SAFE

One European Union, _one_ meaning of 'Safe'?

a master thesis on the application of the 'Safe Country of Origin' (SCO)- concept in the Netherlands in 2015-2021 related to the theoretical framework of Europeanisation

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Abstract

This Master's thesis displays how the Dutch application of the safe country of origin (SCO) concept is impacted by the European Union (EU). The relevance of this study could be described by the following state of affairs: since 1999, the EU is working on a Common European Asylum System (CEAS), the Netherlands encourages this development. Knowing this ambition, in 2020-2021, Cyprus assessed Togo as a safe country where "no persecution as defined in Directive 2004/83/EC, no torture or inhumane or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict" (Directive 2013/32/EC, art 37(1)) exists, while the Netherlands, around the same time, assessed Togo as an unsafe territory. A European approach towards 'safe countries' seems far from 'common'.

This study aims to contribute to the theory of (interactive) Europeanisation and shed light on the discrepancies between the Dutch and European SCO lists. For this the following research question is constructed: *How has the EU had an impact/influence on the Dutch application of the safe country of origin' concept between 2015-2021?*

The overall outcome shows that the EU impacts the Dutch application mostly in a procedural way. Regarding the top-down impact, the Asylum Procedure Directive helped initiating and framing the Dutch application of the SCO concept, this also due to the monistic legal system. Regarding the intrinsic norm-setting and implementation of the concept, the member states, including the Netherlands, hold ownership. Moving on to the bottom-up impact, this is hardly present in this case study. There are no Regulations formed yet, however in preparatory settings the possibilities for bottom-up harmonisation exists, but are hardly used. The application of the SCO concept in the Netherlands, is state-centric, and does not show any harmonising treats. At the same time, the Dutch diplomatic and political ambition is clearly focused on harmonisation and asylum policy convergence on the EU level. This paradoxical outcome makes the Dutch case particularly interesting. As such, the study displays the importance of improving communication lines to the public, and in particular towards other member states.

Keywords: (interactive) Europeanisation, safe country of origin, Common European Asylum System

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List of Abbreviations

ACVZ	= Dutch Advisory Committee on Immigration Affairs
CEAS	= Common European Asylum System
COI	= Country of Origin Information
DT&V	= Dutch Department of Return and Removal
EAA	= European Asylum Agency
EC	= European Commission
EMN	= European Migration Network
EU	= European Union
IND	=Dutch Immigration and Nationalisation Office
JHA	= Justice and Home Affairs Council
RP	= Research Participant
SCO	= Safe Country of Origin
UNHCR	= United Nations High Commissioner for Refugees

1. Introduction

In 1999, during the Tampere European Council, all European Union (EU) Member states undersigned their interest in a common asylum system: 'It has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention' (European Parliament, 1999, para.13). Between 1999 and 2005, the first CEAS related laws were created, this included six legislative instruments that would help EU member states to establish common procedures. However, the asylum policies in the EU member states kept on being "still too varied and the levels of protection still not strong enough" according to the European Commission (n.d., para 12). The EU Commission started to work on reforms, of which the first batch was ready in 2013 and got into force in 2015. It was that year that an unprecedented high number of arrivals of refugees and irregular migrants arrived in Europe. This brought challenges to the CEAS. This thesis zooms in on one specific concept captured in one of the legislative instruments of the CEAS, the Asylum Procedure Directive (2013/32/EC).

1.1. SCO list

The CEAS also included the intention to form a common EU list of safe counties, which was actually not a new idea. In 2003 the G5 already supported the development of an EU common list of safe countries (Statewatch, 2004). After the idea died down later in the 2000's, it was rejuvenated in 2015 (European Commission, 2015) as a part of the European Agenda on Migration. The biggest motivation for reform was the start of what's been called the migration crisis or refugee crisis, that Europe faced at the time. All member states agreed to work towards common European asylum procedures (European Commission, 2015).

While the ambition of the EU regarding the safe country of origin (SCO) - concept is clearly stated, but what this would exactly mean for the individual member states in the upcoming years, is rather ambiguous. Namely, the implementation of the SCO concept differs among member states, which leads to different national SCO lists in the EU (EASO, 2021). Exemplary, is the difference in assessment between Cyprus and the Netherlands regarding Togo (EASO, 2021); same review period, same directive, however, there are different outcomes.

One could ask, would it be wrong having different SCO lists exist throughout the EU? Although this thesis does not get into the normative judgement regarding a SCO list, understanding the benefits and limitations of this concept, are crucial for understanding the academic and societal debate around this topic. Reasons behind setting up a SCO list on the national level, first of all have to do with the efficiency and capacity of the national asylum system. When a lot of asylum seekers from safe countries apply for asylum in a host country, this makes the waiting time longer. This results in delays for helping asylum seekers who are coming from unsafe places, i.e. conflict (affected) areas. So called 'clogging' the asylum 'chain' is something that could be overcome by using a SCO list (Rijksoverheid, n.d.). A second reason to want a national SCO list, is to discourage persons to misuse the asylum system. People

with bad intentions could be filtered out of the system much easier in the beginning (Rijksoverheid, n.d.). Moreover, in order to be harmonised and acting in unity in the EU, having less secondary movements is a priority of the Netherlands *(*Ankie Broekers-Knol, 2019*).*

To show solidarity and prevent actions of asylum shopping, relating to secondary migrations within the EU, it is important for EU institutions to take action as a whole. In line with this idea, the EU adopted the directive on common procedures for granting and withdrawing international protection (Directive 2013/32). In section III of this directive, the conditions for a 'safe country' of origin are shown (Directive 2013/32, art. 37). This list provides guidance to the member states to make their own SCO lists. Looking at the differences between the member states (Asylum-in-Europe, n.d.), this common system or approach, doesn't seem optimal yet. The amount of 'safe' countries identified per EU member state is not aligned. It differs from the Netherlands with a SCO list of 32 countries (outside of EU countries) to Belgium and Sweden, who identified eight countries as safe. Moreover, there are member states that did not adopt a list at all (amongst others Poland and Spain) (EASO, 2021).

1.2. SCO risks

Besides the efficiency benefits that are expected when having and aligning these SCO lists, there is also a risk involved with the SCO concept. It sets up the presumption that the applicant from a 'safe' country is not a refugee. As Costello mentions: "Some procedural restrictions are in themselves a violation of human rights or principles of effective protection of right" (Costello, 2016, p.602). Besides Costello (2016), also Atak (2018) warns for the risks that are being taken when working this concept. Because there are pros and cons to this concept, the practice of the application of the concept is rather complex. This debate is further elaborated on in the theoretical framework of this thesis.

1.3. Legislative History

How complex could it be to get directives and regulations 'through' is shown by the legislative activity relating the SCO concept in the EU (European Parliament, 2021). In 1997, the Treaty of Amsterdam granted the EU institutions new powers to draw up legislation regarding asylum (Marion Schmid-Drüner. 2021, para 5). A few years later, in October 2003, the EU interior ministers pushed the idea for a common EU list of safe countries, back then it led to an impasse (Gurzu, 2012). A few years later it was again discussed in the Dutch Parliament [*tweede kamer*] in 2008 (Tweede Kamer, 2008-2009). After working on the reforms between 2008 - 2013, the Asylum Procedure Directive 2013/32/EU took effect in 2015. This Directive and corresponding proposals for regulations, will be explained in the next section.

Asylum Procedure Directive

This full directive is called 'the directive on common procedures for granting and withdrawing international protection (recast)' (Directive 2013/32). It is a recast, because it release the directive from 2005 (Directive 2005/85/EC) on minimum standards on procedures for granting and withdrawing refugee status in the EU. The aim of the Directive is to "set up common procedures for granting and withdrawing international protection (refugee status and the protection given to people who are not refugees but who would risk serious harm if returned to their country of origin)."(Publications Office, 2020, para. 2) the functional differences with the 'old' directive, is that the recast version seeks to create faster and more efficient international protection procedures. The recast version is fairer for applicants and meets EU-wide standards for granting and withdrawing international protection. (Publications Office, 2020, para. 2). Whilst this directive sets the guidelines for all EU countries, the member states still have a lot of freedom interpreting these guidelines. Zooming in on the part regarding the SCO concept in particular, shows that it is still possible for member state to create their own list of safe countries, see Annex 1 in the Appendix of thesis to review the copied articles of the directive regarding the SO-concept. Article 36 (Annex 1) shows the conditions regarding the considerations determining a country as a safe country. Whereafter in article 37 (Annex 1), the conditions that the member states need to comply to, if they apply the SCO concept nationally, can be read.

Having national SCO lists suits an intergovernmental character of the EU. However, after the comprehensive agenda on migration was presented in 2015 (European Commission, 2015), the Commission followed with an idea to make a common list of safe countries, which ended up being proposed.

COM (2015) 452

This proposal is called "the regulation establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU" (European Commission, 2015a, para 1). The assessment for the EU SCO list (Annex 1, art 27(1)) remains the same as for the national lists. The biggest change is that the EU common list would increase the overall efficiency of asylum systems in the EU and also reduce the existing divergences between member states' national SCO lists. Moreover, it would facilitate convergence in the procedures and deterring secondary movements of applicants for international protection. (European Commission, 2015a). So to strengthen the SCO provisions of the asylum procedure directive, the EU Commission published this proposal. This proposal got integrated in another proposal a year later, therefor this proposal on itself is withdrawn in 2019 (European Parliament, 2021).

COM (2016) 467

After the EU commission proposed the regulation COM(2015)452 ”(European Commission, 2016, p.18) The European Commission considers that the EU common list of safe countries of origin should be an integral part of this draft Asylum Procedure Regulation (COM (2016) 467), a regulation that replace the Asylum Procedure Directive. Namely, after the replacement, the rules would not be ‘open to interpretation’ anymore, but would it be direct EU legislation in the domestic sphere. In June 2019, the Commission withdrew the first proposal (COM (2015) 452) regarding the EU list of safe countries. This new, overarching proposal, aimed to achieve “simplifying, streamlining and consolidating procedural arrangements, […] a higher degree of harmonisation and greater uniformity in the outcome of asylum procedures” (COM (2016)467, p.3). This because the idea is that “Harmonised rules on safe countries are a critical aspect of an efficient common procedure and this proposal provides for the harmonisation of procedural consequences of applying safe country concepts.”(COM (2016)467, p.5)

The Commission proposes to progressively move towards full harmonisation in this area, and to replace national safe country lists with European lists or designations at Union level within five years of entry into force of the Regulation. (European Commission, 2016, para 16). Up until this point, no regulation is adopted, and the only legal document is the Directive 2013/32/EC. The negotiations and corresponding amendments take place over a long period of time. Whereafter, this proposal get adjusted and proposed again in 2020.

COM (2020) 611

The amended proposal for the Asylum Procedure Directive, also the successor of the proposal COM (2016)467, is in line with the initiatives of the New pact on Migration, presented in 2019 by Ursula von der Leyen, the new president of the European Commission (European Commission, 2020, p.1).

Again the aim for reform, has to do with the tackling of the diversity in asylum procedures; “despite significantly increased cooperation at EU level, including as regards support from EU agencies, Member states’ asylum, reception and return systems remain largely not harmonised” (European Commission, 2020, p.3). The negotiations on this proposal are still ongoing.

Important to mention is that this is not a regulation standing on itself. It is part of the Asylum package deal;

> “This package included the recast of the Dublin Regulation and of the Eurodac Regulation, a proposal for a Regulation on the establishment of the European Union Agency for Asylum (EUAA), a proposal for a Regulation establishing a common procedure for international protection in the EU, a proposal for a Qualification Regulation, the recast of the Reception Conditions Directive and a proposal for a Regulation establishing a Union Resettlement Framework.” (European Commission, 2018)

Dutch National Law

Article 36 (Directive 2013/32) states that every Member state shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept. The Netherlands integrated it in the national 'aliens regulation'. This law entails the Dutch SCO list conditions, knowing;

> "A country is considered a safe country of origin as referred to in Article 30b(1)(b) of the Act, if it can be demonstrated on the basis of the legal situation, the application of the legal provisions in a democratic system and the general political circumstances that there is generally and lastingly no persecution, treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal or inhuman or degrading treatment or punishment, or threat of indiscriminate violence in the context of an international or internal armed conflict." (art. 3.37f, lid.3., Voorschrift Vreemdelingen 2000).

The legislative history, mostly regarding the EU context, shows the struggle of harmonising the asylum system in Europe. The introduction in the CEAS, the SCO concept and in the legislative history on mostly the European legal context provide a clear view on the topic of the SCO concept. To move on and narrow the scope to the thesis study, the following paragraph turns to the Dutch application of the concept.

1.4. The Dutch Case

While discussions took place at the European level, the Netherlands started working with its own list of safe countries, which turned out to be one of the longest lists in the EU. Viewing the Dutch practice in the context of this EU debate gives us insights into why this concept is seen as contested and could provide recommendations for future use of the SCO concept.

The Dutch have an extensive list of safe countries in comparison to other Member states (EMN, 2018), while at the same time, being the host country of the Treaty of Amsterdam in 1997, initiating more power for the EU on asylum. This shows the discrepancy between the current individual state-focussed policy and common EU policy ambition. This study aims to unveil the complex dynamic of the impact that the European Union has had on the domestic application of the safe country concept in the Netherlands, guided by the following research question:

> *How has the EU had an impact/influence on the Dutch application of the safe country of origin'-concept between 2015-2021?*

When analysing the policy process on the enlargement of the Dutch SCO list and in particular looking at the role of state power and the impact of EU institutions one could get insights into how Europeanisation, meaning the impact of the EU on the domestic policy of a country, takes place in the

field of asylum policy regarding safe countries of origin. Whether the decisions of nation-states frustrates the equalisation of policy in the EU, or whether nations adopt EU policy directives contributes to the common European asylum policy. The policy decision to enlarge the national SCO list, in a way that hardly no other Member state does, seems to be contradicting the 'harmonised' ideal, as also the *Adviescommissie voor vreemdelingenzaken* discussed (2018). Revising this issue from the national and the EU governmental level helps understanding this complex policy process dynamic.

1.5. The societal relevance

The SCO lists have severe consequences for how asylum claims are treated (Vluchtelingenwerk, n.d.). The duration for the procedures are for example accelerated (Rijksoverheid, n.d.). When the SCO lists seem arbitrary, which the Dutch list is accused of in *Trouw* (2019), the state risks to wrongly access migrants' asylum claims. Despite the fact that the Directive 2013/32/EC insists of having an individual assessment. Knowing the policy dynamics is relevant for understanding how the rights of asylum seekers are met. At the same time, these lists can help countries to better help persons who are in genuine need of protection. Member states' asylum systems are put under strains as increasing proportion of applicants for international protection who are unlikely to receive protection, burden the asylum systems. (COM (2020)611). Both for policymakers and migrants themselves, it is relevant to have a better understanding of how the policy is impacted.

Finding out if convergence is on its way, helps policymakers, politicians, migrant workers in understanding what the relation is between power on the national level, and the impact of the EU institutions.

1.6. The academic relevance

Literature on the SCO concept is mostly written from the legal perspective, interpreting and questioning the laws. This thesis however, relates to the field of Public Administration. More concretely, it relates to the combination of the concept of Europeanisation, with the policy process regarding the SCO lists. This thesis is testing the theory of Europeanisation. When Engelmann (2015) wrote about this topic, however, he could not include the case of the Netherlands, because the Dutch SCO list was established very recently back in 2015. This thesis contributes to the completion of the findings found in Engelmann's work and go beyond by taking into account recent policy developments and the critical literature of Lavenex (2008) on the misfit of the Europeanisation concept in asylum policy. Furthermore, this thesis contributes to the Europeanisation literature of Wong and Hill (2011), Radaelli (2003), Mulcahy (2011), Engelmann (2015), by diving into the case study of the Netherlands.

The Dutch case study on (process of the) application and combining different academic interpretations of the concept Europeanisation provides a newfound look on what parts of a policy are downloaded from the EU level and which parts are implemented in the national context with no

intervention of the EU level. Moreover, it can be that they even inspire the EU level, by bottom up harmonisation.

Understanding Europeanisation in the process of the Dutch application is definitely a large part of this thesis, while at the same time conceptualising it as an explanatory concept. This thesis therefore is a contribution to the Europeanisation literature, and provides insights for further research in this topic.

1.7. Thesis Outline

In this chapter, the introduction and context of the SCO concept is discussed. In the next chapter, this concept is placed in a theoretical framework. Legal literature about asylum law is being elaborated on, as well as the Europeanisation theory, giving the support to the theoretical answering of the research question. Authors Wong and Hill (2011), Radaelli (2003), Engelmann (2015) and Mulcahy (2011) provided the fundamentals of the theoretical framework. Chapter three discusses the methodology of this research. In this chapter the data collection, data analysis, methods and the operationalisation will be discussed. To be sure this study contains valid results and is reliable, certain rules are taken into account, these rules will be discussed in the methodology section as well. Being aware of the theoretical and methodological considerations, in chapter four, the reader finds the results and data analysis. The findings of the research will be plotted in this fourth section, to be able to assign conclusions and recommendations to the results in the chapter five. Lastly, the reflection and limitations follow and completes this study.

2. Theoretical Framework

In this chapter, the theoretical foundation for the research will be laid down. Looking into the application of the 'safe country of origin'- concept, (legal) literature on this concept will be discussed. Also to understand better how EU institutions can have an impact on domestic policy, the theory of Europeanisation will be discussed. This framework allows to write down expectations for this research, which will be tested later in the data analysis and the conclusion.

2.1. Safe country of origin principle

The meaning of the 'safe country of origin' concept is already introduced in the first chapter. It is widely used in legal literature on asylum law. Understanding what the legal concept is, is important to understand how it translates to policy. Multiple articles have a critical standpoint towards the concept. For example, in an article for Gurzu (2012) it is stated that "the decision to establish a CEAS [including the SCO concept] has been too focused on security and not enough on human rights, leading to increased denial of protection for asylum seekers" (p.1). In order to be able to build on earlier literature and to redirect this discussion into the Public Administration field, this section elaborates further on this principle. By having a broad foundation on this topic, we can operationalise it further alongside our research scope. The European Commission, which set up an asylum procedure directive, states that:

> "A "safe country of origin" is a country where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Directive 2004/83/EC, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict." (European Commission Home Affairs, n.d., para 2)

The Commission also states that a country of origin is considered *safe* if it does not, or generally does not, produce refugees (European Commission Home Affairs, n.d., para 1). This is an interesting remark, because for example Morocco is in fact responsible for a fair share of asylum seekers or refugees according to the asylum trends in 2016 of the Netherlands (IND, 2016). However they are not seen as refugees, possibly due to the SCO principle. When people flee their country, but an authority considered the country concerned as safe, where are these people fleeing from? Is the country really safe meaning there are no refugees 'produced' by the country concerned, or, could it be possibly that it regards an unsafe country, however because the country is deemed as safe, the refugees are not perceived as such? It should be taken into account that the 'safety' of a country is never absolute (Hunt, 2014).

