The Netherlands

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Citizenship *within* Directive 2004/38/EC – stability of residence for Union citizens and their family members

Question 1

The relevant framework in this regard consists of the Aliens Act 2000 (*Vreemdelingenwet 2000*), Aliens Decree 2000 (*Vreemdelingenbesluit*) and the Aliens Circular (*Vreemdelingencirculaire*). Article 1(e) Aliens Act 2000 defines the term 'Community subject' as either a national of a member state who has the right based on primary EU law to enter and remain in the Netherlands (paragraph 1), or a third-country national family member of a person who has the right based on secondary EU legislation to enter and remain in the Netherlands (paragraph 2). Article 9(1) of the same act provides that the persons mentioned in paragraph 2 of Article 1(e) shall be issued a residence card.
The main thrust of the legal framework consists of Articles 8.7 – 8.25 Aliens Decree 2000. These articles are intended to implement Directive 2004/38. Article 8.7 provides in essence that the Aliens Decree is applicable to EU nationals and the family members enumerated in Article 2(2) of the Directive 2004/38. It is noteworthy that in the Netherlands the term 'spouse' is interpreted widely, as civil marriage under Dutch law also includes same-sex marriages. Likewise, a foreign and legally registered partnership is acceptable under Article 8.7. Article 8.7(3) declares the section to be applicable to the family members enumerated in Article 3(2)(a) of the Directive. Article 8.7(4) declares the section to be applicable to the *de facto* partners provided for by Article 3(2)(b) of the Directive. It also goes somewhat farther than the Directive in additionally providing for applicability of the section to the direct descendant of such a partner who is *18 or under*. Article 8.9 implements Article 5(2) of the Directive. Article 8.11 implements Article 5(1) of the Directive. It additionally provides in Art. 8.11(1)(b) that proof of an EU citizen's identity and nationality can be provided by means other than a valid passport or valid identity card.

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Until January 2009, unmarried and unregistered partners of EU citizens enjoyed a right of residence by complete analogy to the immigration facilities made available by Dutch immigration law to the *de facto* partners of Dutch citizens and third-country nationals. This (national) practice was an implementation of the *Reed* decision by the ECJ requiring non-discriminatory access for Community workers.[2] In January 2009, the Government introduced a new policy rule changing the basis of rights of residence for *de facto* partners from the non-discrimination principle to the Directive provision (Art. 3(2)(b)) on '*durable relationship[s], duly attested*'.[3] The new policy rule stated that sufficient proof of a durable relationship was provided, in any case, if the two partners had had a child together or if they could prove that they had already cohabited for six months. If they had cohabited in the Netherlands, the proof could only be provided by a common municipal address registration. On the other hand, if they had cohabited in another country a joint rental contract or joint utility bills would provide proof. The Council of State has been critical in its case law regarding these policy rules. According to the Council, evidence could not be limited to common registration in the municipal address register as proof of prior cohabitation in the Netherlands, as this indirectly imposes a requirement of prior legal residence on a third-country national.[4] The Council has accepted that alternate satisfactory evidence of a durable relationship can be provided if the two persons involved are interviewed separately and provide matching answers to questions about their relationship.[5] As a consequence, on 1 June 2013 a new version of the Aliens Circular came into effect. This version contains the same policy as introduced in January 2009, but with the explicit comment that in all matters of EU law, the relevant authorities will not limit the means of evidence that can be used.

Question 2

There is in the case law limited evidence of expulsion decisions taken on the ground of non-fulfilment of the conditions imposed by the Directive. The following court decisions are noteworthy in this regard. The District Court of Amsterdam ruled on 21 February 2013 in a case concerning the request for allowance by a Bulgarian national that municipalities are under an obligation to assess *themselves* whether the EU citizen has a right of residence. They cannot rely on the residence status as recorded by the immigration authorities (IND).[6] According to the Court, this obligation derived from the fact that the right of residence of EU citizens flows directly from the Treaty. Therefore, it ruled that

[2] Case 59/85 *State of the Netherlands* v. *Ann Florence Reed* [1986] ECR 1283.
[3] Chapter B10/1.7 Aliens Circular as amended on 31 January 2009.
[4] Raad van State, 6 September 2011, ECLI:NL:RVS:2011:BS1678.
[5] Raad van State, 24 February 2012, case 201011515/1/V4.
[6] Rechtbank Amsterdam, 21 February 2013, ECLI:NL:RBAMS:2013:BZ5689.

in the case at hand, the Bulgarian citizen did not have a right of residence based on Article 7 of the Directive. Consequently, he was not entitled to an allowance. The Court refrained from ruling on alternative grounds for the residence status. On 18 March 2013, however, the Administrative High Court (the highest court in social security matters) ruled that municipalities, when deciding on allowances, may not refuse these allowances with the argument that the recourse to social assistance is proof of the absence of the right to stay in the Netherlands.[7] The Court stressed that the recourse to social assistance cannot automatically result in expulsion: the IND decides on the residence status and the municipalities decide on allowances.
In mid-2013, the Minister of Social Affairs announced the start of a pilot project in Rotterdam.[8] This pilot will commence as of 1 October 2013 for a period of six months. Local authorities and immigration authorities will collaborate closely in cases where a EU citizen applies for social assistance. The plan is that the IND will on short term verify the residence status of the applicant. If the applicant has no right under EU law to stay in the Netherlands, the IND will accordingly inform the local authorities. If the applicant was either employed or self-employed for over a year, social assistance will be granted. The same applies to economically non-active EU citizens who have resided in the Netherlands for more than five years.

