activities

Names of the lobbyists' clients

Specific subject matter lobbied

Specific legislative proposals, bills, regulations, policies, programmes, grants, contributions or contracts sought

13. To what extent are lobbyists and organisations that lobby required to publicly disclose relevant information on who they are lobbying and what they are advocating name and title of the public representative or public body with whom the lobbyist engaged and the date and type of such engagement as well as any information and/or supporting documentation communicated to policymakers?

0 – No requirement to report

1 – Only basic information required to be publicly disclosed

2 – Sufficient information required to be publicly disclosed

If applicable check, by making the text bold, all categories covered by law:

The name of the public representative or public body with whom the lobbyist engaged

Date of engagement

Type of engagement (personal visit, accepted invitation to event, official hearing)

Supporting documentation communicated to policymakers

14. To what extent are lobbyists and organisations that lobby required to publicly disclose lobbying expenditures, including spending on efforts to support lobbying, loans, sponsorships, retainers, or the purchase of tickets for fundraising events?

0 – No information on expenditures required to be publicly disclosed by lobbyists

1 – Only basic information on expenditures required to be publicly disclosed

2 – Sufficient information on expenditures required to be publicly disclosed

15. To what extent are lobbyists and organisations that lobby required to publicly disclose political donations to parties and candidates?

0 – No requirement for public disclosure of political donations [the political parties and candidates are required to disclose information on donations above a certain threshold]

1 – Insufficient requirements for public disclosure of political donations

2 – Sufficient information on political donations required to be publicly disclosed

16. To what extent are lobbyists required to publicly disclose ‘in kind’ contributions: In-kind contributions may include advertising, use of facilities, design and printing, donation of equipment, or the provision of board membership, employment or consultancy work for elected politicians or candidates for office?

0 – No information on ‘in-kind’ contributions required to be publicly disclosed by lobbyists

1 – Insufficient information on ‘in-kind’ contributions required to be publicly disclosed by lobbyists

2 – Sufficient information on ‘in-kind’ contributions required to be publicly disclosed

17. Is information disclosed by lobbyists publicly available online in a searchable machine-readable open-data format?

0 – Information not available online

1 – Information available online but not in a searchable machine-readable open-data format (eg. Hand-written and scanned documents used)

2 – Information publicly available online in a searchable machine-readable open-data format

18. To what extent do the lobbyists register and provide sufficient/timely information in line with legislative obligations?

0 – N/A

1 – Some lobbyists comply but there are many cases of non-compliance

2 – Broad compliance with legal obligations

Oversight, Verification and Sanctions

19. To what extent is there an independent, mandated and well-resourced oversight entity charged with managing registration of lobbyists, offering guidance to individuals and organisations, monitoring returns, and investigating apparent breaches or anomalies (this includes powers to investigate complaints made but also to instigate investigations even where no complaint has been lodged)?

0 – No oversight entity exists

- 1 – Oversight agency exists but it is under-resourced and/or insufficiently mandated to provide meaningful oversight
- 2 – A fully mandated and resourced oversight entity is in place

20. To what extent is there a pro-active verification mechanism to audit disclosures and reports and detect anomalies?

0 – No verification mechanism exists

- 1 – Verification exists but is inadequate
- 2 – Adequate verification mechanism exists

21. In practice, to what extent are anomalies detected and followed up on by the oversight body?

0 – Little or no detection of anomalies

- 1 – In general, the oversight body is somewhat active in following up on anomalies detected
- 2 – In general, the oversight body is active in following up on anomalies detected

22. In practice, to what extent are anomalies detected and reported by others (e.g. investigative journalists) followed up on by the oversight body?

0 – Little or no detection of anomalies

- 1 – In general, the oversight body is somewhat active in following up on anomalies detected and reported by others
- 2 – In general, the oversight body is active in following up on anomalies detected and reported by others

23. To what extent does the law provide for penalties for knowingly filing a false lobbying registration return or failure to file a return?

0 – No penalties exist

- 1 – Penalties exist but they are inadequate
- 2 – Adequate penalties exist in law

24. To what extent are penalties for knowingly filing a false return or failure to file a lobbying registration return implemented in practice?

