The provisions of the Treaty of Amsterdam

URL: http://www.cvce.eu/obj/the_provisions_of_the_treaty_of_amsterdam-en-08be97f5-9276-4623-83b1-bc1840b78ff1.html

Last updated: 08/07/2016

The provisions of the Treaty of Amsterdam

The most innovative features of the Treaty of Amsterdam are to be found in the field of relations between the European Union and its citizens. Explicit reference is made to human rights and to the principles of freedom, democracy and rule of law. Compliance therewith became a condition for accession to the Union, with any failure to do so leading to possible sanctions being imposed by the Council. To respond to citizens' concerns, Community policies on the environment, health and consumer protection were strengthened. The role of 'services of general economic interest' (or public services) was also recognised. A chapter on employment was included, providing for a comparison of the situation in Member States, which retained their national jurisdiction in this field, and another on the introduction of incentives. The Social Protocol, adopted by the Eleven and annexed to the Maastricht Treaty, was at last integrated into the Treaty after being accepted by the new Labour Government in the United Kingdom. The Protocol was limited to setting out principles (promoting employment, social protection, combating exclusion from the labour market, improving living and working conditions) which Member States undertook to observe, while taking account of the diversity of national practices. Unanimity was retained for measures relating to social security and employer-employee relations. Great progress was made in the protection of citizens with the decision to establish a Union-wide 'area of freedom, security and justice'.

By contrast, very little headway was made in other fields. The second 'pillar' of the Union, the common and foreign security policy (CFSP), remained intergovernmental. Although it was hoped that this pillar would be strengthened so as to allow the Union to play a greater role on the international scene, only minor amendments were made in order to improve its capacity for action: the European Council was given the right to decide on 'common strategies'; a 'policy planning and early warning unit' was created; a High Representative for the CFSP was introduced to assist the six-monthly Council Presidencies, which remained responsible for its implementation. The rule of unanimity persisted, however, and was only marginally affected by the provision on 'constructive abstention' that allowed Member States who disagreed with a decision to opt out from its application without preventing others from carrying it forward. The right to veto also remained, even with regard to implementation measures adopted by qualified majority. With regard to the integration of WEU, the 'fighting force' of the European Union, no decision was taken because of opposition from the UK and Denmark — which refused to go beyond the NATO framework — and from the neutral countries, which did not want membership of the Union to entail military obligations. Conversely, a schedule for the proposed integration was submitted by France, Germany, Italy, Spain, Belgium and Luxembourg.

As for the EU institutions, progress was made with regard to democratisation with the extension of the European Parliament's powers. Legislative codecision with the Council now encompassed new fields, and the procedure was also simplified. Parliament would henceforth give its approval of, and not simply its opinion on, the appointment of the President of the European Commission by the governments, which in turn would consult Parliament before nominating new Commissioners. With a view to a further enlargement of the Union, the ceiling for the total number of MEPs was increased to 700. The Commission was strengthened politically by this more active role being conferred on the European Parliament in the appointment of the President and other Commissioners. Parliament's authority over the College of Commissioners was recognised with regard to the allocation of posts and the reorganisation of its services. In the Council of Ministers, majority voting in the first pillar of the Union, having been widely extended by the Maastricht Treaty, did not progress a great deal further because of German reservations. The procedure was even made more difficult, because, when the Union increased from 12 to 15 Member States and the votes in the Council had been re-weighted, the method of determining the blocking minority had not changed. Accordingly, a blocking minority became more easily attainable. This came at the request of the United Kingdom, which wanted to weaken the supranational character of the Union, and Spain, which sought to oppose any measures that would reduce the regional grants that it received from the European Community, under the pretext of preventing the countries in northern Europe from dominating those in the south.

Accordingly, the Treaty of Amsterdam — this being its most apparent shortcoming — provided no solution to the central issue of the efficiency of the decision-making process in a Union that had enlarged from 12 to

15 Member States and would soon be enlarging again with the accession of a further dozen countries. It seemed necessary to limit the number of European Commissioners in order to maintain the cohesion and efficiency of the Commission. A re-weighting of votes also appeared to be required to prevent a possible majority of smaller countries from ganging up against the larger Member States, which were the most important demographically, economically and politically. The two issues were linked: the ‘larger’ Member States would, in a smaller Commission, have accepted one Commissioner instead of two on condition that the re-weighting of votes in the Council took account of the demographic importance of each Member State; the ‘smaller’ countries each wanted above all to have their own Commissioner. The two groups failed to resolve the issue. A Protocol annexed to the Treaty of Amsterdam presented the only hope of a compromise, laying down the provision that with any further enlargement ‘the Commission shall comprise one national of each of the Member States, provided that, by that date, the weighting of the votes in the Council has been modified (…) in a manner acceptable to all Member States.’ A more extensive reform would have to be implemented at a later date, ‘at least one year before the membership of the European Union exceeds twenty’, but the exact terms were not specified.

Accordingly, the eventual reform of the institutions would take place only during the EU enlargement process and not before. This explains the reaction of the Governments of Belgium, France and Italy, which, at the signing of the Treaty on 2 October 1997 in Amsterdam, published a declaration proclaiming the reform to be essential to the conclusion of the initial accession negotiations, and wanted to make it a prerequisite and a condition for future enlargements — something that did not occur. In the meantime, to allow for those Member States seeking to achieve greater integration and form a European ‘vanguard’, the Treaty provided for ‘closer cooperation’ on the first and third pillars of the Union (but not the second, the CFSP), although the conditions for this were so restrictive, owing to resistance from the UK, that it appeared rather difficult to achieve.