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All on Board? An Assessment of Advances in Dutch Legislative Policy 2010-2015

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In 2011, this journal presented an article on the evaluation of legislation in the Netherlands, detailing past developments, current trends and future challenges.[1] 10 challenges and corresponding suggestions were identified. Now, four years later, another assessment is presented. Which advances were undertaken by the Dutch government with regard to legislative quality? How did the then future challenges turn out and how has been responded?[2] This contribution seeks to answer these naturally occurring questions. To achieve this aim, the following approach is taken. First, the Dutch legislative policy in the timeframe 2010 - 2015 is scanned in its entity and its major constituents are concisely discussed. Next, two ingredients of this policy, which have both attracted considerable academic interest, are studied in more detail. The first element (section 2) is the so-called Integral Assessment Framework or IAK ("Integraal AfwegingsKader"). The second is Internet Consultation (section 3). A comprehensive appraisal of the developments of the last four years rounds off this contribution and helps to answer the general questions of departure, that is, how have the Netherlands responded to the challenges that were identified back in 2011, and how successful was the road taken?

The way the article is presented, allows a stand-alone review of the IAK system, which was heralded in 2011 as a giant leap forward in the domain of impact assessment. Likewise, the set-up of the article enables a specific analysis of the newly deployed system of Internet consultation (IC). This new way of reaching out to the general public in order to gain information and gauge the level of popular support regarding bills, regulation-under-review

1) Van Aeken 2011, p.137.

2) The interest for this research was sparked by a visit of the president and researchers of KLRI to Tilburg Law School in 2014. Collaboration on the topic was initiated in 2010 with an academic conference on legislative evaluation in Seoul, hosted by KLRI.

and proposed policy is supposed to be tightly connected to impact assessment.

Ⅰ. Dutch legislative policy(2011-2015)

Dutch legislative policy is not a one-topic, one-off affair, courtesy of a single legislature that happened to show interest in the quality of legislation. Instead, it consists of a multitude of instruments, activities and actors, described in official documents that have been accumulating since the end of the 1980s and have ever since been gaining gradually more coherence. The influence of the seminal 1990 policy memorandum of the Ministry of Justice, A view on Legislation[3] ("Zicht op Wetgeving"), carries on and is still tangible in the current policy.[4] Legislative policy is rooted in a relatively stable political consensus on the improvement of the quality of legislation – a deliberately vague term[5] -, from the onset of the lawmaking process to its

3) Kamerstukken II 1990-1991.

4) In the Netherlands, the Ministry of Justice has traditionally been responsible for the development and application of the general, cross-departmental legislative policy. With the obvious exception of ex post evaluation and the advice of the Council of State, all of the legislative policy measures take place before the legislative proposal is sent to the Council of Ministers for approval (from where it goes to the Second Chamber and subsequently the Senate in case the proposal is a bill; if it concerns a proposal for regulation, parliament needs not to be passed and the regulation can pass after agreement in the Council of ministers). In other words, the quality of legislation is foremost an affair of individual departments and their functionaries; the Ministry of Security and Justice plays a coordinating role (the Ministry for Economic Affairs is also involved in a cross-departmental way as far as budgetary aspects are screened.)

5) As will be exemplified under section 2 (IAK, first experiences), legislative policy has to reconcile a political rationality with a policy perspective. A concept like quality or

ex post evaluation. The measures focus on the functionaries that are involved in the law making process, by the issuing of rules which have a so-called internal character.[6] These measures typically evolve in a political nexus where the voices of civil society and economic elites blend with calls and suggestions from the academic community.[7] The central policy briefs and other documents outlining legislative policy and some important milestones were identified in this journal in 2011.[8] In the following, some of the more remarkable advances in Dutch legislative policy in the period 2011-2015 are highlighted. Two of these, Internet Consultation and IAK, are regarded as the most prominent features of the legislative policy and deserve in-depth scrutiny. Accordingly, they will be the topic of sections 2 and 3.

1. National legislative program and automated information sharing

The financial and economic crises of 2007 and 2008 have stressed the importance of popular trust, and the significance of promptness, comprehen-

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even an assessment that appears to be neutral, may well be normatively loaded. A legislative policy that aims at limiting the volume of governmental interventions, or one that imposes privacy assessments or gender equality tests, clearly takes on normative perspectives that have been put forward in the political arena.

6) Internal rules differ from traditional laws and legislation that bind the norm addressees in an external sense. Internal rules bind only officials in their carrying out of their professional duties. This implies that ordinary citizens cannot file a complaint for a judge regarding infractions to the rules in legislative policy.

7) The start of a relatively systematic legislative policy around the end of the 1980s coincided with the growth of academic interest (visible in, e.g., the publishing of some popular handbooks on legislation, and with an increasingly louder voice of the economic elites, manifesting itself in the ongoing drive towards deregulation, cutting red tape, decreasing compliance costs and so on.

8) Aeken 2011.

siveness ("integral") and efficiency of the legislative process.[9] These concerns inspired the development and introduction of a coherent national legislative program, to be used in all departments. The program (or agenda) contains the intentions of all ministries to engage in new legislation or regulation, and can be put to use in the planning of the preparation and adequate treatment of legislative and regulatory proposals. The program is coupled to the annual budget cycle of the state, facilitating the assessment of the budgetary impacts of proposed legislation and regulation. Such an agenda existed before, but the novelty is that the agenda is now fed digitally from cross departmental information systems such as KIWI.

KIWI or Chain Information System for Legislation ("Keten Informatiesysteem Wetgeving") is another innovative element. As a digital legislative process monitoring system, KIWI aims at automating the processes surrounding the creation and management of national legislation and the related communication to involved stakeholders (citizens, companies and parliament). Gradually, the system has been adopted by ever more departments up to the point that the majority of ministerial departments now employ KIWI.

The legislative program and the automated information system testify of the increased importance of swift and broad information sharing. Interestingly, in a growing number of instances, the sharing of information does not only stretch to the various actors within the administration, but it also crosses the borders of departments, and is furthermore not limited to bureaucrats within the administration. The legislative agenda, e.g., is since 2014 accessible for parties outside the government.[10] This testifies of the increased salience of transparency and the growing importance of inclusion of civil society and

9) Melis 2014, p. 296.

10) MBZK 2014, p. 27.

businesses in the preparatory activities for bills and regulations.[11] The ideal of an inclusive law maker appears here in one of its more modest manifestations. Other instruments of legislative policy propel to great heights the ideal of a law maker that explicitly seeks to include general interests in the legislative process, as is the case with Internet consultation, the topic of the next paragraph.