This thesis in the field of Public Administration revises the legal literature and zooms in on the policies that have been drawn from it. In particular, this means that the focus lies on the application of the safe country of origin list in the Netherlands and the European ambition to have an EU list of safe countries. The Netherlands was identified by Hunt (2014) as an accountable practitioner of the concept; "More accountable practices were identified in Germany and the Netherlands, both of which ensured full parliamentary approval of all inclusions and removals from national lists" (p. 517).

From 2015 on the SCO concept has been used or discussed on as well the Dutch national level, as well as on the EU level. Important to note from this section is that although legal literature can be critical towards the use of the safe country of origin concept, policy processes are not that thoroughly discussed yet in academic literature.

2.2. Europeanisation

This paragraph moves on to the way in which policy can be impacted by the EU. The following sub-sections elaborate on the theory of Europeanisation. At the end of this section the theory is placed in a bigger theoretical framework for context, which relates to European Integration Theory. Although European Integration Theory will not be central to this research, it is useful in understanding what 'Europeanisation' is *not* and could provide interesting pathways for future research.

Europeanisation is the term that is often used by social scientist and is defined as the process through which laws and policies are brought into alignment through gradual political and economic dynamics of the EU (Ladrech, 1994). The EU becomes a part of the political and policy-making process at the national/domestic level (McCormick, 2011). Even more concretely, Europeanisation could be described as the "process of downloading European Union (EU) directives, regulations and institutional structures to the domestic level" (Howell, 2002, p.2). Literature has extended this conceptualisation with a 'bottom-up' notion. Wong and Hill provide a helpful model consisting of top-down impact and bottom-up impact through the model of 'downloading', 'uploading' and 'cross-loading' (2011).

The ideal theoretical outcome of the concept is having Member states harmonise with European policies step by step, to the point where 'extreme' national and EU positions are reconciled over time" (Wong and Hill, 2011, p.7). The outcome is known as the pendulum effect (Tsardanidis and Stavridis 2005). The effect shows that the extreme national focus decreases and that the extreme European standpoint blurs as well, with a converging policy as a result. An important note, measuring convergence and divergence is tricky (Börzel and Risse, 2003, p.16), it is relevant to identify on what level these changes take place. It could namely be that a noticed form of convergence on macro-level, means divergence on the micro-level Meanings of Europeanisation. Despite this concept and/or theory being a classic one and many books and articles are dedicated to it, there is no clear-cut meaning of Europeanisation.

As the previous subchapter indicates, this thesis understands the concept as a two-way process, including top-down impact and bottom-up impact in the dynamics between the EU governmental level, and the

national governmental level. This is consistent with the interpretation from Radaelli (2003). Radaelli points out the processes of interaction and diffusion that are implicit in European policy making, arguing that European policy making is not something abstract for citizens, but rather originates from interaction between national (and often sub-national) and EU level actors (2003).

However, there are also one-sidedly interpretations of Europeanisation (Olsen, 2002). For example, the concept could also be understood as the "1) changes in external territorial boundaries, […] 2) as the development of institutions of governance at the European level, […] 3) as central penetration of national and sub-national systems of governance […] 4) as exporting forms of political organization […] 5) as a political project*"* (Olsen, 2002, para 7-11). Where in the understanding of Olsen (2002), the third interpretation would correspond with the 'downloading' phenomena in the model of Wong and Hill (2011).

With various meanings and interpretations of the concept and/or theory of Europeanisation, this theoretical chapter including the conceptual model, see Figure 1, is crucial to follow the theoretical framework this thesis research builds on.

2.2.1. Interactive Europeanisation

Being aware of the academic diversity around the concept and/or theory of Europeanisation, this paragraph unravels the understanding of Europeanisation as used in this thesis research, and therefore helps to provide a conceptual answer to the research question posed in the introduction.

The term used by Radaelli (2003) and Mulcahy (2011) that includes the two types of impact (bi-directional process): bottom-up and top-down, is 'interactive Europeanisation'. This understanding is also used in the work of Wong and Hill, who wrote a book on the interaction between the national and the European levels regarding Foreign Policy (2011). Although, this thesis research does not regard the field of international trade, foreign aid, military alliances, and war and so on, but rather the field of asylum policy, this book still provides helpful indicators to review the extent of Europeanisation. The dimensions used in their book entail: 'downloading', 'uploading' and 'cross-loading' as result. These dimensions will be discussed further in the next sections.

2.2.2. Downloading

When the domestic policy 'Europeanises' top-down this entails that the EU legislation is implemented on the national domestic level. "The novelty of 'Europeanization' in foreign policy studies is a function of the debate on the existence of a common European […] policy." (Wong and Hill, 2011, p.2). Trying to reach a 'common' policy is something related to this concept of Europeanisation. A 'positive' effect of downloading, common policy and therefore convergence between the national and EU level will increase. "This concept [Europeanisation] predicts cross-national policy convergence between EU states after a sustained period of structural and procedural adaptation" (2011, p.6). When EU directives and regulations are adopted in the Member states all states tend to look alike. This is also why

Europeanisation theory has a lot in common with European Integration Theory. Integration theory is more often tested in literature than 'Europeanisation'. That is why the latter concept is central to this thesis, but in the end of this framework the context and relationship with European Integration Theory will be briefly discussed.

This downloading process is not predetermined nor irreversible. Germany, for example, is seen as a very 'Europeanised' state. However, Germany sometimes diverges from certain EU policy standpoints as well (Daehnhardt, 2011, p.37). Downloading goes beyond the pure implementation of EU directives and regulations, which is nonetheless an important indicator. Further indicators such as the increasing salience of the European political agenda on the national level, the adherence to common objectives between the national and the EU level, and whether common policy obligations are prioritised over national policies show the presence of 'downloading' as well. Together with the indicators "internalization of EU membership and its integration process and organizational and procedural change in national bureaucracies" these indicators show the expected indicators in the work of Wong and Hill (2011, p.7). The work of Wong and Hill (2011) focusses on the Europeanisation of foreign policy. However, since "migration management became a 'cross pillar' issue within the EU with implications for foreign and security policy" (Geddes, 2009, p.36) and because both policy fields lie close to the sovereignty discussion of the member states in the EU. The indicators are chosen for this particular case study.

In de realm of the thesis research, the expectation is that the downloading dimension is present because of the Asylum Procedure Directive that the Netherlands is applying, which includes the SCO list. However, the extent to which the actual application itself is influenced by the European political agenda or common objectives is questionable. This is due to the diverging nature of the Dutch SCO list in comparison to the EU-proposed SCO list.

In addition, the Dutch case, without adopted regulation, will focus mostly on the process of application and therefore, as Engelmann emphasised in her article, also informal and transnational policy coordination in the EU context will be taken into account (Engelmann, 2015). This relates to more informal or technical meetings, which also play an important role in the negotiations of these more formal outcomes.

2.2.3. Uploading

Besides 'downloading', states can also 'upload' their input in order to increase Europeanisation. The common values and common ideas on policy work ideally in both directions. In this respect, it "refers to the bottom-up projection of national ideas, preferences and models from the national to the supranational level" (Wong and Hill, 2011, p.6).

The ideal would be some sort of circular influence from top-down to bottom-up. This way, Member states have quite a direct say in the creation of common policy and therefore enough ownership. 'Uploading' could be measured by different indicators. Firstly, it could be recognised that the national

governments attempt to influence the EU/world or other Member states by sharing or promoting their national policies, or at least their best practices and learnings. Letting other States inside the EU or broader than that, learn from the Netherlands, could enlarge their power. Moreover, it is possible that the national level finds it a safe idea to escalate policy ideas to the EU level, so that if it is covered by EU policy, the Member state can use this as an 'umbrella'. Lastly, the bottom-up influence could be noticed via the indicator of the usage of the EU level as an influence multiplier (Wong and Hill, 2011, p. 7). When national best practices are fitting into the EU approach, this would mean that this particular national government could influence 27 countries at once.

In the context of this case study, it is interesting to unravel how the uploading process played out in practice for the Netherlands on this topic. When the SCO list is shared in the EU boarder context this could be food for discussion on the EU level, since it seems to be more diverging that converging considering the differences among the lengths of the lists.

2.2.4. Cross-loading

When both 'downloading' and 'uploading' are taking place in a positive manner, this will theoretically result in 'cross-loading' (Wong and Hill, 2011). This is a theoretical form of harmony where states as well 'download' the EU legislation, and therefore converge with other Member states to an aligned policy and in which at the same time Member states are active in 'uploading'. Member states are free to share and communicate their own ideas, policy suggestions and lessons learned, so that best practises from the national level find their way up to the EU level and improve 'Europeanisation' in that sense as well. Europeanisation in this sense is a process with the outcome of shared norms and values among the national levels and the EU level and shared definitions regards the policy, in this case the safe country of origin concept-definition. This will confirm the status of 'cross-loading'. A concept already mentioned in this thesis, the 'pendulum effect' is also an outcome that confirms the dimension of cross-loading (Wong and Hill, 2011).

2.2.5. Europeanisation Critique

Still there are limitations to the theory of Europeanisation. As mentioned by Lavenex (2008), it is hard to know the actual causal explanatory power of the concept. In particular regarding the asylum policy field it shows to be a challenging concept.

> " […] the fact that asylum policy is a very recent area of European integration and that in some respects the polity and policy may not yet have reached the "maturity" which is necessary in order to study Europeanization in its narrow sense as the implementation of "positive" EC law" (Lavenex , 2008, p.319)

This quote clearly states the critique from Lavenex on the usage of the concept 'Europeanisation'. The word *concept* in the previous sentence was consciously chosen, because, she argues, in line with Radaelli (2004), researchers in this field should approach Europeanisation rather as a problem or concept which we want to understand, rather than a "solution" or an explanation to the phenomenon of in this case SCO policy (Lavenex, 2008). In this research, the points of critique are taken into account with the interpretation of the concept.

The three problems Lavenex (2008) identifies are first of all, the limited EU asylum acquis. The 'immaturity' of this policy field on the European level, ascertained in 2008, has had its developments, as can be read in the legislative history in the first chapter of this thesis. With ongoing negotiations of a package of reforms the process of 'maturing' is viewed as relevant enough to analyse in this thesis. The second issue that Lavenex brings up in her article is about her concerns around the unidirectional interpretation of Europeanisation. In subchapter 2.2.2. this is discussed. The final issue with the concept Europeanisation that the author poses is "the international nature of the refugee issue and the repercussions European integration has beyond the circle of the Member states." (2008, p.318). This will also be discussed in Chapter 6 of this study.

The critique that surrounds the concept and/or theory of Europeanisation shows the academic debate and also contributes to another possible conceptual answer to the research question. It could be that in the timeframe of 2015-2021, the European asylum policy, and in particular the SCO list policy are not mature enough to be examined with the concept of Europeanisation.

It is argued in this thesis that despite the challenges that the concept faces, it offers an useful "analytical framework for assessing the transformation of the nation state on account of European cooperation, in that it captures not only domestic change, but puts this change in a dynamic perspective with the EU level" (Major and Pomorska, 2005, p.3)Europeanisation is conceptualized as a bi-directional process that may lead to a negotiated convergence in terms of policy goals, preferences and even identity between the national and the supranational levels (Wong, Hill, 2011).

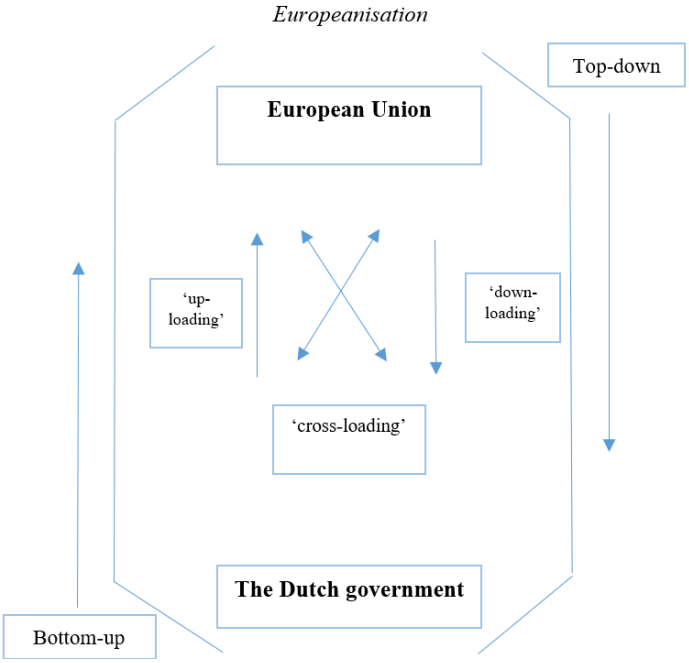
2.3. European Integration

Placing the concept of Europeanisation in a more mature context of literature, it is relatable to European Integration Theory. Knowing if Europeanisation is taking place will say something about the relationship and power balance between the Member states and the EU Institutions. Outlining this context of EU models will help to make sense of the results of this thesis research.

Starting off this framework with the EU models in which the power-balancing between the nation states and the EU already comes forward: the two-level game (Putnam, 1988, Moravcsik 1993, 1998). Moravcsik relates this to the theory of liberal intergovernmentalism. It is a theory that states are on the one hand, only letting in the EU in ways that couldn't limit their control "the unique institutional structure of the EC [European Community] is acceptable to national governments only insofar as it strengthens, rather than weakens, their control over domestic affairs, permitting them to attain goals

otherwise unachievable" (1993, p.507). This theory is a mix of the theoretical models of intergovernmentalism and supranationalism/neofunctionalism. European integration is understood as the outcome of domestic uploading to the EU level as well as the process of downloading once an accepted compromise has been reached. Through uploading and cultivated spill over EU diversity is integrated. However, when downloading comes into operation each member state will interpret policies based on their own cultural perspective (Howell, 2004, p.55). Europeanisation can be seen as the 'process' focussing on European integration.

Figure 1. Conceptual Model



The models shows the top-down and bottom-up impact streams. Based on the literature of Wong and Hill (2011), Radaelli (2004), Mulcahy (2011), Engelmann (2015), the model illustrates the possibilities for 'downloading', 'uploading' and 'cross-loading' to take place in the form of legislative instruments and policy learnings. When 'cross-loading' takes place, the EU and the member states, in this case the Dutch government, are united in the same norms and values, using the same definitions and policy is converging ('pendulum effect'). This way, the impact of the 'European lens' can be researched.

3. Research Design

In this section the approach towards the methodological framework will be discussed. Firstly, this section will reflect back to the research question. By making use of sub-questions the bigger research question dissected, whereafter the most important concepts from the research question are operationalised. Next, the data collection, data analysis approach and case selection will be discussed in order to be able to conclude it with the ethical considerations, validity and reliability of the research.

3.1. Research question

As mentioned already in the introduction of this thesis, the following research question is the common thread of this research. Thereunder, the unfolding sub-questions can be found to structure the research even more and highlight the important variables and concepts.

> *How has the EU had an impact on the Dutch application of the safe country of origin concept between 2015-2021?*

Sub-questions:

- How did the Dutch government 'download' legislation and policies from the EU level?
- How was the Dutch government involved in 'uploading' policy practices to the EU level?
- How is the Dutch domestic policy on the safe countries of origin principle Europeanised?

In these questions the concepts 'downloading' and 'uploading' are central in being able to explain the presence or absence of Europeanisation in this context. In the main question the direct object is 'impact', in order to keep consistent with the (interactive) Europeanisation theory. As Radaelli (2004) puts it: "The conclusion is that Europeanisation has contributed to the emergence of new insights, original explanations, and interesting questions on […] the understanding and analysis of 'impact', […]" (p.2).

Also, it is taken into account that researchers in this field approach Europeanisation rather as a problem or concept which we should want to understand (Radaelli, 2004; Lavenex, 2008). Therefore the intention of the research and the concrete operationalisation is to understand obtain insights in the Dutch-EU dynamics in regards to the application of the SCO concept in the Netherlands, while simultaneously contributing to a better the understanding of the Europeanisation concept itself.

3.2. Operationalisation

The concepts used in the research questions are discussed in the theoretical section of this thesis. To make the concepts even more applicable in this particular research scope I will define the concepts and formulate indicators that will help translating the conceptualisations to interview questions. To

operationalise, I will zoom in on ways the concepts appear in empirical observations representing those concepts in the real world (Babbie, 2010).

In order to get to the core conceptualisation, I distil them from the variables in the research question. The dependent variable is *'safe country of origin' concept application in the Netherlands* and the independent variable is *Europeanisation.*

Table 1, to be found on the next page, shows the two main variables of this study: 1) SCO concept application in the Netherlands and 2) Europeanisation. In the second chapter of this study, especially the latter is discussed. Europeanisation is a well-debated concept in academic literature. Based on the work of Wong and Hill (2011), Radaelli (2003) and Mulcahy (2011) the three dimensions are identified. The indicators used in the study of Wong and Hill (2011) are tested in this study as well, and in the final operationalisation the full list of indicators will be presented, see Annex 4. This thesis applies the concept/theory of Europeanisation to the process of the Dutch application of the SCO concept. In the next sections further choices made in this study will be explained.

Table 1.

Operationalisation

Concept	Dimensions	Indicators
SCO concept application in the Netherlands	Dutch list of safe countries	○ National laws on the safe country of origin concept ○ Dutch policy documents on the application of the country of origin concept
Europeanisation: The impact of the EU on domestic policy (Wong and Hill, 2011)	Downloading (top-down) (Wong and Hill, 2011)	○ Implementation of EU law in Dutch legislation ○ Increasing salience of European political agenda mentioned at the national level ○ Adherence to common objectives ○ Common policy obligations taking priority over national policy ○ Internalization of EU membership and its integration process is present on the national level policy documents ○ Organizational and procedural change in national bureaucracies
	Uploading (bottom-up) (Wong and Hill, 2011)	○ The Dutch national government attempts to increase national influence in the world by promoting the 'Dutch' way in international meetings. ○ The Dutch national government attempts to influence policies of other Member states by promoting the 'Dutch' way in international meetings. ○ The Dutch national government uses the EU as a cover/umbrella ○ Dutch National policy uses the EU level as an influence multiplier
	Cross-loading (a result of the two above) (Wong and Hill, 2011)	○ Emergence of shared norms/values among policymakers from the EU and the Netherlands ○ Shared definition of European and Dutch interests ○ Coordination reflex and 'pendulum effect' where 'extreme' national/Dutch and EU positions are reconciled over time via bilateral and EU interactions

Note. Based on Wong and Hill(2011), Radaelli(2004), and Mulcahy(2011)

3.3. Methods

This research draws at a combination of policy content analysis and semi-structured interviews to unravel the qualitative case study of the Dutch SCO concept application. First that data collection methods are further discussed, whereafter this section touches upon the data analysis approach.