0 – N/A

- 1 – Sometimes
- 2 – Always

25. To what extent are oversight bodies required to publicly disclose the names of all individuals or organisations found to have violated lobbying rules or regulations?

0 – No requirement to publicly disclose names of those who violate rules

- 1 – Disclosure of names of those who violate rules is at the discretion of the oversight body
- 2 – Mandatory disclosure of names of those who violate rules and details of the violation

26. To what extent are the names of all individuals or organisations found to have violated lobbying rules or regulations published in practice?

0 – N/A

1 – Sometimes

2 – Always

Legislative Footprint

27. To what extent does the law require the publication of a ‘Legislative Footprint’ (document that details the time, event, person, and subject of legislators’ and senior public officials’ contact with a stakeholder) as an annex to all legislative records?

0 – No legislative footprint foreseen in law

1 – Piecemeal requirements to indicate who has sought to influence legislative or policy making processes in place

2 – The law requires publication of a legislative footprint as an annex to all legislative records

28. In practice, do legislators/public officials publish a legislative footprint including details of the time, person, and subject of contacts with stakeholders?

0 – No information on contacts publicly disclosed by legislators/public officials

1 – Some but insufficient information on contacts publicly disclosed by legislators/public officials

2 – Sufficient details of legislators’ contact with stakeholders published

29. To what extent are senior public officials required to pro-actively publish documentation related to meetings: calendars, agendas, documentation received from lobbyists etc?

0 – No requirement to make documentation related to meetings public

1 – Piecemeal requirements to make documentation related to meetings public*

2 – The law requires publication of comprehensive documentation related to meetings: calendars, agendas, documentation received from lobbyists

*This score has improved because senior officials now publish their agenda on
<https://www.rijksoverheid.nl/actueel/agenda>

30. To what extent are public representatives (national and subnational legislators) required to pro-actively publish documentation related to meetings: calendars, agendas, documentation received from lobbyists etc?

0 – No requirement to make documentation related to meetings public

1 – Piecemeal requirements to make documentation related to meetings public

2 – The law requires publication of comprehensive documentation related to meetings: calendars, agendas, documentation received from lobbyists.

Integrity

Framing Questions to bear in mind when constructing the narrative for this section: Is there a robust ethical framework for lobbyists (and companies) and lobbying targets in the country and to what extent is it working? Is the onus for integrity placed on both lobbyists and public officials/representatives?

Post-employment and Pre-employment Restrictions

31. To what extent does the law provide proportionate moratoria or ‘cooling off periods’ before former members of parliament, senior public servants, ministers and advisers can work as lobbyists?

0 – No cooling off period in place*

1 – Less than 2 year cooling off period in place

2 – Cooling off period of at least 2 years in place

* In 2021, the government instituted a policy that prohibits minister from lobbying their former ministry. Because this is a policy and not a law and because it does include members of parliament the score remains 0.

32. To what extent do ‘cooling off periods’ for those who wish to work as lobbyists apply to former members of parliament (national and subnational levels), senior public servants (including in regulatory bodies), members of executive (national and subnational levels) and advisers?

0 – No cooling off period in place

1 – Cooling off period is in place but does not apply to all categories above

2 – Cooling off period applies to all categories above

Check, by making the text bold, categories covered:

Former members of parliament (national)

Former members of parliament (sub-national)

Former members of national Executive

Former members of subnational Executives

Advisors

Senior Public Servants

Senior staff of regulatory bodies

Other: only the ministry of Defense has a cooling off period concerning lobbying of two years; in civil service there is a cooling off period of two years that is limited to the hiring of the ex-public servant as external force (for instance an advisory function) by the ministries and there is a limitation on lobbying your former ministry. Legislation on formal cooling-off period is pending, but not in force at the moment of writing.

33. In practice to what extent do former members of parliament, senior public servants, members of the executive and advisers move easily and directly into the lobbying sector?

0 – There has been a significant number of cases of former members of parliament, senior public servants, ministers, ministerial advisers moving directly into the lobbying sector

1 – There have been a number of cases of former members of parliament, senior public servants, ministers, ministerial advisers to moving directly into the lobbying sector

2 – Former members of parliament, senior public servants, ministers, ministerial advisers rarely move directly into the lobbying sector, usually respecting a cooling off period

34. To what extent does the law require former members of parliament (national and subnational levels), senior public servants (including in regulatory bodies), members of executive (national and subnational levels) and advisers to receive permission from a designated ethics office/agency before taking up an appointment in the private sector where they could lobby their previous employer?