Question 3

Article 12 of Directive 2004/38 has been fully transposed in respectively Articles 8.14, 8.15 (2) sub a and b, and 8.15 (5) and (6) of the Aliens Decree 2000. Article 13 of the Directive has been transposed in respectively Article 8 and Article 8.15 (4) of the Aliens Decree 2000. The Decree provides that an ex-spouse (or ex-civil partner) of a EU citizen is eligible for permanent residency after five years of legal residence in the Netherlands on the basis of EU law if the marriage lasted at least three years, of which one of those years was in the Netherlands. With the implementation of the Directive, the Netherlands has explicitly chosen to treat the non-registered partners of EU citizens in a similar way to spouses or registered partners (Article 8.7 (4) Aliens Decree 2000).
The Council of State decided on 4 May 2012 that an unmarried partner of a EU national could make a claim for entitlement to permanent EU-residency with regard to compelling humanitarian reasons, in case of a (former) durable relationship duly attested with an EU citizen.[9] The District Court of The Hague determined that unmarried third-country national partners of EU citizens have a

[7] Centrale Raad van Beroep, 18 March 2013, ECLI:NL:CRVB:2013:BZ3853, BZ3854, BZ3855, see also Centrale Raad van Beroep, 19 March 2013, ECLI:NL:CRVB:2013:BZ3857.
[8] Letter of the Minister of Social Affairs, 10 July 2013, reference: 2013-0000091692, available at: http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/07/10/pilot-verblijfsbeeindiging-eu-burgers-rotterdam.html>.
[9] Raad van State, 4 May, 2012, ECLI:NL:RVS:2012:BW5523.

right to continued residency in case that their relationship ends if the third country national ex-partner is able to prove that he or she had a durable relationship for at least three years with an EU citizen, at least one of which was spent living legally in the Netherlands.[10]
Article 14 has been transposed in Article 8.16 of the Aliens Decree 2000. Verification of conditions is not carried out systematically, only when the EU citizen applies for a sticker in his passport to prove legal residency in the Netherlands on the basis of Article 7 of Directive 2004/38.[11]

Question 4

Article 16 of the Directive has been transposed in respectively Articles 8.17 (1) and (2) and 8.18 sub a) of the Aliens Decree 2000. Legal residence for a continuous period of five years is presumed if the relevant authorities have not withdrawn the residence permit.[12]
Article 17 of the Directive has been transposed in Article 8.17 (3)-(7) of the Aliens Decree 2000. In general, Article 18 has been transposed in Article 8.15 (2) and (4) of the Aliens Decree 2000. It should be noted, however, that the "*particularly difficult circumstances, such as having been a victim of domestic violence while the marriage or registered partnership was subsisting*" (Article 13 (2) sub c of the Directive) has been translated in Article 8.15 (4) sub d as "*compelling reasons of a humanitarian nature*". The element "*and for as long as is required*" in Article 13 (2) sub d has not been copied into Article 8.15 (4) sub c. Article 19 has been transposed in Article 8.19 of the Aliens Decree 2000.
In general, Article 20 has been transposed in Article 8.20 (1) of the Aliens Decree 2000. In contrast to the provision of the Directive, the implementing rules do not mention that the permanent resident card should be issued within 6 months after the application has been filed. Deciding within 6 months was already the general administrative law practice, and the modern approach further reduced that timeframe to 3 months. The implementing rules also do not stipulate explicitly that the card expires after 10 years, and that it is automatically renewable after that period. The practice is that the residence card is indeed automatically renewable, but it is issued for five years. Failure to comply with the requirement to apply for a permanent residence card may lead to administrative fines.[13]
Article 21 of the Directive has been partly transposed in Article 8.21 of the Aliens Decree 2000: it provides that continuity of residence is broken from the moment the alien has left the Netherlands. Article 8.21 does not explicitly mention means of proof. In this regard, the liberal rules on evidence generally

[10] Rechtbank Amsterdam, 27 March 2013, ECLI:NL:RBAMS:2013:4271.
[11] See also question 2.
[12] Centrale Raad van Beroep, 18 March 2013, ECLI:NL:CRVB:2013:BZ3857. See also question 2.
[13] Article 108 Aliens Act.

adhered to in Dutch administrative law apply.[14] In practice, enrolment in the municipal register for an uninterrupted period of five years is proof of continuity of residence.

The IND publishes annual reports providing information on the overall number of residence permits issued to EU citizens.[15] No specific information is provided on the number of applications for the permanent residence status on the basis of Directive 2004/38/EC. The Central Bureau for Statistics published in February 2013 an overview of EU-nationals and nationals from candidate member states residing or working in the Netherlands for the period 2007-2012.[16] The report also contains data on the duration of enrolment in municipal databases, and number of persons per nationality.

Relevant case law has been limited. Reference can be made to a ruling by the District Court of The Hague of 17 December 2009.[17] The applicant in this case requested the IND to take a binding decision determining the exact moment in time the right to permanent residence comes into being. The applicant argued that the IND has the power to take such a decision on the basis of Directive 2004/38. The District Court rejected this claim. The Court stated that the IND does not have such competence under Dutch law. The competence was neither created by Articles 16-20 of Directive 2004/38. This ruling was subsequently upheld in appeal.[18] In another judgment, the District Court of The Hague stressed that a permanent resident status does not have to be conferred in cases where a continuous period of five years on the territory of the Netherlands has not been completed, and where the prolonged absence of the claimant also exceeded the limits of Article 16 paragraph 4.[19]

A decision by the District Court of The Hague of 27 March 2013 is also noteworthy.[20] This case concerned a Ghanaian applicant who had been in a registered partnership with an EU citizen, but did not meet the requirement of having stayed in the Netherlands for five consecutive years, as required for the acquisition of a right of permanent residence. It was not disputed, however, that the registered partnership had lasted for more than three years. Therefore, the District Court considered that she had nonetheless retained a residence right as such on the basis of Article 8.15 of the Aliens Decree 2000, since that provision also applies to non-registered partners.

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[14] See Aliens Circular 2000, Chapter B10/1.7. See also Rechtbank 's-Gravenhage, 26 January 2012, ECLI:NL:RBSGR:2012:BV2627, on various statements and documents as proper proof of the existence of a durable relationship.

[15] See http://www.rijksoverheid.nl/documenten-en-publicaties/jaarverslagen/2012/03/20/de-ind-belicht-jaarverslag-2011-van-de-ind.html.

[16] See: http://www.cbs.nl/nl-NL/menu/informatie/beleid/publicaties/maatwerk/archief/2013/130212-migrantenmonitor-fase-2-2007-2012-mw.htm, esp. table 1 and table 4A.

[17] Rechtbank 's-Gravenhage, zittingsplaats Assen, 17 December 2009, ECLI:NL:RBSGR:2009:BK7600.

[18] Raad van State, 21 February 2011, ECLI:NL:RVS:2011:BP5947.

[19] Rechtbank 's-Gravenhage, 17 July 2012, ECLI:NL:RBSGR:2012:BX2779.

[20] Rechtbank Amsterdam, 27 March 2013, ECLI:NL:RBAMS:2013:4271.