2. Internet consultation of stakeholders regarding legislative and regulatory proposals

Towards the end of 2011, the Dutch government decided to roll out Internet consultation as a structural phase in the departmental preparation of laws, regulations and policy.[12] This decision was made after positive evaluation of a two year experiment with consultation of stakeholders on the Internet. The government "sees Internet consultation as a useful instrument in addition to the existing consultation practice in the legislative process. It informs people, businesses and institutions about upcoming legislation and regulation and allows them to make suggestions with regard to quality and implementation. Internet consultation increases the transparency of the process, amplifies the possibilities of public participation and advances the quality of legislation."[13] In practice, bills and concept regulations that are being prepared by government or parliament, are made publicly available on

11) In the WJP Open Government Index 2015, rankings are organized around four dimensions of government openness: publicized laws and government data, right to information, civic participation, and complaint mechanisms. The Netherlands rank 5th globally. The top three overall performers are Sweden (1), New Zealand (2), Norway (3) and Denmark (4). The Republic of Korea ranks 10th, followed by the United States (11). 〈http://worldjusticeproject.org/open-government-index/〉

12) Kamerstukken II 2010/2011, p. 1.

13) 〈http://www.internetconsultatie.nl/veelgesteldevragen〉

a dedicated website, www.internetconsultatie.nl. From January 1st, 2014, the text of the concept laws and regulations has to be accompanied by available (and public) reports on impact assessment drawn from the IAK, to allow the public for a more informed reactions. The public is invited to send in comments, structured around three general questions provided by the relevant department.[14] These comments are published (unless the author indicates not to want so), and once the consultation timeframe is closed, the government has to publish a statement that details what has been done with the public's suggestions.

Internet consultation is the most recent manifestation of the growing importance of public consultation. Its added value derives from two core functions: feeding a rational, sound, analytic law and policy making process with empirical information straight from the fabric of society on the one hand, and the scrutiny of acceptability, the construction of legitimacy and the subsequent increase of compliance with new governmental interventions on the other.[15] The functions are clearly there in theory – but whether they will actually be effectuated depends on a number of factors, including their embeddedness in the larger policy and legislative cycle. For instance, most academic studies teach that a consultation stands a better chance of becoming a tool of evidence-based law making if the law maker incorporates the results of the consultation in an impact assessment.[16] This line of thinking resonates in the public administrative discourse for quite some time now. According to the OECD, "all public consultations should be woven into the impact assessment process for new laws and regulations."[17] How is this

14) 〈https://www.kcwj.nl/gereedschapskist/onderwerppagina/evaluatiebeleid-wetgeving/ex-ante-evaluaties〉

15) Popelier e.a. 2007.

16) Aeken 2009.

17) "Recommendation 3.1. The plans to introduce Internet-based consultation should be

impact assessment process organized in the Netherlands? To answer this question, we turn to the second novel core element of Dutch legislative policy since 2011: the IAK. The discussion of Internet Consultation is continued in section 3.

3. IAK

On December 11, 2009, the Dutch government[18] informed Parliament about the IAK, the integral assessment framework for policy and regulation ("Integraal AfwegingsKader Beleid en Regelgeving"). Introduced as a two year pilot, the experiment with a comprehensive and ambitious approach was to last until 2011. Upon evaluation, it would accordingly be decided whether the framework would be implemented in the Dutch departments. On April 14, 2011, the responsible Minister informed Parliament that IAK would indeed become structurally implemented.[19]

The IAK is both a method and source of information, applicable in every stage of the policy process. The earlier the framework is used in the process of constructing law and policy, the larger its added value becomes. For "every policy proposal, bill or concept regulation, that will be presented to parliament"[20], an adequate answer to a set of seven questions must be

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pursued, with special attention to accessibility by the general public. Public consultation should be woven into the impact assessment process for new regulations. A code of good practice to be followed by ministries and others with significant responsibilities for new regulations might also be considered." OECD 2010.

18) Kamerstukken II 2009/10.

19) 〈https://www.kcwj.nl/sites/default/files/Kabinetsplan_aanpak_administratieve_lasten_14apr11.pdf〉

20) The legislative procedure in the Netherlands dictates that only proposals for primary legislation, i.e. legislation in the formal sense, are sent to parliament. Secondary legislation, such as "Algemene Maatregel van Bestuur", aimed at executing the content

formulated.[21] These questions form the backbone of the IAK. They fall in three categories: analysis, instruments and effects.[22]

Problem analysis

1. What is the cause?
2. Who is involved?
3. What is the problem?
4. What is the purpose?
5. What justifies government intervention?

Choice of instruments

6. What is the best instrument considering legal requirements, efficiency and enforceability?

Evaluation of effects

7. What are the effects for citizens, companies, government and environment?

Answering these questions is formally the task of the policy advisers and legislative lawyers within the department where the law or policy is prepared. With each question, the framework links to the relevant mandatory assessments and legislative policy protocols and documents, such as the assessment of the impact on businesses, environmental impact assessment or the Instructions for Regulation ("Aanwijzingen voor de Regelgeving").[23] These

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of laws in the formal sense, are generally not presented to parliament. Likewise, delegated legislation – such as ministerial regulation ("Ministriële regeling"), often aimed at executing secondary legislation, is not presented to parliament.

21) 〈https://www.kcwj.nl/kennisbank/integraal-afwegingskader-beleid-en-regelgeving〉

22) Rijksoverheid 2010.

23) 〈https://www.kcwj.nl/kennisbank/aanwijzingen-voor-de-regelgeving〉

assessments numbered around 120. Within the current framework, cabinet has decided to rationalize and rearrange these tests so that a total of around 20 tests remains. Answering the seven questions in their chronological order should guarantee that no test is skipped, and hence, should safeguard the overall quality of the resulting law, regulation or policy. Originally, the IAK would be developed as a comprehensive IT-tool, guiding the user step-by-step through the complicated process of law and policy making. Such overarching application has not seen the light yet, but digital environments are used for sharing information between the involved functionaries.

More details about IAK are presented in section 2. By using its constituting governmental and policy documents, its design and functions are explained. Subsequently, a critical analysis is undertaken on the basis of secondary literature about IAK, with a focus on policy-analytical and empirical studies about IAK's workings in practice.

