

'The way forward is clear' from the Luxemburger Wort (27 February 2001)

Caption: On 27 February 2001, the daily newspaper Luxemburger Wort sets out the respective arguments of the supporters and detractors of the Treaty of Nice.

Source: Luxemburger Wort. Für Wahrheit und Recht. 27.02.2001, n° 48; 154. Jg. Luxembourg: Imprimerie Saint-Paul. "Die Weichen sind gestellt", auteur:GeWe , p. 3.

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The way forward is clear

Yesterday, in Nice, the Foreign Ministers of the 15 European Union Member States signed the Treaty that bears the name of that city on the French Riviera. The EU Heads of State or Government had taken from 7 to 11 December 2000 to reach agreement on the Treaty, their longest summit meeting to date. The outcome was not the major success that had been hoped for, but the Treaty nonetheless clears the way for new Member States to accede to the Union — unless, that is, the ratification process is derailed by one of the referendums that have yet to be held in certain Member States.

Many populists on the benches of the European Parliament, who had criticised the Foreign Ministers' trip from Brussels to the Côte d'Azur as a waste of money, overlook the fact that Nice represents an important staging post on the road to European unification. It is a continuation of the process that began on 18 April 1951 with the creation of the European Coal and Steel Community and led to the Treaties of Rome, the Single European Act, signed in Luxemburg, and the Maastricht and Amsterdam Treaties. Each of these treaties left sections of various wish lists unfulfilled. That it has now been incomparably more difficult, with 15 Member States, to secure an agreement (and a unanimous agreement at that) scarcely needs to be spelled out.

Criticism of the new Treaty focuses primarily on the complexity of the majority voting system and, indeed, on the failure to extend majority voting further within the Council of Ministers. The reality is that the level of Member States' interests at stake differs tremendously from one policy area to another so that, for example, the British and Luxembourgers had to insist on retaining the rule of unanimity on fiscal law, the Germans needed to keep it for asylum and immigration issues and the Spanish were determined that it should continue to apply with regard to the structural funds. The particularly striking aspect of the struggle that it took to produce the ultimate agreement on a two-thirds majority system — in which decisions require a level of support representing 62 % of the population — was the fundamental thrust of the arguments. The parties' efforts were, in fact, directed mainly at working out ways in which they could impede decision-making at Community level. Yet the inherent concern of a union of states and peoples should be to facilitate such decision-making in the common interest.

The Community's internal state of health 50 years after its establishment would thus seem highly questionable. Where are the architects of Europe? Have those critics who consistently prioritised deepening of the Union over widening already been proved right? Possibly. Against such a view, however, there is at least the fact that Nice threw up so many divisions between two of the Union's founder states, namely France and Germany.

Euro optimists are convinced that the Nice Treaty represents progress on certain fronts. The position of the Commission President, for example, will be strengthened, and with it that of the Commission itself. In future, the President of the Commission will be appointed on a majority, rather than a unanimous, vote by the Heads of State or Government, and the appointment will have to be confirmed by the European Parliament. The Commission President will thus be more independent, at least in relation to the national governments, and — just as a national head of government can sack ministers — will be able to discharge Commissioners who are guilty of serious negligence. This goes some way to proving wrong the critics who thought that Nice generally strengthened a trend towards the intergovernmental cooperation method, abandoning, to some extent, the 'Monnet method' (with its stronger role for the Commission and Parliament). At the same time, the personality of the Commission President will, in future, be more important as it will determine how well he or she can assert him or herself among the Heads of State or Government.

A further plus to emerge from Nice is the simplified application of 'enhanced cooperation' involving at least eight Member States. Hesitant or vacillating states will no longer be able to use their veto to hold up others which, in areas like asylum policy, for example, want to introduce a fast-track common procedure. Yet another positive outcome is the extension of qualified majority voting so that only 38 Treaty articles now require unanimity. At the same time, those 38 articles cover some particularly tough issues, so only half a cheer is in order.

Those who prophesied before the Nice Summit that there would be 'leftovers from Nice' to deal with have been proved right. However, when any treaty is signed, there are loose ends in areas where no agreement was

possible. In order to achieve a deal at all, the Heads of Government always try to put such leftovers near the bottom of the agenda. The agenda, however, is not as long as it used to be. The next round of reform is scheduled for 2004 and will involve a clear division of responsibilities between the Member States and the Union (thus surely necessitating a European Constitution), as well as simplification of the Treaties and clarification of the status of the Charter of Fundamental Rights. In the intervening period, however, new challenges will complicate the agenda. It is possible that some of the 12 applicant countries for accession will drop out of the running, while others (Croatia, for example) may join it. And what about Yugoslavia, Macedonia or, indeed, an independent Montenegro? Turkey is waiting in the wings, and Ukraine cannot be excluded from the picture either.

To summarise: the Community has now split the corset that succeeded in containing it for several decades. With Europe's old political blocs dismantled, the European Union must face an ever-wider range of challenges. Everything is in a state of flux, and the architects of Europe will have to work overtime. Nice is just another step in a process whereby Europe's nations are growing together. We have to ask where that process will ultimately take us, and we need to find people with answers.

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