Question 5

Article 11(1) of the Dutch Act on Employment and Social benefits provides a general right for social benefits for all residents in the Netherlands who lack sufficient means to be able to support themselves. Article 11(2) states that this right equally applies to all foreigners who legally reside in the Netherlands. This also includes EU citizens who stay in the Netherlands on grounds of EU law. Article 24(2) of the Directive is transposed in Article 11(2) by means of a direct reference: foreigners in *"situations as described in article 24(2) of the Directive"* are *not* entitled to social benefits. As regards maintenance aid for studies, the exception of Article 24(2) is laid down in Article 3a(1) of the Student Finance Decree 2000. EU students can only obtain maintenance aid for studies after they have stayed in the Netherlands for over 5 years (long term residence as provided in article 16 of the Directive).
National law does not distinguish between the categories specified in Article 24(2) and job seekers. Just like the categories specified in article 24(2) of the Directive, job seekers do not have a right to receive social benefits.
Article 24(2) has not entirely displaced the Court of Justice's 'real link' case law before national courts or tribunals. The 'real link' test is still used as an additional test, in order to verify whether there are grounds on which a right to social benefits or maintenance aid for studies may not be denied to a EU citizen under Article 18 TFEU.[21]

Question 6

Article 67 of the Aliens Act 2000 confers upon the Minister of Immigration and Asylum the possibility to declare an alien unwanted. Articles 8.18 and 8.22 of the Aliens Decree 2000 follow almost verbatim the text of the Directive.
When applying the public order and public security exceptions, Dutch courts frequently refer to the 2009 Commission's guidelines on the implementation of the Directive.[22] Generally, Dutch courts carry out a proportionality check when reviewing expulsion decisions. They also check whether the expulsion is respecting the fundamental rights. Interestingly, the latter is almost exclusively done in relation to Article 8 ECHR, and not (yet) with the EU Charter of Fundamental Rights.
Following a pilot in 2008, the Minister of Social Affairs announced in 2011 that the accumulation of offences (that individually would not reach the threshold of

[21] Centrale Raad van Beroep, 18 December 2009, ECLI:NL:CRVB:2009:BK8135 (maintenance aid for studies); Centrale Raad van Beroep, 29 June 2009, ECLI:NL:CRVB:2009:BJ1015 (maintenance aid for studies); Centrale Raad van Beroep, 21 August, 2008, ECLI:NL:CRVB:2008:BF0366 (job seekers).
[22] COM(2009) 313 final, following the 2008 report on the implementation of the Directive (COM(2008) 840 final).

constituting a threat to a fundamental interest of society) could together be considered to meet the threshold.[23] The Commission did not raise any objections to this new approach, whereas the judiciary has been careful to check whether the behaviour of the individual concerned still constitutes a genuine and sufficiently serious threat to a fundamental interest of society.[24] With respect to EU citizens, a ruling by the District Court of The Hague in 2011 considered that multiple minor offences could not be seen as justifying expulsion for "*serious*" reasons of public policy.[25] The Court held that it was required to suspend the expulsion order indefinitely given that the effectiveness of EU law was to be respected.

It seems as if the distinction between the existence and degree of the threat to the public order and the existence of personal conduct constituting a sufficiently serious threat is sometimes blurred. The Dutch courts seem to take into account the nature of the offence committed, the nature of the penalty prescribed by law, the penalty actually imposed and the time-span within which offences have been committed.[26] Occasionally, reference has been made to the *Tsakouridis* case, but solely to reaffirm the need for imperative grounds of public policy in case of expulsion of an EU citizen with a permanent residence right and the fact that organized drug trade can be considered as such a ground.[27]

As to multiple minor offences, the penalty actually imposed on the individual concerned is relevant, as well as whether or not the public prosecutor chose to apply its internal guidelines in relation to multiple offenders as an aggravating circumstance.[28] Recently the Council of State considered that in case an expulsion order is issued in case of multiple minor offences the competent authorities must duly motivate what the concrete threat to society is, why expulsion is necessary despite the fact that minor penalties were imposed and they must take into account the circumstances under which the offences were committed.[29] In case of multiple offences, the competent authorities cannot combine factors pertaining to different occurrences in order to prove that all elements of the threat are present.[30]

The existence of a present and actual threat can continue to exist also after a prison sentence has been served. Good behaviour during detention was found to be irrelevant.[31] At the same time, the authorities were not allowed to shift the

[23] Letter of 14 April 2011, Parliamentary Documents II 2010/11, 29407, nr. 118.
[24] Case C-349/06, Polat [2007] ECR I-8167, para 35.
[25] Rechtbank 's-Gravenhage, 21 March 2011, ECLI:NL:RBSGR:2011:BP8895.
[26] Rechtbank 's-Gravenhage, 19 July 2012, ECLI:NL:RBSGR:2012:BX2790.
[27] Case C-145/09, *Tsakouridis* [2010] ECR I-11979. See e.g. Raad van State, 5 October 2011, ECLI:NL:RVS:2011:BT8385 and Rechtbank 's-Gravenhage, 21 March, ECLI:NL:RBSGR:2011;BP8895.
[28] Rechtbank 's-Gravenhage, 15 February 2013, ECLI:NL:RBSGR:2013:CA1559.
[29] Raad van State, 18 June 2013, ECLI:NL:RVS:2013:62.
[30] Rechtbank 's-Gravenhage, 13 January 2011, ECLI:NL:RBSGR:2011:BP2584.
[31] Rechtbank 's-Gravenhage, 14 September 2012, ECLI:NL:RBSGR:2012:BX9061.

burden of proof of the existence of a present threat to the detained EU-national.[32] With reference to the *Orfanopoulos* case, the intensity and magnitude of the illegal trade in drugs and the dependency of the EU citizen in question formed important elements to conclude a present threat persisted.[33] Once a national court accepts that there is a genuine, present and sufficiently serious threat affecting one of the fundamental interests of Dutch society, the next step is to see whether the decision by the competent authority is in line with the considerations as laid down in Article 28 (1) of the Directive.