4. Fixed Implementation Moments

Small and medium enterprises, large companies, individual citizens, non-for-profit organizations, public service providers and many other instances complained that they experienced intense regulatory pressure. This has inspired the Netherlands to introduce fixed implementation moments ('vaste verandermomenten') for all legislation and regulation. Before 2010, rules could enter info force at any moment of the year. A lot of frustration was experienced by norm addressees who were year round preparing for the implementation of often changing rules. The Dutch Government consequently decided to introduce fixed moments of entry into force for laws and regulations. For laws (always enacted by legislature and government) and regulations (enacted by the full cabinet) (AMvB), these moments were set on January 1st and July

1st. Ministerial regulations (enacted by one minister) can be implemented at four fixed times a year, namely July 1st, April 1st, July 1st and October 1st. Moreover, the date of the entry into force must be preceded by a period of two months after publication so norm addressees have sufficient time for preparing for the upcoming legislative or regulatory changes. Exceptions are possible under certain circumstances, but these are restricting and any exception has to be thoroughly motivated.

The system of fixed implementation moments has entered its fifth year after introduction and is generally considered a success. An ever increasing number of legislative and regulatory ordinances enters into force at the well-known dates. People and business are better aware of upcoming changes, leading to higher compliance rates. The mandatory time span of two months between publication and implementation is not always observed, but proponents of the system argue that other elements of legislative policy - such as (Internet) consultation and the IAK - have the practical effect that information about new laws and regulations reaches the target audiences well in advance, so there is some extra time for preparations in practice.[24)]

5. Continuing importance of ex post evaluation

Scholars of legislative evaluation usually emphasize the importance of an integral approach to evaluation.[25)] In other words, a well-designed system of rulemaking starts with impact assessments – which incorporate findings of ex post evaluations –, progresses into the elaboration phase, is subsequently implemented and ends with ex post evaluation – which feeds in turn the future impact assessments.

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24) Melis 2014, p. 5.

25) Aeken; Veerman

In the Netherlands, attention for ex post evaluation of legislation has historically been strong. The demands for systematic ex post evaluation have led to the practice of adding an evaluation clause in a new law or secondary legislation. Such a clause stipulated that the law or regulation at stake has to be evaluated periodically, generally a first time after three years after entering into force, and subsequently every five years. It is estimated that around 10% of the laws produced annually contain such a clause – but not all of these clauses are executed, and some are executed late, whereas in other cases the evaluation report is not published in an accessible way.[26] In addition, ex post evaluations are sometimes 'promised' to parliament to take the heat out of the political debate[27], but little information exists on their numbers. Notwithstanding the above drawbacks, it is safe to say that numerous ex post evaluation studies of laws, regulations and policy are produced on a yearly basis. Proper legislative ex post evaluations number around 18 a year. Knowing that many of these evaluations produce reports counting five hundred pages or more, and that they blend over time in trilogies (after 3 + 2*5 years), tetralogies (after 18 years) and so on, an ever more monumental body of knowledge about the impact and effects of legislation is gradually created.

The flipside of this 'automatic' production of ex post evaluations deserves some attention. The considerable and continuous production of evaluation reports, spawned by legal obligation, carries the risk of reducing public, political or academic interest in evaluations, while the mandatory character might lead to ritual, fast and as-cheap-as-possible research. Another alarming finding is the minimal association between ex ante and ex post evaluations

26) Veerman 2014, p. 201.

27) Van Aeken 2001, p. 68; Lewis,2001, p. 389.

of the same law or regulation. Unfortunately, out of a volume of 306 ex ante evaluations in the period 2005-2011, only 15% was followed up by an ex post evaluation.[28] Moreover, ex post evaluations are often incompatible with impact assessments because they focus on different criteria – e.g. implementation versus effectiveness. These realities do not match a sound legislative policy, conceived as a recursive cycle, in which ex post evaluations and impact assessments are in tune.

In sum, ex post evaluations remain an important element of legislative policy in the Netherlands. They can produce valuable insights into the actual impacts of legislation, and might even teach us about more general mechanism of regulatory failure and success, if they adhere to minimum standards of scientific inquiry and if they are synchronized with impact assessments. For starters, more attention could be paid to the embedding of ex post evaluation in the IAK.

6. Research on legislative and regulatory policy

Two essential characteristics of any sound legislative policy are the funding of research, and the dissemination of information with the objective of learning about the public decision making process. Two institutions deserve special notice: the WODC and the KCJW. While they are not new as such with regard to the period under review (2011-2015), they continue to deliver high-quality actual information regarding legislation and regulation.

The Dutch Research and Documentation Centre, known as WODC[29] ("Wetenschappelijk Onderzoek- en Documentatiecentrum"), is a research institution that functions as an independent organization within the Netherlands

28) Klein Haarhuis 2014, p. 238.

29) 〈https://english.wodc.nl/〉

Ministry of Security and Justice. Its mission is to contribute to the development and evaluation of policies set by the Ministry. The main focus is on security, criminal, civil and administrative justice and migration issues, but significant research is produced on various aspects of Dutch legislative policy. Research is either conducted in-house or commissioned externally. Studied topics include ex post evaluation, consultation and, at the time of writing, Internet consultation. All of these projects produce knowledge for the benefit of policy development, include legislative policy development.

Another instance is the Knowledge Centre on Legislation and Legal Affairs, known as KCJW[30] ("Kennis Centrum Wetgeving en Juridische Zaken"). This Centre has absorbed the Clearing House for Legislative Evaluation. From 2007-2013, the Clearing House for Legislative Evaluation conducted a meta-evaluation of existing legislative evaluations. Building on the information provided by hundreds of evaluation reports, the project aimed at discovering generalities with regard to the effectiveness of laws. The basic research problem was the identification of the conditions under which legal rules functioned well – or not so well. By way of illustration, one significant result from the elaborate quantitative analyses was the finding that goal attainment increases when more consultation takes place in the preparatory phase of legislation.[31]

After completion of the project, the activities of the Clearing House for Legislative Evaluation have been transferred to the Knowledge Centre on Legislation and Legal affairs (KCWJ) ("Kenniscentrum Wetgeving en Juridische Zaken").[32] The KCWJ collects, compares, analyzes, enriches and di-

30) www.kcwj.nl. Primarily a virtual portal, information on two main topics is distributed: legislative evaluation and legislative quality.

31) Veerman 2014, p. 207.

