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**RAADGEVENDE
INTERPARLEMENTAIRE
BENELUXRAAD**

12 november 2007

**Towards a renewed Benelux
within a new Europe**

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**CONSEIL INTERPARLEMENTAIRE
CONSULTATIF
DE BENELUX**

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within a new Europe**

VAST SECRETARIAAT
VAN DE INTERPARLEMENTAIRE BENELUXRAAD
PALEIS DER NATIE — BRUSSEL

SECRETARIAT PERMANENT
DU CONSEIL INTERPARLEMENTAIRE DE BENELUX
PALAIS DE LA NATION — BRUXELLES

The existing Benelux Treaty will expire in 2010.

This document sets out the opinion of the Interparliamentary Consultative Benelux Council (the « Benelux Parliament ») on the future of the Benelux. It is a description of the past, present and possible future role of the Benelux. This document is intended as background material for a proper discussion within the parliaments of the three Member States.

The Benelux is an organization which deals with a lot of useful issues. But one would only be fully aware of its existence, if the Benelux no longer existed.

The Treaty revision provides us with the opportunity to give a new impetus to cooperation. We should not let this opportunity slip. There are broad opportunities with regard to cooperation, even in the framework of the new enlarged European Union.

This document is a contribution from the Interparliamentary Consultative Benelux Council, often called « Benelux Parliament ». The Parliament is composed of members from the parliaments of the three countries. 21 are of Belgian nationality, 21 are of Dutch nationality and 7 are of Luxembourg nationality.

1. THE BENELUX: A STRONG CONCEPT

«Benelux » is a strong concept, a name known by everybody. Unfortunately, its achievements are little known among the public.

The Benelux, that is to say the Benelux Economic Union (BEU), became known in the decades which followed the second world war. The foundations of the economic cooperation between Belgium, the Netherlands and Luxembourg, were laid in London, in 1944, during the war and cooperation proved very successful during the reconstruction period.

Benelux is rightly described as a laboratory for the European Union. As a result of this overwhelming success, the Benelux became widely known.

The Benelux has become a cooperation structure with a glorious past, but its significance is not to be found in its past achievements but in its future potential. It is not what the Benelux means today which should guide our thoughts on the new Benelux but what it could become in the future. The world around us has undergone extensive changes. The same holds true for the Member States. A tacit renewal of the Benelux Treaty cannot be envisaged. The present organization of the Belgian federal state should be translated into the new Treaty. This is not a mere technical issue.

The discussion should focus on the common ambitions and the potential of the three countries.

The Benelux is a very useful instrument in the European context and it has a high potential, as evidenced by the Schengen Treaty for example.

2. A NEW BENELUX AGENDA

The primary economic objectives of the BEU Treaty have become too narrow and have been taken over and achieved by the European Union. This holds true for the common trade policy, the foreign trade policy with the customs tariffs and the exchange rates.

Benelux became gradually involved in new policy areas such as environment, spatial planning, the fight against large scale cross-border tax fraud, drug policy, reinforced police cooperation and cross-border cooperation with regard to urgent medical aid. The new Benelux is beginning to take shape.

The Benelux Parliament is convinced of the persisting added value of cooperation. The times we live in give rise to new challenges.

The Benelux, as an instrument, can be compared to a good pair of walking shoes which need mending and polishing, ready to set out again.

3. THE BENELUX, A USEFUL INSTRUMENT

The Benelux is a very useful instrument: within the European Union of 27 member states, the power of small countries is limited. This loss of power can be compensated – and even more than that – by cooperation within an internationally known structure with its headquarters in Brussels.

Cross-border cooperation has become more and more important. Millions of Dutch, Belgian and Luxembourg citizens live and work in the cross-border regions. The Benelux provides a better harmonization of national provisions. Let us think about the recognition of training programmes, certificates and diplomas. The world is expanding. Together, we are in a position to better defend our interests in the context of the world economy. From an Asian or American perspective, the borders between our three countries have little significance with regard to decisions in the field of investments.