The principle of proportionality is also a general principle in Dutch administrative law. It is generally applied by administrative authorities as well as by Dutch courts in administrative procedures. Authorities have an obligation to weigh the interests directly involved. The adverse consequences of a decision may not be disproportionate to the purposes to be served by the decision. Any decision (initial decision and decision on appeal) must be based on proper reasoning. This means that the authorities must gather the necessary information concerning the relevant facts and the interests to be weighed. Before an administrative authority decides on an objection, it shall give the interested party the opportunity to be heard. The decision of the authority must show that the principle of proportionality and in particular the considerations as laid down in Article 28 (1) were taken into account. If not, it can lead to the annulment of the decision, due to a failure to state reasons.[34]

Although national courts review the decision in light of Article 28 (1) of their own motion, the individual is expected to demonstrate elements that can support an argument that the decision is disproportionate in the light of Article 28 (1) of the directive. If no elements linking the individual to Dutch society are brought forward[35], or if the individual explicitly stated that there is no reason for staying in the Netherlands[36], national courts generally accept that the principle of proportionality was respected.[37] When elements are brought forward individuals must provide sufficient evidence to support the claim.[38] In balancing the interest of the individual and the interest of society, the reasoning of national courts varies; it is sometimes elaborate[39], and sometimes brief.[40] We have not found any cases where the elements brought forward are found to be sufficient to quash the decision.[41] Examples of considerations that were not accepted as sufficient:

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[32] Rechtbank 's-Gravenhage, 26 January 2013, ECLI:NL:RBSGR:2013:BV3857.
[33] Rechtbank 's-Gravenhage, 8 July 2008, ECLI:NL:RBSGR:2008:BD7243.
[34] Rechtbank 's-Gravenhage, 18 March 2010, ECLI:NL:RBSGR:2010:BL9840; Rechtbank 's-Gravenhage, 6 March 2007, ECLI:NL:RBSGR:2007:BA0549; Rechtbank 's-Gravenhage, 26 August 2008, ECLI:NL:RBSGR:2008:BF0172.
[35] Rechtbank Den Haag, 11 June 2013, ECLI:NL:RBDHA:2013:CA3247.
[36] Rechtbank 's-Gravenhage, 23 September 2008, ECLI:NL:RBSGR:2008:BF3214.
[37] Rechtbank 's-Gravenhage, 8 July 2008, ECLI:NL:RBSGR:2008:BD7243.
[38] Rechtbank Den Haag, 17 July 2013, ECLI:NL:RBDHA:2013:10529.
[39] Rechtbank 's Gravenhage, 8 November 2011, ECLI:NL:RBSGR:2011:BU5206.
[40] Rechtbank Den Haag, 10 Janury 2013, ECLI:NL:RBDHA:2013:BY8148.
[41] Rechtbank Den Haag, 17 July 2013, ECLI:NL:RBDHA:2013:10529.

- having a relationship with a person living in the Netherlands;
- the desire to work in the Netherlands;
- good behaviour in prison;
- birth of a child/ back on the right path;
- desire to stay in the Netherlands pending criminal trial;
- light forms of medical treatment;[42]
- economic situation in the country of origin;[43]
- no longer welcome with relatives in the country of origin.

In some cases, individuals invoke Article 8 ECHR. Courts have reviewed such claim with reference to the so-called 'guiding principles' as stipulated in the Boultif and Üner decision of the ECHR.[44] It is often in this review that national courts give a more elaborate reasoning with regard to the principle of proportionality.[45]

EU citizenship *beyond* Directive 2004/38/EC – exploring national application of primary EU Law

Question 7

There is growing case law in relation to Article 20 TFEU.[46] Generally, Dutch courts accept that EU citizens are only deprived of the '*genuine enjoyment of the substance of rights*' if they have no 'real' other possibility to stay within the territory of the EU. The fact that a family has to split up in order for the children to reside in the EU does generally not endanger this according to the case law. In one illustrative case, authorities refused a residence permit to a mother from Kosovo. Given the absence of a permit, she had to leave the Netherlands. But, after she gave birth to a daughter, her deportation was postponed for six weeks, though in the end she never left the country. After she gave birth to a second child, her partner, a Dutch national, made a declaration of paternity in relation to both children holding Dutch nationality. The mother claimed a right to stay in the country in the light of the Zambrano judgment. The District Court of The Hague ruled that her situation differed from that in Zambrano, since her children could still enjoy residency in the EU, with their father, who had Dutch nationality.[47]

Another set of cases concern the situation that the Dutch parent is (partly) unable to take care of the children. It was ruled that a Moroccan father did not have a derived right to stay in the Netherlands, because the Dutch mother could not take

[42] Rechtbank 's-Gravenhage, 12 July 2012, ECLI:NL:RBSGR:2012:BX1255.
[43] Rechtbank 's-Gravenhage, 18 March 2010, ECLI:NL:RBSGR:2010:BL9840.
[44] Boultif v Switzerland, no. 54273/00, ÜNER v. The Netherlands, no. 46410/99.
[45] Rechtbank 's-Gravenhage, 8 November 2011, ECLI:NL:RBSGR:2011:BU5206.
[46] Up until June 2013, 39 cases have been published online on www.rechtspraak.nl.
[47] Rechtbank 's-Gravenhage, zittingsplaats Roermond, 28 March 2011, ECLI:NL:RBSGR:2011:BQ0062.

care of the children and the children were forced to stay in a foster home. The Court ruled that in these circumstances, the children were not obliged to leave the territory of the EU.[48] Another example is a case where the Dutch parent was mentally ill and could not take care of the children. It was also held that there was no derived residence right to the other parent with the third country nationality.[49]

There are also instances where a Zambrano claim has been accepted. An example is a case concerning a Turkish father and a Dutch mother with a Dutch child. The Dutch mother was in the position to take care of her child. Nevertheless, due to the mental illness of the father, the Council of State ruled that the Turkish father had a derived right to reside in the Netherlands. There were indications that a deportation to Turkey would lead to so much psychological suffering that his Dutch spouse and child had no other choice than to join the father and thus to reside outside the EU. Another example is the situation that the children would be placed under supervision if the third country national parent were to be deported.[50] In this context, it is interesting to note that Dutch courts seem to require clear evidence that the Dutch parent is not in the position to take care of the children involved. The mere declaration that the Dutch parent would not provide the necessary care is not sufficient to trigger the scope of Article 20 TFEU.[51] The fact that the presence of the third country national parent is important for the psychological health of the Dutch parent is insufficient if others like family members could provide support to the Dutch parent as well.[52] The dependency of the EU citizen on the third country national to reside in the EU is decisive, the desire to stay with the whole family within the European Union is not sufficient to trigger the scope of Article 20 TFEU.[53] Also noteworthy is the decision by the District Court of Arnhem ruling that the national authorities are obliged to grant an allowance in order to facilitate the residency of the dependent Union citizens.[54] In this case, the mother is Venezuelan and the father is Dutch. The father did not take care of the daughter. The mother was not granted an allowance. The Court ruled that if the daughter were to be granted the effective enjoyment of her EU citizenship rights, her Venezuelan mother should have sufficient financial resources to take care of her family.

