Intergovernmental negotiations

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Intergovernmental negotiations

The Treaty on European Union, signed in Maastricht in February 1992, provided for amendments to be made, in the light of experience acquired, to those provisions which were felt to be inadequate during the negotiations. Article N in the Final Provisions laid down that any Member State, or the European Commission, might submit proposals for the amendment of the Treaties to the Council. The latter, after consulting the European Parliament, and, where appropriate, the Commission, could deliver an opinion in favour of calling an Intergovernmental Conference (IGC), to be convened by the Presidency. Amendments to the EU Treaty would be submitted for ratification by all Member States. A 'review clause' in Article N provided for the calling of such a conference in 1996.

Any amendments had to be made in accordance with the objectives set out in Articles A and B of the Common Provisions: creation of an ever closer union among the peoples of Europe; promotion of economic and social progress which is balanced and sustainable; assertion of the identity of the Union on the international scene; protection of the rights and interests of nationals of the Member States; development of closer cooperation in the fields of justice and home affairs; respect for the principle of subsidiarity. Revision was expressly planned in several fields:

— forms of cooperation in the second and third 'pillars' (CFSP and JHA) to secure the effective operation of Community mechanisms and institutions, a proposal made at the request of Belgium, which was keen to see various intergovernmental activities integrated into the Community;

— improving provisions on the CFSP and EU defence, at the request of France and Germany;

— extending the scope of the codecision procedure with the European Parliament, also requested by Belgium;

— incorporating chapters on energy, tourism and civil protection into the Treaty;

— establishing a hierarchy between the various categories of Community acts.

This list is not exhaustive. Member States could propose further amendments. The European Parliament, for its part, requested a review of the budgetary procedure and 'comitology' (committees of national representatives involved in the implementation of decisions). The new Nordic Member States stressed that the Union should be brought closer to its citizens by addressing issues such as internal security, employment and the environment. Furthermore, the prospect of EU enlargement to include the countries of Central and Eastern Europe raised the issue of institutional reform, which had not been resolved at the time of the enlargement from 12 to 15 Member States but which would have to be addressed before the enlargement to 25.

The stakes were very high, and the debate transcended purely diplomatic and European political circles. European movements, academics, politicians and the press all had their say on what reforms should be made to the European Union, drafting proposals and putting forward suggestions, some of which were taken up by those sitting at the negotiating table. Europe's problems were certainly apparent to the well-informed, but the Conference's hesitant progress left them rather disappointed.

As was the case in Maastricht, the governments showed no desire to make headway, standing divided on the ultimate objectives of the European Union and the terms for amending the Treaty.

The United Kingdom was the least prepared to advance. John Major's Conservative Government, which, in Maastricht, had obtained derogations on the single currency and social policy, rejected the extension of majority voting in the Council of Ministers and the inclusion of a chapter on employment in the Treaty and opposed the integration of WEU into the Union, since that might affect the UK's relations with the USA. However, the Labour Party's arrival at 10 Downing Street, on 1 May 1997, relaxed the tensions to some extent. The new Prime Minister, Tony Blair, while claiming that his priority was to defend British interests

in Europe, showed greater flexibility by accepting, most notably, the new provisions on social policy.

On the other hand, the old Franco-German partnership, so influential in the negotiations for the Maastricht Treaty, did not appear as effective on this occasion. In France, a right-wing government was formed under Édouard Balladur after victory in the legislative elections held on 21 and 28 March 1993. This new government did not look favourably on the suggestions made by the German CDU–CSU, Chancellor Helmut Kohl's majority party, which sought to reform the Community institutions on a federal basis and create a 'European core', comprising France, Germany and the Benelux countries, with a view to developing political integration. Balladur preferred establishing different groups of countries which would cooperate on specific issues, such as the single currency and defence. The French President, François Mitterrand, weakened by illness, reached the end of his second seven-year term and was succeeded by Jacques Chirac on 17 May 1995, which led to a rapprochement with Germany. Accordingly, a number of joint proposals were submitted on reforming the Union, in particular by establishing 'enhanced cooperation' between those countries that wanted it, developing the CFSP, integrating WEU into the Union, re-weighting votes in the Council and extending the scope of qualified majority voting.

However, tensions between the two countries soon resurfaced. Chancellor Kohl, who was particularly anxious to persuade a highly critical Germany to accept the introduction of the euro, appeared less inclined to strengthen the institutions, apart from the European Parliament, or to extend majority voting to new fields because of resistance from the *Länder*. In France, the left emerged victorious in the legislative elections, and Lionel Jospin formed a Socialist-Communist-Environmentalist Government on 2 June 1997. Jospin's government made no secret of its differences with the German Christian-Democrat-Liberal Government on liberal economics and social policy. These differences came to the fore during the negotiations on the Stability and Growth Pact.

As for the remaining Member States, they disagreed on the reforms to be made. The neutral countries (Ireland, Austria, Sweden and Finland) had reservations about the CFSP and vehemently opposed the integration of WEU into the Union, but for reasons different from those of the UK. The Scandinavian countries were primarily interested in social issues and environmental problems. The smaller countries, while wanting to strengthen the institutions in order to protect their interests against larger Member States, did not want their influence to be reduced through further re-weighting of votes in the Council.

If opposing national stances brought about conflict, then the negotiation procedure did nothing to ease the tension. On previous occasions, intergovernmental conferences had succeeded after adopting a draft report as a starting point for discussion, such as the Spaak Report prior to the Rome Treaties, the Commission proposals which preceded the Single European Act (SEA), and the Delors Report, which prepared the ground for economic and monetary union (EMU) established by the Treaty of Maastricht. Such an approach was not adopted, however, when it came to revising the Treaty on European Union. A reflection group was indeed set up to draft amendments. Comprising representatives of the Ministers for Foreign Affairs, the Commission and the European Parliament, and chaired by the Spanish Junior Minister for European Affairs, Carlos Westendorp y Cabeza, the reflection group studied the reports drawn up by the Council, the Commission and the European Parliament on the functioning of the Community institutions since Maastricht and the contributions made by Member States. However, the report, published on 5 December 1995, provided not a summary of the situation but a list of the differences between the positions of the Member States on the possible reforms. The report simply identified three areas where action was needed: bringing Europe closer to its citizens, improving the institutions so as to allow the Union to function more effectively in the light of enlargement, and increasing the Union's capacity for external action. However, the report did not offer any firm proposals on how to achieve those goals; it merely put forward general guidelines which the Turin European Council of 29 March 1996 called on the Intergovernmental Conference to consider.

The negotiations were conducted primarily within the group of Ministers' representatives, decisions being taken by the Council of Ministers for Foreign Affairs, and the broad guidelines established during the European Councils of the Heads of State or Government. The Commission played only a minor role, setting out above all to defend its prerogatives and strengthen the role of the European Parliament. The latter, though absent from the Conference, expressed its views through its President at the meetings of the Council

of Ministers and the European Council and secured positive results. The process was guided by the successive six-monthly Presidencies of the Council (Italy, Ireland and the Netherlands), which prepared the working documents and pursued the necessary compromises. The final contentious issues were resolved at the Amsterdam European Council on 16 and 17 June 1997. After being edited, the Treaty of Amsterdam was signed by the Ministers on 2 October. The ratifications were secured without difficulty, and the Treaty entered into force on 1 May 1999.