

## 00 — Brussels as a Variable, Not a Constant

*Why the heaviest link-with-inertia of a Dutch reform holds no veto power — as long as the Netherlands dares to make its own weighting public.*

In an earlier weighting of inertia against Nova Democratia, European law received the highest inertia score: nine hundred out of a thousand. That score was based on an assumption that no engineer would tolerate for long. A burden was treated as a constant, while in reality, it is a variable. The question of whether the Netherlands can prescribe a better path for Brussels is not rhetorical. It has a factual answer.

That answer is: yes, provided the Netherlands has the willingness to make its own weighting public. Three recent precedents prove that European treaty law is not the immovable wall it purports to be, but a negotiable system that responds to a member state that pushes back fundamentally.

### **Three Precedents**

Switzerland, in April 2026, concluded the Bilaterals III package with the European Commission. Under that agreement, the Court of Justice remains competent only for the interpretation of EU law; actual dispute resolution takes place through independent arbitration. Switzerland obtained a consultative role in EU legislation before adoption, and sanctions must henceforth be proportionate and sector-limited rather than broadly punitive. For the first time since the founding of the union, Brussels has formally recognised that institutional guarantees can exist without direct EU institutions. Bern has prescribed the procedure; the Commission has accepted that procedure.

The United Kingdom left the union as a whole in January 2020. The pain of that step is real, but the myth that withdrawal would be technically impossible has since been definitively refuted. Today, the Netherlands can refer to a living example of a country that has renegotiated its relationship with Brussels as an equal party rather than as a supplicant.

Poland and Hungary have for years successfully refused to implement Court rulings in areas where they believed themselves to be constitutionally sovereign. Not everything that happened in Warsaw or Budapest is defensible — that is a different debate. What matters for the analysis is that the mechanism works. A member state that says no and continues to say no will, at some point, receive a negotiation, not a warrant.

*A member state that says no and continues to say no will, at some point, receive a negotiation, not a warrant.*

### **The Engineering Error in the First Weighting**

The Pareto analysis from episode 3 gave EU law a score for power leverage of ten out of ten. That judgement is only valid as long as the Netherlands regards the existing EU frame as a given. As soon as a member state publicly proposes that the EU system itself be subjected to an order classification — like any other objection under Nova Democratia — the field of forces changes fundamentally. Brussels is then no longer the examiner, but the examined.

In the revised Pareto, European law shifts from first to fourth place. The intensity with which Brussels resists remains high, and the endurance of the institutions is great. But the leverage — the ability to truly stop the Netherlands — drops from ten to six as soon as there is a Dutch position that is legally substantiated and publicly repeated.

The practical consequence is that the unions indisputably become the centre of gravity of Dutch inertia. This is a different strategic landscape than previously sketched. It makes the package deal with education, civil servants, and public broadcasting, which was proposed in episode 3, even more important than was then assumed.

### **Three Positions, One Choice**

The Netherlands can adopt three attitudes towards Brussels, and the choice determines the entire Nova Democratia strategy.

#### **Position A — Confrontation Within the Frame**

The Netherlands remains an EU member but forces Brussels through diplomatic and legal routes to revise specific rules. Nitrogen, migration, subsidy regimes — dossier by dossier. This is the Polish and Hungarian route, but for targeted subjects. The risk is years of legal battle with limited gains per dossier. The advantage is that no rupture occurs.

#### **Position B — Nova Democratia as an Institutional Alternative**

The Netherlands publicly imposes its own order classification on Brussels. Every EU rule is classified according to the same protocol as domestic objections. Rules that fall into the first or second order — procedural, institutional interests of the Commission — are no longer automatically implemented. Only third- and fourth-order rules, that is to say, actual design issues and human rights, remain unconditionally valid. This is a weightier step, but consistent with the rest of the model. The Swiss precedent shows that Brussels can respond to this with adaptation instead of punitive measures.

#### **Position C — Full Withdrawal**

Nexit. Maximum effect, maximum risk. The Pareto analysis does not rule out this option, but the economic expectation is that the costs in the current phase are greater than the benefits. This deserves a separate calculation, not a casual decision.

*The order classification protocol only works if it is also applied externally. Otherwise, it is selective application, and that undermines the credibility of the entire system.*

### **The Recommendation**

Position B is the most consistent choice. The order classification protocol from episode 4 only works if it is also applied at the European level. A safety factor that is sometimes one and a half and sometimes eight tenths is no longer a safety factor. A classification protocol that is applied domestically but not abroad is no longer a protocol, but opportunistic argumentation.

In concrete terms, position B means that the Netherlands publishes its own order classification of EU regulation. That is not rebellion. It is institutional weighting, public, according to the same decision tree elaborated in part four. Brussels can react in two ways. With confrontation

through fines and procedures, as the first reflex will be. Or with adaptation, as ultimately happened with Switzerland. The Pareto analysis says that the second becomes more likely as soon as the Dutch signal is clear and repeatable, because a second member state publicly deploying this sovereignty weighting makes the arrangement as a whole untenable.

### **Consequences for the Phase Order**

This choice of position changes the phasing of Nova Democratia. The Brussels dossier shifts from Phase four, where it was originally treated as a legal exception clause in the sunset system, to Phase zero, where the constitutional position is established.

### **What This Is Not**

This position is not anti-Europeanism. It is not a proposal for withdrawal. Nor is it a call to break the law. It is something much more precise: a proposal to use Dutch sovereignty as it was intended, namely as an independent weighting of what can and cannot be prescribed by external institutions.

Those who accept Brussels uncritically treat a variable as a constant. That is not European loyalty; it is intellectual laziness. Those who reject Brussels uncritically treat a complex institutional reality as a simple binary choice. That is not sovereignty; it is romanticism. Position B demands something harder: a classifying, repeated, public use of Dutch weighting. Not a one-off protest, but a continuous register — like the domestic objection register elaborated in episode four.

That is, in the language of structural calculation, the difference between incidentally complaining about a load and systematically measuring it. It is precisely what Nova Democratia stands for domestically. There is no reason to apply a different standard to the Brussels dossier.

*Those who accept Brussels uncritically treat a variable as a constant. That is not European loyalty; it is intellectual laziness.*

### **In Conclusion**

The question of whether the Netherlands can prescribe a better path for Brussels turns out, upon closer inspection, to contain the wrong verb. Not prescribe — weigh. Not command — classify. Not unilaterally impose — publicly motivate. The three precedents of Switzerland, the United Kingdom, and in a certain sense Poland and Hungary, show that this works, provided it is done methodically and repeatedly. The Pareto score of Brussels decreases accordingly. And the domestic centre of gravity shifts to where it has always been, but had not yet been acknowledged: the Dutch unions in education, the civil service, and public broadcasting.

With that, the scope of Nova Democratia has not become smaller, but clearer. The system works domestically, and it works abroad, because it uses the same method in both cases. That is no coincidence. That is design.

Het Open Vizier · novademocratia.com · Working Material · Jacobus van Merksteijn · June 2026