32) 〈https://www.kcwj.nl/gereedschapskist/onderwerppagina/evaluatiebeleid-wetgeving/

ffuses knowledge about the functioning of laws and regulations. The insights are produced for the benefit of the functionaries involved in legislation and policy development and evaluation. One key concern regards the impact of various instruments incorporated in legislative proposals, such as licensing or subsidies. General knowledge about the conditions under which individual instruments prove successful, can be an invaluable source of information for the officials drafting new law and policy.

II. Case study: assessment of IAK

IAK in the books

The IAK is "a method of integral assessment and justification of policies, legislation and regulations to improve their quality."[33] It provides the norms for good policy and good legislation.[34] The development of the IAK, an initiative of the Directors Legislation of all ministries, was announced in the policy brief "Trust in Law"(2007) and was partly inspired by the application of Regulatory Impact Assessment (RIA) in a number of European countries. According to the cabinet, this method would make it easier to balance all relevant information about the effects of proposed policy and legislation for the different parties, and to explain afterwards the choices made. The method is supposed to temper regulatory burdens for citizens, businesses and institutions, and promises more transparency in policy- and law-making and better coordination between policies, legislation and implementation.

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clearing-house-voor-wetsevaluatie〉

33) Kamerstukken II 2009/10.

34) 〈https://www.kcwj.nl/kennisbank/integraal-afwegingskader-beleid-en-regelgeving〉

The IAK has been realized based on an extensive review of 110 interdepartmentally applicable tools, manuals, cabinet positions and other instruments, agreed upon by all departments and used to a greater or lesser extent in the preparation of policies and regulations. The audit focused on achieving greater coherence and consistency amongst the 'forest' of existing interdepartmental agreements. The audit made clear that the stellar amount of cross departmental tests and tools could be reduced considerably.

After reduction, the IACs now contains 17 mandatory applicable interdepartmental agreements on government-wide issues related to quality aspects of policy and legislation. These agreements deal with regulatory pressure, but may also concern the design of intergovernmental relations, exigencies for the use of specific self-regulatory tools or assessment of enforceability.

In addition, the IAK contains background information and tools for policy makers and legislative lawyers to prepare policies and regulations. So it includes a tool catalog that lists more than 50 policy instruments, the way they are applied and their advantages and disadvantages. This catalog should provide an incentive for the functionaries to explore alternatives to the use of traditional legislation. Moreover, the minister states that much attention is paid to feasibility analysis from the viewpoint of implementation agencies. By asking questions early in the policy process, better indications of feasibility of policy proposals can be achieved.

The backbone of IAK consists of a set of seven questions[35] (see above under section 1). Going through these questions should ensure that all relevant information for decision making is screened. They are composed in such a way that they cover the policy and law development process in its entity - good assessments can be achieved if significant steps are not skipped.

35) Kamerstukken II 2011/12.

Comprehensive answering of the seven questions can also help to justify the choices made in a proposal in a transparent manner. In addition to the structured format of responding to the seven questions, the IAK provides a full overview of mandatory regulatory quality requirements; an overview of assessment instances that have to be confronted in the law making process; an overview of policy instruments; fact sheets and tools like checklists and manuals; and references to the (mandatory) Instructions for Regulation and the Roadmap for Regulation.[36] The use of this questionnaire is facilitated by a number of digital facilities that offer quick access to the applicable tests and tools, provide background information and enable virtual working environments for the functionaries involved. These environments[37] simplify collaboration and allow easy picking up of files at later stages in the process.

Who is involved, and when?

Eventually, the minister responsible for drafting new laws, regulations or policies, has to see to the proper execution of the IAK. Under his supervision, the departmental functionaries have to answer the seven questions and organize the related assessment activities. Not all proposals are subject to the IAK; files that the department considers to be purely technical or less weighty (because no policy choices are made, or because there are no significant impacts on enforcement agencies or citizens and businesses) are exempt. The departments can apply a proportionality check ("selectieve wetgevingstoets") to assess whether the proposal should be subjected to no, medium or high scrutiny. In the latter two cases, the development of the proposal should comply with the IAK.

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36) 〈https://www.kcwj.nl/kennisbank/integraal-afwegingskader-beleid-en-regelgeving/toetsingsinstanties〉

37) These virtual environments are still being further developed.

The objectives of the application of the IAK system evolve with the various phases in the preparation of new laws, policies and regulations. The different functionaries involved in the successive preparation phases decide which parts of IAK are relevant to them. For each phase, the objectives of the IAK are slightly different. As mentioned above, the added value of IAK is highest in the earliest phases. This correlates to the recurring finding that it becomes harder to alter or influence the contents of a new policy or law as the policy or law making process advances. Indeed, every subsequent step towards the final legislative or policy product presupposes agreement between an ever increasing number of political officials, policy and legislative lawyers, implementation officers and other stakeholders.[38] These agreements are often hard to make compromises, often including political trade-offs, and no one involved is keen on blowing them up.

The purposes of the application of the IAK by (policy) phase[39] can be summarized as follows:

Phase	Objective
Start of a policy development process or intention to legislate	To gain insight in the scope of the proposal, necessary for the creation of a memorandum later
Writing the explanatory note for new policies and regulations	Enable effective accountability of (provisional) findings and results.
Prior to the process of Internet consultation	Provide insight to the participants of consultation about the content of the new law or policy
The presentation of documents to the Council of Ministers	Create transparency and insight into all relevant considerations in the proposal
Advice seeking from the Council of State	Submitting of a well prepared file for the purpose of policy-analytical and legal review of proposed regulations by the Department advising the Council of State.

38) Gestel, van 2014.

39) 〈https://www.kcwj.nl/kennisbank/integraal-afwegingskader-beleid-en-regelgeving〉

The IAK thus not lead to the production of a single file or document, but is a framework holding different applications throughout the entire law and policy drafting process. One of these applications is the creation of a note for Internet consultation, which will be discussed in section 3.

IAK in action

The IAK methodology has now been applied for almost six years, including the experimental phase that lasted for two years and was initiated in 2010. What can be said about IAK in practice? To which degree has it been implemented? Is it more advanced than the IA system which is now a standard element of regulatory management in most European countries? Has its analytical and comprehensive approach to law- and policymaking resulted in better preparations and less policy- and legislative failure? Are there any negative externalities or unforeseen effects known so far? By using secondary literature, we attempt to shed some light on these questions.