The Benelux cooperation is highly desirable at these different levels and useful for our populations.

4. BENELUX: THE ALLIANCE OF THREE « PIONEERS »

One can say, with reference to Alexandre Dumas, that the Benelux is the alliance of three pioneers, pioneers who were very successful and who set an example.

A critical analysis of this cooperation shows that some of the potential offered by the Benelux is not fully used. The discussions about prolonging the treaty should thus lead to initiatives aimed to fully implement this potential.

After fifty years of experience with regard to the European integration process we have learnt that there has always been a margin for initiatives anticipating this evolution. In this connection, the Benelux played a very prominent role in the past. The Benelux countries have the right to conclude treaties which go further than the rules defined by the Union. This situation offers a range of opportunities, also for the future. The Benelux still enjoys recognition far beyond its borders. The Benelux cooperation served as model for the creation of new cooperation structures among the Baltic States and the Visegrad countries (the Czech Republic, Hungary, Poland and Slovakia).

5. THREE COUNTRIES, ONE BENELUX

Three cooperation levels can be distinguished among the partner countries: regional, national and international. Each level has its own role to play: forum, laboratory and gateway.

5.1. Regional level: The Benelux as a forum and consultation platform for regional and cross-border cooperation. Given the geographic situation of the three countries, cooperation is an evidence. A well-structured cooperation constitutes an effective platform with a view to implementing joint initiatives. It would be much more difficult to establish ad hoc contacts without such a structure.

5.2. National level: the Benelux as a laboratory for new societal challenges. Even before the creation of the European Union, the Benelux played a pioneering role in the field of economic development, cross-border cooperation, political harmonization, etc.

The « Schengen Treaty » is a perfect illustration of the pioneering role of the Benelux in the framework of the European Union. The growing number of the European Union member states has increased the value of this laboratory function.

Police cooperation is a good illustration thereof. The Benelux is an excellent instrument to address new problems as it can play its traditional pioneering role for the rest of Europe. The pentilateral Energy forum is a good example of this pioneering role. The Benelux already plays this role in the fields of intellectual rights, police cooperation, road infrastructure and energy.

5.3. The Benelux as a gateway to the world. What is meant by a « region »? For Americans and Chinese, the « Benelux », for instance, is what we call a region. In the context of the world economy, national borders do no longer restrict our view on possible locations and potential markets. Decisions should therefore be taken at the scale of a region which stretches over the territory of several countries, such as the Rhine-Scheldt Delta. The member states realize that there is a lot more to be gained in the fields of spatial planning, economic policy and infrastructure by acting as partners rather than competitors. The Benelux is the natural place to discuss far-reaching initiatives in the fields of spatial and economic cooperation and integration.

At political level too, cooperation is also fruitful. The Benelux does not seek to achieve a political union and in the practice, the member states do not always adopt common positions, at the level of the European Union for instance. Unanimity is nevertheless a very practical tool.

In the context of the enlargement of the European Union, the adoption of a common standpoint increases more than proportionally the influence of the three Member States within the Union.

Moreover, the exchange of views within the Benelux is everything but useless. Within the informal Benelux framework – at political level - one can address political issues from each other's perspective. Even if this does not result into unanimity, it favours mutual understanding, the deepening of standpoints and helps to overcome parochial attitudes.

The European Union is not, however, the only international framework where cooperation can prove useful.

The representatives of the Benelux countries also consult and support each other in the United Nations and international organizations such as the World Bank and the IMF.

6. CLOSE COOPERATION BUT WITHIN AN OPEN BLOCK

The Benelux is open to reform, even if the impetus comes from outside the cooperation structure.

6.1. Regional level

At regional level, successful forms of interregional cooperation among the member states can serve as an example for interregional cooperation with French departments or German federated states.

