

Entry into force of the Amsterdam Treaty on 1 May — Amendment of legal bases (Brussels, 28 April 1999)

Caption: On 28 April 1999, three days before the entry into force of the Treaty of Amsterdam, a press release from the European Commission outlines the major changes introduced by the new Treaty.

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The Amsterdam Treaty will enter into force on 1 May, the 15 EU Member States having completed their ratification procedures on 30 March. This will have a fourfold legal impact on current legislative proposals:

- 1.- The Treaty Articles will be automatically renumbered – for instance, Article 113 (common commercial policy) becomes Article 133:*
- 2.- Certain legislative procedures will change – for instance, Parliament becomes co-legislator in the transport policy and development policy, where previously the Council decided in cooperation with Parliament:*
- 3.- Many legal bases must be formally changed – for instance, the veterinary proposals previously based on agriculture articles will now be based on the health articles:*
- 4.- The legal context for certain proposals will change – proposals based on the Social Protocol or in the Justice and Home Affairs context will now be based on the Treaty.*

The Amsterdam Treaty makes substantial changes to the Treaty on European Union signed at Maastricht on 7 February 1992.

Mr Marcelino Oreja, Member of the Commission responsible for institutional affairs and a negotiator of the Amsterdam Treaty, declared that, "the new Treaty is a step forward in the process of European integration. From 1 May the EU will have a system which is more effective, more open to dialogue with the people of Europe, more democratic and more geared to the outside world".

What is in the Treaty?

In a nutshell, the Amsterdam Treaty means a greater emphasis on citizenship and the rights of individuals, more democracy in the shape of increased powers for the European Parliament, a new title on employment, a Community area of freedom, security and justice, the beginnings of a common foreign and security policy (CFSP) and the reform of the institutions in the run-up to enlargement.

The Treaty is of course the result of very long negotiations, which began in Messina, Sicily, on 2 June 1995 – forty years after the signing of the Treaties of Rome – and reached completion on the night of 17-18 June 1997 in Amsterdam. Since 2 October 1997, when the Treaty was formally signed, the Member States have been engaged in an equally long and complex ratification process. The European Parliament endorsed the Treaty on 19 November 1997, and after two referenda and 13 decisions by national parliaments, the Member States have now finally concluded the procedure.

Amsterdam comprises 13 Protocols, 51 Declarations adopted by the Conference and 8 Declarations by Member States plus amendments to the existing Treaties set out in 15 Articles. Article 1 (containing 16 paragraphs) amends the general provisions of the Treaty on European Union and covers the CFSP and cooperation in criminal and police matters. The next four Articles (70 paragraphs) amend the EC Treaty, the ECSC Treaty (which expires in 2002), the Euratom Treaty and the Act concerning the election of the European Parliament. The final provisions contain four Articles. The new Treaty also sets out to simplify the Community Treaties, deleting more than 56 obsolete articles and renumbering the rest in order to make the whole more legible. By way of example, Article 189b on the codecision procedure now becomes Article 251.

What were the main amendments to the Treaty on European Union adopted at Amsterdam?

Four key chapters were affected: citizenship and fundamental rights, the establishment of an area of

freedom, security and justice, the CFSP and the reform of the institutions.

The new Treaty opens the way for dialogue between the EU and its citizens by **safeguarding fundamental rights** (for the first time Member States failing to respect such rights may face penalties), tackling discrimination of all kinds, providing for equal opportunities for men and women, focusing on social issues and assets such as voluntary work, sport, public-service television broadcasting, disability, churches and non-confessional organisations, public credit institutions operating in certain countries and a rejection of the death penalty. But the Treaty also deals with the major issues facing our society such as **employment, the environment, public health and open government**.

The most pressing concerns of ordinary Europeans, such as their legal and personal security, immigration and fraud prevention, are all dealt with in other chapters of the Treaty. In particular, the EU will now be able to legislate on immigration, civil law or civil procedure, insofar as this is necessary for the free movement of persons within the EU. At the same time, intergovernmental cooperation has been intensified in the police and criminal justice field so that Member States will be able to coordinate their activities more effectively. The Union aims to establish an **area of freedom, security and justice for its citizens**. The Schengen Agreements have now been incorporated into the legal system of the EU.

The Treaty lays down new principles and responsibilities in the field of the **common foreign and security policy**, with the emphasis on projecting the EU's values to the outside world, protecting its interests and reforming its modes of action. The European Council will lay down **common strategies**, which will then be put into effect by the Council acting by a **qualified majority**, subject to certain conditions. In other cases, some States may choose to **abstain** "constructively", i.e. without actually preventing decisions being taken.

There will be a **High Representative for EU Foreign Policy** who, together with the Presidents of the Council and the Commission, will put a "name and a face" on EU policy in the outside world. There is no doubt that a CFSP deprived of any possible military dimension and with no common defence in sight is increasingly seen as incomplete. So although the Amsterdam Treaty does not yet provide for a common **defence**, it does increase the EU's responsibilities for peace-keeping and humanitarian work, in particular by forging closer links with **Western European Union**.

As for the **institutions**, there are two major reforms concerning the **codecision procedure** (the legislative procedure involving the European Parliament and the Council), affecting its scope - from now on most legislation will be adopted by the codecision procedure - and its detailed procedures, with Parliament now playing a much stronger role. The **President of the Commission** will also have to earn the personal trust of Parliament, which will give him the authority to lay down the Commission's policy guidelines and play an active part in choosing the Members of the Commission by deciding on their appointment by common accord with the national governments. These provisions make **the Commission more politically accountable**, particularly vis-à-vis the European Parliament. Finally, the new Treaty opens the door, under very strict conditions, to **closer cooperation** between Member States which so wish. Closer cooperation may be established, on a proposal from the Commission, in cases where it is not possible to take joint action, provided that such steps do not undermine the coherence of the EU or the rights and equality of its citizens.

It is important to note that the Amsterdam Treaty has not settled all institutional questions once and for all. **Work is still in progress** on reforming the institutions to make them capable of operating effectively and democratically in a much enlarged EU. The most pressing issues here are the composition of the Commission, the weighting of Member States' votes, and qualified majority voting. These questions will have to be addressed at the next Intergovernmental Conference.