

'The Treaty of Nice comes into force tomorrow' from Le Figaro (31 January 2003)

Source: Le Figaro. 31.01.2003. Paris. "Le traité de Nice entre en vigueur demain", auteur:Bocev, Pierre , p. 6.

Copyright: (c) Translation CVCE.EU by UNI.LU

All rights of reproduction, of public communication, of adaptation, of distribution or of dissemination via Internet, internal network or any other means are strictly reserved in all countries.

Consult the legal notice and the terms and conditions of use regarding this site.

URL:

http://www.cvce.eu/obj/the_treaty_of_nice_comes_into_force_tomorrow_from_le_figaro_31_january_2003-en-5a83f22f-267a-49e8-a543-9ee5ced68fc8.html



Last updated: 05/07/2016

While the Convention deals with the fundamental issues

The Treaty of Nice comes into force tomorrow

Brussels:
from our correspondent
Pierre Bocev

The Treaty of Nice, widely regarded as a document that is imperfect and transitional but essential to the completion of the enlargement of the European Union (EU), comes into force tomorrow.

Negotiated at a five-day marathon summit in December 2000, the Treaty replaces the Treaty of Amsterdam, signed in 1997.

The text of the Treaty states that it ‘shall enter into force on the first day of the second month following that in which the instrument of ratification is deposited by the last signatory State to fulfil that formality.’

Ireland was the last of the fifteen EU countries to ratify the Treaty after a second referendum on the matter held last October. The authorities in Dublin deposited instruments of ratification with the Italian Government, which is the depositary of the European Treaties, last December.

In particular, the Treaty provides for the changes required to enable the three main institutions of the EU — the Council of Ministers, the European Parliament and the European Commission — to operate with 25 Member States. It should soon be replaced by a new treaty resulting from the work of the Convention on the Future of Europe currently under way.

The Euro sceptics are sometimes right: on the subject of the Treaty of Nice, which comes into force tomorrow, Jean-Pierre Chevènement said that Maastricht, by comparison, was a fable by La Fontaine. It is true that this rambling text, negotiated in an acrimonious atmosphere by the Heads of State or Government of the Fifteen, is not exactly a masterpiece of drafting.

Yet without it, the European Union would not have been able to take a decision in Copenhagen last December on enlargement to include the countries of Eastern Europe, which will become effective on 1 May 2004: having failed to redesign their institutions in Amsterdam in 1997, the Fifteen have at least succeeded, three years later in Nice, in smartening them up.

Yet the psychological drama on the Riviera had another potentially positive outcome. The magnitude of the setback led to the ‘European Convention’, launched a year ago, which is now tackling the core issues and, come June, should be presenting the bare bones of a Constitution.

But, bearing in mind the timescale for ratification, this document, if it is endorsed by the Heads of State or Government, will not become effective much before 2006. In the interim, Europe will have to be run by the rules hammered out in Nice in a marathon session lasting from Thursday 7 to Monday 11 December 2000. This complex Treaty comes into force tomorrow, i.e. ‘on the first day of the second month following that in which the instrument of ratification is deposited by the last signatory State to fulfil that formality.’ As Ireland finally gave its blessing in December 2002 following its second referendum, the Treaty of Nice will become law on 1 February 2003.

In the initial stages, nothing — or almost nothing — will change. Jacques Chirac and Lionel Jospin, representatives in Nice of the two-headed French Presidency, did, indeed, try to portray the changeover from unanimity to qualified majority in 27 instances as a conceptual breakthrough. If this figure is correct, the repercussions have been deliberately overestimated: consensus is no longer compulsory for a series of appointments and, for example, ‘economic, financial and technical cooperation with third countries’. But this masks the real extent of progress: on the key issues, each Member State safeguarded its own fiefdom.

Taxation, social security and even the structural funds for the provision of aid remain subject to unanimity.

The changes adopted in Nice apply to the operation of the institutions only after the new accessions and pending the entry into force of the Constitution now being put together by the 'Convention' chaired by Valéry Giscard d'Estaing.

Thus, from May 2004, the European Commission will consist of 25 members compared with 20 at present: 10 more for the new Member States and five fewer for the current Member States, since the 'big five' (France, Germany, Italy, Spain and the United Kingdom) have agreed to send only one of their nationals instead of two. Too many people to handle too few real portfolios.

The number of MEPs will increase from 626 to 732. This was the outcome of a ferocious Franco-German confrontation in Nice on parity of representation: Berlin will send 99 elected representatives, compared with 72 from Paris, Rome and London. In any event, a Tower of Babel is inevitable.

This German 'breaking of ranks' with the other 'big countries' in the European Parliament enabled France to maintain parity in the weighting of votes in the Council of Ministers. But the bargaining increased the inscrutability and complexity of ministerial voting. Thus a 'qualified majority' is henceforth defined by three criteria: a threshold to be attained in terms of weighted votes, a simple majority of Member States and approval by countries representing at least 62 % of the population of the European Union.

This horse-trading had, along the way, elicited some rather unflattering comments. The Finnish Prime Minister, Paavo Lipponen, spoke of 'a level of ambition below zero'. Antonio Guterres, his Portuguese counterpart, protested against an attempted institutional '*coup d'état*'. Others made remarks in a similar vein. Four days and one night of negotiations were needed before Jacques Chirac, on 11 December at 4.20 in the morning, was able to declare 'agreement on the overall package'.

A badly wrapped and unloved package which everyone hopes will give way as soon as possible to what Pascal Lamy has called 'the constitutional egg' of Valéry Giscard d'Estaing.