



THE TREATIES OF MAASTRICHT, AMSTERDAM, AND NICE

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Abstract

The Treaty of Maastricht in 1992, along with the following treaties of Amsterdam and Nice, were the consequences of European development in the field of integration. They just were the next logical step after the Single European Act, following the pattern based on the spillover effect; further integration solves different problems, as the mentioned treaty of 1986 improved the performance of the Common Market in the European communities, but also generated new problems that could be solved only with deeper integration, with a new treaty, with the Treaty of Maastricht. According to this development, the European Union is just a part of the process and never the final shape of the European organization. Hence this research analyses the contribution of these three treaties to the integration of Europe focusing on what existing problems they solved and what new problems they generated. Some of the new necessities created by these essential treaties were solved by the treaty of Lisbon, but others still need to be addressed. The three treaties are important for Europe because they meant a great step forward in terms of integration, as they created the European Union (before European Communities) and some other fundamental milestones as the common currency the Euro.

Keywords: *European Union, Treaty of Maastricht, Treaty of Amsterdam, Treaty of Nice, European Union Integration, European development.*

1 INTRODUCTION

The treaty of Maastricht and the following amends in Amsterdam and Nice are the consequence of fulfilling the necessities created by the previous treaties, especially the Single European Act. Neofunctionalism is a theory of integration based on the replacement of power politics with a new supranational style that applied to the European integration process could help to develop the political, economic and cultural union of the European continent. This approach was firstly y

used in Europe by Jean Monnet, the so-called father of Europe, being developed from a more theoretical approach by Ernst B. Haas and Leon Lindberg using the European experience for creating a general model of integration but their success was partial. Wayne Sandholtz and Alec Stone Sweet have been contributing to this theory with their research updating the results and clarifying different aspects.

The main aspects of this theory influencing the conception and implementation of the three treaties under study in this research are based on:

- 1 Integrating areas of low politics but ensuring that these are key strategic economic sectors. It reduces the inclusion in the treaties of

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policies that could attract too much attention from the citizens and other stakeholders in the process of Europe. The key sectors have to have the necessary connectivity with the problems faced by Europe back then and the future necessities. Maastricht, Amsterdam, and Nice also needed to connect needs and expectations of the European citizens in order to increase the popular support for further developments closer to the political arena.

- 2 Give more power to the European Institutions to oversee the integration and give them the ability to act as a sponsor of further integration when these treaties would become obsolete in order to meet the necessities of Europe and solve the arising problems.
- 3 Integration of particular sectors creating functional pressures for integration of related economic sectors. The spillover effect needs that the economies of the States are reasonably interdependent prior integration. A conflictive issue in relation to the treaties under study as the differences between North and South were still important, and the economic model between continental and Anglo-Saxon states was also too different. Spillover needed political activism to give a push in the right decision because States would have bargained down to a lowest common denominator position any European proposal (Troitino, 2014). The complexity of these treaties in political terms meant that the main political actors behind them were two French politicians, Francois Mitterrand, president of the French Republic and Jacques Delors, president of the European Commission. This duality meant the intermingling of the European and French interest in the Treaties, generating problems for the future as they did not pursue exclusively the European interest (Moravcsik, 1993).
- 4 Incorporation of new actors to the process of building Europe: Developing deeper integration focus on solving the social necessities of the European citizens will lead to a transfer of loyalty from the national level to the European level. Any supranational organization at some point needs to have the loyalty of the political subjects included in it,

the citizens. Therefore, the treaties developed different concepts to address this issue as the European citizenship (Pérez, 2016) or the inclusion of a social chapter for the first time at the European level. Basically, creating a new level of integration, Europe substitutes the states in these specific policies, influencing the citizens who see how Europe solves their problems. Hence, when they have new problems they will ask Europe to solve them and not their own states (Sandholtz, 2010).

- 5 The development of deeper integration must create the need for further European Institutions. In the case of these three treaties, the most obvious action in that sense is the creation of the Common Currency, the Euro. It will most probably lead to the creation of a minister of Economy for the whole Eurozone, a new institution in the European Union level to solve the current problems generated by the misconceptions of the Euro.
- 6 Finally, the economic integration must generate necessities of political integration to achieve the desired unity of Europe. In this case, the Euro and the creation of an Economy Minister of Europe in the short term must be controlled by democratic means. It would be unacceptable to leave in the hands of a technician the economic destiny of Europe without the involvement of the citizens in the decision-making. Hence, the democratic deficit of the soon coming new European institution will lead to a much deeper integration in political terms to provide a democratic essence to the process.

Beside the internal reasons for creating new treaties consequence of the Neofunctionalism, there were also external motives as the end of the Cold War and its consequences in Europe, as German reunification, new democratic states in Central and Eastern Europe, or the new international situation.