0 – No permission required

- 1 – Insufficient Restrictions (Insufficient coverage)
- 2 – Permission required and applies to all above-mentioned categories

35. In practice, to what extent do former members of parliament (national and subnational levels), senior public servants (including in regulatory bodies), members of executive (national and subnational levels) and advisers seek permission from a designated ethics office/agency before taking up an appointment in the private sector where they could lobby their previous employer?

0 – Never

- 1 – Sometimes
- 2 – Always

36. To what extent is there an independent, mandated and well-resourced oversight entity charged with managing post and pre-employment restrictions, offering guidance to individuals and organisations, and investigating apparent breaches or anomalies?

0 – No oversight entity exists

- 1 – Oversight agency exists but it is under-resourced and/or insufficiently mandated to provide meaningful oversight
- 2 – A fully mandated and well-resourced oversight entity is in place

Codes of Ethics for public sector employees

37. To what extent is ethical/responsible lobbying addressed in public sector codes of conduct (e.g. do they specify standards on how public officials should conduct their communication with interest groups, specify a duty of documentation of contacts, duty to report unregistered or unlawful lobbying to superiors?)

0 – No code of conduct exists for public officials and/or codes of conduct do not reflect ethical lobbying guidelines*

- 1 – Codes of conduct address ethical lobbying in a piecemeal or insufficient manner
- 2 – Codes of conduct comprehensively address ethical lobbying

*TI-NL is familiar with the lobbying guidelines from the ministry of Finance “*omgang met derden*” that exists since 2016, the code of conduct for civil servants “Gedragscode Rijksambtenaren” and the “Aanwijzingen voor externe contacten rijksambtenaren”. TI-NL believes that these policies do not sufficiently address third party contacts and do not reflect ethical lobbying guidelines toward contacts with lobbyists, which is why the lowest score was deemed most appropriate.

38. To what extent do public sector codes of conduct specify standards on how public officials should deal with conflicts of interest issues?

0 – No code of conduct exists for public officials and/or codes of conduct do not adequately reflect conflict of interest issues

- 1 – Codes of conduct address conflict of interest issues in a piecemeal or insufficient manner

2 – Codes of conduct comprehensively address conflict of interest issues

39. To what extent do public sector codes of conduct specify standards on how public officials should deal with gifts and hospitality issues?

0 – No code of conduct exists for public officials and/or codes of conduct do not adequately reflect gifts and hospitality issues

- 1 – Codes of conduct address reflect gifts and hospitality issues in a piecemeal or insufficient manner

2 – Codes of conduct comprehensively address gifts and hospitality issues

40. To what extent do public sector codes of conduct deal comprehensively with interest and asset declaration issues?

0 – No code of conduct exists for public officials and/or codes of conduct do not adequately reflect asset declaration issues

1 – Codes of conduct address asset declaration issues in a piecemeal or insufficient manner

2 – Codes of conduct comprehensively address asset declaration issues

41. To what extent is there a complaint mechanism allowing any public official or citizen to report violations of the public sector code of conduct?

0 – No complaints mechanism exists

1 – Complaints mechanism exists but is limited in scope

2 – Robust complaints mechanism exists

42. To what extent are there training and awareness-raising programmes for public officials on integrity issues, including lobbying rules and guidelines?

0 – No training/awareness-raising programmes exist on integrity issues

1 – Piecemeal and irregular approach to training/awareness-raising on integrity issues

2 – Comprehensive and regular training/awareness-raising on integrity issues

Please note that there are quite extensive training and awareness-raising programmes for public officials on integrity issues, but since there are no lobbying rules and guidelines, these are not part of this training.

Codes of Ethics for Lobbyists

43. To what extent is there a statutory code of conduct for lobbyists including clear sanctions for failure to adhere to lobbying regulations?