Cooperation among Euroregions proves very successful. France, as well as Germany, have established, at national level, an institute on cooperation. The Benelux is the natural interlocutor of our regions.

The Benelux Convention on cross-border cooperation among territorial communities or authorities is a key element of the BEU Treaty, which is a framework treaty that can be completed and in the margin of which numerous regulations can be adopted.

6.2. National level

The Schengen Agreement is the perfect illustration of a successful national cooperation within the Benelux framework.

After the conclusion of the Treaty among five countries (Benelux, France and Germany in 1985), the number of member countries constantly increased until Schengen was taken over by the European Union.

Furthermore, cooperation with the German federated states is very attractive. From an economic viewpoint, the Land of North Rhine – Westphalia is our main partner. Cooperation with Saarland is also excellent and the «Nord – Pas-de-Calais» is also an important partner for the Benelux.

6.3. International level

The gateway function of the Benelux clearly appears from the cooperation with other regional cooperation structures. These structures play a more and more important role in the European Union. The Benelux is involved in a structural cooperation with the Baltic Assembly and the Nordic Council in the framework of common interests within the Union.

At world level also, the adoption of common viewpoints is desirable in many cases: for the rest of the world, the Benelux countries are the main gateway to Europe.

The five biggest maritime harbours of the Benelux have a market share of nearly 70%: cooperation is therefore of the utmost importance in order to preserve this position.

7. STRENGTHS AND WEAKNESSES

The « Katholieke Universiteit Leuven » has been entrusted by the Flemish government with the task of making an in-depth study of Flanders position within the Benelux. This study is also of great interest for the Benelux as a whole. The SWOT analysis (strengths, weaknesses, opportunities and threats) paints a broad picture of the situation.

7.1. Strengths

Among the strengths, the study points out the specific status of the Benelux within the EU: the Benelux is the only cooperative structure which can go further within the EU than the EU institutions. This study also highlights the position of the Benelux as a permanent reference framework and neutral process manager, the relative homogeneity of the partner countries and its image abroad with regard to its development and its economic profile. Moreover, as far as its achievements are concerned, the Benelux has a good service record and it has demonstrated its ability to adapt to circumstances.

7.2. Weaknesses

This study also reveals a certain number of weaknesses. There is a lack of focus. The General Secretariat should define a limited number of coherent tasks.

The study also puts the emphasis on the fact that the spatial integration policy is essentially of interest for the cross-border regions and is not sufficiently taken into account by the central governments, especially the Netherlands.

Finally, this analysis reveals that the Benelux is too dependent on the political « alchemy » between the leaders of the Member States. Even if personal relations will always play a role, an adequate structure could limit the damage.

7.3. Opportunities

The growing number of EU Member States reduces the possibility to reach consensus and therefore increases the difficulty for the Benelux to define, possibly with partners, its own stance on certain aspects.

But, as far as the Benelux Parliament is concerned, there are opportunities for a Benelux + in the framework of cooperation with the cross-border regions of France and Germany.

7.4. Conclusions

Which lessons can we draw from the SWOT analysis?

The Benelux is, potentially, a powerful instrument provided that the Member States recognize it and use it as such. The future lies in a set of clearly defined tasks in the framework of a flexible, dynamic and service-oriented organization.

8. TOWARDS A MORE DYNAMIC ORGANIZATION

In order to use these opportunities, a new structure is a prerequisite. Measures have to be taken for the Benelux to play its role as laboratory, forum and gateway. Therefore, we will have a critical look at the institutions set up on the basis of the Treaty of 3 February, 1958.

The Benelux institutions are:

a. the Committee of Ministers: as to its tasks, the BEU General Secretariat is commissioned by the Committee of Ministers.

b. the Benelux Interparliamentary Consultative Council (the Benelux Parliament) and the ombudsfunction.

c. The BEU General Secretariat handles the secretariat of the Committee of Ministers, the Council of the Economic Union and the various working parties and Committees; it also ensures the registry of the Benelux Court of Justice.

d. The Council of the Economic Union (which is, amongst others, responsible for the coordination of the tasks of the committees and special committees).

e. The Committees and special committees whose task is to implement the decisions of the Committee of Ministers and to which – through the intervention of the Council of the Economic Union – they submit proposals aiming at improving the working of the Union.

f. The Consultative Economic and Social Committee (CESC).