3.3.1. Data collection

To collect the data for in this study, the methods of policy content analysis for tracking the developments of the policies and semi-structured interviews are used in order to get a more in-depth insight in the practical and political backdrop of these developments.

The choice for policy document analysis is based on the reality that most policy ideas and developments on the national level and on the EU level are documented. The results of negotiations and policy-making processes can be found in these policy documents. The documents relevant for my research on the national level are the letters to the parliament and governmental reports and on the EU level relevant EU briefings and legislative proposals. These documents are acquired via governmental archives and registries[1]. The selection of documents is made by searching for documents related to the word: '*safe countries', 'safe country/ies of origin*' and '*list*' in the timeframe of '*2015-2021*'[2] and consulted for relevance. Part of the document selection is based on recommendations from experts in this field (Annex 3).

While these document are relevant, the choices made behind closed doors are not included in these documents. Also, the diversity of interests may not be fully reported in these documents. To get a feel of how the Dutch policy ambition and developments collide with the developments on the EU level secondary recourses are analysed as well. This is done in order to receive some information from policy advisors or asylum agencies linked to the government levels and to increase data from organisation which did not provide the possibly for an interview. It regards six secondary reports as well (see Annex 3).

As already mentioned, even though the documents are crucial to understand the policy process, the actual negotiations on policy ideas, or policy alternatives, top-down and bottom-up, take place in meetings of which the meeting minutes are not published. This is why, next to policy content analysis, data will be collected via semi-structured interviews. This choice for a semi-structured form comes from the ability to keep close to the research scope, but at the same time, the interviewees are welcomed to share more on aspects that could be useful for the research, but are not embedded in theory yet. These interviews are conducted mostly via online conference platforms, considering the remote communications reality due to COVID-19. A downside of this way of collecting data is that one misses

[1] https://www.rijksoverheid.nl/documenten; https://zoek.officielebekendmakingen.nl/uitgebreidzoeken/parlementair; https://www.consilium.europa.eu/nl/documents-publications/public-register/public-register-search/

[2] In Dutch: Zoektermen waren 'veilige landen' 'veilige landen van herkomst' en 'lijst'

a part of the nonverbal information. these limitations are elaborated on in the limitations section of this research.

Summarizing the two forms of data collection, the policy content analysis based on policy documents, reports, proposals, briefings and secondary reports regarding the SCO concept in the Netherlands and in the EU, allows for this study to have an overview of the policy timeline and policy developments upon which the indicators can be released. At the same time, to narrow the scope of this thesis, and to be able to find a well-founded answer to the research question, the focus is on forms of downloading and uploading found in the policy-making process at the Ministry of Justice and Security, and in particular at the Migration Policy Department: Asylum, Reception and Return responsible for the SCO policy in the Netherlands. Regarding the communication with the EU, the focus is on the policymakers involved with the Asylum Working Party, as an advisory body of the council of the EU. In this Working Party experts and policymakers of every Member state are represented. These bodies do not provide public minutes of their meetings and therefore the act of conducting interviews is crucial to find an answer to the research question. And regarding the communication with the EU, the policymakers involved with the Asylum Working Party, as an advisory body of the council of the EU. In this Working Party, experts and policymakers of every Member state are represented.

These meetings do not provide public minutes, and therefore the act of conducting interviews is crucial to find an answer to the research question. These interviews, after asking for consent, are recorded and transcribed. A pitfall, according to Walliman (2011), is that with interviews, the researcher has a lot, maybe too much, paperwork to get through. Considering that semi-structured interviews will be with high-level experts, I tend to have less interview, with rich data.

Regarding the sampling of the respondent for this research, purposive sampling is used, in particular expert sampling. This provides an overarching perspective on the policymakers who are directly involved (Frey, 2018). The expert regarding this form of sampling will be a respondent that is knowledgeable in the field of the governance of migration regarding the safe country of origin concept. By combining two forms of data collection, the validity of the research will increase, due to triangulation (Adcock and Collier, 2001). As mentioned, this study is based on the input of high level experts in Table 2:

Table 2.

List of Research Participants

Research Participant Number	**Research Participant Function**	**Organisation**
RP1	Anonymous function	Dutch Ministry of Justice and Security, Migration Policy Department Asylum, Reception and Return

RP2	Senior policymaker 1	Dutch Ministry of Justice and Security, Migration Policy Department Asylum, Reception and Return
RP3	Senior policymaker 2	Dutch Ministry of Justice and Security, Migration Policy Department Asylum, Reception and Return
RP4	Political administrator	Council of the EU, responsible for the proposal on the Asylum Procedure Regulation
RP5	Counsellor - Dutch Permanent Representation Brussels	Dutch Ministry of Foreign Affairs

Note. Interviews conducted as a part of this thesis research in June 2021

The high level experts, provide more in-depth information of the developments already mentioned in the documents and reports, in order to get a feel for the interviews that have taken place the interview guides are attached to this study in Annex 2 of the appendix. The following Table 3 provides a simplified overview of the documents for the policy content analysis, the more extensive list will also be attached in Annex 3, attached in the appendix.

Table 3.

List of Document types

Document type	**Amount per type**	**Year of publication**
Letter to Parliament[3]	19	2015, 2016, 2017, 2018, 2019, 2021
Report of general consultation	4	2017, 2018, 2019
Answer to questions from parliament	1	2021
National Judicial document	1	2021
Cabinet's response	1	2018
National government webpage	1	2021
JBZ Council reports	2	2015, 2021
BNC Fiche	1	2016
Secondary reports national level	4	2018, 2019, 2020
European (proposed) legislation	8	2015, 2016, 2018, 2020, 2021
EU Briefings	2	2015, 2017
EU Query	1	2017
EU Policy Debate	1	2018
Secondary report EU level	2	2018, 2021
Total amount	**48**	**2015-2021**

Note. See Annex 3 for the complete list of documents consulted

[3] **(*'tweede kamer*)**

3.3.2. Data analysis

In this thesis the process of the data collection and data analysis are combined in order to avoid another pitfall formulated by Walliman: “Raw field notes, often scribbled and full of abbreviations, and tapes of interviews or events need to be processed in order to make them useful. Much information will be lost if this task is left too long.” (2011, p.133). In order to keep being critical towards the collected data, and simultaneously, being careful with the data so that no analysis issues can occur by forgetting crucial meanings of abbreviations or other clues given during the interview.

For as well the analysis of the policy documents as the interview transcripts, the same indicators are used. “The process of coding is analytical, and requires you to review, select, interpret and summarize the information without distorting it” (Walliman, 2011, p.134). The final operationalisation is based on the operationalisation/indicators and the inductively found indicators during the analysis. This could be found in Annex 4, shown as an updated operationalisation table.

The iterative process of going back and forward with data analysis, data collection, and the coding scheme, has it’s pro’s and con’s. The benefits of this tactic is that later found findings, can be reflected on during the revision of earlier analysis. Second of all, the analysis is more coherent, since this approach makes it possible to make more connections throughout the data analysis phase. The downsides involved, have mostly to do with the structure that loosens up. The start and endpoint of the analysis feel more ambiguous. Also, by going back and forward with data collection and data analysis, could impact the focus in following interviews, since the thought processes is already progressed after the previous interview. This is an important remark for the replicability.

3.4. Case selection

Given the time span of this thesis research, having a concrete narrow research scope is important. In this thesis the central case is the Dutch application of the SCO concept, in particular the Dutch SCO list with a methodological focus on the Dutch-EU policy process dynamics. The Dutch case is particularly interesting, because the Dutch list is the longest in the EU (EASO, 2021). The list of safe countries according to the Netherlands includes 58 countries (Rijksoverheid, n.d.), including EER countries. This diverges a lot from other Member states’ SCO lists. Considering that the preliminary EU SCO list includes seven countries outside of the European Community (COM (2015)452).

Besides the length of the Dutch SCO list it has been debated extensively in the media (Boersema, Huisman and Kootstra, 2019). The Cabinet even provided an official statement to one of the news articles (Ankie Broekers-Knol, 2019). Moreover, the friction of international differences in asylum governance became visible through wide media coverage of the cancelled visit of Ankie Broekers-Knol to Morocco in 2019 (Boersema, Huisman and Kootstra, 2019).

Besides these reasons, the national Council of State[4], has up to two times reminded the Dutch government, via rulings, regarding their focus of the Asylum procedure Directive regarding the application of the SCO list. To be more concrete, a lawsuit has been filed on the fact that Morocco's addition to the SCO list possibly was not sufficiently researched and verified with the necessary parties (RvS, 2017; RvS, 2021). All these factors together make the SCO list of the Netherlands an interesting case study in the asylum policy field.

Again, the Dutch case is worth researching, however, the case as a whole is still too broad. That is why this thesis looks into an identified timeframe, 2015-2021. In light of the Asylum Procedure Directive entry in force (Annex 1) in 2015, the creation of the Dutch SCO list in 2015 and the peak in influx of asylum seekers in 2015, the reasoning behind the year 2015 as the starting point of this timeframe is obvious. Since then, further negotiations of EU asylum reforms have taken off. Regarding the end of the timeframe, there are two main reasons for choosing current times, (June) 2021, as the endpoint of the research timeframe. First of all, I wanted to be able to include the judicial ruling of the Council of State in April 2021 and take into account important breakthroughs, including corresponding policy documents on the EU level. Moreover, with the aim of this study being revealing the complex dynamic of the impact that the European Union has had on the Dutch application of the SCO concept, this thesis could be helpful for policymakers and other practitioners, by providing recommendations at the end of this study in chapter 5.1.

3.5. Ethical considerations

When doing research in a contested context I take into account various ethical considerations. First of all, I will ask permission to record all interviews that I conduct, and ask for the interviewee's approval to use the data by having them to sign an informed consent form.

Although this thesis research is focussed on the policy-making process on the Dutch national and EU level, to me it is important to enclose a notion regarding the possible bias from me as a Western thesis writer. Without having a migration background myself I will take into account as many perspectives as possible to prevent bias as much as possible in regards to assumptions of migration movements. Also, content-wise this thesis takes into consideration that the critiques on the 'safe country of origin' concept exists that documents and interviewees and my reflections can be biased because this concept in itself is already politicised.

Lastly, this thesis is written from the perspective of sedentary attitudes. The focus of the Dutch and European governmental context is to strive to protect refugees and simultaneously lower influx to Europe also with a focus on return. As a researcher I am aware of these attitudes.

[4] In Dutch: Raad van State

3.6. Validity and Reliability

Choices which are made when conducting a study influence its reliability and validity. Therefore, a brief elaboration on the embeddedness of these concepts in this study follows.

Reliability is understood as the measuring instrument which always gives the same results under the same conditions (Babbie, 2010). First of all, the fact that the Europeanisation theory debate is laid out in the theoretical framework, and the exact usage of the *multi-interpretable* concept of 'Europeanisation' is clarified, is a positive factor in regards to the reproducibility of this study. Also, the criteria used to measure the Europeanisation of the application of the safe country of origin in the Netherlands are the same criteria as the criteria used in the work of Wong and Hill (2011), who explore the Europeanisation of Foreign Policy in the EU. While foreign policy is different from asylum policy, both policies overlap in the internal and external effects of the policy fields.

Furthermore, there is an interview guide which guarantees the reliability of this study per category. A problem for the reliability might be that due to the demand for high level experts, the possibilities for conducting interviews were scarce. The timeframe of the thesis research is limited. A longer period for interviews would enrich the variety of experts even more.

Another challenge occurs with transferability. The Dutch case is not exemplary for a lot of other EU countries. This is because of the length of this list, but also because of the active public debate that possibly in other EU countries is less present. This could be further explored in future research.

Moving on to the consequences for the validity of the research. The essence of validity is that the instruments measure what needs to be measured (Babbie, 2010). The interviewees for this thesis are knowledgeable in the field of governance of migration and asylum at the national and/or EU level. They are also professionally related to one if these levels. Regarding high level experts, it is harder to speak to a lot of them. Having a small number of research participants, but all interviewees be experts in the field of the SCO context crossing the Dutch domestic and the EU level increases the validity of the research.

Another choice which has been made is to look at trends from a set timeframe: from 2015 to 2021. Reaching from the initiation of the SCO list in the Netherlands until current times. Furthermore, it can provide a more valid picture of the indicators in an iterative process.

A downside in regards to the validity of the research is that some meeting minutes on the EU level were not available, just like some other documents related to informal discussion and knowledge forums. Having access to this information could have made the data even richer and increase the validity even more. However, this would take a longer period of research, most likely a non-disclosure agreement and a researcher who can be authorised to look into certain programmes, documents and query forums. This was not achievable in the scope of this master thesis.

4. Findings and Analysis

In this chapter, the findings of the policy document analysis, are presented, together with the findings deriving from the conducted interviews. The findings are structured along the sub-questions of this study. I will start with an elaboration of the SCO list application in the Dutch case as a point of departure, whereafter the focus turns to the presence or absence of downloading and later on, moving on to the degree to which uploading is present or absent. Finally, a separate section discusses the dimension of 'cross-loading' and provides further reflections.

4.1. The Dutch application

The Dutch application of the SCO concept started in 2015. A JHA council configuration advised to start a SCO list, in which Member states could prioritise assessing certain 'Balkan'- countries as safe.

> "As I announced during the debate of 14 October on the European Summit of 15 October 2015, I have decided to establish a national list in anticipation of the draft Regulation establishing a European list of safe countries of origin"[5] (D02, p1)

The Netherlands initially wanted to wait for the EU to come up with a SCO list. However, when the influx from safe countries arose, the Dutch government decided to create one of their own (RP2). In March of 2015 the 'multiple-track policy'[6] was partially implemented in the Dutch asylum system. This 'multiple- track policy' consists of five tracks, of which three are activated, see Table 4. The second track is obviously the most important in this research scope.

Table. 4

Sporenbeleid/ 'multiple-track policy'

Track 1	The track for Dublin cases
Track 2	The track for asylum seekers from safe countries of origin and asylum seekers who are already receiving protection in another Member state
Track 3	The track for obvious consents *(disabled)*
Track 4	The general track for asylum procedure (asylum applications that are not processed in another track
Track 5	The track for evident compliance after a short investigation *(disabled)*

Note. Based on ACVZ (2019); IND (2021)

[5] In Dutch: "Zoals ik tijdens het debat van 14 oktober over de Europese Top van 15 oktober 2015 heb aangekondigd, heb ik besloten om, vooruitlopend op de totstandkoming van de ontwerp-Verordening met een Europese lijst met veilige landen van herkomst, een nationale lijst in te stellen."

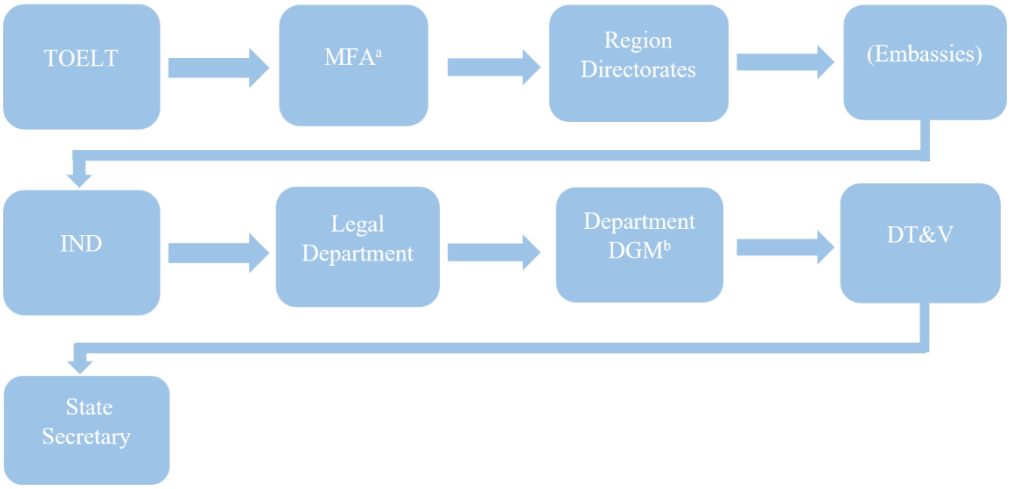
[6] In Dutch: 'Sporenbeleid'

From that moment on, the Dutch SCO list has had an effect on how the procedure for asylum seekers, originating from safe countries, took place. The second track meant that "(negative) decision[s] on the asylum application being taken on average within ten days after registration of the asylum seeker from a safe country of origin. If his asylum application is rejected, the asylum seeker receives a return decision to leave the Netherlands immediately" (D06). In other words, "the premise is that the application is not eligible. […] This therefore places a heavier burden of proof on the foreign national to demonstrate that he is eligible for international protection"[7] (D02, p. 2).

The process of adding countries to the SCO list by the Dutch government entails various steps and actors. The length of the process is also stressed by the State Secretary: "Also looking at of the procedures that are followed, I cannot wish every country safe. It must hold up."[8] (D17, p. 37). Requests for assessments can derive from the Dutch Parliament, or from a suggestion from the European Commission as once occurred, but mostly influx is the indicator when countries get taken into consideration for assessment (RP 2).

The assessments are costly and time consuming. Many actors and departments are involved, of which Figure 2 illustrates the communication lines.

Figure 2: SCO list expansion communication line



Based on interview with RP2

[7] In Dutch: Met andere woorden, de vooronderstelling is dat de aanvraag niet voor inwilliging in aanmerking komt. De aanvrager kan substantiële redenen aanvoeren waarom het land in zijn specifieke geval niet veilig is. Daarmee rust er dus een zwaardere bewijslast op de vreemdeling om aannemelijk te maken dat hij in aanmerking komt voor internationale bescherming."

[a] Ministry of Foreign Affairs

[b] Directorate for Migration Policy of the Ministry of Justice and Security

[8] In Dutch: "Ook met het oog op procedures die worden gevolgd, kan ik niet elk land veilig wensen. Het moet wel standhouden."