0 – No statutory code of conduct exists

1 – Code of conduct exists but it is inadequate

2 – Statutory code of conduct including sanctions exists

44. In practice, to what extent are sanctions applied for failure to adhere to lobbying regulations?

0 – Sanctions rarely/never applied because no statutory lobbying regulations exist

1 – Sanctions applied, but inconsistently

2 – Sanctions consistently applied

45. To what extent does the law and/or the lobbyists' code of conduct require disclosure regarding and provide restrictions on lobbyists being hired to fill a regulatory, financial decision-making or advisory post in government?

0 – No disclosure requirements or restrictions in place

1 – Insufficient Restrictions and disclosure requirements (e.g. lobbyist must deregister but no further restrictions)

2 – Sufficient disclosure requirements and restrictions in place (e.g. potential veto of appointment and/or restriction in types of decisions the employee would be involved in making)

46. To what extent does the law and/or codes of conduct prohibit simultaneous employment as a lobbyist and a public official?

0 – No mention of prohibition of simultaneous employment as a lobbyist and a public official, except for Defence Sector

1 – Law/Code of conduct discourages but does not explicitly prohibit simultaneous employment as a lobbyist and a public official

2 – Law/Code of conduct explicitly prohibits simultaneous employment as a lobbyist and a public official

47. To what extent is there a complaint mechanism allowing any policy-maker or citizen to report violations of the statutory lobbying regulations?

0 – No complaints mechanism exists because no statutory lobbying regulations exist

1 – Complaints mechanism exists but is limited in scope

2 – Comprehensive complaints mechanism exists

Self-regulatory Codes of Ethics for Lobbyists

48. To what extent are there self-regulatory code(s) of ethics managed by professional association(s) for lobbyists or by companies themselves?

0 – No code of ethics exists

1 – Code of ethics exists but it is inadequate

2 – Code of ethics including sanctions exists

49. To what extent do existing self-regulatory codes of ethics for lobbyists include specific behavioural principles that steer lobbyists away from unethical situations?

0 – Codes do not provide any behavioural principles that steer lobbyists away from unethical situations

1 – Codes mention behavioural principles but are vague and/or incomplete

2 – Codes of ethics for lobbyists include specific behavioural principles that steer lobbyists away from unethical situations

Check, by making the text bold, all categories covered by codes:

Requiring honesty and accuracy of information provided to public officials

Requiring early disclosure to public officials of the identity of client and interests being represented **Refraining from using information obtained in violation of the law**

Refraining from encouraging public officials to violate the law

Banning gifts above a de minimis value, fees, employment or any other compensation from a lobbyist to a public official.

Requiring speedy disclosure of any conflict of interest and management of such conflicts of interest or recusal

Making ethics training a condition of membership in the association.

Establishing a reasonably independent mechanism for monitoring and enforcing compliance to the ethics code.

Others, please specify _____

50. To what extent do existing self-regulatory codes require lobbyists to publicly disclose the identity of who they are representing and what they are lobbying for?

0 – No information required to be publicly disclosed by lobbyists

1 – Only basic information required to be publicly disclosed and/or the information is not public

2 – Sufficient information required to be publicly disclosed (name of the persons or organisations paying for the lobbying activities; names of the lobbyists' clients; specific subject matter lobbied)

51. To what extent do existing self-regulatory codes prohibit simultaneous employment as a lobbyist and a public official?*

0 – No mention of prohibition of simultaneous employment as a lobbyist and a public official

1 – Code of conduct discourages but does not explicitly prohibit simultaneous employment as a lobbyist and a public official

2 – Code of conduct explicitly prohibits simultaneous employment as a lobbyist and a public official

*This score has improved when the new code of conduct of the BVPA was introduced in 2016.

52. To what extent is there a complaint mechanism allowing any member or non-member of the association to report violations of the lobbying code of ethics?

0 – No complaints mechanism exists

1 – Complaints mechanism exists but is limited in scope*

2 – Robust complaints mechanism exists

*When reporting misconduct, the party providing the claim needs to have an interest (belanghebbende) in the complaint. This goes against best practice. Anyone should be able to hand in a complaint, the public interest should also be seen as an sufficient interest.

53. To what extent are there reasonably independent mechanisms for the monitoring and enforcement of compliance with the ethics code(s)?