First, the methodology of IAK does not include the explicit elaboration and comparison of alternatives to the proposal at stake. The only alternative that has to be studied, is the so-called null-option: the situation in which the government refrains from acting and leaves the situation as it is. Typically, IA includes alternatives besides this null-option. IAK does not. This might be explained by IAK's general concern about regulatory pressure and related emphasis on the justification of governmental intervention. Without enabling comparison, it is still well probable that an alternative instrument to tackle a problem might be more effective or cause less side effects than the proposed law or regulation. The fact that the question about choice of instruments (question 6) precedes the question about effects for citizens, businesses, government and environment (question 7), is telling. The assessment in question 7 apparently does not concern the 'best' solution in general,

integral terms, but the solution that has emerged as the best one 'considering legal requirements, efficiency and enforceability'. The scrutiny of effects, impacts, undesired externalities and all other aspects of effectiveness is thus irrelevant in the decision making process. In other words, the positioning of the question about effects at the very end of the set of guiding questions indicates that this criterion does not play a significant role in the decision making process. According to Riezebos and Lokin[40] (2012), in doing so the government undermines one of its very own objectives, namely the selecting of an instrument on the basis of an integral assessment of all relevant factors – including effects.

Next, it is not clear to which degree IAK is implemented in the prescribed way throughout the various departments. An attempt to gain insight in the actual application of IAK in six departments, was blocked by the collective reaction that IAK documents 'are reserved for internal use'. They argued that the final considerations and decisions are published in the Explanatory Memoranda that accompanies the publication of a law ("Memorie van Toelichting") and that the policy viewpoints expressed in IAK documents are of a personal nature, usable for internal coordination only. One ministry answered that they did not possess any document regarding IAK. When searching for clarification on the lack of IAK files, some of the interviewed functionaries explained that the overall line of thought of the IAK was certainly implemented, but the bureaucrats involved were not too keen on the detailed writing down of the answers to all questions. In sum, the Dutch bureaucrats seem do dislike bureaucratic rules. Fulfilling the administrative demands of the IAK is regarded by some functionaries as a burdensome process that increases the workload without really contributing to better

40) Riezebos & Lokin 2012, p. 9.

policy formulation.[41]

Thirdly, there is some proof that the IAK does not so much explore weaknesses and potential elements of improvement of legislation and policy, but that it rather operates as a mechanism to legitimate the decisions taken by a ministry. The lack of hard data, quantitative descriptions, and advanced policy analysis methods in the realm of the IAK make it hard to judge whether the proposal is indeed the best one. In most cases, the seven questions are answered in such a way that the new law or policy appears to be the only way to proceed. The explanatory notes and memoranda only contain outcomes, and do not detail the process of deliberation, trading off and balancing that has taken place. In this way, the IAK clearly fails in reaching its objective of introducing more transparency in the law- and policy making process. Moreover, it might even miss the whole point of contributing to better law- and policy-making. While more research is needed, these findings seem to fit the broader image that some of the better regulation tools stand a high risk of becoming used as mere legitimation tools.[42] This corresponds to another drawback of the system, namely the meagre attention that is paid in the IAK to consultation.[43] While a dedicated working format is now offered to the IAK user to present IAK information in the context of an Internet consultation, the framework otherwise never requires the consulting of stakeholders. This is particularly odd considering the longstanding emphasis on the role of participation in evaluations. The IAK was apparently not designed to facilitate an open dialogue with norm addressees and other stakeholders. Its connection to consultation is largely

41) Dikkenberg & Sandee 2014.

42) For Dutch empirical findings on this contention, see Ramlal 2012; Dikkenberg 2014; Berg & Dijkstra 2015.

43) Meuwese 2012, p. 25.

limited to the provision of answers to the questionnaire, which are published with the legislative or policy proposals on the dedicated website.

Fourth, some observers argue that the IAK has missed out on the opportunity of bringing order in the 'forest' of existing tests, assessments, check lists and so on. While the reduction from 120 to 17 seems impressive, the quest for parsimony also appears to be reflecting old institutional arrangements, and the remaining selection displays some rather odd or arbitrary choices. Some tests and requirements, such as the ones concerning certification and experimental legislation, or a framework for the measuring of enforcement costs, are already part of the Instructions for Regulation ("Aanwijzingen voor de Regelgeving") to which is referred to with every question in the IAK. The approach to rationalizing the vast amount of existing tests could thus become more integral. Another problem is that the quest for parsimony in the number of remaining assessments and checks can be frustrated by external exigencies to include additional tests. These new tests typically aim at safeguarding due attention to particular interests that have acquired sufficient political salience. One example of a new test that was embedded in the IAK in 2015, is the framework for deciding on the desirability of privatization of government services.[44] An mixed interest group of citizens and political actors that had become worried about exceeding privatization and marketization of government services, had proceeded to develop a framework that could assess whether public interest would be damaged by privatizations. The government responded to parliamentary pressure[45] to implement this framework by institutionalizing it as part of the IAK. The implementation in IAK, so the minister promised, would guarantee

44) Kamerstukken I 2014/15.

45) Incorporating a test in the IAK has the theoretical advantage of securing its longevity against the backdrop of changing legislatures and with it, changing salience of the topic.

the use of the framework in the policy making process, ensuring that the public interest would be weighed in the decision making process about privatization. Here, it becomes clear that an analytical assessment tool is sometimes not normatively neutral; it has to reconcile a political rationality with a policy perspective. A third problem with assessments might be that the IAK lacks the power to prevent the infamous 'box-ticking' or 'ritual dances'. Some of the incorporated tests are dealt with in a largely ceremonial way, first and foremost to comply with formal administrative requirements. This attitude is undesirable. Empirical research on environmental impact assessment in the Netherlands has demonstrated that supportive attitudes of the involved functionaries correlated positively with the quality of the tests and the regulatory outcomes.[46] Negative attitudes were associated with box-ticking behavior and ultimately, less protective regulation. The question is whether these tests and assessments will be treated differently now, with more seriousness and less of a 'because it must be done' attitude. In other words, there are doubts whether the IAK possesses enough power and authority to change this box-ticking behavior.[47]

A fifth critical note concerns the role and meaning prescribed to enforcement and implementation officers and agencies in the IAK. Whereas research convincingly demonstrates that the involvement of these actors is critical for the successful preparation of policy[48] and contributes to a high degree to the ensuing effectiveness of laws and regulations[49], the IAK includes reference to these actors only in questions 6 and 7. In-depth scrutiny of enforceability and implementation facets is only part of question 7, after

46) Runhaar e.a. 2012, p. 1.
47) Riezebos & Lokin 2012, p. 16.
48) Popelier e.a. 2008
49) Veerman 2014, p. 201.

the instrument has been chosen. This means that a very knowledgeable group of stakeholders with first-order experiences with the issues at stake is granted little or no participation in the decision making process.[50)]

Lastly, the current IAK is not really appreciative of the value of ex post evaluations. In general, little attention goes out to the policy or legislative cycle that starts with ex ante assessments and ends with ex post evaluations, which in turn feed new impact assessments and so on. Reference to this cycle in the official documents is indeed minimal. This displays the inability of IAK to function as a truly integral method.