Generally, Dutch courts have not turned down residence claims based on Article 20 TFEU with the argument that the dispute involves an internal situation.[55]When turning down these claims, courts tend to do so because the EU

[48] Rechtbank ‘s Gravenhage, 11 July 2011, ECLI:NL:RBSGR:2011:BR1625LJN.
[49] Rechtbank ‘s-Gravenhage, 31 August 2011, ECLI: NL:RBSGR:2011:BR7035.
[50] Raad van State, 26 April 2013, ECLI:NL:RVS:2013:BZ9025.
[51] Raad van State, 12 June 2013, ECLI:NL:RVS:2013:CA3605.
[52] Raad van State, 6 August 2012, ECLI:NL:RVS:2012:BX5044.
[53] Raad van State, 18 July 2013, ECLI:NL:RVS:2013:425.
[54] Rechtbank Arnhem, 10 July 2012, ECLI:NL:RBARN:2012:BX3418.
[55] Rechtbank, ‘s Gravenhage, 12 January 2012, ECLI:NL:RBSGR:2012:BV2012.

citizens involved have not been deprived of their essential rights. A judgment by the District Court of The Hague of 12 January 2012 is illustrative in this regard. The case concerned a national of Nicaragua, who requested a residence permit in the Netherlands, and who had a relationship with a Dutch national and a child with Dutch nationality. Later, she had a child with another Dutch national with whom she subsequently had a second child. This (second) child has the Nicaraguan nationality. The Court held that this case was not an internal situation, even though the right of free movement was not exercised. Referring to the Zambrano judgment, the Court stressed that no internal situation will arise in the case that national measures have the effect that EU citizens are deprived of the effective enjoyment of the substance of their EU rights.[56] This line of reasoning has also been applied in other (similar) cases.[57] According to the Council of State, it is possible to rely upon Article 20 TFEU independently from other EU Treaty provisions.[58] Consequently, the Council of State held that the possession of a residence permit based on national law may not be imposed as a condition prior to invoke Article 20 TFEU.[59] Furthermore, the Council ruled that a residence card based on Article 9 Aliens Act (which provides for issuance of a residence card based on Directive 2004/38) shall also be issued to family members of EU citizens who derive rights from Article 20 TFEU. Whether legislative changes are needed to accommodate the Zambrano ruling is (still) under discussion.

There is also case law in relation to family members of Dutch citizens being denied a right of residence after the Dutch citizen involved has made use of his mobility rights within the EU and returned to the Netherlands. Various reasons have been invoked for denial of analogous application of Directive 2004/38: the use of Treaty rights of residence was considered to be too short-term, usually less than 3 months,[60] or the Dutch citizen had not furnished convincing substantive proof of '*genuine and effective residence*' in the host member state.[61] In another case, the Court held that the Dutch national involved was not the provider of services in the sense of the Carpenter ruling. Moreover, the Court argued that the (adult) Dutch national had *de facto* used his free movement rights, and that it is not tenable that he is being deprived of the genuine enjoyment of the substance of his EU citizenship rights.[62] In this case, the use of free movement rights seemed one of the factors blocking reliance upon Article

[56] Rechtbank 's-Gravenhage, 12 January 2012, ECLI:NL:RBSGR:2012:BV2011.
[57] Rechtbank 's-Gravenhage, 12 January 2012, ECLI:NL:RBSGR:2012:BV2012 and Raad van State, 7 March 2012, ECLI:NL:RVS:2012:BV8623.
[58] Raad van State, 17 October 2012, ECLI:NL:RVS:2012:BY0833.
[59] Raad van State, 9 August 2013, ECLI:NL:RVS:2013:725.
[60] Rechtbank 's-Gravenhage, zittingsplaats Amsterdam, 13 September 2010, ECLI:NL:RBSGR:2010:BO7110.
[61] Raad van State, 17 December 2012, ECLI:NL:RVS:2012:BY7401; also Rechtbank 's Gravenhage, zittingsplaats Zwolle, 9 March 2012, ECLI:NL:RBSGR:2012:BV8504.
[62] Rechtbank 's-Gravenhage, zittingsplaats Haarlem, 26 April 2011, ECLI:NL:RBSGR:2011:BQ5774.

20 TFEU, even if the use did not lead to 'genuine and effective residence' necessary for analogous application of Directive 2004/38. Meanwhile, the Council of State has asked preliminary questions to the Court of Justice to clarify under what circumstances long-term but intermittent residence in a host Member State can be considered to constitute the necessary use of Treaty rights by a Union citizen, and how long after the EU-national's return the family member can still derive rights from EU law.[63]
As to Directive 2004/38, courts seem to distinguish between citizens using their free movement rights and those who do not. One example concerns a Dutch national who is married with a third country national and who has not used her free movement rights. In that case, she could not rely upon Directive 2004/38.[64] A recent ruling of the Council of State made clear that in the context of Directive 2004/38, a third country national taking care of a minor EU-national (who is making use of free movement rights) and having sufficient resources has the right to reside with the child in the Netherlands regardless of the origin of the resources. In such a situation, the fact that the third country national is the child's primary carer is decisive. This differs from the situation under Article 20 TFEU, where the dependency of the minor EU-national (who is not making use of free movement rights) on the third country national is decisive.[65] With regard to family members of Dutch nationals returning to the Netherlands, the Council of State identifies the right of residence so established as based on an *analogous* application of Directive 2004/38. Lower courts seem to be less cautious and often refer directly to Directive 2004/38 as the (potential) source of rights in such a case.