0 – No monitoring and enforcement mechanisms exists

1 – The monitoring mechanism exists but is not independent, or is limited in scope*

2 – A robust and reasonably independent monitoring and enforcement mechanism exists

*The code of conduct is monitored, but there is no active oversight.

Equality of Access - The Level Playing Field

Framing Questions to bear in mind when constructing the narrative for this section: Are there are sufficient spaces in the system to allow for diverse participation and contribution of ideas and evidence by a broad range of interests that lead to policies, laws, and decisions which best serve society and broad democratic interests?

Consultation and Public Participation in Decision-making

54. To what extent is the Parliament required by law to allow citizens and the public (corporations and civic organisations) to provide equal input to members regarding items under consideration, with sufficient notice and time incorporated in the legislative process to receive this input?

0 – The legal framework does not consider the provision of input to the legislative process.

1 – The legal framework allows for citizens and the public (corporations, civic organisations) to provide input to parliament, but it does not make any provisions regarding equal access, sufficient notice and time to receive this input

2 – Parliament is required by law to allow the citizens and the public (corporations and civic organisations) to provide equal input to members regarding items under consideration, with sufficient notice and time incorporated in the legislative process to receive this input.

55. To what extent does the legal framework lay out in a law or a group of laws the varied means for public participation in the formulation, implementation, and evaluation of policies, including timeframes and specific mechanisms to disseminate public meeting information, attendance and participation rules, instruments and tools to submit comments and opinion on specific policies?

0 – There are no procedures and rules for participation in policy discussions and decision making processes, or they are ad hoc to each policy and decision making process.

1 – There are some provisions for making public the means of participation in policy, but they are not specific, or they are relegated to policy directives.

2 – Yes, there is a specific regulatory framework that clearly lays out in a law or a group of laws the varied means for public participation in the formulation, implementation, and evaluation of policies, including timeframes and specific mechanisms to disseminate public meeting information, attendance and participation rules, instruments and tools to submit comments and opinion on specific policies.

56. To what extent does the legal framework explicitly require public authorities to ensure equal participation by all affected groups and stakeholders in decision-making processes?

0 – There are no provisions regarding the consultation of groups and stakeholders affected by policy.

1 – Some provisions regarding the equal participation of affected groups exist, but they are not specific, or they are relegated to policy directives.

2 – The legal framework explicitly requires public authorities to ensure equal participation by all affected groups and stakeholders in decision-making processes.

*In the instructions for draft legislation there are instructions for public officials that stipulate how to conduct stakeholder analysis. It further stipulates how they can engage with stakeholders. It should be noted that this is not a coherent policy and there is no oversight or compliance mechanism. Public officials have the discretion to make the final decision on stakeholder participation.

57. In practice, which of the following forms of public participation are routinely used?

Check, by making the text bold, all categories covered:

Informal consultation with selected groups

Broad circulation of proposals for comment

Public notice and calling for comment

Public meeting

Posting proposals online

Advisory/Expert Groups

Preparatory Public Commission/committee

Others, please specify _____

58. In practice, to what extent are consultations open to participation from any member of the public?

0 – Consultations are rarely/never open to any member of the public

1 – Consultations are sometimes but not always open to any member of the public

2 – Consultations are generally open to any member of the public

59. In practice, to what extent are the views of participants in the consultation process made public?

0 – The views of participants in the consultation process are rarely/never made public

1 – The views of participants in the consultation process are sometimes but not always made public

2 – The views of participants in the consultation process are always made public

60. To what extent does the legal framework explicitly require public authorities to provide a detailed justification on why and how various submissions have or have not been taken into account in policy and decision-making processes after consultation?

0 – There are no provisions requiring public authorities to explain whether and how they have considered participation, or there is no participation provided for.

1 – There are some provisions requiring public authorities to explain whether and how they have considered submissions, but they are not specific, or they are relegated to policy directives.

2 – The law explicitly requires public authorities to provide a detailed justification on why and how submissions have or have not been taken into account in policy and decision-making processes after consultation.

Advisory/Expert Group Composition

61. To what extent is there a legal obligation to have a balanced composition (between private sector and civil society representatives) of advisory/expert groups?