This elaborate path is used in order to get to an updated SCO list. In between 2015 and 2021 multiple trances have been released and since 2017 the Dutch government started reassessing the countries on the list. The importance of the reassessment is also laid down in the Asylum Procedure Directive (see Annex 1). However, the times between reassessments is not defined. Annex 1, article 36 states 'regularly review', typical for a guideline in a directive.

The requirements and guidelines for this designation, are stated in the Asylum Procedure Directive. This directive is the most visible type of downloading. This will be discussed in the next paragraph.

4.2. Downloading

The top-down form of Europeanisation, is referred to as 'downloading' (Wong and Hill, 2011; Radaelli, 2003). In Annex 4 the final operationalisation is presented. All these indicators will be examined this paragraph, aiming to formulate a founded answer to sub question 1: *How did the Dutch government 'downloaded' legislation and policies from the EU level?*

Asylum Procedure Directive

The top-down influence from the EU is first and foremost coming from 'hard' legislation, in particular the Asylum Procedure Directive (2013/32/EU). This relates to the indicator: *the implementation of EU legislation* (Annex 4). This piece of legislation is not a regulation and therefore has no direct influence on the Dutch national law. It is an outline for the policy possibilities and requirements.

In the first chapter of this study, in Annex 1, the relevant articles of the directive on this research scope are presented. It is required to know when and to whom the SCO concept applies (Annex 1). Also, the EU provides Member states with a conditions framework regarding the assessments of countries (Annex 1). While it is up to the Member states if they create their own SCO lists and when they do so, there are rules to follow. This is why the directive is integrated in the Dutch national law since 2015 as article 3.105a within the Aliens Act 2000 (Art. 30 Aliens Act 2000). In most of the letters to Parliament (D11, p.1-2; D12; D13; D14 and D15) the directive is mentioned as the structuring basis of the SCO application.

Not only in regards to the legislation, but also in regards to policies the Netherlands took advice from the EU level to make additions to the SCO list accordingly. This has to do with the advice that was given to add the Western Balkan countries to the EU list of safe countries. "Following the conclusions of the JHA Council meeting on 20 July 2015, at which Member states agreed that priority should be given to an assessment by all Member states of the safety of the Western Balkans, the EASO organised an expert-level meeting with the Member states on 2 September 2015," (D47 p.3) also confirmed in the interviews (RP1 and 2). It was stated that the Dutch government first waited for the European list, because that seemed like "a good idea" and at the same time there was a fairly large influx of [disadvantaged] asylum seekers, from the Western Balkans, which eventually led to the Dutch also starting the national list (RP2). However this indicator seems evidently met and easily ticked off the

indicators' list, it is not so black and white. The implementation of the Asylum Procedure Directive still contains some critical remarks. First of all, although the importance is mentioned to include resources from the European Asylum Support Office (EASO), the UNHCR, the Council of Europe and other relevant international organisations (D30), it is more than once reported that some organisation do not provide relevant information: "EASO reports are also used, where available" [9] (D13) "No (current) reports from the UNHCR were found that were useful for this reassessment."[10] (D43); No (current) reports from EASO and the UNHCR were found that could be used for this reassessment."[11] (D43)

Possibly, this could be explained by the fact that EASO is mainly concerned with asylum countries, which are by definition not safe countries of origin, and therefore do not have a seat at the table[12] (RP 2). However, this possibly is about to change with the EUAA (D16; D34). "The Agency should assist the Commission and should be able to assist the Member states […] by providing information and analysis on third countries regarding the safe country of origin" (D34, p.9). A close connection to this Agency relates to a recommendation formulated at the end of this study.

While various actors like the Ministry of Justice and Security, the Ministry of Foreign Affairs, The IND, and embassies are at the policy-making table, the EASO is not. Even though, the EU ambition is to deploy the office in that manner, "a European Asylum Support Office supports Member states in the implementation of the Common European Asylum System" (D32, p.2). Using the same documents and resources is not enough for Member states to fully converge. As stated before, the shared frame leaves space for further individual interpretation on the national level. This brings us to the findings regarding the ruling of the Council of State about the reassessments of the Dutch SCO list on 7 April 2021.

Council of State Ruling 7 April 2021

During the ruling of 7 April 2021, a Mongolian refugee asking for asylum in the Netherlands was rejected due to the fact that the Dutch judge had ruled the Mongolian state to be safe for the LGBTI community (D22). The Administrative Law Division of the Council of State ruled this year that the state secretary did not use all the available information sources for the reassessment, nor all the sources listed in the European Procedures Directive (2013/32/EC).

This case is crucial for two reasons. First of all, the resources that the Netherlands was using for its reassessment of safe countries were insufficient, according to the Council of State. From the start of 2017, when the first reassessments took place, the Dutch government was in the understanding that the

[9] In Dutch: EASO rapporten worden eveneens gebruikt, voor zover beschikbaar"
[10] In Dutch: "Er zijn geen (actuele) rapportages gevonden van de UNHCR die bruikbaar waren voor deze herbeoordeling."
[11] In Dutch: Er zijn geen (actuele) rapportages gevonden van EASO en de UNHCR welke bruikbaar waren voor deze herbeoordeling."
[12] In Dutch: Rapporten van EASO moeten betrokken worden volgens de procedure richtlijn. Maar EASO houdt zich met name bezig met asiel landen, dus dat zijn per definitie niet veilige landen van herkomst, dus dat maakt dat ze niet aan tafel zitten

second assessment would not have to be as elaborate as the first assessment. To make the assessment more efficient, the national government made use of the Canadian IRCC list of criteria:

> "I [State Secretary of the Ministry of Justice and Security] am in line with the method developed in Canada by the IRCC (Immigration, Refugees and Citizenship Canada), based on a limited number of sources (in particular the country reports of the US State Department and the reports of Freedom House) in a quick assessment a number of criteria is examined. The criteria I use are: - democratic governance, - protection of the right to freedom and security of the person, - freedom of expression, - freedom of religion and association, - protection against discrimination and persecution by third parties, - access to independent investigation, - access to an independent judiciary, and access to remedies"[13] (D09, D11, D12 and D14, - p.1; D22),

From the moment after the ruling, the reassessments are not conducted as before (D21). The reassessment of safe countries of origin -Albania, Algeria, Montenegro and North Macedonia (D15)- is elaborate and consults various recourses and consultations. For example, for the reassessment of Albania, nine different sources of reports were consulted. For the reassessment of Togo in 2020 on the other hand predominantly The Freedom House and the US State Department reports were studied, a complete list of used resources is not shared as such (Ministry of Justice and Security, 2020)

This ruling confirms that the directive is not described narrowly enough. The Dutch government has its own interpretations and norms, so do other countries. This is exemplary for how the diversity remains present in implementing the same directive all over Europe (D15; D21).

Internalization of EU membership

The second reason why this ruling is crucial, is that it seems to portray the effect of EU integration and the relevance of EU membership.

The use of the Canadian IRCC criteria could not be seen as an error in downloading, because it was a well through-out copy of the Canadian way, which was learned through an international conference exceeding the boundaries of the EU (RP5). In principle the Dutch government is within her right to learn and copy this set of criteria from the Canadians. However, what is problematic, is that the Dutch government for the reassessments, exchanged their elaborate approach based on the Directive, with a brief investigation based on this Canadian list of criteria, which was found illegitimate by the Council of State. The process is therefore overruled by the EU level, while, and that is striking, the EU

[13] In Dutch: " Ik sluit hiermee aan bij de werkwijze die in Canada door de IRCC (Immigration, Refugees and Citizenship Canada) is ontwikkeld, waarbij op basis van een beperkt aantal bronnen (met name de landenrapporten van het US State Departement en de rapporten van Freedom House) in een snelle beoordeling een aantal criteria wordt onderzocht. De criteria die ik daarbij hanteer zijn: - democratisch bestuur, - bescherming van het recht op vrijheid en veiligheid van de persoon, - vrijheid van meningsuiting, - vrijheid van godsdienst en vereniging, - bescherming tegen discriminatie en vervolging door derden, - toegang tot onafhankelijk onderzoek, - toegang tot een onafhankelijke rechterlijke macht, en toegang tot rechtsmiddelen"

did not start an intervention. Not politically or formally, possibly informally, but this was not found in the data. What is found, is that the *European handbrakes* are already integrated in the Dutch System. The fact that the Dutch Council of State looks after the rules made on the EU level, this monistically integrated legal system, and the way being a member of the European Union is interwoven with the Dutch context is again an argument in favour of Europeanisation happening.

EU Political Agenda and Adherence of Common Objectives

The European ambition to converge the European Asylum policy and the Dutch enthusiasm about the CEAS, which includes phases of common objectives and shared norms, values and definitions, are found in the comprehensive European Agenda of Migration (European Commission, 2015). The EU context and Dutch context are described from the Dutch national perspective, as if they are merged: "For many, the increased influx of asylum seekers in Europe and the Netherlands at the end of 2015 and the beginning of 2016."[14] (D01, p.1) and "Strengthening border management is not only necessary to combat human smuggling at Europe's external borders, but also to promote security and mobility at our own borders, including at Schiphol."[15] (D01, p.2). This is why the indicators of the *salience of the EU agenda* and the *adherence of common objectives* are discussed together.

Where this position of the EU and EU policy can be traced back from these formal and public expressions, an actual result is not yet visible. The Netherlands is positive towards EU proposals (D44). However, formally, the only direct top-down influence was with the imposed suggestions of adding the Western Balkan Countries to the Dutch SCO list and applying the directive. This is a finding backed by a larger amount of recourses. The indicators are present in Dutch formal policy expressions. For example, in the BNC Fiche (D44) emphasises that: "A European list of safe countries of origin […] will help to shorten the duration of the asylum procedure […]. This is in line with the objective of further harmonization of European asylum policy. The government is positive about this."[16] (D44, p.6)

National priorities over EU priorities

The indicator of *EU over national priorities* would be more present if there were EU regulations in place regarding the SCO concept, especially since the Netherlands is so welcoming towards EU ideas in regards to the EU SCO list (D44). The opposite is true. During the past few years Dutch experts emphasise the importance of the national governments having influence on the composition of the EU SCO list (RP5). When this was not taken over at the EU level, the Netherlands put in its effort to the mandate of keeping a separate national SCO list, next to the EU list (RP5; D13). This was all done in

[14] In Dutch: "Voor velen staat de verhoogde asielinstroom waarmee Europa en Nederland eind 2015 en begin 2016."
[15] In Dutch: "Versterking van grensbeheer is niet alleen nodig om mensensmokkel aan de buitengrenzen van Europa tegen te gaan, maar ook om de veiligheid en mobiliteit aan de eigen grenzen, waaronder op Schiphol, te bevorderen."
[16] In Dutch: Een Europese lijst van veilige landen van herkomst of een Europese aanduiding van een land als veilig derde land, zal helpen bij het verkorten van de duur van asielprocedure […]. Dit sluit aan bij de doelstelling van een verdergaande harmonisering van het Europese asielbeleid. Het kabinet staat hier positief tegenover."

order to not let the EU list rule fully over the Member states. The indicator of following priorities from the EU level over the Dutch ones is not present.

Organizational and procedural change in national bureaucracies

When the 'downloading'-dimension has an influence on the organisational structure on the national level, this would imply a serious form of EU impact, or in other words, Europeanisation. In this case, the European Asylum Procedure Directive (2013/32/EC) has had an impact on the Dutch procedures, as it is expected from the ministry that multiple resources are consulted, and certain requirements are met (RP2). However, it is not the case that organisational changes are made because of the developments on the EU level.

Sub conclusion

The Dutch government was hesitant to make an SCO list of its own before 2015. The option of waiting for an EU example seemed like a good idea. However, when that did not proceed the Dutch government decided, based on the Asylum Procedure Directive, to construct a national SCO list.

Meanwhile, the Netherlands had also still a positive standpoint on creating an EU list of safe countries (D44). Also, the EU suggestions to bring the Western Balkan countries into assessment for the national SCO lists was willingly implemented by the Dutch government. All this indicates a downloading character of the Dutch application of the SCO concept. However, this is not the whole story, seeing the impact of the Dutch Parliament NS international conferences (IRCC - criteria). Moreover, the safety and security norms are determined on the national level, with almost no interference of the EU the impact stays limited. This is also because there does not have to be influence without legislative grounds related to the absence of EU regulations, which refers back to the article of Lavenex (2008). A visual summary of the presence of the indicators can be found in Table 5.

Table. 5

Presence of indicators – 'downloading'

Indicator	Present
Implementation of EU law in Dutch legislation	
Increasing salience of European political agenda mentioned at the national level and Adherence to common objectives	
Common policy obligations taking priority over national policy	
Internalization of EU membership and its integration process is present on the national level policy documents	
Organizational and procedural change in national bureaucracies	

Note. Indicators based on Wong and Hill (2011, p.7) [17]

[17] The green circle stands for rather present, the orange circle stands for equally present as absent, and the red circle stands for rather absent.

4.3. Uploading

The 'uploading' dimension of Europeanisation (Wong and Hill, 2011; Radaelli, 2004) changes the perspective from top-down to bottom-up. Just like the indicators for the 'downloading'-dimension, the final operationalisation is presented is Annex 4. The four corresponding indicators will be examined though this paragraph. Aiming to formulate a founded answer to sub-question 2: *How was the Dutch government involved in 'uploading' policy practices to the EU level?*

'Uploads' through Blocks

The first two indicators in 'uploading' reduced from the literature are: 1) *The Dutch national government attempts to increase national influence in the world by promoting the 'Dutch' way in international meetings* and 2) *The Dutch national government attempts to influence policies of other Member states by promoting the 'Dutch' way in international meetings*. These indicators are not at all recognized in the data. The rewritten alternatives are more compatible with the Dutch reality *The Dutch national government shares best practices or ideas shared in EU meetings (AWP, JHA Council)* and *The Dutch national government shares best practices or ideas shared in MS meetings (Informal meetings)* (Annex 4).During EU meetings of the Asylum Working Party, experts from all Member states can contribute and influence EU commission proposal texts. In this Asylum Working Party, also Dutch policymakers and experts, specialised on Asylum and immigration issues, have a seat.

Figure 3. Blocks in the Asylum Working Party

Based on interview RP4

Although the Netherlands has its own priorities which hare shared in these meetings, this research has found that the individual state input gets blurred out. This already occurs in the phase prior to these EU meetings.

This is because the negotiation within this working party consists of 3 *blocks*, as illustrated in Figure 3. The Netherlands belongs to the 'North-west' group, whereas the Southern European states and Eastern Europe have their own block (Figure 3) all with their own interest. To stay strong in these negotiations, the blocks communicate between themselves to prepare the Working Party meetings. This can work two ways. Most of the time, the standpoints within the 'block'/group are quite similar, and in the case of the Netherlands, other North-Western countries help realise certain Dutch goals. However, at the same time it can get harder to express direct national 'uploads' because of this group structure. Sometimes it can be clear, for example, when the European Commission proposed an automatic redistribution mechanism for people disembarked for 'search and rescue', it was obvious that it was brought in from Italy.

However, often it is not easily traceable 'that is clearly a Dutch position' certainly because there is overlap between Member states in terms of positions[18] (RP4).

Apart from the fact that individual 'uploads' are hard to recognise in an environment where multiple Member states team up in blocks, the negotiations about the SCO list in particular, were not very concrete. Since 2016 the EU SCO list is included in the Asylum Procedure Regulation (COM (2016)467, which was amended to COM (2020) 611), of which the SCO list is only a small part: "I think the [Common SCO List] is a very small part of a bigger package at the moment and there's not much specific discussion on this topic"[19] (RP1).

Bottom-up influence – maintaining the national SCO list

Although the meeting minutes of the Asylum Working Party are not publicly accessible, the Dutch priorities in those meetings became clear during the interviews conducted for this study. In regards to asylum policy, the Netherlands has its priorities on different topics. An important priority is the development of solid border procedures in all Member states (RP4). This however exceeds the topic of the SCO list. A priority more closely related to the SCO policy, is maintaining the national list of safe countries, besides the creation of a common EU list.

This finding is remarkable, since it seems to oppose the Dutch and European ambition to move towards a unified approach regarding asylum application. The EU pact on migration in 2016 aimed on "streamlining procedures on asylum" (D36, p2); Also in the Dutch comprehensive agenda on migration this ambition is clearly stated:

> "Firstly, the government aims to ensure that the level of protection offered and the framework for asylum procedures are the same in all member states of the European Union (EU). The European asylum policy must therefore be harmonized extensively so that 'asylum shopping' is prevented." [20](D01, p.7)

Where previously, the EC proposal stated that " Member states will have their own national list for only five years […] This is in line with the objective of a more far-reaching harmonization of European asylum policy." [21](D44, p.6; D32, p.5), the new proposal (COM (2020)611) removed the five year

[18] In Dutch bijvoorbeeld wel dat toen de Europese commissie een voorstel deed voor een automatisch herverdeling mechanisme voor mensen die ontscheept zijn naar search and rescue, dan weten we zeker dat het vanuit Italiaanse hoek is gebracht, maar inderdaad vaak is het niet herleidbaar van 'dat is duidelijk een NL standpunt' zeker omdat er overlap is tussen lidstaten qua standpunten

[19] In Dutch: "Volgens mij is het [gemeenschappelijke veilige landen lijst] op dit moment een heel klein onderdeel van een groter pakket en wordt er niet zo specifiek op dit onderwerp gesproken."

[20] In Dutch Ten eerste streeft het kabinet ernaar dat het geboden beschermingsniveau en het kader voor asielprocedures in alle lidstaten van de Europese Unie (EU) gelijk zijn. Het Europees asielbeleid moet daarom vergaand geharmoniseerd worden zodat 'asielshoppen' wordt tegengegaan.

[21] In Dutch: Een bijkomend voorstel van de Commissie is dat lidstaten nog slechts vijf jaar een eigen nationale lijst kunnen hanteren. Dit sluit aan bij de doelstelling van een verdergaande harmonisering van het Europese asielbeleid. Het kabinet staat hier positief tegenover.

period. Instead the EC led it vague and states: "The EU Council did not reach an agreement on the European list of safe countries of origin as proposed by the European Commission."(D33 and D40).

The Netherlands indicated in the negotiations that they were positive about the proposal that only a European list would be used in the future.

