


The Treaty of Maastricht

Source: CVCE. European Navigator. Fabio Pappalardo.

Copyright: (c) 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_maastricht-en-623fb976-c100-466b-85ac-2e0104f625c7.html

Last updated: 08/07/2016



The Treaty of Maastricht

Because the objective of ‘the progressive realisation of economic and monetary union’ laid down in the Single European Act (SEA) was regarded as a priority, the 1988 Hanover European Council decided to entrust the task of drawing up a ‘Report on economic and monetary union’ to a committee — consisting of the governors of the various national central banks, a member of the European Commission and three eminent figures — chaired by Jacques Delors, the President of the Commission. That report, submitted 10 months later, indicated that, without a new treaty, it would not be possible to make any significant progress towards economic and monetary union. In 1989, with this in mind, the Strasbourg European Council decided, to convene an Intergovernmental Conference.

In a rapidly evolving political climate, following the fall of the Berlin Wall and the disappearance of the Iron Curtain, the need to give a new impetus to political union was becoming increasingly evident. That was why, at the Dublin European Council held in June 1990, two Intergovernmental Conferences were convened, one on economic and monetary union and the other on political union. Those conferences opened on 15 December 1990. One year later, in December 1991, at the Maastricht European Council, agreement was reached on the new treaty. The Treaty on European Union was signed on 28 February 1992 and came into force on 1 November 1993 after having been ratified by all the Member States.

The structure of the Treaty

The Treaty consisted of 37 articles and was drawn up in ten languages. There were 20 declarations annexed to it.

The structure of the Treaty was as follows:

Title I — Common provisions

Title II — Provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community

Title III — Provisions amending the Treaty establishing the European Coal and Steel Community

Title IV — Provisions amending the Treaty establishing the European Atomic Energy Community

Title V — Provisions on a common foreign and security policy

Title VI — Provisions on cooperation in the fields of justice and home affairs

Title VII — Final provisions

Protocols

Final act

The European Union

The Treaty established a European Union based on the three European Communities, a common foreign and security policy (CFSP), and cooperation in the fields of justice and home affairs (JHA). This new institutional framework is traditionally represented in the form of a Greek temple with three pillars. Those

three pillars represent the European Communities, the CFSP and cooperation in the fields of JHA. They are surmounted by a pediment representing the common provisions.

The institutional framework

The Union possesses a unique institutional framework consisting of the European Parliament, the Council, the Commission, the Court of Justice and the Court of Auditors.

The Treaty defined the composition and the duties of the **European Council**, although these had already been referred to in the SEA. The Council consists of the Heads of State or Government of the Member States and the President of the Commission. They are assisted by the Member States' Ministers responsible for foreign affairs and by a member of the Commission.

The European Council meets at least twice a year, chaired by the Head of State or Government of the Member State which holds the Presidency of the Council of the European Union.

Responsibilities of the European Union

The European Union sets itself the following objectives:

- to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency;
- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might, in time, lead to a common defence;
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- to develop close cooperation in the field of justice and home affairs;
- to maintain in full the *acquis communautaire* and to extend it.

Financial framework

The Union equips itself with the resources required for it to attain its objectives and successfully carry through its policies. Administrative expenditure which the provisions relating to the CFSP and JHA entail for the institutions is charged to the budget of the European Communities. Operational expenditure may be charged either to the budget of the European Communities or to the Member States.

Legal capacity

The Treaty does not give legal capacity to the Union. Only the three Communities have legal capacity.

The Community pillar

Institutional framework

The Maastricht Treaty strengthened the powers of **Parliament** by introducing another legislative procedure known as codecision — which gives Parliament even greater powers than those resulting from the cooperation procedure — by extending the cooperation procedure, by increasing the number of cases in which the assent of Parliament is necessary, by acknowledging in the Treaties that Parliament has the right

to approve or reject the Commission, by enabling it to set up committees of inquiry and by strengthening Parliament's role in budgetary control.

Voting by qualified majority within the **Council of the European Union** was extended to cover new areas such as research and development, technology, the environment and social policy.

Various amendments also affected the **Commission**. The President of the Commission is appointed, by common accord, by the governments of the Member States, after consulting Parliament. The Commission is subject to a vote of approval by Parliament, and the Commission's term of office coincides with Parliament's legislative term.

The **Court of Auditors** became established as an institution in the constituent treaties.

The **Ombudsman**, like the Court of Justice, is a body responsible for resolving disputes. Its powers are broader than those of the Court of Justice and, at the same time, more specific. It is empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

A new body was created in order to represent the interests of regional and local bodies. This is the **Committee of the Regions**.

With regard to economic and monetary union, the Treaty made provision for the creation of the **European Monetary Institute** with the aim of, amongst other things, strengthening cooperation between the national central banks, strengthening the coordination of national monetary policies and monitoring the operation of the European Monetary System. It consisted of a President and the governors of the national central banks. This body was replaced at the beginning of the third stage of economic and monetary union by the **European Central Bank**.

A new legislative procedure, to be used exclusively in the area of social policy, was introduced by the **Protocol on social policy**. Subject to certain conditions, management and labour may decide to establish contractual relations which may lead to an agreement between the parties; at the request of the parties, that agreement may be turned into a Community act by the Council.