IAK: overall conclusion

The IAK was structurally implemented in 2011, five years after the first proposal for an instrument that would allow an integral assessment of policy and legislation was discussed.[51)] Apparently, the design of the IAK was a difficult affair – which is not surprising in view of the many interests that had to be balanced and the sheer size of the undertaking. Was it worth it? Has the IAK contributed to better preparation of policy, legislation and regulation, and was it helpful to avoid policy failure? Or have the pitfalls identified in the previous paragraph reduced the IAK to a paper tiger, not able to change the habitual ways in which laws and policies were developed?

Clearly, answering these questions in-depth would require substantial, dedicated research that would be plagued by methodological restrictions (such as the lack of control groups and difficulties to prove causal relations). Nonetheless, some ideas and suggestions are offered on the basis of secondary literature.

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50) Riezebos & Lokin, 2012, p. 11.

51) Kamerstukken II 2006/2007, 29 515, nr. 202, p. 8.

There is general agreement on the potential benefits of the IAK. It has the power to strengthen the rational basis of the law- and policy-making process and increase transparency. Research indeed indicates that better and timely preparation of policy and legislation results in improved goal attainment.[52] But unleashing IAK's full potential to improve the quality of the decision making processes, requires a lot of barriers to be conquered. Some challenges were identified above. These include: paying systematic attention to alternatives, introducing more scientific enquiry and methods, overcoming the emphasis on legitimation of the proposed measures, making the process more interactive by engaging in a dialogue with stakeholders, upgrading the role of enforcement and implementation actors, avoiding formalism, enhancing uniform and effective implementation, further rationalization of the incorporated tests, checklists and assessments, and attributing a more prominent role to the study of effects.

Overcoming these barriers will take a lot of time. This is unavoidable, since it requires changing institutional arrangements, on top of individual habits and political preferences. The most challenging of all challenges is characterized exactly by individual, institutional and political traits, as revealed by the concise review the current system. This holds reconfiguring the system from defensive mode into reflexive mode.[53] This change concurs with the switch from an instrumental paradigm towards a reflexive, communicative[54],

52) Veerman 2013; Houppermans 2013.

53) See also Meuwese 2012, p. 19. For elaboration of the concept of 'reflexive', see e.g. Teubner 1983, p. 242. He argued that 'reflection within social subsystems is possible only insofar as processes of democratization create discursive structures within these subsystems'. Reflexivity in the context of public administration and departmental organisations – a beautiful system altogether - thus refers to the ability to discuss, to build a discourse, to develop a dialogue that crosses the borders of this system.

54) Willem Witteveen is generally credited with conceptualizing the communicative pa-

more inclusive or less instrumental paradigm. The ideal situation then would be the marriage of a sound, analytical slant to law and policy development, with a reflexive and inclusive stance. This would increase both effectiveness and legitimacy of legislative and policy outcomes.[55)]

Ⅲ. Case study: assessment of Internet Consultation

Historically, consultation of stakeholders on legislative proposals can be regarded as the universally most applied method of ex ante evaluation or, in contemporary vocabulary, impact assessment. For centuries, ruling bodies have been found to consult advisory councils, experts and representatives of important trades and industries to provide input in the law making process. In the Netherlands, these consultations thrived since they were fully in line with the corporatist philosophy that reigned the Netherlands. This philosophy was based on two principles: the search for consensus in public decision making, and the search for expert advice in order to improve regulatory quality. Accordingly, consultation manifested itself in two formal approaches. First, a large number of formal advisory bodies was created. These were explicitly recognized as "permanent advisory bodies for matters of legislation and administration of the state" by the Constitution. The most important is

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radigm on legislation as a reaction to the ever prevailing legal instrumentalism. Whereas the concepts of reflexive and communicative approaches to law differ in conceptual and operational dimensions, they are well similar in their simple yet elegant evoking of the discursive interactivity that the defensive attitude lacks. W. Witteveen(2005), Turning to communication in the study of legislation, in W. Witteveen, B. van Klink, N. Zeegers (eds.) (2005) Social and Symbolic Effects of Legislation Under the Rule of Law, The Edwin Mellen Press, p, 17-42.

55) Houppermans 2013.

the Council of State. Second, a separate network of advisory bodies, created under the Industrial Organization Act 1950, gradually emerged. The tripartite principle is often the underlying factor determining representation. Well known is the Social and Economic Council (SER), made up of 15 members representing employers, 15 for employees, and 15 independent experts appointed by the government.[56)]

Consultative methods (such as consulting experts in Delphi-processes, asking advice from a standing advisory body, notice-and-comment procedures or public hearings), can be differentiated from computational methods[57)] (simulations, scenario building strategies) and policy-theoretical methods (testing the validity of policy hypotheses on which legislation is built). Computational and policy-theoretical methods are used in the confined environment of desk researchers. In contrast, consultative methods require reaching out to norm addressees and other stakeholders, such as the general population or SME's. By involving those that will be directly confronted with the legislation, an enormous potential of knowledge may be tapped, and the level of popular support can be assessed and stimulated. Whereas computational and policy-analytic methods aim at improving the rational, technical character of the legislative process, consultative methods have an additional functionality. They may not only provide input to the law maker to feed rational, empirical analysis of bills - known as evidence based law making - but they may also strengthen the democratic basis of laws and rules. The ideal of an inclusive law maker pops up, again.[58)]

However, the longstanding traditions of the Dutch consultation system proved unfit to exploit the full potential of consultation. The system came

56) See OECD 2010 for an overview.

57) Aeken, K. van 2009.

58) Lochem 2015, p. 291.

under considerable criticism in the 1990s. The highly procedural formal consultations, centered on numerous councils with legal mandates, were deemed unsuited to modern realities.[59] The Dutch government responded with a range of reforms, notably a drastic reduction in the number of advisory boards, and removal of the legal requirement for the government to consult advisory bodies (Law on Advisory Bodies of 1996). Alongside these reforms, ministries started turning to other, more flexible and more open consultation approaches, including notice and comment procedures.