Question 8

Articles 14 and 15 of the Kingdom Act on Netherlands Nationality regulate the loss of Dutch Nationality. According to Article 14 (1), the acquisition or grant of Dutch nationality may be revoked if it is based on a false declaration made by the person concerned or fraud and/or on concealment of any fact relevant to the acquisition or grant. The revocation has retroactive effect to the time of the acquisition or grant of Dutch nationality. In addition, Dutch nationality can be withdrawn if the person concerned is convicted for certain criminal offences referred to in the Criminal Law (Article 14 (2)). Moreover, a person who is of full age shall lose his or her Dutch nationality if the person concerned has failed, after his or her naturalisation, to make every effort to divest himself of his or her original nationality (Article 15 (1) (d) and (f)) or if he renders voluntary military

[63] Raad van State 5 October 2012, ECLI:NL;RVS:2012:BX9567; pending at the ECJ with case number C-456/12.
[64] Rechtbank 's Gravenhage, zittingsplaats Zwolle, 9 March 2012, ECLI:NL:RBSGR:2012:BV8504.
[65] Raad van State, 3 September 2013, ECLI:NL:RVS:2013:1068.

service to a hostile state (Article 15 (1) (e)). With the exception of Article 14 (1), Dutch nationality may not be lost if this would lead to statelessness.
As to the possible implications of the Rottmann ruling, it is generally accepted that the grounds to revoke Dutch nationality are not contrary (as such) to EU law. Nevertheless, it is for the national courts to ascertain in each individual case whether the withdrawal decision observes the principle of proportionality in light of EU law. Generally, the principle of proportionality also applies in Dutch national law. The 'Guide to the Netherlands Nationality Act' even explicitly states that no withdrawal decision will be taken if this would be disproportionate.[66] As for the application of the Rottmann-based proportionality test, it could be argued that it only applies in those cases where the person concerned has lost the nationality of another Member State that he/she originally possessed. On the other hand, it could be argued that national courts should apply the Rottmann-based proportionality test in all individual cases where Union citizenship is in danger of being lost. However, the Dutch courts have so far refused such a broad application of the Rottmann judgment.[67]
For example, in a case involving a Somali national who acquired Dutch nationality on the basis of false (identity) information, it was ruled that the naturalisation decision based on false information had no legal effect and therefore the Somali national had never acquired Dutch nationality. Therefore, the rights attached to Union citizenship were not lost, since the rights were never acquired. Consequently, the Rottmann ruling did not apply.[68]
Certain aspects of the Dutch rules governing the loss of Dutch nationality arguably require closer scrutiny in light of the principle of proportionality as set out in Rottmann. For example, the proportionality test as formulated by the Court in Rottmann (in particular paras. 56-58) implicates that this requires the person concerned to be afforded a reasonable period of time in order to try to recover the nationality of his Member State of origin. The courts should assess whether EU citizens deprived of their Dutch nationality are afforded such a reasonable period when their Union citizenship is in danger of being lost entirely.[69]

Political rights of EU citizens

Question 9

[66] See the Handleiding Rijkswet op het Nederlanderschap 2003, paras. 2.2, 2.3 and 4.2.
[67] Rechtbank 's-Gravenhage, 7 April 2011, ECLI:NL:2011:BQ0863; Rechtbank 's-Gravenhage, 4 October 2012, ECLI:NL:RBSGR:2012:BY0139; Rechtbank 's-Gravenhage, 26 January 2012, ECLI:NL:RBSGR:2012:BV3372 and Rechtbank 's-Gravenhage, 13 December 2012, ECLI:NL:RBSGR:2012:BZ0382.
[68] Rechtbank 's-Gravenhage, 7 April 2011, ECLI:NL:2011:BQ0863.
[69] In one case the Court has found that there were no reasons to afford more than a 7 months period to take steps to recover the former (third-country) nationality, regardless of the applicability of the judgment in Rottman. See Rechtbank Breda, 7 January 2011, ECLI:NL:RBBRE:2011:58.

The transposition of Directive 93/109 was effectuated by 1 April 1993.[70] Under Dutch law, the requirement of Article Y 37 Elections Act (now repealed) that a candidate had to produce credentials from his national authorities proving that he has not been deprived of the right to stand as a candidate was implemented by requiring that candidates should produce their credentials after the elections. The Commission contested this way of transposition of the Directive. According to the Commission, the credentials should be produced when applying as a candidate. As a result, the Dutch Elections Act was changed in 1999 to the effect that candidates not having provided for the right documentation are taken off the list of candidates.[71] Nationals of other Member States must have their actual place of residence in the Netherlands to be eligible to be a member of the European Parliament. EU citizens must, unlike Dutch nationals, have their actual place of residence in the European part of the Kingdom of the Netherlands on nomination day. In the original transposition of the Directive, all Dutch nationals living abroad had both active and passive electoral rights for the European Parliament, except those residing on Aruba and the Antilles, who had only passive voting rights. Following the *Eman and Sevinger* ruling, Dutch nationals living in Aruba and the Antilles were enfranchised for European elections in 2008.[72] Non-Dutch EU-nationals living in non-European parts of the Kingdom of the Netherlands are not allowed to participate in the Dutch election of the European Parliament.[73]
The implementing law of Directive 2013/1 is pending and expected to enter into force before 2014. The law proposal uses the discretionary possibility laid down in Art. 6(3) to shorten the deadline for provision of information on disqualification from standing for election to less than 5 days as currently applied to candidatures from Dutch nationals.[74]

Question 10

Directive 94/80 was transposed by amendments to the Elections Act and the Municipal Act on 3 July 1996.[75] Parliament decided that only one amendment was necessary: the condition that non-nationals had to reside in the Netherlands for five years prior to the elections, was abolished with regard to EU citizens. EU citizens who reside in the Netherlands have the right to vote and to stand for election in municipal elections under the same conditions as Dutch citizens.

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70 Stb. 1993, 75.
71 Article Y 35a Elections Act.
72 Case C-300/04, *Eman and Sevinger*, ECR [2006] p. I-8061.
73 Residence in the non-European part of the Netherlands is not presumed to be residence 'in a Member State of which he is not a national' under article 22 TFEU, TK 2008-2009, 31956, nr. 3, par. 7.5.
74 TK 2012-2013, 33586, Arts. Y 35b and Y 38 Elections Act.
75 Stb. 1996, 392.

These conditions are quite straightforward. The right to vote is reserved to persons who:[76]

- are residents of a municipality (i.e. persons who have their actual place of residence in one of the 400 municipalities); and
- have attained the age of eighteen years on polling day; and
- are not disqualified from franchise or standing for election by a final decision of a court (B5 Elections Act and 10 Municipalities Act).

Voting is not compulsory in the Netherlands. EU citizens deprived of their right to stand as a candidate under the law of their home state can nonetheless take part in municipal elections in the Netherlands.

Question 11

In the Netherlands, elections are organized with regard to the following general representative assemblies: municipal, provincial, national and European as well as the election of the General Management of the District Water Boards. Elective rights for the District Water Boards and municipal council are on the basis of residence, regardless of the nationality of the person involved.[77] On the other hand, participation in the national and provincial elections is subject to the possession of Dutch nationality.[78] The nationality condition in provincial elections can be explained by the indirect elections of the Upper House via the provincial councils.