> "In that context, the Netherlands has argued for greater influence of individual member states on that list, because the influx from some countries is so specific to a particular member state that it will be less likely to be visible at European level. The proposal as it is now before the Council includes the option for Member states to use a national list in addition to a European list." [22] (D28, p.17)

It is clear that the Netherlands is careful with handing-over authority with regards to the composition of the SCO list (RP5). At the same time, harmonising, while simultaneously having Member states following their own pathways, could be seen as paradoxical. Initiating this as a compromise, is in fact a successful upload from (not exclusively) the Netherlands. It entails having a common basic list, but keep the possibilities for additions per Member state depending on the situation in the influx and bilateral relations of that state.

'Uploading' SCO policy, not a Dutch priority

In this subchapter, the uploading acts are highlighted, however as one could read, the negotiation blocks on the EU level, make the direct bottom-up influence hard. Moreover, while the Netherlands expresses the Dutch priorities, for example the maintenance of the national list besides the EU SCO list. Looking into the indicators: *The Dutch national government uses the EU as a cover/umbrella* and *Dutch National policy uses the EU level as an influence multiplier*, these are hard to prove.

> "*Question* : Have there been discussions about how different countries approach it and how they do it, and that the Netherlands has expressed itself about how we [the Netherlands] are doing it. *Answer:* No, not to my knowledge, but that doesn't mean it didn't happen. Of course you also have EASO, which also plays an important role in bottom-up harmonisation. […]The Netherlands has not gone wild with our list. You sometimes describe the usefulness of having a safe country list."[23] (RP1)

[22] Nederland heeft destijds in de onderhandelingen aangegeven positief te staan tegenover het voorstel dat in de toekomst alleen nog een Europese lijst wordt gebruikt. Dit sluit aan bij de doelstelling van een verdergaande harmonisering van het Europese asielbeleid en kan secundaire migratie tegengaan. Nederland heeft in dat verband wel gepleit voor een grotere invloed van de individuele lidstaten op die lijst, omdat de instroom vanuit sommige landen dermate specifiek is voor een bepaalde lidstaat, dat die op Europees niveau minder snel in beeld zal zijn. In het voorstel zoals dat nu in de Raad voorligt, is voor de lidstaten de mogelijkheid opgenomen om naast een Europese lijst ook om een nationale lijst te hanteren.

[23] In Dutch: "Q: Zijn er wel gesprekken geweest hoe verschillende landen het aanpakken en hoe ze dat doen, en dat Nederland zich heeft geuit over hoe wij [Nederland] het doen.

Upload as Cover

The Netherlands, is quite unique in the extensiveness of their SCO list, the Dutch government puts a lot of effort in assessing countries as 'safe/unsafe'.

While in the theoretical framework of the thesis, the risks of the SCO concept and the securitized character are highlighted by Hunt (2014) and Gurzu (2012), the Dutch State Secretary has a more positive approach: "It is a list of safe countries of origin. The Netherlands is further along than the neighbouring countries, resulting in more countries on the list. But that just means that we have done a lot of homework to get an overview whether countries are safe countries of origin"[24] (D19, p.41).

Data does not show that the Dutch government kept in mind to cover this policy at the EU level. Yet the only thing the Dutch were trying to cover, was in general an EU approach for the SCO concept, however this did not work out yet. Paradoxically, partially due to the Dutch priority to keep the national lists, besides a common EU list. Also seeking coverage for a certain policy as a member state on the EU level, leans to the fact that the Member state, in this case the Netherlands, wants support on its national policy choices. Since multiple documents from the Ministry and additional data retrieved from interviews show that the Dutch SCO policy is quite state-centric, this indicator is not been found.

Proof for this finding is that, first of all, the EU idea to place Turkey on the Eu Common list of safe countries, is rejected on the Dutch national level (D02, D03; D27). Second of all, the Netherlands, without EU support started to use exception grounds (D11; D12, D14, -p.2). Thirdly, the Netherlands expanded the SCO policy with extra policy measures linked to: less reception; faster in immigration detention; ending return support and setting up a local approach (D06). Later this was added with separate and sober reception for troublemaking foreign nationals from safe countries (D41). Also, for the Netherlands, it is important to look at the influx intake figures and acceptance percentages, which are different per country. In short, the national context is leading for Dutch policy (D13).

Influence Multiplier

The final indicator: *Dutch National policy uses the EU level as an influence multiplier* , is also not directly supported by the data. Due to the fact that no regulations are adopted yet, which would have a more direct impact on the Member states, this indicator is not yet relevant. In two concrete policy ideas, the Netherlands has the ability to multiply their influence in the future. This regards the 1) maintenance of the national SCO list next to implementing an EU Common SCO list and 2) the usage of exception ground among which LGBTI+ grounds are outstanding. The latter will be elaborately discussed in the discussion section of 4.4. Possibly later, after the Asylum Procedure Regulation (COM (2020)611) is

A: Nee niet bij mijn weten, maar dat betekenen niet dat het niet gebeurt is. Je hebt natuurlijk ook EASO, die ook een belangrijke rol heeft in de bottom-up harmonisatie […]Nederland is niet de boer op gegaan met onze lijst. Je beschrijft soms het nut van het hebben van een veilige landen lijst."

24 "Het is een lijst van veilige landen van herkomst. Nederland is daar verder mee dan de ons omringende landen, dus er staan meer landen op. Maar dat betekent gewoon dat wij heel veel huiswerk hebben gedaan om van al die landen in beeld te brengen of dat veilige landen van herkomst zijn"

adopted, these policy ideas could multiply the Dutch influence, however from the sources consulted in the content analysis and interviews in the timeframe 2015-2021, no signs of the Dutch trying to use certain 'uploads' as an influence multiplier.

Sub conclusion

The bottom-up impact is limited. Mostly, because the Netherlands doesn't prioritise formally discussing the Dutch 'way' on the EU level in regards to the SCO list. There are forms of uploading happening, amongst others the amendment of keeping the national SCO lists. The essence is the importance of aligning the norms of that is 'safe'. However in that realm, the Netherlands does not seem prioritising engaging, seeking support and sharing ideas on the EU level. They keep the policy developments regarding the SCO concept, rather state-centric. Possibly when more concrete regulations on the SCO concept are discussed, more concrete 'uploads' will occur, this is something for future research to explore. A visual summary of the presence of the indicators can be found in Table 6.

Table. 6

Presence of indicators – 'uploading'

Indicator	Present
Increase national influence in the world by promoting the 'Dutch' way in international meetings.	
Influence policies of other Member states by promoting the 'Dutch' way in international meetings.	
The Dutch national government uses the EU as a cover/umbrella	
Dutch National policy uses the EU level as an influence multiplier	

Note. Indicators based on Wong and Hill (2011, p.7)[25]

4.4. Discussion: cross-loading?

The findings and analysis on the dimensions of 'downloading' and 'uploading' have opened the way to link it back to theory and find out to what extent the indicators for 'cross-loading' are present. Which leads us to the third sub-question: *How is the Dutch domestic policy on the safe countries of origin principle Europeanised?*

First of all, this section will touch upon the Dutch application of exception ground and in particular the exception ground for LGBTI-community. Following this discussion, further indicators of cross-loading will be discussed, shared norms and values, the use of a shared definition and lastly the existence of a 'pendulum effect'.

[25] The green circle stands for rather present, the orange circle stands for equally present as absent, and the red circle stands for rather absent.

Dutch input on LGBTI – and other grounds for exception

A typical component of the application of the SCO concept in the Netherlands, is the usage of exception grounds in the assessment for 'safe' countries (D04; D08). The Netherlands is not the only country who works with certain exception grounds. The EASO report on the safe country of origin lists in Europe, shows the variety of applications:

> "With regard to specific groups of people, Luxembourg has designated Benin and Ghana as safe countries of origin but only for men. With regard to Russia, Denmark applies exceptions for ethnic Chechens, LGBTI applicants and Russian Jews, […]The country also has exceptions for LGBTI applicants in general. Exceptions for specific profiles in Armenia, Morocco and Tunisia are included in the Netherlands."(D40, p.7)

In contact with the Ministry, it was stressed that the Netherlands is not only using exceptions for the LGBTI community, but also, for example in the case of Morocco "there are also exceptions with regard to (online) journalists and (human rights) activists who criticize Islam, the royal family and/or the Moroccan government, inter alia because of the government's official position on the Western Sahara"[26] (RP 1 and 2). The Netherlands sometimes also excludes areas that are not under effective control of the central authorities, this is the case for Ukraine and Georgia (RP1 and 2 and D18, p.35).

Interpreting the directive in a way that the 'safe'-label doesn't always belong to a state as a whole, but certain (social) groups or certain regions can be excluded from this label. I think this is a valuable interpretation, however, it is also very delicate. Where is the line between such identified regions? That is why some other Member state, for example Germany, choose for the interpretation, *safe=safe* and when certain groups turn out to be unsafe, than he whole country get scrapped from the SCO list (RP2). Certain considerations are now up to the Member states, and are partially the reason for some differences in the lengths between SCO lists in the EU.

Viewing LGBT exception grounds from a 'downloading' and 'uploading' perspective, it stands out that the first time the exception grounds for the LGBTI community were executed in 2016, in the case of Morocco. The policymaker shared to be unsure how this exactly came to be, but that it was not something that was stimulated from the European level (RP1 and 2). This would mean that this part of the Dutch application is not top-down influences by the European level. However, is it then relatable to the dimension of 'uploading'?

And what I gathered from data in that realm, the Netherlands is not that interested in sharing and promoting their application to the EU level as well. Which ties in with an earlier paragraph ''Uploading' SCO policy, not a Dutch priority'.

[26] In Dutch: […]zie je dat daar ook uitzonderingen gelden tav (online) journalisten en(mensenrechten) activisten, die kritiek uitoefenen op de Islam, het koningshuis en/of de Marokkaanse regering, onder meer vanwege het officiële standpunt van de regering betreffende de Westelijke Sahara.

In the most ideal world of Europeanisation, all Member states would be knowledgeable of the different existing forms of application and have discussions to improve each other's approaches. However, the issue regarding the absence of intercommunication, of the lack of trust and transparency acts up again. To the question 'How is [the LGBTI exception grounds] presented in European circle', "the reaction is: I'm not exactly sure what you mean by "presented". We do not account for the results of national (re)assessments" [27](RP 1 and 2). The European lens does not seem to be the most essential one.

While these exception grounds does not seem to fit with 'downloading' and also it is not actively discussed/promoted in an 'uploading'-way, where does this finding fits in this analysis?

Simultaneously, some action is taking place in the EU – domestic interplay where the EC stresses the importance of 'gender-sensitivity', and praises the Netherlands for considering countries inter alia Senegal, as "safe except for LGBTI" (Le Bellec, 2021, para. 6).

Possibly, when communication lines in the interplay among Member states and between the Member states and the EU institutions, has the potential to grow in the form of cross-loading.

Shared norms and values

Having shared norms and values among Member states indicates and strengthens the ability for policy to converge in the EU, via the act of cross-loading. While in this case, the indicators 'shared norms and values' overlaps to a certain extent with the indicator 'shared definition', because the definition of a 'safe country' is based on the Member state's norms which differ, see the Togo example in the introduction of this thesis.

The value of having a SCO list, is shared by 22 EU+ countries (D40), and the more general values of the EU are laid out in the Treaty of Lisbon, Title 1 Article 2 shows: "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. " (2007/C 306/01) So, one could conclude that the common values are in place.

However, to make a critical note outside of the scope of this research, I would not directly assume these norms and values are practices by each and every member state. Returning to the previous section about exception grounds for the LGBTI community in the Netherlands, I would argue that it is up for interpretation is the LBGTI community has all freedom and equality and enjoy the same human rights as other, especially since the anti-LGBT-law passed in Hungary (Baczynska, & Emmott, 2021), this discrepancy between values is acknowledged by EU politicians as well: "French President Emmanuel Macron has called the split over values between the liberal West and more conservative eastern countries such as Hungary and Poland a "cultural battle" that damages EU unity."(Baczynska, & Emmott, 2021, para. 14). Although I do not want to elaborate on this too much, it is a striking example for the divided European identity. This then again touches upon the debate of diversity. Diversity in

[27] In Dutch: "Hoe is dit gepresenteerd in Europese kring? Ik weet niet precies wat je bedoelt met 'gepresenteerd'. We leggen geen verantwoording af over de uitkomsten van nationale (her)beoordelingen."

Europe can be celebrated 'unity in plurality', but complicates policy-making when norms and values diverge too much.

Shared definition

This paragraph is in line with the previous section on shared norms and values. As the title of this thesis demonstrates: '*One European Union, one meanings of 'Safe'*?' is a aligned definition of 'safe' needed to align European Member states in their SCO policy.

This definition is provided in an abstract form, however the ways how it can be filled it, makes that the definition still is not shared. The fact that this shared definition not yet exists, is possibly correlating with the fact that regulations on this topic kept on being rejected or amended.

While the Netherlands stresses the importance of a 'harmonised Eu definition' and a 'uniform application' on the definition (D23), still there is no fully harmonised and uniform definition.

> "The degree of harmonisation of national procedures […] has not proven to be sufficient to address differences in the types of procedures used, the time limits for the procedures, as well as the rights and procedural guarantees for the applicants. Only a Regulation establishing a common asylum procedure in the Union, and whose provisions shall be directly applicable can provide the necessary degree of uniformity and effectiveness." (D33, p. 8)

The relevance of regulations covering the SCO concept definition is emphasised again. This shared definition is being aspired, but between 2015-2021 this shared definition is not realised.

The data analysed in this study also shows that the absence of communication, or lack of trust and transparency, hinders the pathway of coming to a shared definition.

Some examples of reactions to questions about the implementation or intention of the EU or other Member states support this: "I have to say that I have no idea how other countries do that."[28] (RP5); "since no one want to upset the neighbour or other MS it's not something that will have them formulated."(RP3); "In the last 2 years there has not been discussion about this." (RP3).

At the same time, the communication cannot be fully explored in this research. Due to the fact that it is not published, it cannot be reviewed, however that does not mean that is does not take place. Still, while analysing a query, asked out by the EMN, it was found that the Netherlands iis not bound to the assessment of fellow member states:

> "*Question 6:* When assessing whether to designate a country as safe country of origin, do you take into account whether other Member states have designated this country as safe? (Yes/No)

[28] In Dutch, with context: ("ik denk dat dit de lijst is waarop de commissie op voorhand dacht, daar zou iedereen het wel mee eens zijn, als je het over andere landen gaat hebben krijg je dat een lidstaat het wel vind en een ander niet, dus krijg je weer discussie"(RP5)) "Ik moet zeggen dat ik geen inzicht heb hoe andere landen dat doen." (RP5);

Dutch answer 6: Upon request of the house of representatives, an inventory has been made of lists of safe countries by other member states. Having said that, when assessing a certain country, the actual situation in the country is decisive." (D46, p.15)

'Pendulum effect'

The 'pendulum effect' with the possible outcome of convergence (Brözel and Risse, 2003), seems rather unlikely after the examination of the Europeanisation indicators in this thesis. Apart from the implementation of the Asylum Procedure Directive, and the presence of the internalisation of EU membership, mostly the implementation of the SCO concept is state-oriented.

However, looking into the future the probability of the pendulum effect taking place could increase. This based on 1) the Dutch and EU long term ambition and 2) the system of majority votes. First of all, the Dutch national ambition, found in the Dutch comprehensive agenda on migration (D01) and the EU ambition (D33), both show a positive attitude towards an EU common list of safe countries.

Another aspect interesting to mention regarding the pendulum effect, is the development that certain proposals will be settled via majority votes (RP3). The majority voting structure, could be beneficial for the pendulum effect to come through. This type of voting has namely a larger probability of success and adoption.

Applying the pendulum effect on the Dutch 'upload' regarding the maintenance of the national list within a structure working with an common EU list, is paradoxically pointing to a pendulum effect overtime.

European Integration

In the theoretical framework, Europeanisation is placed into the broader concept of 'European Integration' (BRON) is introduced. Europeanisation can be seen as the 'process' focussing on European integration. Interestingly enough, the findings show that the internalisation of Eu membership/integration is present, however, the overall Europeanisation is not supported, due to the (partial) absence of most of the other indicators.

Of course is this a case study, focussed on a quite small policy. However, it would be interesting to study the relation between Europeanisation and European Integration and the possible discrepancy in future research.

Sub conclusion

The 'cross-loading' dimension is, already as expected after the first two discussed dimensions, rather absent. The shared norms and values obviously exist through the Treaty of Lisbon, and considering the effort in multiple proposals for regulations, the EU is moving forwards. However, the norms are not aligned enough to get to a common definition. This is in line with the second indicator. As the last

proposal COM (2020)611, indicates is the framework of the Asylum Procedure Directive insufficient as definition, a future regulation should provide further guidance.

An interesting remark is that in regards to the pendulum effect, the spill over character of the EU, the majority voting system on issues regarding asylum and the distinct ambition on the national as well as the Eu level, give a positive outlook towards the pendulum effect in the future, however again regulations are crucial in this context, and in the timespan of 2015-2021, one of those is not yet adopted. A visual summary of the presence of the indicators can be found in Table 7.

Table. 7

Presence of indicators – 'cross-loading'

Indicator	**Present**
Shared norms and values	
Shared definition	
Pendulum effect	

Note. Indicators based on Wong and Hill (2011, p.7)[29]

[29] The green circle stands for rather present, the orange circle stands for equally present as absent, and the red circle stands for rather absent.

5. Conclusion

This thesis explored how the European Union has had an impact on the Dutch application of the SCO concept. This is based on the theory of (interactive) Europeanisation. This theoretical framework, or by some rather described as a concept than a theory (Radaelli 2004; Lavenex, 2008), is a way of approaching domestic policy change. The question that this research aims to answer is: *How has the EU had an impact on the Dutch application of the safe country of origin'- concept between 2015-2021?*

The application of the Dutch SCO list only started when the European development of the Asylum Procedure Directive and an EU list of safe countries was delayed (and still is). The EU framework of the Directive has played a role in how the Netherlands approached the application. However, aside from conforming to the EU legislative guidelines and to the suggestion to prioritise the assessment of the Western Balkans, the application of the concept is nationally shaped. The National politics played a larger role than the European politics, the Dutch prioritised their own ideas of implementations. Interestingly, the Netherlands joins the EU in their common EU SCO list ambition. This when simultaneously the Dutch priority in the EU level is to maintain the national SCO lists.

