

The signing and ratification of the Treaty of Nice

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The signing and ratification of the Treaty of Nice

The Treaty of Nice was signed on 26 February 2001, as soon as the diplomats had checked all the figures and succeeded in drafting a final text.

The ratification process got off to a bad start, however. In Ireland, the first country to vote, on 7 June 2001, the 'no' campaign won by a 54 % majority, with 68 % of eligible voters staying away from the polls. This unexpected result came about because the government and the political elites who were in favour of the Treaty did not run a campaign, as they believed that the result was a foregone conclusion and thereby left the field open for a mixed coalition of neutralists, environmentalists and those from the religious far right. The leaders of the European Union, fearing that this would spread to other countries, immediately declared that any renegotiation of the Treaty of Nice was ruled out and that the timetable for the accession of new Member States would remain in place. The Irish Government did not request a renegotiation, but it was keen to put right its error. The Prime Minister, Bertie Ahern, re-elected on 17 May 2002, undertook a major information campaign. His European partners helped him with the declaration made at the Seville European Council (21 June), which guaranteed Ireland's neutrality when the Union began to develop a common foreign and defence policy. In a second referendum, held on 19 October, the 'yes' campaign was victorious, securing 62.9 % of the votes; this was because the previous stay-away voters turned out in large numbers, whilst the level of the 'no' vote remained the same.

The other ratifications, all carried out via the parliamentary procedure, went off without major difficulties. They were spread over a period from 13 June 2001 (Denmark) to 18 December 2002 (Ireland). The Treaty of Nice entered into force on 1 February 2003. Several of its institutional arrangements would come into effect as a result of enlargement and the European elections.

All in all, the results of the Intergovernmental Conference and the Treaty of Nice did not really meet the objective of making the Union capable of coping with enlargement without losing its effectiveness. The large Member States, which wanted to increase their weight in the institutions, sacrificed their second Commissioner without securing a sufficient corresponding increase in the number of their votes in the Council, where the many small Member States were over-represented, as in the Commission and the European Parliament. Decision-making would be more difficult with 27 than with 15, and the Union would become even more heterogeneous.

Whilst the general interest had not really been served, individual interests were satisfied to varying degrees. For the British, it was a 'nice treaty' which allowed them to retain their veto on matters which they regarded as vital and to retain the intergovernmental character of the developing common foreign, security and defence policy. The Spanish and the Poles were happy to be 'almost big' countries. Germany did not secure the few votes — or even the symbolic vote — that it was demanding in the Council on the basis of its greater population size, but it did win the possibility for this to be taken into account by having adopted the requirement that 62 % of the Union's population was needed to confirm Council decisions taken by a weighted majority. Moreover, Germany was the only Member State not to see a reduction in its representation in the European Parliament — already increased following reunification — with the increase from 15 to 27 Member States. Above all, it was Germany that appeared most determined to move forward with political integration, securing the convening of a new Intergovernmental Conference (IGC). France, on the other hand, although it maintained formal parity with Germany in the Council, had its position weakened by giving the impression that it was clinging to the *status quo* without offering a vision of the way forward, as it had done in the past. At all events, the Franco-German pairing had not played its role as a dynamic force and needed to be restored.

After Nice, the German and French leaders would respond in order to restore their good relations, move their positions closer together and attempt to speak with a single voice. On 30 January 2001, Joschka Fischer, the German Minister for Foreign Affairs, declared that European integration could succeed and would succeed only if France and Germany made it a common cause. The French President, Jacques Chirac, responded on 21 February, speaking of the need for the two countries to be able to drive forward all of Europe. In fact, it was the agreement reached by the two countries which would make it possible for the

Convention on the Future of Europe to be established, the body which was to produce a draft European Constitution with a view to the new IGC planned for 2004.