Question 12

According to the Dutch Constitution, electoral rights of anyone (including EU-nationals) can be restricted by Court order.[79] In practice, this has not happened after the Constitutional changes in 1983.[80] People who are lawfully deprived of their liberty on polling day are not excluded from the right to vote or to stand as a candidate. They can exercise the franchise by voting by proxy.[81] In other words: they can exercise the right in law and in fact.
The Dutch Constitution contained the provision that anyone who has been deemed legally incompetent by irrevocable judgment of a court because of mental disorder was not entitled to vote. This provision was withdrawn in June 2008 following a ruling of the Council of State.[82] The Council of State ruled that categorical exclusion as such is not an unreasonable restriction of the right to

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76 Article B3 Elections Act (vote) and 10 Municipal Law (stand).
77 Articles 15-17 Act on District Water Boards of 6 June 1991, Stb 1991, 379, Article 10 Municipalities Act.
78 Article 56 Dutch Constitution, Article 10 Provincial Law.
79 Articles 54.2, 129, 130 Constitution.
80 TK 33586 nr. 3 para.3.
81 Article B6 Elections Act.
82 Raad van State, 29 October 2003, ECLI:NL:RVS:2003:AM5435.

vote in the meaning of Article 25 International Covenant on Civil and Political Rights, but that it could be in individual cases. The legislator reacted by withdrawing the constitutional exclusionary provision for this category of voters.[83]

Culture(s) of citizenship

Question 13

The relevant articles of the Aliens Decree 2000 implementing Directive 2004/38 start from the presumption that movement within the EU is free: EU citizens and their family members 'have lawful residence'.[84] We note in this regard the terminology used for lawful residence of foreigners not falling under the scope of the Directive: these aliens are 'permitted to reside' in the Netherlands (Article 3.3 Aliens Decree 2000).
Dutch courts generally follow the presumption of lawful residence. The case law repeatedly referred to the ruling earlier discussed that municipalities must assume lawful residence until the IND has decided differently. The case law referred to under Question 6 illustrates that national courts duly take account of the more protected status of EU citizens with a permanent resident right.
National case law on residence rights for third-country national family members referred to under Question 7 shows a strict application of the 'genuine enjoyment of the substance of rights' criterion. Although one could argue that the approach in the case law is more one of strict immigration control than a rights-based approach, the basic presumption of the courts remains that EU citizens may not be forced to leave the territory of the EU.
National administrative actors follow the free movement culture, but there is more focus on enforcement of the conditions for lawful residence. In that regard, it is to be noted that fulfilment of the conditions for lawful residence of economically inactive EU citizens is assumed as long as no social welfare or student aid is requested. In addition, certain norms (14.4 hours work per week and an income of 50% of the relevant subsistence norm) *must* be fulfilled in order to qualify as a worker or self-employed under EU law (Article B10 under 2.4 Aliens Circular).
Not all EU citizens apply for registration when they stay for a period longer than three months, and the government is aiming at improving registration facilities.[85] In February 2013, the Dutch government published a policy document outlining

[83] TK 30 471, nr. 3.
[84] E.g. Articles 8.11, 8.12, 8.13 and 8.17 Aliens Decree.
[85] Letter from the Minister of Social Affairs and Employment on *Migrantenmonitor 2007-2012* ref. 2013-0000024987.

its view on migration.[86] The document contains plans for language and integration courses for EU citizens, as well as the intention to investigate the possibility of a 'participation agreement'. The plans and intentions are still under discussion.
The plans start from the presumption of lawful residence of EU citizens, but focus on stricter enforcement of conditions for migration (e.g. better information for EU migrants, better registration, adequate housing and incentives for language training). In this respect, the open letter of the Minister of Social Affairs, claiming 'code orange' for labour migration within the EU, and in which he argues for a European solution to combat abuses of EU-workers is instructive.[87]

Question 14

The binding effect of the EU Charter of Fundamental Rights has played a role in how rights of EU-nationals are being interpreted, although it rarely has led to a more favourable result for the claimant. Articles 7 and 24 of the EU Charter have been invoked in situations where a right to stay in the Netherlands is claimed on the basis of the Zambrano case law. Dutch courts generally argued that when there is no deprivation of the genuine substance of rights, EU law does not apply, and consequently the EU Charter is not applicable. It is noteworthy to mention that the District Court of The Hague in several of these cases remarked that Articles 7 and 24 of the EU Charter do not belong to the 'substance of rights' of EU citizens, and consequently concluded that the EU Charter did not apply in the situation at hand, as it fell outside the scope of EU law.[88] However, in January 2013, the Council of State accepted the claimant's grounds of appeal that the District Court should have considered Article 8 ECHR and Article 3 ITRC *ex officio* where the applicant had invoked Articles 7 and 24 of the EU Charter. However, it could not lead to another outcome in the case at hand, as the document that the applicant applied for had only declaratory status.[89] Article 7 of the EU Charter has also been invoked in situations where third-country nationals claimed residence rights as family members on the basis of Directive 2004/38. The Council of State has confirmed that non-existence of a durable relationship or marriages of convenience do not imply family life, and hence Article 7 of the

[86] *Agenda Integratie*, bijlage bij kamerstuk 32824, nr. 7 and Ministry of Social affairs and Employment, Beleidsnota *Agenda Integratie*, bijlage bij kamerbrief agenda integratie, 2013-0000015514, 19 February 2013.
[87] Lodewijk Asscher and David Goodhart, 'Code Oranje voor vrij werknemersverkeer binnen EU' *De Volkskrant*, 17 August 2013 and 'So much migration puts Europe's dykes in danger of bursting', *The Independent*, 18 August 2013.
[88] Rechtbank 's-Gravenhage, 8 July 2011, ECLI:NL:RBSGR:2011:BR0795; Rechtbank 's-Gravenhage, 31 August 2011, ECLI:NL:RBSGR:2011:BR7035; Rechtbank 's-Gravenhage, 14 July 2011, ECLI:NL:RBSGR:2011:BR1625.
[89] Raad van State, 3 January 2013, ECLI:NL:RVS:2013:BY8254.