The bottom up impact is limited as well. Mostly, because the Netherlands doesn't prioritise formally discussing the Dutch 'way' on the EU level in regards to the SCO list. There are forms of 'uploading' happening, amongst others the amendment of keeping the national SCO lists. Also working with exception grounds in the (re)assessment procedure is a recognised Dutch ideas. The essence is the importance of aligning the norms. There are shared procedures, due to Europeanisation, however, there are no shared norms. Which causes variation in SCO lists all over Europe, and affects the functioning of the common procedures. The notion of *One European Union, one meanings of 'Safe'?*, seems an all or nothing matter, and the EU does not seem ready for that yet. In the period of 2015-2021 a lot of work has been done on converging EU policies regarding 'safe country'-principle, and Europeanisation is detected. However the main impact will show after the package deal relating to the new Pact on Migration will be adopted. Due to European spill over, there is a high probability for the SCO policies to converge more and more, later this chapter recommendations are formulated to improve this process. At the same time, these future prospects are not yet defined.

As a common thread through this study, the dimensions 'downloading', 'uploading', and 'cross-loading' were explored to find a well-founded answer to the main research question. To go a little bit more in depth on the overall answer to the main question, the three sub-questions of this thesis will briefly be discussed.

- *How did the Dutch government 'downloaded' legislation and policies from the EU level?*

Despite the Dutch government being hesitant to make an SCO list. They stopped waiting for the EU to set one up, and started one their own in 2015. The Asylum Procedure Directive was used to construct a national SCO list. The *implementation of the directive* is the main form in which the Dutch application

is Europeanised via ‘downloading’. Apart from that, the downloading won’t come through, mostly because of the state-centric approach of the Dutch application of the SCO concept.

Findings indicate that the *internalisation of EU membership* also exists, and is illustrated by the Council of State ruling of 7 April 2021, but regarding indicators *Increasing salience of European political agenda , Adherence to common objectives, EU priority over national policy* and *Organizational and procedural change in national bureaucracies*, can hardly be proven. The ‘maturity’ of the asylum policy field, could be an explanation, which corresponds with the findings of Lavenex (2008).

- *How was the Dutch government involved in ‘uploading’ policy practices to the EU level?*

The bottom-up impact is limited as well. Mostly, because the Netherlands doesn’t prioritise formally discussing the Dutch ‘way’ on the EU level in regards to the SCO list. There are forms of uploading happening, amongst others the amendment of keeping the national SCO lists. ‘Queries’ (knowledge sessions) do take place, however regarding the essential discussion on aligning of the norms of that is called ‘safe’, no clear leanings are done. The Netherlands does not seem prioritising engaging, seeking support and sharing ideas on the EU level. Important to note, is that no meeting minutes for the Asylum Working Party or further ‘queries’ were publicly available. Which limits the explored data in this study, and therefore outcome regarding ‘uploading’ cannot fully be proven, more on this in the next chapter.

- *How is the Dutch domestic policy on the safe countries of origin- principle Europeanised?*

The ‘cross-loading’ dimension is, already as expected after the first two discussed dimensions, rather absent. The shared norms and values obviously exist through the Treaty of Lisbon (2007/C 306/01), and considering the effort in multiple proposals for regulations, the EU is moving forwards. However, the norms are not aligned enough to get to a common definition. As the proposal for the Asylum Procedure Regulation indicates is the framework of the Asylum Procedure Directive insufficient as definition, a future regulation should provide further guidance (COM (2020)611).

It must be acknowledged that the answer to the research question is not easily found. Unfortunately this is due to the fact that the CEAS hasn’t yet led to adopted EU regulations, which limited the noticing of the further ‘downloading’ aspect of Europeanisation. Also the structures for ‘uploading’ take place in a political sensitive environment, whereof meeting minutes and reports of sorts are excluded from public publications. Notwithstanding this, due to expert interviews and policy content analysis, it was possible to formulate an answer to this research question. In the future, in particular when certain regulations related to the Asylum Procedure Directive are adopted, more (comparative) research should be done on the formal and informal interactions between EU member states in the realm of (interactive) Europeanisation of the application of the SCO list on the national level.

5.1. Recommendations

As the aim of this study is to explore the impact of the EU on the Dutch application of the SCO concept, the study also resulted in certain recommendations for policymakers on the national and EU level in the field of migration and asylum. Following the discussion and the conclusion four recommendations are formulated, varying from very small to quite ambitious. 1) Updating the online communication regarding the Dutch SCO list 2) Get more involved with the EASO/EAA 3) Stimulate transparency on the EU level and lastly, 4) Improve the formal and informal communication among EU Member states regarding the SCO policies.

Firstly, let's start out small. On the Dutch 'Rijksoverheid' website the Dutch SCO list is shared. The list of countries is supported by some lines:

> "The list includes countries where, according to the national government, there are generally no: - persecution because of, for example, race or religion; - torture; - inhumane treatment.[…] This list is subject to change; countries may be added or lost. This depends on the security in a country." (D24)[30]

The list presented assumes to be complete. There is no notion made of the fact that not only negatively assessed countries are excluded from the list, but also countries that are not assessed (yet) or are not relevant to assess. Knowing the academic debate the text could be clarified, also to provide a better explanation on how the process works and to provide a higher level of transparency and stimulate informed conversation on this topic.

The second recommendation relates to the role of the EASO/EUAA (D16; D34). As mentioned in the discussion, the role of the EASO has been limited in the Dutch domestic policy case. To stimulate convergence, and to better the cost-efficiency the Netherlands could make use of the common 'Country of Origin Information ' (COI) database and corresponding advice. Having a common source and being in close contact with EASO/EUAA, the bottom-up impact could be framed in a more structured way as well. Concretely, the Ministry could invite EASO to upcoming meetings, and give EASO besides a passive role focussed on reports, an active role in the form of a seat on the 'domestic policy' table. Several differences in interpretations of COI could be discussed of which can be learned from. Possibly, the best timing for this recommendation is when the EASO gets more capacity and power in the transformation towards the EUAA (D16; D34). This organisational change could be a critical juncture for the new active role in bottom-up impact of Member states relating to the SCO concept.

The third recommendation relates to the lack of transparency on the EU level. This is a recommendation derived from the methodological difficulties that were faced during the data collection process of this

[30] In Dutch: Op de lijst staan landen waar volgens de Rijksoverheid over het algemeen geen sprake is van: - vervolging vanwege bijvoorbeeld ras of geloof;- foltering; -onmenselijke behandeling. […] Deze lijst kan veranderen; er kunnen landen bijkomen of afgaan. Dit hangt af van de veiligheid in een land.

thesis. Negotiations that are taking place behind closed doors, could be useful sometimes. However, with an eye of the public trust in the European democratic institutions, and also remembering this being already a priority of the Netherlands during the Dutch Presidency in 2016 (D48), it deserves some further attention.

The last recommendation, possibly the most striking one, is to open up the discussion floor among EU Member states and stimulating each other to open up about lessons learned and best practises. When the Dutch delegation doesn't know how other Member states approach the SCO concept 'back-home', how can they decide on the topic together? An interesting example harks back to the differences between the Dutch State and the Cypriot state on the assessment of the state of Togo. Where the Dutch were convinced that Togo did not comply, the Cypriot authorities added Togo to their national SCO list. This type of disagreement, lays fundamentally in the 'norm setting' or 'standardisation' of the SCO concept. And while there can be differences, there is 'plurality in unity' (Zweerde, 2009). Without noting this in a biased matter, it could be helpful for the EU identity to care for the application and standardisation of fellow EU member states. Without active communication and showing interest, policy learning is harder to achieve.

6. Reflection and Limitations

Although this thesis provides interesting findings and contribute to the theoretical framework of Europeanisation and the understanding of the policymaking process of the SCO list in the Netherlands. It should be clear that this study is an exploratory research and it has by no means been able to capture all different aspects involved with the manner of the European impact on the Dutch domestic SCO policy. After the discussion of subchapter 4.4., this chapter reflects on the whole research span, and harks back to the theoretical framework, research question and methodological choices.

Starting off with the Europeanisation concept. Apart from the fact that I am glad I gathered so many insights regarding the Europeanisation concept, it has been a challenge matching the indicators gathered from Wong and Hill (2011) with this case study. This can be explained by the overlap of different indicators (for example the salience of the EU agenda and the adherence to common objectives) and because of the immaturity of some of the policy developments, as also figured by Lavenex (2008). Why did I still go with Europeanisation theory and not with Multi-Level Governance (MLG)?

First of all, the focus of this research is on the governmental actors, the EU and the Dutch government. This focus was consciously chosen because of their policy-making and legislative power and since in preparatory bodies as the Asylum Working Party, only experts from state and from EU institutions are involved. It would have been great to include an analysis on the impact of UNHCR, EASO and other NGOs, since these actors are formally involved as well (Directive 2013/32/EC). However, this was not feasible in the scope of this research, I would suggest to explore this MLG approach in further research.

Another approach which is not included in this research is the concept of securitization, which also could have suit well. The relevance is related to the extra 'security'- related measures the Dutch government is taken in regards to asylum seekers from safe countries (D06 and D41)[…]. It would have been very interesting zooming in on this matter, however, it is outside of the scope of my research question. Again, I would recommend this suggestion for future research.

Moving on to reflections and limitations of the methodological chapter, I would like to touch upon four separate issues.

Firstly, the limited amount of rich resources is a limitation of this thesis research. Finding myself in a political environment, where politicians changes positions and or portfolios, where interviewees were hesitant to speak freely and due to the limited availability of experts, it was hard to gather rich data during the data collection stage. Although I am grateful for the research participants I got to talk to, whose time is costly and scares, I found myself needing a lot of extra documents to make up for the gaps in the data. Additionally, nonverbal data is missing due to the remote form of interviewing during the COVID-19 pandemic. Some gaps, regarding full certainty on the downloading and uploading developments regarding the LGBTI- exception grounds, are still open. Also meeting minutes of the Asylum Working Party were not published (RP5), as where RP3 was wishing me luck finding it. The intransparancy of minutes and the hard pathway to find experts who 'had a seat at the table' in the years

2015-2016 would have been helpful to be able to explore more in regards to this upcoming idea of the SCO list as we know it right now.

The second issue I would like to reflect on is the choice for the focus on the Asylum Working Party. This is based on the availability of experts and because this meeting does consists of every member state, EU representatives and national and EU interests are discussed. A very relevant place to find answers in my research scope.

Thirdly, I would like to discuss the research question. My research question, queries the impact of the EU. Although it is a strong word, especially since the chose timespan does not include the realisation of a regulation. However, it is compatible with the Europeanisation theory, and therefore suiting to my research.

After the research question, I would like to finally reflect on the operationalisation. Together with what is already been discussed earlier in this section regarding the Europeanisation theory, this concept was hard to match. Suggestions for future research would include looking broader than to the converging effect of Europeanisation. Some indicators were not as relevant in this context, which limited the possible outcomes. Yet it contributes to the Europeanisation literature, which is the value of this case study for the academic relevance.

7. References

- ACVZ. (2019). Secundaire migratie van asielzoekers in de EU. Retrieved from https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/11/05/secundaire-migratie.
- Adcock, R. and Collier, D. (2001). Measurement Validity: A Shared Standard For Qualitative and Quantitative Research. Retrieved from: https://www.researchgate.net/publication/228277142_Measurement_Validity_A_Shared_Standard_For_Qualitative_and_Quantitative_Research
- Adviescommissie voor vreemdelingenzaken. (2018). *Op zoek naar veilige(r) landen Onderzoek naar beweegredenen van asielzoekers.* Retrieved from: https://www.adviescommissievoorvreemdelingenzaken.nl/binaries/adviescommissievoorvreemdelingenzaken/documenten/publicaties/2018/2/5/veiligere-landen/veiligere_landen_ACVZ_beleidsadvies_20180205.pdf.
- COM(2020)611- Amended proposed Regulation 2016/0224(COD). establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU. European Parliament, Council of the European Union. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:611:FIN .
- Asylum in Europe. (n.d.). *Differential Treatment Of Specific Nationalities In The Procedure*
- *Austria*. Retrieved from: https://asylumineurope.org/reports/country/austria/asylum-procedure/differential-treatment-specific-nationalities-procedure/
- Atak, I. (2018). *IOM. Safe Country of Origin: Constructing the Irregularity of Asylum Seekers in Canada.* Retrieved from: https://doi: 10.1111/imig.12450
- Babbie, R.E. (2010). The practice of social research. Belmont, CA : Wadsworth ; London : Cengage Learning. Retrieved from: https://www.worldcat.org/title/practice-of-social-research/oclc/662584565.
- Baczynska, G. & Emmott, R. (2021). Hungary rejects EU demand to ditch 'shameful' anti-LGBT law. Retrieved from https://www.reuters.com/world/europe/a-disgrace-hungary-must-ditch-anti-lgbt-law-eu-executive-says-2021-07-07/
- Börzel, T. & Risse, T. (2003). Conceptualising the domestic impact of Europe. In: Featherstone, K., & Radaelli, C.M. (eds.), The Politics of Europeanisation. Oxford: Oxford University Press, pp. 57-80.
- Broekers-Knol, A. (2019, December 6). Reactie op een artikel in Trouw over willekeur bij toepassing veilige landen kwalificatie [Letter of government]. Retrieved from https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/12/16/tk-reactie-op-een-artikel-in-trouw-over-willekeur-bij-toepassing-veilige-landen-kwalificatie/tk-reactie-op-een-artikel-in-trouw-over-willekeur-bij-toepassing-veilige-landen-kwalificatie.pdf
- Costello, C. (2016). *Safe Country? Says Who?, International Journal of Refugee Law, 28 (4),p. 601–622*. Retrieved from: https://doi.org/10.1093/ijrl/eew042
- Council of the European Union. (2018). *Reform of the Common European Asylum System and Resettlement.* Retrieved from: https://data.consilium.europa.eu/doc/document/ST-9520-2018-INIT/en/pdf
- Daehnhardt, P. (2011). Germany in the European Union. in: Wong, R.& Hill, C. (eds). National and European Foreign Policies: towards Europeanization? London and New York: Routledge, 35-56.
- Directive 2013/32. on common procedures for granting and withdrawing international protection (recast). Retrieved from https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032.

- EASO. (2021). *'Safe country of origin' concept in EU+ countries.* Retrieved from : https://easo.europa.eu/sites/default/files/publications/EASO-situational%20update-safe%20country%20of%20origin-2021.pdf\
- EMN. (2018). *Safe Countries of Origin.* Retrieved from: https://ec.europa.eu/home-affairs/sites/default/files/00_inform_safe_country_of_origin_final_en_1.pdf
- Engelmann, C. (2015). *Common standards via the backdoor The domestic impact of asylum policy coordination in the European Union.* Production: Datawyse / Universitaire Pers Maastricht. Retrieved from: http://www.claudiaengelmann.nl/wp-content/uploads/2016/12/E-book-Thesis-Claudia-Engelmann_2.pdf
- European Commission. (2015). *Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions A European Agenda On Migration.* Retrieved from : https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.
- European Commission. (2015). *Regulation Of The European Parliament And Of The Council*. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:52015PC0452
- European Commisson. (2015a). *Communication From The Commission To The European*
- *Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions:A European Agenda On Migration* Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0240
- European Commission. (2020). *A fresh start on migration: Building confidence and striking a new balance between responsibility and solidarity*. Retrieved from: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706
- European Commission. (n.d.). Common European Asylum System. Retrieved from : (https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en).
- European Parliament. (1999). Tampere European Council 15 And 16 October 1999. Retrieved from https://www.europarl.europa.eu/summits/tam_en.htm#a.
- European Parliament. (2021). *Legislative Train Schedule: Towards A New Policy On Migration European List Of Safe Countries Of Origin.* Retrieved from: https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-european-list-of-safe-countries-of-origin
- European Union. (2007, December 13). Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, 2007/C 306/01,. Retrieved from https://www.refworld.org/docid/476258d32.html.
- Frey, B.B. (2018). The SAGE Encyclopedia of Educational Research, Measurement, and Evaluation (Vols. 1-4). Thousand Oaks,, CA: SAGE Publications, Inc. Retrieved from: https://methods.sagepub.com/reference/the-sage-encyclopedia-of-educational-research-measurement-and-evaluation
- Geddes, A. (2009). *Migration as Foreign Policy*?. Retrieved from https://www.sheffield.ac.uk/polopoly_fs/1.63802!/file/Rapport_2009-2.pdf
- Gurzu, A. (2012). Safe Country of Origin List at the EU Level: The Bargaining Process and the Implications. Canadian Journal of European and Russian Studies, 7(1). Retrieved from: https://doi.org/10.22215/cjers.v7i1.2473
- Howell, K.E., (2004). *Europeanization, European Integration and Financial Services Developing Theoretical Frameworks and Synthesising Methodological Approaches.*
- Howell, K.E., (2002). Developing Conceptualizations of Europeanization and European Integration: Mixing Methodologies. Retrieved from: http://aei.pitt.edu/1720/1/Howell.pdf

- Hunt, M. (2014). *"The Safe Country of Origin Concept in European Asylum Law: Past, Present and Future"* 26(4). International Journal of Refugee Law.
- IND. (2021). *Doorlooptijden asielprocedur*e. Retrieved from https://ind.nl/Paginas/Doorlooptijden-asielprocedure.aspx.
- Kootstra, A., Boersema, W. and Huisman, E. (2019). *Nederland heeft een van de strengste asielprocedures van Europa*. Retrieved from: https://www.trouw.nl/nieuws/nederland-heeft-een-van-de-strengste-asielprocedures-van-europa~bf3b10d3f/
- Ladrech, R. (1994). *Europeanization of Domestic Politics and Institutions: the Case of France. Journal of Common Market Studies 32 (1).* Retrieved from: https://doi.org/10.1111/j.1468-5965.1994.tb00485.x
- Lavenex, S. (2008). Chapter 23 in *Europeanization New Research Agendas* from Graziano, P. and Vink, P.M.
- Le Bellec, A. (2021). Toward a Gender-Sensitive Securitization of the Common European Asylum System. Retrieved from https://www.frontiersin.org/articles/10.3389/fhumd.2021.635809/full.
- Major, C. and Pomorska, K. (2005). Europeanisation: framework or fashion? Retrieved from: https://www.academia.edu/191266/Europeanisation_framework_or_fashion
- Moravcsik, A. (1993). *Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach.* Retrieved from: https://doi.org/10.1111/j.1468-5965.1993.tb00477.x
- Moravcsik, A. (1998). *The Choice for Europe Social Purpose and State Power from Messina to Maastricht*. Ithaca, N.Y. : Cornell University Press.
- Mulcahy, S. (2011). *Europe's Migrant Policies: Illusions of Integration. Palgrave Macmillan UK.* Retrieved from : https://1lib.nl/book/2682163/f55cdc?id=2682163&secret=f55cdc
- Olsen, P.J. (2002). *The Many Faces of Europeanization*. Retrieved from: https://www.sv.uio.no/arena/english/research/publications/arena-working-papers/2001-2010/2002/wp02_2.htm
- COM(2015)452 -Proposed Regulation 2015/0211 (COD). Establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU. European Parliament, Council of the European Union. Retrieved from https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/proposal_for_regulation_of_the_ep_and_council_establishing_an_eu_common_list_of_safe_countries_of_origin_en.pdf .
- COM(2016)467 - Proposed Regulation 2016/0224(COD). Establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU. European Parliament, Council of the European Union. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2016%3A467%3AFIN .
- Publications Office. (2020). *European Union asylum procedures*. Retrieved from: https://eur-lex.europa.eu/legal-content/en/LSU/?uri=celex:32013L0032
- Putnam, D. R. (1988). *Diplomacy and Domestic Politics: The Logic of Two-Level Games.* International Organization Vol. 42, No. 3 (Summer, 1988), pp. 427-460 (34 pages) Published By: The MIT Press. Retrieved from: https://www.jstor.org/stable/2706785
- Radaelli, C. (2003). 'The Europeanisation of public policy', in K. Featherstone and C. Radaelli, The Politics of Europeanisation. Oxford, Oxford University Press: 27–56
- Radaelli, C.M. (2004). *Europeanisation: Solution or Problem?* Retrieved from: https://www.researchgate.net/publication/5015009_Europeanisation_Solution_or_Problem

