

'Thinking over the future' from Crocodile (June 1997)

Caption: In June 1997, in the monthly Federalist journal Crocodile, Marcelino Oreja, Member of the European Commission with special responsibility for Institutional Matters and Preparations for the 1996 Intergovernmental Conference (IGC) (in agreement with Commission President, Jacques Santer), highlights the progress and the shortcomings of the Treaty of Amsterdam with regard, in particular, to citizens' rights, the common foreign and security policy (CFSP) and the institutions of the European Union.

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Thinking over the future

At last the Intergovernmental Conference is over. The Amsterdam Treaty has been approved by the fifteen Heads of State or Governments after two years of reflection and negotiation.

The very positive aspect of this Treaty is that progress has been made on the rights of individuals and citizens. The Treaty is a response to their main concerns. Wholesome solutions could have been better, we should not underestimate the fact that the Treaty is the first to focus on people rather than the economy or the institutions.

Citizen's rights are legitimately been incorporated into the Treaty. This package of rights includes: fundamental rights, social rights, the fight against discrimination, equal opportunities for men and women, simplification of procedures to supplement rights to free movement. It should be noted that the Treaty does not confine itself to establishing rights, but introduces methods to promote them, i.e. judicial or legislative procedures. Thus the Union has the power to strengthen individual rights. Thus it will be possible to impose a penalty on a Member State (or to exclude an applicant State from negotiations) for failing to respect fundamental rights. The Union also has the power to protect European citizens and others from any infringement of the principle of non-discrimination. The fight against social exclusion has been stepped up thereby enabling the Union, which we hope will be more dynamic, to combat poverty. Lastly, Member States are given the right to introduce positive discrimination in favour of the least represented sex in a profession.

I feel some progress has been made in responding to citizens' concerns. The title "Employment" with its incentives, is given the same weight in the Treaty as economic policy in general. The Social Protocol is now incorporated into the Treaty thereby enabling the Union to tackle social policy seriously. Only the maintenance of the unanimity requirement in some areas could restrict the effects.

The Union will have much more power with regard to environment, the principles of this policy being strengthened. A leap forward was taken with regard to health and consumer protection.

There is a special chapter on the measures necessary to supplement freedom of movement for Union citizens and for nationals of non-member countries. These measures relate to the crossing of borders, immigration and judicial cooperation in civil matters: they go from purely intergovernmental action to joint decision with the guarantees inherent in the Community system. Unfortunately, a large number of measures to be taken still require unanimity.

The chapter of the Treaty on the common foreign and security policy is more complex. Firstly, the European Council can adopt common strategies for certain challenges or regions of the world. These strategies can be implemented by the Council acting by qualified majority if there is no opposition from a single Member State. Where unanimity is required, it will be deemed to be secured even if there are abstentions. The Union will be represented by a "troika" consisting of the Presidency of the Council, the Commission and the Secretary General of the Council in the role of the high representative of the common foreign and security policy. Moreover, the work of the common foreign and security policy will be prepared by a policy planning and early warning unit. Lastly, the matter of the integration of the Western European Union, the armed wing of the fifteen, is still uncertain.

However, even these substantial improvements do not answer the question: do the Member States really want to have a single foreign policy?

In the chapter on the Union's institutions, some results are encouraging: more codecision with the European Parliament, more qualified majority voting in the Council of Ministers, a bigger role for the President of the Commission. But other results are disappointing, because important matters such as the future composition of the Commission and the reweighing of the votes of the Member States in the Council were postponed until the first round of the new accessions. In other words, the objective of institutional preparation for enlargement was not attained although it was one of the essential objectives of the Conference.

The principle of flexibility - the possibility for certain Member States to step up cooperation in certain areas, without waiting for the others - was reaffirmed with different procedures for the three pillars. It will play a relatively small role in the first pillar in order not to block the unity of the market, free movement and citizens' rights. The result of this point is positive even if is rather "defensive": the danger of breaking up the Union was averted, because too much flexibility would have meant a much less united Union. Flexibility is given a role to play in the common foreign and security policy too, but without substantially changing existing possibilities. It will be especially significant for cooperation in police and criminal law matters.

The Treaty abounds with declarations and protocols, many of them scarcely intelligible, relating to a whole series of problems. It would have been preferable, in most cases, to leave them out because they make the Treaty even more difficult to understand.

Overall, judgment on the Treaty must be nuanced. It represents an important step on the path towards strengthening the role and protection of people in the Union. It is also a major advance in the direction of the effective, democratic and political Union to which we aspire. It restores balance to a Europe which laid too much emphasis on the monetary and economic aspects.

On the other hand, it is an impenetrable and complex Treaty, timid in the most sensitive areas such as the common foreign and security policy and weak on the institutional aspects. It is in danger of compartmentalizing the market even if, in the last analysis, it does not call into question its essential unity. It puts considerable stress on employment and social affairs, but does not draw all the conclusions.

My feeling is that, if the Treaty is ratified, it must be implemented in full, without fear of relaunching political and legislative activity in the Commission, the European Parliament and the Council. It would be tragic if, once the Treaty was adopted, the Union and the Member States were incapable of honouring their pledges while the single currency is being made reality and enlargement negotiations are under way.

We must also think of the future: we need a project for the future which will enable us to pursue the development of the Union. Intergovernmental Conferences alone have demonstrated their limits. Rather than long costly negotiations, which often produce agreement on no more than the lowest common denominator expressed in a language that is incomprehensible for the ordinary people, we all need clear ideas and hopes. There are undoubtedly other methods that could be considered: for example first decide on a final, very simple objective which will attract the support of a large majority and then determine the date of completion, the intermediate stages and the timescale for completion. This worked "for the single market and is working for the Euro: why should it not work tomorrow for the social and institutional aspects?"

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