Around 2007, the consultation system was again subject to academic study and change. A study of the Dutch consultation system was commissioned by the WODC.[60] One of the empirical findings, that keeps lingering after I had conducted interviews myself with some of the civil servants in legislative drafting roles was the diagnosis of 'methodological myopia': most departments hardly used more than one or two trusted methods. Around that time, the government decided to experiment with a new, promising approach to consultation. In the age of the Internet, the new kid on the block was, not surprisingly, Internet Consultation.[61] In many of the member states of Europe, and in the European Commission's own legislative policy, Internet consultation gained momentum. The Dutch government followed suit, and ordered that from 2011 on, proposed laws and regulations have to be published on a dedicated website, accessible to all, and the website's visitors can post their comments on the bill or proposed regulation. From January 1, 2014, the consultation documents have to[62] include, on top of the bill or concept

59) OECD 2010

60) Popelier, e.a. 2007.

61) 〈http://www.internetconsultatie.nl〉

62) 〈https://www.kcwj.nl/kennisbank/draaiboek-voor-de-regelgeving/hoofdstuk-2-formele-wetten-op-voorstel-van-de-regering-n-19〉

regulation, the dedicated IC report as drawn under the IAK system and any available effect assessments (such as the Enterprise Effect Assessment).[63] In practice, this means that the answers to seven quintessential questions regarding the new legislative or regulatory initiative are published with the text of the bill or concept regulation. This way of proceeding would enable citizens and businesses to import their knowledge into the process of legislation and development of regulation, while at the same time a contribution would be made to and open and transparent government.

With the introduction of Internet consultation across Dutch ministries, the Dutch seem to have responded quite well to the recommendations of the OECD: "There is a need for rapid improvement of public consultation as an integral part of effective regulatory management. The Netherlands appears to be at a cross-roads between longstanding traditions of very structured consultation (via the search for a consensus through established groups and committees, and the commissioning of expert advice), and the development of new approaches which reach out to stakeholders very differently, not least via the Internet. There is an increasingly urgent need to take stock and to improve and update the approach to consultation. This does not imply wholesale abandonment of the traditional approaches, but there is a need to boost transparency and ensure that effective and timely consultation is integral to the development of government policies and in particular to the impact assessment process for new regulations. The business and citizen burden reduction programmes have shown the way with new approaches to capture more effectively the real concerns of stakeholders. The pilot project for Internet-based consultation on new regulations across ministries looks very promising."[64]

63) 〈https://www.kcwj.nl/gereedschapskist/onderwerppagina/evaluatiebeleid-wetgeving/ex-ante-evaluaties〉

64) OECD 2010.

This pilot project refers to the biennial experiment that saw the light in 2009. All Dutch ministries agreed to set up Internet consultations for at least 10% of their bills (primary legislation, enacted by the legislature and the executive) and regulations (rules on how the law will be implemented, issued by the executive). The ministries were free to select the proposals but were obliged to use a single, dedicated website(www.internetconsultatie.nl).[65] The experiment's aim was to gain insight in the added value of Internet consultation and the capacity and time these consultations would require. Marking the experiences with 105 consultations in the two year period as positive, the government decided in 2011 to roll out Internet consultation as a structural phase in the departmental preparation of laws, regulations and policy briefs.

In 2013, about seven Internet consultations were taking place every month; a number that has been growing steadily. The Roadmap for Regulation dictates that "Internet consultation takes place if the proposal at hand brings along significant changes in the rights and duties of citizens, companies and institutions, or have a major impact on the implementation practice".[66] The need for urgent governmental legislative intervention, or the necessity to protect the content of new regulations up until the last moment (such as in the domain of fiscal law to prevent scheming) or the need for strict implementation of EU-legislation (when consultation cannot have any significant effect because the rules are 'fixed'). From the start of IC to 2013, 250 Internet consultations have been organized, resulting in 22.383 reactions from citizens, corporations and institutions. On average, between 800 and 2000 people visit the site on a daily basis.[67]

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65) 〈https://www.rijksoverheid.nl/doe-mee/lopende-projecten/internetconsultatie〉

66) 〈https://www.kcwj.nl/kennisbank/draaiboek-voor-de-regelgeving/hoofdstuk-2-formele-wetten-op-voorstel-van-de-regering-n-19〉

67) Information provided by Ministerie van Economische Zaken 2013.

The website displays not only the running consultations, but also those that are closed. In all cases, it is possible to browse the original comments (unless the author objected to publication). Furthermore, the website contains a document that summarized the main lines of comments and reports on the actions the involved department has taken – if any – in response to the Internet consultation.

Internet consultation in action

The Netherlands' legislative policy moved forward with the implementation of Internet consultation. It surely was an indication of a growing awareness of the importance of public consultation against the backdrop of a long history of formal and expert consultations. In the spring of 2015, the WODC commissioned an external research project to evaluate the current practice of Internet consultation. The results are expected in the spring of 2016. A thorough empirical investigation is thus not available yet. In the meantime, what can a secondary analysis of fragmented comments and considerations teach us about the merits and pitfalls of Internet consultation?

First, the mandatory report on Internet consultation is often incomplete, overly concise and sometimes missing altogether. This contradicts the internal directive that, after ministerial decision making, a report summarizing the results of the Internet consultation and the resulting, most important changes in the proposal is published on the website and in the Explanatory Memorandum that accompanies the new law.[68] This might have to do with the discretion the departments have to publish information on legislative and regulatory processes; generally, they are recommended to provide more information in the Explanatory Memorandum than in the general report on IC, but

68) 〈https://www.kcwj.nl/kennisbank/draaiboek-voor-de-regelgeving/hoofdstuk-2-formele-wetten-op-voorstel-van-de-regering-n-19〉

this is up to the department.[69] A possible explanation for this behavior is the political rationality of the law making process: the responsible department fears that hard-fought consensus on the content on the new law or regulation might be compromised by exposing adversarial opinions. Once the proposal has become law or regulation, this fear is no longer relevant, and possible alternative opinions may well be published in the Explanatory Memorandum. However, another problem rises here.