Powers and responsibilities

The European Coal and Steel Community and the European Atomic Energy Community did not undergo any substantial changes as regards their powers and responsibilities. The European Economic Community lost its *economic* connotation and became the **European Community**. This alteration implies a change in the global perspective of the European Community and makes it easier to reconcile the Community's different objectives. Along the same lines, the Treaty created a **citizenship of the Union**, whereby every citizen of the Union residing in a Member State of which he is not a national has the right to vote and to stand as a candidate at municipal elections, is entitled to protection by the diplomatic authorities of any Member State and has the right to petition Parliament and to appeal to the European Ombudsman.

By establishing a common market and an *economic and monetary union* and by implementing common policies, the Community now has as its task the promotion throughout the Community of a harmonious and balanced development of economic activities, sustainable and non-inflationary growth which respects the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States.

In the attainment of its objectives, the Community must respect the **principle of subsidiarity**, which means

that it should act only when the objectives sought can be better achieved at Community level than at Member State level.

The Community is now able to take action in new areas such as economic and monetary policy, education and youth, culture, public health and visa arrangements. Its powers of intervention have also been increased in areas which were already 'Community' areas, such as the environment, the development of trans-European transport networks, telecommunications, energy, industrial policy, tourism, consumer protection and civil protection. In addition, a specific legal basis has been created for development cooperation policy. In order to overcome the opposition of the United Kingdom, which was against any increased integration regarding social policy, a Protocol on social policy, which allows other Member States to make progress in this area, was annexed to the Treaty.

Territorial scope

The reference in the constituent Treaty to the phased application of the EEC Treaty to Algeria, which became void when that country achieved independence in 1962, was deleted.

The second pillar

The Treaty on European Union repeals the provisions on European political cooperation (EPC) and introduces a genuine **common foreign and security policy (CFSP)**. Its objectives are much more ambitious than those of EPC. In effect, political cooperation now becomes both more consistent and more binding. The link between the Community pillar and the second pillar is accentuated by the fact that the administrative expenditure of the Community institutions incurred under the CFSP is charged to the Community budget.

Institutional framework

The main bodies involved in the CFSP are the following:

the **European Council**, which defines the **principles** of and the **general guidelines** for the CFSP;

the **Council**, which adopts **common positions** and **joint actions**. Moreover, the Presidency of the Council, assisted by the Member State which held the Presidency during the previous six months and the one which will hold the next Presidency, represents the Union in matters falling under the CFSP;

the **Commission**, which plays a secondary role compared with the Community pillar, but which retains the right to propose legislation, shared with the Member States;

the **Political Committee**, consisting of Political Directors, which monitors the international situation and the implementation of the policies concerned.

For the measures adopted under the CFSP, the Treaty makes provision for a decision-making system which is essentially based on unanimity.

Powers and responsibilities

The objectives of the CFSP are to safeguard the common values, fundamental interests and independence of the Union, to preserve peace and strengthen international security, to promote international cooperation, and to develop and consolidate democracy and human rights.

The role of Western European Union

The European Union intends to establish closer institutional relations with Western European Union (WEU), with a view to WEU's possible integration into the Union. Accordingly, WEU is asked to draw up and implement decisions and actions of the Union which have defence implications.

The third pillar

The Treaty on European Union lists the sectors covered by **cooperation in the fields of justice and home affairs (JHA)**: asylum policy, the crossing of external borders, immigration policy, combating drug addiction and fraud on an international scale, judicial cooperation in civil and criminal matters, customs cooperation and police cooperation.

Institutional framework

The **Council** adopts **joint positions** and **joint actions**, acting unanimously. The relevant implementing measures may be adopted by an augmented qualified majority. The Council may, ruling unanimously, decide to make the new Article 100c of the EC Treaty applicable to actions falling within certain areas of JHA, after ratification at national level. In addition, the Council may establish **conventions**, subject to ratification by Member States.

The Treaty on European Union lays the foundations for the creation of a body for cooperation in combating crime, **Europol**.

The Coordinating Committee, consisting of senior officials and known as the **K.4 Committee**, is responsible for drawing up opinions for the Council and of contributing to the preparation of the Council's work in the areas of cooperation in matters concerning JHA, as well as in determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States.

Other provisions

The **review and accession procedures** enshrined in the ECSC, EC and Euratom Treaties are replaced by a single procedure applicable to the Treaty on European Union.

The Treaty on European Union also sets a date for the convening of a new Conference to be responsible for considering those provisions of the Treaty requiring review.

Several protocols are annexed to the Treaty on European Union. Among the most important are the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, the Protocol on the Statute of the European Monetary Institute (EMI), the Protocol on the excessive deficit procedure, the Protocol on the convergence criteria referred to in Article 109j of the EC Treaty, the Protocol on the transition to the third stage of economic and monetary union, the Protocol on social policy concluded between the Member States of the EC with the exception of the United Kingdom, and the Protocol on economic and social cohesion.

The most important of the Declarations are the one on the role of WEU and its relations with the European Union and with the Atlantic Alliance, and the one on police cooperation.