- Rijksoverheid. (2020). Bijlage 2 herbeoordeling Togo. Retrieved from https://www.rijksoverheid.nl/documenten/rapporten/2020/09/30/tk-bijlage-2-herbeoordeling-togo.
- Rijksoverheid. (n.d.). *Wat gebeurt er met asielaanvragen van mensen uit veilige landen?* Retrieved from: https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/wat-gebeurt-er-met-asielaanvragen-van-mensen-uit-veilige-landen
- RvS. (2017, February 1). *201606592/1/V2 - ECLI:NL:RVS:2017:210*. Retrieved from https://www.raadvanstate.nl/@106453/201606592-1-v2/
- RvS, (2021, April 7). *202002809/1/V2. ECLI:NL:RVS:2021:738*. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2021:738.
- Schmid-Drüner, M. (2021). *Asylum Policy*. Retrieved from: https://www.europarl.europa.eu/factsheets/en/sheet/151/asylum-policy
- Statewatch. (2004). *EU divided over list of "safe countries of origin" – Statewatch calls for the list to be scrapped.* Retrieved from : https://www.statewatch.org/media/documents/analyses/no-38-safe-countries.pdf
- Trouw. (2019). *Waarom de Nederlandse lijst met 'veilige landen' voor asielzoekers wel erg willekeurig is.* Retrieved from: https://www.trouw.nl/nieuws/waarom-de-nederlandse-lijst-met-veilige-landen-voor-asielzoekers-wel-erg-willekeurig-is~be5ceb66/
- Tsardanidis, C. and Stavridis, S. (2005) *'The Europeanization of Greek Foreign Policy: a Critical Appraisal'*. Journal of European Integration/Revue d´Intégration Européenne, 27(2): 217–239.
- Tweede Kamer, vergaderjaar 2008-2009 22 112, nr. 716. Retrieved from https://www.tweedekamer.nl/kamerstukken/detail?id=2008Z01913&did=2008D10982 .
- Vluchtelingenwerk. (n.d). *Standpunt: veilige landen van herkomst*. Retrieved from: https://www.vluchtelingenwerk.nl/wat-wij-doen/standpunten/standpunt-veilige-landen-van-herkomst?gclid=CjwKCAjwr56IBhAvEiwA1fuqGuIeTkxTIrgrgYq1UdLnLj2AAeFtTZOIi8NfMgsVjemPEoKa0gRWhhoCZBsQAvD_BwE
- Voorschrift Vreemdelingen. (2000). *Bijlage 13. behorend bij artikel 3.37f, derde lid, Voorschrift Vreemdelingen 2000 (veilige landen van herkomst).* Retrieved from: https://wetten.overheid.nl/BWBR0012002/2021-07-01#Bijlage13
- Babbie, R.E. (2010). The practice of social research. Belmont, CA : Wadsworth ; London : Cengage Learning. Retrieved from: https://www.worldcat.org/title/practice-of-social-research/oclc/662584565.
- Wong, R. and Hill, C. (2011). National and European Foreign Policies: Towards Europeanization London/New York: Routledge
- Zweerde, E. v. d. (2009). "*Plurality in Unity": European Identity and European Citizenship.* Limes, 2(1), p.5-25.

8. Appendix

8.1. Annex 1 – Asylum Procedure Directive – Article 36 and 37(1)

Article 36

The concept of safe country of origin

1. A third country designated as a safe country of origin in accordance with this Directive may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant only if:

(a) he or she has the nationality of that country; or

(b) he or she is a stateless person and was formerly habitually resident in that country,

and he or she has not submitted any serious grounds for considering the country not to be a safe country of origin in his or her particular circumstances and in terms of his or her qualification as a beneficiary of international protection in accordance with Directive 2011/95/EU.

2. Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept.

Article 37

National designation of third countries as safe countries of origin

1. Member States may retain or introduce legislation that allows, in accordance with Annex I, for the national designation of safe countries of origin for the purposes of examining applications for international protection.

2. Member States shall regularly review the situation in third countries designated as safe countries of origin in accordance with this Article.

3. The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, EASO, UNHCR, the Council of Europe and other relevant international organisations.

4. Member States shall notify to the Commission the countries that are designated as safe countries of origin in accordance with this Article.

ANNEX I

Designation of safe countries of origin for the purposes of Article 37(1)

A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by:

(a) the relevant laws and regulations of the country and the manner in which they are applied;

(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;

(c) respect for the *non-refoulement* principle in accordance with the Geneva Convention;

(d) provision for a system of effective remedies against violations of those rights and freedoms.

8.2. Annex 2 – Interview guides

Interview guide National level

Introductie
1. Wat was jullie persoonlijke rol in de ontwikkeling van het Nederlandse veilige landen beleid (JenV)?

Downloading
2. Hoe moet ik me de herbeoordelingen of veranderingen aan de lijst voor me zien. Wie zitten er aan tafel voordat er een 'klap op gegeven wordt'?
    - In hoeverre zit de EU aan tafel? Hoeveel schakelen jullie met Europese Collega's/welke afdelingen in het bijzonder?
3. Iedereen zit dan aan die tabel met zijn haar eigen belang, wat is het belang van de Eu aan die tafel? In hoeverre is de EU agenda meegenomen in onze Nederlandse beleid?
4. In 2016 is er in de EU commissie ook voorgesteld 1 lijst te maken, hoe komt het dat deze EU lijst er nog niet is gekomen? Wat zijn de verschillende interpretaties die er in de EU spelen van de term 'veilig land', en wat is er typerend aan de NL interpretatie?

5. Op welke vlakken heeft de EU pogingen gedaan NL te sturen als het gaat over de Nederlandse interpretatie van het beleid?
    a. Hoe stonden EU collega's bijvoorbeeld te kijken wanneer landen die bij de meerderheid van andere lidstaten (Marokko, Algerije en Tunesië bijvoorbeeld) in NL wel (deels) op de veilige landen lijst werden gezet? Vindt de EU daar iets van?
    b. Waarom houdt Nederland niet de voorgeschreven paar landen aan die de EU als veilig heeft bestempeld? (Gold-plating)
    c. Kortom hoe lopen die lijnen tussen NL binnenlands beleid en EU beleid?
    d. in hoeverre heeft en pakt NL de beleidsvrijheid op dit terrein? Hebben Staten het voortouw op juist het supranationale orgaan bijvoorbeeld de commissie? (EU integratie)
6. NL heeft de Richtlijn als kader. Heeft dit tot bureaucratische of institutionele veranderingen geleid op nationaal niveau?
7. Het is op Europees niveau ook besproken dat de EU lijst een gezamenlijke lijst wordt maar dat nationale overheden nog wel zelf extra landen kunnen toevoegen. Hoe staat dit in verhouding tot het CEAS en intenties tot harmonisering en common objectives?

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8. Hoe zou u de rol van Nederland beschrijven wanneer het gaat om het veilige landen beleid, stuurt NL met haar gedrag aan op een collectieve aanpak vanuit de EU of pushen ze juist landen om dit op nationaal niveau zelf te bepalen?
9. De NL way, kwam al eerder aan bod, Wat is de Nederlandse aanpak/werkwijze in het beoordelen van 'veilige landen'? (buiten de procedurerichtlijn van EU/). Kunnen jullie me wat uitleggen over de Canadese IRCC aanpak?
    a. Als we nog even terugpakken op de vraag hoe de EU er tegenover stond hoe NL het concept interpreteerde. In hoeverre heeft Nederland de NL lijst proberen te promoten naar EU aanpak? Of aanpak andere lidstaten?
    b. Kennelijk heeft NL een langere SCO lijst dan de EU (meerderheid lidstaten) en daarmee een andere aanpak, qua hoe we landen beoordelen. Heeft Nederland haar eigen aanpak in beoordeling ooit voorgesteld op het Europese level?
        i. Zo ja, wat waren de reacties hierop? Hoe werd het in EU ontvangen dat NL Marokko, Algerije en Tunesië toe ging voegen aan de nationale lijst van veilige landen? Zo nee, waarom niet? Is hier wel behoefte aan?
        ii. Zijn er op EU level suggesties aangenomen vanuit Nederlandse initiëring? Is er behoefte aan dit als cover te gebruiken voor binnenlands beleid?

Europeanisation friction
10. Hoeveel vrijheid heeft NL om hun eigen maatstaven aan te houden als het gaat om veilige landen beleid?
11. In de Kamerbrief van 17 november 2016 staat 'ons asielbeleid'. In hoeverre is "ons" NL en in hoeverre EU.
12. Hoe zien jullie de toekomst van de NL lijst en de EU lijst?

Interview guide European level

Introduction

1. Can you tell something about your daily work and your relation to the SCO concept?

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EU agenda

2. Although there is the Asylum procedure directive as a framework, It occurred to me that the interpretation and application of the SCO concept (different lists), differs among MS, What role plays the Council/COREPER/asylum working party in this alignment of applications between member states?
3. How is the European political agenda visible in the application of the SCO concept in MS/Netherlands?

EU interest priority

4. Are there incentives for the EU level to get involved with the national implementation of the lists policy? (next to the making the framework via the Asylum Procedure Directive)?
    - What practical infrastructure exists to do so?
5. To what extent is the EU still working on a EU list of Safe Countries?

EU integration/membership

6. Why didn't the EU SCO list (regulation COM2016(467)) didn't get through in 2019?
    - Which country was against the list so to speak?
    - What was the position of the NL in this discussion? Who does know?

Interest common objectives

7. Quote: 'The Council has not yet been able to adopt a common approach, mainly due to disagreements as concerns the border procedure.' (Para 2, 2020, ST-11202-2020-INIT, p.9 - https://data.consilium.europa.eu/doc/document/ST-11202-2020-INIT/en/pdf)
    - What does the council mean by this passage? Which countries were involved in this disagreement and what was the actual disagreement about? (10 min)
    - How did this discussion work?

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Increase NL influence world/EU

8. What did the COREPER/Working Party/Council think of the decision of the Netherlands to include Morocco (Algeria, Tunisia) on their list of safe countries? Where the majority of EU Member states categorizes Morocco not as a safe country?
9. What was the Dutch input in the Asylum working party/council

Increase NL influence in other MS

10. How does the Input by MS system work? How do MS get their ideas on the table? are there meetings where MS could take the floor. Or could MS place their ideas on a forum, or via interest groups?
    - To what extent did the Netherlands Make use of this bottom up infrastructure?

EU as cover, umbrella

11. Which ideas for example are initiated by the Netherlands/MS and now covered in EU policy/legislation regarding the SCO concept?

Influence multiplier

12. How would you describe the power balance between the EU Council/EU institutions and Member states when it comes to the topic of safe country of origin lists?

Moving forward?

13. How could EASO play a role in the future to enhance the alignment between Member states?
    - Have a common source of countries info, would this be cost-effective?
14. How come that legal literature is zo critical towards this SCO list

8.3. Annex 3 – List of documents for the Policy Content Analysis

Document no.	Type of document	Date	Title document	Reference
No. 1	Letter to parliament	29 March 2018	Integrale migratieagenda	Harbers, M., et al (2018, March 19). Integrale migratieagenda [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2018/03/29/tk-integrale-migratieagenda.
No. 2	Letter to parliament	3 November 2015	Toepassing van het concept van veilige landen	Dijkhoff, K.H.D.M., (2015, November 3). Toepassing van het concept van veilige landen [Letter to Parliament]. Retrieved from https://www.government.nl/binaries/government/documents/parliamentary-documents/2015/11/03/application-of-the-concept-of-safe-countries/tk-toepassing-van-het-concept-van-veilige-landen-2-en-gb1.pdf.
No. 3	Letter to parliament	4 January 2016	Inventarisatie lijsten veilige landen van herkomst in andere lidstaten	Dijkhoff, K.H.D.M., (2016, January 4). Inventarisatie lijsten veilige landen van herkomst in andere lidstaten [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2016/01/04/tk-inventarisatie-lijsten-veilige-landen-van-herkomst-in-andere-lidstaten
No. 4	Letter to parliament	9 February 2016	Uitbreiding nationale lijst van veilige landen van herkomst	Dijkhoff, K.H.D.M., (2016, February 9). Uitbreiding nationale lijst van veilige landen van herkomst [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2016/02/09/tk-uitbreiding-nationale-lijst-van-veilige-landen-van-herkomst.
No. 5	Letter to parliament	11 October 2016	Derde tranche nationale lijst veilige landen van herkomst	Dijkhoff, K.H.D.M., (2016, October 11). Derde tranche nationale lijst veilige landen van herkomst [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2016/10/11/tk-derde-tranche-nationale-lijst-veilige-landen-van-herkomst.
No. 6	Letter to parliament	17 November 2016	Maatregelen t.a.v. asielzoekers uit veilige landen van herkomst	Dijkhoff, K.H.D.M., (2016, November 17). Maatregelen t.a.v. asielzoekers uit veilige landen van herkomst [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2016/11/17/tk-maatregelen-tav-asielzoekers-uit-veilige-landen-van-herkomst.
No. 7	Letter to parliament	6 December 2016	Uitbreiding lijst veilige landen van herkomst vierde tranche	Dijkhoff, K.H.D.M., (2016, December 6). Uitbreiding lijst veilige landen van herkomst vierde tranche [Letter to Parliament]. Retrieved from

				https://www.rijksoverheid.nl/documenten/kamerstukken/2016/12/06/tk-uitbreiding-lijst-veilige-landen-van-herkomst-vierde-tranche.
No. 8	Letter to parliament	24 April 2017	Uitbreiding lijst veilige landen van herkomst vijfde tranche	Dijkhoff, K.H.D.M., (2017, April 24). Uitbreiding lijst veilige landen van herkomst vijfde tranche [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2017/04/24/tk-uitbreiding-lijst-veilige-landen-van-herkomst-vijfde-tranche.
No. 9	Letter to parliament	26 September 2017	Herbeoordeling Veilige landen van herkomst eerste tranche	Dijkhoff, K.H.D.M., (2017, September 26). Herbeoordeling Veilige landen van herkomst eerste tranche [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2017/09/26/tk-herbeoordeling-veilige-landen-van-herkomst-eerste-tranche.
No. 10	Letter to parliament	12 December 2017	Beoordeling veilige landen van herkomst 6e tranche	Harbers, M., (2017, December 12). Beoordeling veilige landen van herkomst 6e tranche [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2017/12/12/tk-beoordeling-veilige-landen-van-herkomst-6e-tranche.
No. 11	Letter to parliament	11 June 2018	Herbeoordeling veilige landen van herkomst tweede en derde tranche	Harbers, M., (2018, June 11). Herbeoordeling veilige landen van herkomst tweede en derde tranche [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2018/06/11/tk-herbeoordeling-veilige-landen-van-herkomst-tweede-en-derde-tranche.
No. 12	Letter to parliament	7 December 2018	Herbeoordeling veilige landen van herkomst vierde en vijfde tranche	Harbers, M., (2018, December 7). Herbeoordeling veilige landen van herkomst vierde en vijfde tranche [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2018/12/07/tk-herbeoordeling-veilige-landen-van-herkomst-vierde-en-vijfde-tranche
No. 13	Letter to Parliament	16 December 2019	Reactie op een artikel in Trouw over willekeur bij toepassing veilige landen kwalificatie	Broerkers-Knol, A., (2019, December 16). Reactie op een artikel in Trouw over willekeur bij toepassing veilige landen kwalificatie [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2019/12/16/tk-reactie-op-een-artikel-in-trouw-over-willekeur-bij-toepassing-veilige-landen-kwalificatie.
No. 14	Letter to parliament	30 September 2020	Herbeoordeling veilige landen van herkomst – tranche 2 tot en met 5	Broerkers-Knol, A., (2020, September 30). Herbeoordeling veilige landen van herkomst – tranche 2 tot en met 5 [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2020/09/30/tk-herbeoordeling-veilige-landen-van-herkomst-tranche-2-tot-en-met-5
No. 15	Letter to parliament	11 June 2021	Herbeoordeling veilige landen van herkomst - Albanië,	Broerkers-Knol, A., (2021, June 11). Herbeoordeling veilige landen van herkomst - Albanië, Algerije, Montenegro en Noord-Macedonië [Letter to