Explanatory Memoranda ought to provide the justification for the law or regulation, and this should include the argumentation why the road chosen is better than alternative solutions. In practice, the EM is often biased, focusing solely on the merits of the new law, disregarding potential alternatives and refraining from comparisons. There is a tendency to highlight comments which display a positive attitude towards the proposal, while negative remarks are shuffled away. This is again indicative of the prevalence of a defensive mode, intimately connected to top-down legitimation, and the relative lack of a reflexive, dialogical, open and scientifically strong approach to public decision making.

Thirdly, the information provided with an IC is often rather limited. Since 2014, the answers to the seven IAK questions have to be published in a uniform format as part of the consultation package, but a quick scan of available sets of answers in current and closed IC procedures reveals that the answers are overtly simple, very concise and again, aimed at pure justification of governmental intervention. They do not invite to start a critical debate; rather, they tend to persuade the reader that there is an urgent need for the proposed legal or regulatory instrument.

Additional points of attention are the actual use of the obtained information (does IC indeed leads to changes in the law or regulation?); the time

69) Kamerstukken I, 2011/12; Kamerstukken II, 2011/2012.

provided for sending in comments (is the allowed time frame large enough?); the positioning of IC in the legislative process (does the IC come in time so it can still have a real impact?) and the representativeness and inclusiveness of the audience reached (are the participating respondents representative for the general public interest? Are all walks of life, beliefs, cultures and so on included in the audience that posts comments on the IC website?). More empirical information is needed to provide solid answers to these questions.

All in all, Dutch legislative policy has been enriched with a new tool that is generally positively regarded by the general public and the involved functionaries. How the system of Internet consultation will react in response to the increasing demands for a more reflexive and less defensive position, is an open question.

IV. Towards a general appraisal of Dutch legislative policy 2011-2015.

Dutch legislative policy is 'alive and kicking' following Melis.[70] Judging by the number of novelties in this policy in a relatively short time span, from 2011-2015, this claim sounds convincing. The fact that the portfolio of Better Regulation (and more) in the European Commission has been granted to Dutch commissioner Timmermans in 2014, in combination with ambitious plans of the Dutch to tackle regulatory management in the context of the upcoming presidency of the Netherlands of the EU in the first half of 2016[71], may elevate the apparent success of Dutch legislative policy to even greater

70) Melis 2014, p. 1. Melis in Lochem p. 291

71) 〈www.kcwj.nl/sites/default/files/attachments/kamerbrief-over-de-inhoudelijke-voorbereidingen-nederlands-eu-voorzitterschap-20161.pdf〉

heights. The political momentum seems to be present. Now is the time?

Unfortunately, more critical sounds can be heard as well. Meike Bokhorst claims in her doctoral dissertation that participation of civil society in legislative processes has hardly been enhanced, and that legislative quality as such can hardly be improved by the existing policy. Moreover, she sees new problems emerging, such as the legitimacy strains that rise because of the increased autonomy of non-elected functionaries in legislative policy. Others[72] criticize the legislator for putting too much emphasis on tests and assessments. It should also be noted that the government has not issued any policy briefs, or engaged in thorough public debate about legislative quality since 2011. Maybe, now is not the time.

How can these divergent opinions and findings be reconciled? Let us rewind to 2011, when a number of challenges for Dutch evaluation of legislation were identified in this journal. Since the IAK and IC both concern evaluation, we can ask ourselves how the current legislative policy has responded to these challenges. I elaborated a list of ten challenges, concerns and/or suggestions:

1. Aspire an integral evaluation, meaning giving attention to both ex ante and ex post evaluations, and involve government and civil society.
2. Evaluation should be a core element of regulatory management.
3. Coordinate the efforts of the various involved actors.
4. Build an evaluation policy.
5. Elaborate and preserve good relationships with all parties involved.
6. Adapt scope and depth of evaluations.
7. Safeguard methodological quality of evaluations.
8. See to good timing.

72) Niessen 2003.

9. Mirror ex post evaluations to the image of ex ante evaluations, and vice versa.
10. Develop manuals and codes.[73]

What happens if we transpose this list to the current policy and use it as a frame to 'grade' the contemporary developments explained in this article? The current policy obtains good marks on five elements. It fares well on (2) attributing importance to evaluation, (3) coordinating efforts, (4) building policy, (6) applying proportionality[74] (adapting scope and depth of assessments in IAK or deciding upon IC, e.g.) and (10) developing road maps, catalogs, manuals and so on. On the other hand, the legislative policy does not so well with regard to the other five elements: (1)(9) There is no 'integral' evaluation in the sense of ' integration' of ex ante and ex post evaluations; both are still too isolated. In addition, government – such as enforcement and implementation agencies – and civil society are only minimally involved in the IAK. (5) Involved parties, such as the consulted citizens or, again, implementation officers, are not always treated with due respect. Consultation reports are sometimes late, missing or incomplete. Often, only lip service is being paid to Implementation agencies. (7) There is little proof of the implementation of methodological standards in the IAK, or the cure of methodological myopia in consultations – an exception is of course the introduction of a new method, Internet Consultation. (8) Timing remains crucial. Consultation of stakeholders or applications of the IAK are not in a position to truly change the proposals for the better, since the major decisions have been taken and the political instrumentality does not allow adversary opinions and in-depth debate.

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73) Aeken 2011, p. 157-160.

74) Although little transparency is provided with regard to the actual selection. See also Meuwese 2011, p. 23.

In sum, Dutch legislative policy 2010-2015 scores a 5/10. This is an unpleasant mark in a 10 points system, as both the examiner and the examinee know. It does not allow the student to pass since, in principle, a 6 is required– yet half of the points have been earned! A tough but fair decision, in my opinion, would now be to grant the student a resit, with the obligation for the teacher to remedy the identified weaknesses. I would send the student home with an invitation to have another try and a recommendation to work hard on the topic of 'inclusion'.[75] Although some progress has been made by rolling out Internet consultation, Dutch legislative policy still breathes a defensive, justifying attitude, and accordingly shields the policy process from open interaction with the various stakeholders in civil society and business, and within government itself. A more constructive approach would entail the 'evocation of contradiction' and the inclusion of different voices. Such an 'adversarial', truly reflexive approach would not only benefit the rational, analytical character of the law-making process, but it might also increase the transparency and legitimacy of the policy making process. Prudent steps towards a more inclusive and reflexive legislative and regulatory policy have been taken in the last five years. Hopefully, this trend is continued, and we will be able to assess an overall improvement of quality and democratic character of Dutch legislation and regulations in five years from now. Maybe, we can finally say then: all on board!

75) See Lochem 2015, p. 291.

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