The Benelux Court of Justice was added to the constitutional body of the BEU on January, 1, 1974.

The highly appraised Benelux Office for Intellectual Property does not belong to the Benelux organizations as such. It replaces since September, 1, 2006, on the basis of the new Benelux Treaty on Intellectual Property, the Benelux Trademarks Office and the Benelux Designs Office. Its assignment consists of ensuring that all trademarks and designs in the Benelux are registered and protected at a low cost and in an effective way. Setting up the new Benelux, such as we conceive it, requires two obvious improvements.

The Benelux Parliament has a consultative character. As a result, its work tends to be informal. As far as the relations between the Benelux Parliament and the Committee of Ministers are concerned, there should be binding agreements excluding this informal character. The existing institutional organization of the Benelux consists of treaty-based institutions. This organizational structure, as regards the different BEU committees, is no longer in line with the present hyper-dynamic society which requires a rapid and flexible response to new developments.

The Benelux of the future should thus become a tasks and projects-based organization, able to meet, in a flexible way, the needs of the member states.

9. THE BENELUX OF THE FUTURE

Three conditions have to be met if the Benelux wants to be ready for the rest of the century: focus, political commitment and a dynamic organization. The renewal of the treaty provides the opportunity to define the rules of the Benelux cooperation in accordance with a tasks and projects-based organization and operating at three levels: regional, national and international.

9.1. Focal points

The Committee of Ministers and the Benelux Parliament set out the following priorities in 1995:

1. political cooperation and consultation about Europe;
2. cross-border cooperation;
3. internal market and economic cooperation;
4. culture, research, education and training;
5. free movement of people;
6. information, publications and statistics.

The Benelux Parliament also has competences which have nothing to do with the Economic Union, more precisely the competence to deliberate and address advisory opinions to the governments on issues directly linked with foreign policy cooperation.

We suggest to maintain these priorities while stressing the need to develop a strong sense of subsidiarity. Some issues are already dealt with or could be better dealt with at EU level, such as the «internal market » or « the free movement of people ». Other issues belong to the national level.

Cross-border cooperation should not necessarily be limited to the three Member States. It can also focus on one member state and a region (such as the «Nederlandse Taalunie»).

9.2. Political commitment

In order to illustrate political commitment at the Benelux level, the agreement providing for the organization of a Benelux Summit of the Committee of Ministers should be better respected. Even if the advisory opinions of the Benelux Parliament are not followed, the governments should respond to them.

The new text of the Treaty should clearly state that a Benelux Summit is held before each EU Summit.

Furthermore, the Benelux Parliament considers that the organization of a Benelux Summit before each consultation in the framework of NATO or the UN is highly desirable.

9.3. A dynamic organization

The General Secretariat is already the core of the Benelux. Its dynamics is slowed down because the Committees to which it provides support have been set up by Treaty. This makes the organization quite heavy. In this connection, a new Benelux treaty should in fact regulate as little as possible. Ideally, tasks and projects-based organizations should be set up in the framework of the Benelux and be supported and steered by the Council of the Economic Union. They should be entrusted with clearly defined tasks and projects with a limited lifespan. This structure would result in a more flexible and dynamic organization.

10. TOWARDS A SELF-CONFIDENT BENELUX, THROUGH AND FOR ITS CITIZENS

10.1. A new name for a new content

Externally, a self-confident Benelux should be more active. A new name could help underline the new content of the Benelux but it would be inappropriate to get rid of a strong brand such as «Benelux».