			Algerije, Montenegro en Noord-Macedonië	Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2021/06/11/tk-herbeoordeling-veilige-landen-van-herkomst-albanie-algerije-montenegro-en-noord-macedonie.
No. 16	Letter to parliament	22 June 2021	Compromisvoorstel EUAA-verordening	Broerkers-Knol, A., (2021, June 22). Compromisvoorstel EUAA-verordening [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/06/22/tk-compromisvoorstel-euaa-verordening/tk-compromisvoorstel-euaa-verordening.pdf.
No. 17	Report of general consultation	3 February 2017	Tweede Kamer, vergaderjaar 2016–2017, 19 637, nr. 2287	Tweede Kamer 2016-2017, 19 637, nr. 2287, Retrieved from https://zoek.officielebekendmakingen.nl/kst-19637-2257.html
No. 18	Report of general consultation	18 January 2018	Tweede Kamer, vergaderjaar 2017–2018, 19 637, nr. 2365	Tweede Kamer, vergaderjaar 2017–2018, 19 637, nr. 2365. Retrieved from https://zoek.officielebekendmakingen.nl/kst-19637-2365.html
No. 19	Report of general consultation	27 June 2018	Tweede Kamer, vergaderjaar 2017–2018, 19 637, nr. 2401	Tweede Kamer, vergaderjaar 2017–2018, 19 637, nr. 2401. Retrieved from https://zoek.officielebekendmakingen.nl/kst-19637-4201.html
No. 20	Report of general consultation	6 December 2019	Tweede Kamer, vergaderjaar 2019–2020, 19 637, nr. 2546	Tweede Kamer, vergaderjaar 2019–2020, 19 637, nr. 2546. Retrieved from https://zoek.officielebekendmakingen.nl/kst-19637-2546.html
No. 21	Answer to questions from parliament	28 April 2021	Antwoorden Kamervragen over de kwalificatie 'veilig land' in asielzaken	Broerkers-Knol, A., (2021, April 28). Antwoorden Kamervragen over de kwalificatie 'veilig land' in asielzaken [Answer to questions from parliament]. Retrieved from https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/04/28/antwoorden-kamervragen-over-de-kwalificatie-veilig-land-in-asielzaken/antwoorden-kamervragen-over-de-kwalificatie-veilig-land-in-asielzaken.pdf.
No. 22	Dutch Judicial Ruling	7 April 2021	Uitspraak 202002809/1/V2	RvS, (2021, April 7). *202002809/1/V2*. *ECLI:NL:RVS:2021:738*. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2021:738.
No. 23	Cabinet's Response	26 June 2018	Kabinetsreactie op ACVZ-rapport 'Op zoek naar veilige(r) landen'	Harbers, M., (2018, June 26). Kabinetsreactie op ACVZ-rapport 'Op zoek naar veilige(r) landen' [Cabinet's response]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2019/04/26/tk-

				reactie-op-acvz-rapport-het-koninkrijk-en-de-internationale-bescherming-van-asiel-migranten.
No. 24	Government Webpage	Retrieved 04-04- 2021	Welke landen staan op de lijst van veilige landen van herkomst	Rijsoverheid. (2021). *Welke landen staan op de lijst van veilige landen van herkomst.* Retrieved from https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/lijst-van-veilige-landen-van-herkomst.
No. 25	Secondary report	5 February 2018	Op zoek naar veilige(r) landen Onderzoek naar beweegredenen van asielzoekers (ACVZ)	ACVZ (2018). *Op zoek naar veilige(r) landen, onderzoek naar beweegredenen van asielzoekers.* Advieskenmerk 47-2018. Den Haag: Adviescommissie voor Vreemdelingenzaken.
No. 26	Secondary report	1 December 2020	Het Europese asielbeleid: twee grote akkoorden om de impasse te doorbreken (AIV)	AIV. (2020). *Het Europese asielbeleid: twee grote akkoorden om de impasse te doorbreken.* Retrieved from https://www.adviesraadinternationalevraagstukken.nl/binaries/adviesraadinternationalevraagstukken/documenten/publicaties/2020/12/11/het-europese-asielbeleid/Het_Europese_asielbeleid_AIV-advies-117_202012.pdf.
No. 27	JBZ Council reports	24 November 2015	Verslag van een algemeen overleg JBZ raad -Vastgesteld 24 november 2015	JBZ-Raad.(2015). *Algemeen overleg - JBZ-Raad van 3 en 4 december 2015 (JBZ-onderwerpen op het terrein van asiel- en vreemdelingenbeleid*). Retrieved from https://www.tweedekamer.nl/debat_en_vergadering/commissievergaderingen/details?id=2014A05203 .
No. 28	JBZ Council reports	28-29 January 2021	Verslag schriftelijk overleg JBZ-Raad van 28-29 januari 2021	JBZ- Raad. (2021). *Informele JBZ-Raad d.d. 28 en 29 januari 2021*. Retrieved from https://www.tweedekamer.nl/debat_en_vergadering/commissievergaderingen/details?id=2021A00307.
No. 29	EU Legislative document	14 September 2015	12002/1/15 REV 1 Conclusions	European Union: Council of the European Union, Presidency Conclusions, Brussels European Council, 14 September 2015, 12002/1/15, Retrieved from: http://data.consilium.europa.eu/doc/document/ST-12002-2015-REV-1/en/pdf.
No. 30	EU Legislative document	26 June 2013	Directive 2013/32/EC	Directive 2013/32. on common procedures for granting and withdrawing international protection (recast). Retrieved from https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032.
No. 31	EU Legislative Proposal	9 September 2015	COM (2015)452	Proposed Regulation 2015/0211 (COD). Establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU. European Parliament, Council of the European Union. Retrieved from

				https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/proposal_for_regulation_of_the_ep_and_council_establishing_an_eu_common_list_of_safe_countries_of_origin_en.pdf .
No. 32	EU Legislative Proposal	13 July 2016	COM (2016) 467	Proposed Regulation 2016/0224(COD). Establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU. European Parliament, Council of the European Union. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2016%3A467%3AFIN .
No. 33	EU Legislative Proposal	28 September 2020	COM (2020) 611 Amended proposal	Amended proposed Regulation 2016/0224(COD). establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU. European Parliament, Council of the European Union. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:611:FIN .
No. 34	EU Legislative Proposal	17 June 2021	Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (First reading) – Extended negotiation mandate for negotiations with the European Parliament	Proposed Regulation 2016/0131(COD). on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010. European Parliament, Council of the European Union. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0271 .
No. 35	EU Legislative document council of the EU	30 May 2018	Reform of the Common European Asylum System and Resettlement	European Commission. (2018). *Reform of the Common European Asylum System and Resettlement*. Retrieved from https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en .
No. 36	EU Legislative document	23 September 2020	EU - New Pact on Migration and Asylum	European Commission (2018). *New Pact on Migration and Asylum.* Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706 .
No. 37	EU Briefing	8 October 2015	Safe countries of origin Proposed common EU list	EPRS. (2015). B*riefing- Safe countries of origin Proposed common EU list.* Retrieved from https://www.europarl.europa.eu/EPRS/EPRS-Briefing-569008-Safe-countries-of-origin-FINAL.pdf.

No. 38	EU Briefing	January 2017	Common procedure for asylum	EPRS. (2017). Briefing -Common procedure for asylum. Retrieved from https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/595920/EPRS_BRI%282017%29595920_EN.pdf.
No. 39	EU Secondary reports	March 2018	EMN – Inform - Safe Countries of Origin	EMN. (2018). *Safe Countries of Origin.* Retrieved fromhttps://ec.europa.eu/home-affairs/sites/default/files/00_inform_safe_country_of_origin_final_en_1.pdf.
No. 40	EU Secondary Reports	9 June 2021	Situational Update - 'Safe country of origin' concept in EU+ countries	EASO. (2021). *Situation update- Safe country of origin' concept in EU+ countries.* Retrieved from https://easo.europa.eu/sites/default/files/publications/EASO-situational%20update-safe%20country%20of%20origin-2021.pdf.
No. 41	Letter to Parliament	18 December 2019	Evaluatie EBTL-locaties en overlastgevende vreemdelingen	Broekers-Knol. (2019, December 18). Evaluatie EBTL-locaties en overlastgevende vreemdelingen [letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/kamerstukken/2019/12/18/kamerbrief-over-evaluatie-ebtl-locaties-en-overlastgevende-vreemdelingen.
No. 42	Secondary Report	November 2019	Secundaire migratie van asielzoekers in de EU - ACVZ	ACVZ. (2019). Secundaire migratie van asielzoekers in de EU. Retrieved from https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/11/05/secundaire-migratie.
No. 43	Annex Letter to Parliament	12 May 2021	Bijlage landeninformatie albanie algerije montenegro noord-macedonie (Apendix of letter of 11 June 2021)	Broekers-Knol. (2021, May 12). Bijlage landeninformatie albanie algerije montenegro noord-macedonie [Appendix of letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/documenten/rapporten/2021/06/11/tk-bijlage-landeninformatie-albanie-algerije-montenegro-noord-macedonie.
No. 44	BNC Fiche	26 August 2016	Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie	Tweede Kamer 2016-2017, 22112 nr. 2237, Retrieved from https://zoek.officielebekendmakingen.nl/kst-22112-2237.html.
No. 45	Secondary report	March 2018	EMN - Asielzoekers uit veilige landen van herkomst Het Nederlandse beleid vergeleken met andere EU-lidstaten	EMN. (2018). *Nederlands beleid asielzoekers veilige landen een van de meest uitgebreide in EU.* Retrieved from https://emnnetherlands.nl/onderzoeken/nederlands-beleid-asielzoekers-veilige-landen-een-van-de-meest-uitgebreide-eu-0.
No. 46	EU Query	13 October 2017	EMN Ad-Hoc Query on NL, PL and EE joint follow-up AHQ on process of developing the list of safe countries of origin	EMN. (2017). *EMN Ad-Hoc Query on NL, PL and EE joint follow-up AHQ on process of developing the list of safe countries of origin.* Retrieved from https://www.emnnetherlands.nl/sites/default/files/2018-03/2017%20-%20list%20of%20safe%20country_0.pdf.

No. 47	EU Policy Debate	17 May 2018	Reform of the CEAS 8735/18	European Union: Council of the European Union, Presidency Conclusions, Brussels European Council, 17 May 2018, 8735/18, Retrieved from:https://data.consilium.europa.eu/doc/document/ST-9520-2018-INIT/en/pdf.
No. 48	Letter to parliament	7 July 2016	Resultaten en uitvoering van het Nederlandse EU-voorzitterschap	Koenders, B. (2016, July 17). Resultaten en uitvoering van het Nederlandse EU-voorzitterschap [Letter to Parliament]. Retrieved from https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2016/07/07/kamerbrief-over-resultaten-en-uitvoering-van-het-nederlandse-eu-voorzitterschap/kamerbrief-over-resultaten-en-uitvoering-van-het-nederlandse-eu-voorzitterschap.pdf.

8.4. Annex 4 – Final operationalisation

Concept	Dimensions	Indicators	Examples
SCO concept application in NL	Dutch list of safe countries	1. National laws on the safe country of origin concept/list 2. Dutch policy documents on the application of the country of origin concept	1. Vreemdelingen Voorschrift. - "Op basis van deze beoordelingen zal ik door middel van een wijziging van Bijlage 13 van het Voorschrift Vreemdelingen de nationale lijst van veilige landen van herkomst aanpassen."(D05, p.2). Further examples in D07, D08, D14, D22, D25. 2. Sporenbeleid - Om dit tegen te gaan had ik al een aantal maatregelen getroffen, waaronder het versneld afdoen van deze asielaanvragen (sporenbeleid),"(D06, p.1) Further examples in D23, D25, D42, RP1 and PR2.
Europeanisation: The impact of the EU on domestic policy (Wong and Hill, 2011)	Downloading (top-down) (Wong and Hill, 2011)	3. Implementation of EU law in Dutch legislation 4. Increasing salience of European political agenda mentioned at the national level, Adherence to common objectives, 5. Common policy obligations taking priority over national policy 6. Internalization of EU membership and its integration process is present on the national level policy documents	3. Implementation of EU law in Dutch legislation - "De Procedurerichtlijn en de ontwerptekst van bovengenoemde Verordening staan toe dat lidstaten naast de Europese lijst nog een aanvullende nationale lijst te hanteren." (D02, p.1). Further examples in D03,D04, D09, D10, D11, D12, D14, D15, D18, D22, D25, D26, D42, D43, D44, RP1, RP3, RP4. 4. Increasing salience of European political agenda mentioned at the national level, Adherence to common objectives. - "Er zitten natuurlijk ook wensen bij, die Nederland ook heeft, om bijvoorbeeld asielshoppen tegen te gaan of ervoor te zorgen dat we een en ander meer harmoniseren in de Europese Unie." (D18, p.31). Further examples in D01, D03, D10, D16, D23, D26, D28, D29, D33, D42, D47. 5. Common policy obligations taking priority over national policy - Member states agreed that priority should be given to an assessment by all Member states of the safety of the Western Balkans, the EASO organised an expert-level meeting with the Member states on 2 September 2015 (D47) - Also the opposite was found; "Nederland heeft destijds in de onderhandelingen aangegeven positief te staan tegenover het voorstel dat in de toekomst alleen nog een Europese lijst wordt gebruikt. Dit sluit aan bij de doelstelling van een verdergaande harmonisering van het Europese asielbeleid en kan secundaire migratie tegengaan. Nederland heeft in dat verband wel gepleit voor een grotere invloed van

		7. Organizational and procedural change in national bureaucracies	de individuele lidstaten op die lijst, omdat de instroom vanuit sommige landen dermate specifiek is voor een bepaalde lidstaat, dat die op Europees niveau minder snel in beeld zal zijn." (D28, p.17) 6. Internalization of EU membership and its integration process is present on the national level policy documents - "Versterking van grensbeheer is niet alleen nodig om mensensmokkel aan de buitengrenzen van Europa tegen te gaan, maar ook om de veiligheid en mobiliteit aan de eigen grenzen, waaronder op Schiphol, te bevorderen."(D01, p.2). Further examples in D09, D15, D22, D23 and D44. 7. Organizational and procedural change in national bureaucracies - "…zouden wij zonder dat haakje in de procedure richtlijn, nooit hiertoe gekomen zijn " (RP2). Further examples in D01, D22.
	Uploading (bottom-up) (Wong and Hill, 2011)	8. The Dutch national government shares best practices or ideas shared in EU meetings (AWP, JHA Council. 9. The Dutch national government shares best practices or ideas shared in MS meetings (Informal meetings) 10. The Dutch national government uses the EU as a cover/umbrella 11. Dutch National policy uses the EU level as an influence multiplier 12. Using the presidency position	8. The Dutch national government shares best practices or ideas shared in EU meetings (AWP, JHA Council. - Dutch input Conserving the national SCO lists example: "Dus een van onze punten was dat lidstaten wel wat meer invloed moeten hebben op de samenstelling van die landenlijst. Nou, dat bleek niet haalbaar. Op basis daarvan hebben wij gezegd dat er naast de Europese lijst ook een nationale lijst moet blijven bestaan. Dat was wel een belangrijk punt voor ons dat de lidstaten ook hun eigen invloed zouden kunnen hebben op die lijst." (RP5) 9. The Dutch national government shares best practices or ideas shared in MS meetings (Informal meetings) - Example: "Nederland is niet de boer op gegaan met onze 286 lijst. Je beschrijft soms het nut van het hebben van een veilige landen lijst." (RP1). 10. The Dutch national government uses the EU as a cover/umbrella - Insufficient indicator 11. Dutch National policy uses the EU level as an influence multiplier - Insufficient indicator 12. Dutch Presidency 2016 - Example is the positioning of the importance of "Een integrale aanpak van migratie en internationale veiligheid " (D48, p.2) during the presidency. Not specifically SCO policy

	Cross-loading (a result of the two above) (Wong and Hill, 2011)	13. Emergence of shared norms/values among policymakers from the EU and the Netherlands 14. Shared definition of European and Dutch interests 15. Coordination reflex and 'pendulum effect' where 'extreme' national/Dutch and EU positions are reconciled over time via bilateral and EU interactions 16. Pro-active Communication and Transparency	13. Emergence of shared norms/values among policymakers from the EU and the Netherlands - Treaty of Lisbon includes EU values, however examples show that the standardisation is not shared: "maar je ziet nu dat lidstaten ook hun eigen inbreng goed willen hebben en dat neemt ook mee dat ze hun eigen beoordelingen uitvoeren." (RP5) 14. Shared definition of European and Dutch interests - "Both for reasons of principle (equality and credibility) and practicality (preventing asylum shopping), the Netherlands should make a strong commitment to achieving a harmonised EU definition of a 'safe country' and an uniform application thereof."(D25, p.140). Further examples can be found in D35, D36, D37, D40, D46. 15. Coordination reflex and 'pendulum effect' where 'extreme' national/Dutch and EU positions are reconciled over time via bilateral and EU interactions - "This will accordingly facilitate convergence in the application of procedures and thereby also deter secondary movements of applicants for international protection. In that context, the possibility to take in the future further steps of harmonisation that could lead to the elimination of the need for national lists of safe countries of origin"(D31, p.11) - LGBTI- Exception grounds example "Ik ben dit nagegaan bij de collega die destijds op dit dossier zat. Hij zegt: 'Ik zie dat we begin 2016 voor het eerst de uitzondering LHBTI hebben gemaakt voor Marokko. Ik kan me niet meer herinneren hoe dat is ontstaan, maar het was niet iets dat op Europees niveau werd gestimuleerd."(RP1 and 2). Later the EU focuss on gender sensitivity was presented. (Le Bellec, 2021). 16. Communication and Transparency - examples: "48:15 p 3 in z Interview - transcript Mark - Question: En zijn andere lidstaten het er ook mee eens om die nationale lijst naast de Europese lijst te houden. Answer: Ja, ik kan me eigenlijk niet herinneren of er lidstaten tegen waren." RP5; " First of I want to say that everything I say in this interview needs to be considered as just my personal opinion and cannot be considered as an official position of the council of the EU." (RP3); "Ik heb nog even gekeken naar kennisuitwisseling tussen lidstaten. Ik kwam een query tegen bij EASO. Deze is vertrouwelijk, dus die kan ik niet delen." (RP5)

Note. This final operationalisation table, is based on the deductive approached operationalisation table in Chapter 3. It's foundation lies in the theoretical basis of Wong and Hill (2011). Due to the fact that these indicators are initially projected upon foreign policy, and in this thesis the indicators are projected onto the asylum policy field, there is left some abductive space, to match the indicators. This resulted in the merging of several indicators: 'Increasing salience of European political agenda mentioned at the national level, Adherence to common objectives.' This mostly had to do with the status of the legislation (not including regulations yet) and the diplomatic tone of documents.

Moreover, there are some indicators added. The findings showed that inferior communication and lack of transparency complicates the way to 'cross-laoding'. This is why transparency and pro-active communication are added as indicators. Lastly do to the status of the legislation (not including regulations yet), the 'uploading'- indicators : 1. The Dutch national government uses the EU as a cover/umbrella; 2.Dutch National policy uses the EU level as an influence multiplier, could not be proved by the data.

Due to the fact that the indicators commonly present themselves 'between the lines', the indicators are supported by the examples enclosed in the last column.

SAFE