Charter is not violated.[90] We found two cases regarding on expulsion orders based on Article 27, where Articles 47 and 45 of the EU Charter have been invoked. In both instances, the Courts found that there was a sufficiently serious threat to a fundamental interest of society, and that the expulsion orders were compatible with respectively Article 47 and Article 45 of the EU Charter.[91]

Question 15

In the Netherlands, media discussion of issues connected to EU citizenship generally follows events related to national politics.[92] Issues related to EU citizenship have not been very salient, they hardly ever make it to the front page of journals[93] and very few editorials are dedicated to EU-citizenship issues.[94] The national newspapers *NRC Handelsblad*, *Volkskrant* and *Trouw* cover EU citizenship issues at least twice as much as popular and more eurosceptic national newspaper *De Telegraaf* or local newspapers. Focus is very often on the national implementing policies, responsible national politicians and enforcement failures. Landmark cases on residence rights (Chen, Jia, Metock) and access to student support (Bidar, Förster) are covered as well. Newspaper coverage does not always use the term 'EU citizens'.[95]
Several themes are recurring, in general whenever certain issues or policy plans recur on the national political scene. For instance, media reported on possibilities of language requirements and integration courses for EU migrants whenever Dutch government members suggested their introduction.[96] Also, the rulings of the Administrative High Court of March 2013 (see answer to Question 2) on EU citizens' claims to social assistance led to a number of newspaper articles. Coverage in newspaper articles using the concept of 'welfare tourism' appeared following the announcement of the Dutch deputy minister of justice to address, together with Germany, Austria and the United Kingdom, their concerns about the abuse of welfare benefits. Coverage was not front-page, and included the

[90] Raad van State, 18 December 2012, ECLI:NL:RVS: 2012:BY7389; Raad van State, 28 June 2012, ECLI:NL:RVS:2012:BX0165.
[91] Raad van State, 19 April 2012, ECLI:NL:RVS:2012:BW4915; Rechtbank Den Haag, 11 June 2013, ECLI:NL:RBDHA:2013:CA3247.
[92] The answer to this question is largely based on a Dutch news database search in LexisNexis Academic NL. The search word EU-burgers (EU citizens) resulted in 934 hits, from November 1994 till July 2013. The choice for newspapers as source is based on the fact that print media remain a crucial line of communication See R. Koopmans and P. Statham, 'Theoretical Framework, Research Design and Methods' in R. Koopmans and P. Statham (eds), *The Making of a European Public Sphere. Media Discourse and Political Contention*, Cambridge University Press, 2010, p. 34-59, at p. 50.
[93] Only 9 out of 934 articles.
[94] A search in the digital archives of *NRC Handelsblad* resulted in 5 editiorials containing the term 'EU citizens'.
[95] Search term 'Meldpunt Polen' resulted in 997 hits, but only 15 of these also included the term 'EU citizens'.
[96] Asscher in 2013, Leers in 2011, Verdonk in 2004.

remark that the number of abuses was unknown. Welfare tourism as such has been covered before, notably when previous Dutch ministers announced to implement stricter controls 'to prevent welfare tourism'.[97] The launch of a website to collect complaints on migrants from Middle and Eastern Europe by the right-wing PVV, an opposition party which at the time was tolerating the minority government, led to front page coverage, but here the focus was especially on the position of the Dutch prime minister, who refused to formally distance himself from the website. The position of labour migrants from Middle and Eastern Europe figures regularly in Dutch newspapers, and is usually connected to news coverage of local discussions on housing of labour migrants and perceived nuisance caused by migrants. In some newspapers, coverage of perceived negative issues related to EU citizenship (welfare benefit tourism, criminality) is not dealt with as linked to 'EU citizenship', but to migration from Middle and Eastern Europe. Family migration became an issue in newspapers when family reunification under Dutch law became more stringent, in 2004, and when the Court ruled in the Metock case in 2008. At that time, the deputy minister of Justice announced stricter measures against the so-called 'Belgium route' and newspapers reported on this route and the so-called 'Europe route', and on how Dutch attempts to strengthen family migration conditions in European directives were doomed to fail. Expulsion of EU citizens was covered in newspaper articles following the ECJ's ruling in Commission/Netherlands (C-50/06) on article 67 of the Aliens Act and the connection between criminal conviction and measure of expulsion, and several months later when newspapers covered expulsion of Roma by Italy.

In the 1990s, a dominant theme related to EU citizenship in Dutch newspapers was voting rights, especially voting rights for EU citizens in Belgium. Unsurprisingly, in 2000 and 2001 more was written on fundamental rights for EU citizens and on EU citizens' support for the euro. As of 2002, enlargement and labour migration become more salient issues, and in 2003, the first newspaper articles appeared on limiting labour migration from the new Member States. Since 2005, EU (labour) migration from Middle and Eastern European States has been the most dominant theme. Issues covered are (lack of) good housing, abusive practices, perceived nuisance and expulsion. The newspaper articles on this subject do not always use the term 'EU citizenship' or 'EU citizens' but often use nationality indications.

As to media influence on national public discourse, this was paramount for instance when in April 2013 a television newscast reported on a welfare benefit-draining scheme, in which Bulgarian nationals were transported to the Netherlands in order to obtain falsely a residence number. Subsequently, they were transported back to Bulgaria, while the schemers used their residence number to claim welfare benefits antedate. This fraud led to the near-downfall of

[97] e.g. Minister Kamp in February 2012.

the deputy minister of finance and to a project to revise the Dutch welfare benefit system. It seems that the focus of the national public discourse did quickly turn away from EU citizenship rules as source of the fraud towards political responsibility of Dutch politicians and badly designed and complicated Dutch legislation on welfare benefits. Apart from 'obvious' cases of influence on the national debate, national media might have influence through editorials (newspapers) or news frames (television), as politicians or activists pay close attention to these. It is argued that framing strategies may have an impact on how salience of an issue is enhanced. One of these strategies is to use the economic consequences frame,[98] which might explain the dominance of public discourse on the cost-benefit of EU-citizenship for Dutch society. Another example could be the use of specific nationalities (Polish, Rumanian, Bulgarian) when 'problems' of migrant EU citizens are reported, or when newspaper headlines use words like 'large flux' or 'flood' of immigrants form Eastern Europe. It could be influential on the perception of pros and cons of EU citizenship in The Netherlands, but the writers of this report do not have the expertise to analyse the existence of such influence.

[98] De Vreese, C., *Framing Europe. Television News and European Integration*, Aksant, 2003, p. 122.