On the other hand, we could drop the reference to the «Economic Union» which is little known and has become, to a large extent, irrelevant given the recent developments in the European integration process.

10.2. The Benelux, cultural and sports community

Benelux should demonstrate its added value at cultural and sports level. The efforts made by the Benelux countries with a view to organizing together the World football cup is a good illustration of this, as individual Member States have not the capability to organize such big events.

10.3. The Benelux, as service provider in the framework of non-governmental initiatives

There are numerous economic, sports, scientific and cultural cooperative structures in the Benelux countries to which the public authorities are only indirectly associated.

The Benelux is the perfect forum where such initiatives can be stimulated, promoted and coordinated.

11. CONCLUSION

The members of the Interparliamentary Consultative Benelux Council («Benelux Parliament») consider that the pursuit of the Benelux cooperation is very promising. They see a good chance for a fruitful cooperation at regional, national and international levels.

But, at the same time, they notice that the governments and the parliamentarians of the member states do not sufficiently recognize this potential.

The Benelux will enjoy a glorious future if the political leaders of the member states recognize and make the best possible use of the added value of cooperation.

The potential of the Benelux should come very high on the governments' agenda during the forthcoming treaty revision so that the citizens of our countries will reap the fruit of it and take cooperation to their heart.

ANNEX

The present « feats of arms » of the Benelux cooperation

The Benelux cooperation produces tangible results every day – even in the framework of the present treaty. The enumeration which follows is not exhaustive but outlines a number of « feats of arms » or achievements of the Benelux cooperation.

Euro-Control-Route deals with cooperation between the services in charge of road controls. At the beginning, the Benelux and France were involved in this cooperation.

In the meantime, this cooperation has been extended to 18 countries (11 members, 7 observers – candidates) and joint cross-border road controls regularly take place. In this connection, the Benelux General Secretariat hosts the secretariat of the project concerned and acts as information point and intermediary between the partners. The « Plan de base écologique et paysager transfrontalier » is a cross-border cooperation-initiative between Wallonia and Luxembourg with respect to nature conservation and landscape protection.

The General Secretariat provides support to the administrative steering groups and supplies the necessary expertise and diplomacy. The Senningen Consultation is a cooperation initiative between the Benelux countries in the area of Justice and Home affairs with tangible results in the cross-border regions.

In the framework of this cross-border cooperation, the General Secretariat also provides its support, amongst others as regards police, the fight against disasters and the drugs policy.

The Delta-Rhine-Scheldt (DRS) cooperation is based on projects between provinces, cities and , in some cases, central authorities in a given region. The General Secretariat operates as an intermediary between the parties to the Delta Agreement, is part of the steering group and the central DRS group and contributes to a few DRS projects as regards expertise and diplomacy, for instance by chairing the harbour company and advising « Delta-Landschap » on RoBrAnT+.

The Rhine-Scheldt Delta is a homogeneous territory and it would be interesting to broaden the debate and to deal with other issues such as environmental planning and cross-border infrastructures. Hence, a reference is made to possible new perspectives such as the « Grenscommissie Sud » and cross-border infrastructure.

The « Grenscommissie Sud » aims at organizing cross-border consultation as regards environmental planning and projects development as well as the follow-up and the implementation of the results of these projects.

In this connection, the General Secretariat can play the role of information point and intermediary between the partners and initiator of new projects.

The cross-border infrastructure (roads, railway lines, pipe-lines, gas and electricity pipes) also offers future perspectives. The General Secretariat can provide its support and act as an intermediary between the partners and as an initiator of new projects.

The «Benelux – Nord – Pas de Calais» cooperation can also be referred to as offering future perspectives at the external borders. In this connection, we can refer to the COPIT – the steering body of the «intercommunales» (cooperation between neighbouring communes) and remind that this region was a party to the interreg project «network of cross-border networks (urban)». The latter has been coordinated by the Benelux General Secretariat. The General Secretariat could also act as a neutral consultation platform.

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