0 – No requirement to have balanced composition

2 – The law requires meaningful balanced composition between private sector and civil society representatives

62. In practice, to what extent is there a balanced composition (between private sector and civil society representatives) of advisory/expert groups?

0 – Advisory groups are generally biased towards particular interests

1 – Advisory groups are sometimes balanced, sometimes not

2 – There is a meaningful balance between private sector and civil society representatives on advisory groups

63. To what extent are lobbyists prohibited from sitting on advisory/expert groups in a personal capacity?

0 – Lobbyists can freely sit on advisory groups in a personal capacity

2 – Lobbyists are prohibited from sitting on advisory/expert groups in a personal capacity

64. To what extent are corporate executives prohibited from sitting on advisory groups in a personal capacity?

0 – Corporate executives can freely sit on advisory groups in a personal capacity

2 – Corporate executives are prohibited from sitting on advisory/expert groups in a personal capacity

65. With regard to advisory/expert groups, to what extent is membership information, agendas, minutes and participants' submissions required to be made public?

0 – Information not publicly available

1 – Information available, but only on request

2 – Information publicly available online or in print form

ANNEX 2: LIST OF INTERVIEWEES

The following people have been interviewed for this report:

- Prof. Dr. Arco Timmermans – Professor of Public Affairs (Leiden University)
- Prof. Marjan Olfers (LLM) – Professor of Law and Sport (Free University of Amsterdam)
- Frans van Drimmelen – CEO Dröge en van Drimmelen
- Niels Jongerius – Dutch Outreach Officer at Transnational institute and Member of the Trade Union Parliament at FNV Nederland

ANNEX 3: OVERVIEW OF PROPOSALS

Dossier number	Submitter
36 015	MP Sneller
36 017-(R2159)	Minister of Foreign Affairs
36 021	Minister of Defense & Minister of Foreign Affairs
36 027-(R2160)	Minister of Foreign Affairs & Minister for Legal Protection
36 028	Minister for Legal Protection & Minister of Foreign Affairs
36 031-(R2161)	State Secretary of the Interior
36 032-(R2162)	State Secretary of the Interior & Minister of Finance
36 036	Minister of Justice and Security
36 040	Minister for Legal Protection
36 041	MPs Kops & Mulder
36 047	MPs Sneller & Kathmann
36 050	Minister of Infrastructure and Water Management
36 052	MP Van Houwelingen
36 055	Minister of Housing and Spatial Planning
36 056	MP Kröger
36 062	Speaker of the House of Representatives
36 063	State Secretary of Finance
36 065	Minister of Foreign Affairs & State Secretary of Finance
36 067	Minister for Poverty Policy, Participation, and Pensions & State Secretary of Finance
36 071	Minister of the Interior
36 076	Minister for Nature and Nitrogen
36 077	Minister of Infrastructure and Water Management
36 078	Minister of Social Affairs and Employment

36 084	Minister of Justice and Security
36 085	Minister for Legal Protection
36 086	Minister of Health, Welfare, and Sport
36 087	Minister of Finance
36 089	Minister of Economic Affairs and Climate Policy
36 093	Minister of Economic Affairs and Climate Policy
36 094	State Secretary of Economic Affairs and Climate Polic
36 102	Minister of Finance
36 105	Minister of Finance & Minister for Legal Protection
36 107	State Secretary of Finance
36 123	Minister for Legal Protection
36 125	MP Sneller
36 126	Minister of Education, Culture, and Science
36 128	MPs Maatoug, Van der Lee en Nijboer
36 130	Minister of Housing and Spatial Planning
36 131	Minister of Finance
36 132	Minister of Education, Culture, and Science
36 053	State Secretary of Finance & Minister of Foreign Affairs
36 137	Minister of Infrastructure and Water Management
36 136	Minister of Education, Culture, and Science & Minister for Primary and Secondary Education
36 138	Minister of Justice and Security & Minister of the Interior
36 140	Minister of Finance
36 151	State Secretary of Finance & Minister of Foreign Affairs & Minister of Social Affairs and Employment & State Secretary of Health, Welfare, and Sport
36 150	Minister of the Interior
36 152	Minister for Legal Protection
36 153	Minister for Legal Protection
36 155	Minister of Infrastructure and Water Management
36 154	Minister for Poverty Policy, Participation, and Pensions & State Secretary of Finance
36 156	Minister of Health, Welfare, and Sport
36 158	State Secretary of Justice and Security

36 157	Minister for Legal Protection
36 159	Minister of Health, Welfare, and Sport
36 160	MP Leijten
36 161	MPs Baudet & Van Houwelingen
36 164	Minister of Infrastructure and Water Management
36 171	Minister of Justice and Security
36 167	Minister of Health, Welfare, and Sport
36 166	Minister of Social Affairs and Employment
36 174	Minister of Finance
36 163	Minister for Legal Protection
36 168	Minister of Infrastructure and Water Management
36 170	Minister of Economic Affairs and Climate Policy
36 165	Minister of Education, Culture, and Science & Minister for Primary and Secondary Education
36 169	Minister for Climate and Energy Policy
36 172	Minister for Legal Protection
36 173	MPs Nijboer, Alkaya, Van Raan & Gündogan
36 175	Minister of Justice and Security
36 176	State Secretary of Education, Culture, and Science
36 177	Minister of the Interior
36 178	MPs Van der Laan, Van der Woude, De Hoop, Westerveld, Kwint & Van Esch

ANNEX 4: CODING SYSTEM

LEGISLATIVE FOOTPRINT

DUTCH (original):

Indicator	Uitleg
Wetsvoorstel nr.	-
Onderwerp	-
Indiener	-
Lengte memorie van toelichting	Lengte in aantal pagina's
Lengte consultatie	Lengte van beschrijving van de consultatie in aantal pagina's
Benoeming internetconsultatie	0 = internetconsultatie niet benoemd; 1 = internetconsultatie wel benoemd
Benoeming andere vorm van consultatie of advies	0 = andere vorm van consultatie of advies niet benoemd; 1 = andere vorm van consultatie of advies wel benoemd
Publiekelijke consultatie (was de andere vorm van consultatie publiekelijk toegankelijk?)	0 = gesloten consultatie; 1 = openbare consultatie; Leeg = geen consultatie
Detail bespreking (<i>geeft het kabinet het "krachtenveld" weer en koppelen zij dit aan stakeholders</i>)	0 = geen bespreking van specifieke punten of opmerkingen; 1 = benoeming van specifieke punten of opmerkingen zonder punten toe te eigenen aan specifieke stakeholders; 2 = benoeming van specifieke punten of opmerkingen, toegeëigend aan specifieke stakeholders
Actie ondernomen (gaan zij inhoudelijk in op het externe standpunt ten opzichte van die van de opsteller?)	0 = consultatiereacties enkel (of niet) benoemd, zonder diepgang of argumentatie; 1 = consultatiereacties grondig behandeld, kabinet neemt actief keuzes op basis van de input en geeft daar motivatie voor
Opmerking	-

ENGLISH (translated):

Indicator	EXPLANATION
Proposal Number	-
Subject	-
Petitioner	-
Length of the Explanatory Memorandum	Length in number of pages

Length of Consultation	Length in number pages of the description of consultation
Mentioning of the internet consultation	0 = Internet consultation not mentioned; 1 = internet consultation mentioned
Mentioning of a different form of consultation or advice	0 = different form of consultation or advice not mentioned 1 = different form of consultation or advice mentioned
Public consultation (was the different form of consultation available to the general public?)	0 = Closed consultation; 1 = Publicly available consultation; Empty = No consultation.
Detail bespreking (<i>geeft het kabinet het "krachtenveld" weer en koppelen zij dit aan stakeholders</i>) Detail of discussion (does the cabinet make available the power relations and does it connect these to different stakeholders?)	0 = No discussion of specific points. 1 = A discussion of specific points raised <i>without</i> connecting these points to their respective stakeholders; 2 = A discussion of specific points <i>and</i> connecting these points to their respective stakeholders
Action taken (Does the cabinet react to the stakeholder's perspective in content-related manner?)	0 = Consultation reactions are not mentioned, or are discussed at a shallow level. 1 = Consultation reactions are discussed at a deep level and the cabinet actively chooses policy based on input from stakeholders while providing motivation for this.
Comments	-