The first visible consequence of the end of the Cold War was German reunification when West and East united in 1990, and it could be considered as another enlargement to the Communities because as East Germany united with West Germany, it also became part of the European Communities.

The fall of the Berlin Wall in 1989 meant the beginning of the reunification process. It had had, from the very beginning, an influence in the European Communities, as for example with the Schengen agreement, because this agreement was delayed in order to study how East Germany could influence it. The European politicians mostly supported the process; Delors, president of the European Commission supported reunification and the enlargement of the Community to East Germany. Mitterrand, the president of France, had many doubts about German reunification because it could tilt the balance of power in Europe away from France towards Germany, but as he had no real chance to stop the process, as Kohl just acted without the permission from the Western powers that somehow supported the process but wanted it much slower. Then, Mitterrand thought of tying Germany closer to Europe by accelerating European integration under Franco-German leadership. This meant the creation of the Treaty of Maastricht. The position of France was clear: a strong united Germany could repeat the economic miracle of after the war and create a much bigger and stronger German state which could dominate European politics. To avoid an independent Germany, more Europe was needed, uniting Germany to its European partner and dissolving the German influence in the European framework (Moravcsik, 1995).

Nevertheless, the so-called German miracle did not repeat in the case of East Germany, and the country had, and to some extent still has, problems uniting East and West. Margaret Thatcher, British most influential premier in the second half of XX century, had lost the leadership of the conservative party in November 1990. She positioned clearly against the reunification because the equilibrium in Europe could be damaged by a too strong Germany. But as she lost her power in the UK (Chochia, 2015), she just became a bitter enemy of reunification without real possibilities for influencing the process. Felipe Gonzalez, the socialist president of Spain, was a keen supporter of German reunification and worked intensively in this direction becoming a strong advocate of the German cause. Reunification was finally achieved in October 1990, and the problems started for Germany and hence for the Community, as the process did not work as well as expected.

The main problems were:

- Too high a conversion rate of the East German currency to the German Mark; one to one
- West Germany could not absorb East Germany, as had been initially thought; the expected new economic miracle like the one after WW II did not happen. And the process became much longer than expected, with consequent financial problems for Germany.
- The European Communities got involved in the economic effort of incorporating East Germany to the capitalist system. The European Structural Fund helped Germany, as the new 5 German regions received a special structural fund specifically created for the German reunification, showing the solidarity of the member states with Germany. Nevertheless, it also led to a problem balancing the European budget and less investment in other European policies.

Hence, the treaties of Maastricht, Amsterdam, and Nice were the consequence of internal reasons, Neofunctionalism, and external reasons deriving from the end of the Cold war. As the integration needed or planned included too many aspects and deepened most of the European policies, it was decided to be implemented in three different stages, Maastricht, Amsterdam, and Nice. This design intended to reduce the opposition of the Euroscepticism to a great treaty included so many innovations that could foster the fears of the Europeans. Therefore, Amsterdam and Nice were basically amendments to the Treaty of Maastricht.

2 THE TREATY OF MAASTRICHT OR THE TREATY OF THE EUROPEAN UNION

The Single European Act created a Single Market, and it meant the creation of a common economic area. One of the remaining obstacles to trade in the area was the existence of different currencies and its negative effect on trade. The logical next step was the creation of a single currency for a single area. Another fact influencing the new Treaty was the fall of the Soviet Union and a new era in international relations. Europe needed to define its own position in the new scenario after the end of an international world dominated by the

USA and the Soviet Union, and hence a new treaty was needed. The European weakness during the 1990-1991 Gulf crises and the war in Yugoslavia showed the necessity of Europe's adopting a common position in the international arena because individually, the member states did not have enough power to interfere effectively in international problems.

The German reunification, as mentioned before, was another important factor in the elaboration of a new treaty; it was needed to bind Germany closer to the Communities to avoid an independent and powerful Germany dominating European relations.

Finally, the European institutions were pressing for reform in the treaties, especially the European Commission and the European Parliament considered the Single European Act insufficient because of its working system tilt to intergovernmentalism. Therefore these two institutions were demanding deeper integration and more power for the European Parliament (Troitino, 2015).

The negotiations for the new Treaty were very difficult because the positions of the member states were very different, national interest was in some cases more important than the common management of the common necessities. The United Kingdom refused any deeper integration in the European process as their participation in the European integration was highly influenced by its own national character and peculiarities. The position of the British was clear because, for the government of Thatcher, the SEA had been already too much, and deepening integration would have meant a new loss of British sovereignty. The inflexible position of Thatcher against this new Treaty was one of the reasons for the discontent towards her government that finally meant the end of her time as British Prime Minister after an internal revolt. Nevertheless, the participation in the process initiated by Maastricht, Amsterdam, and Nice lacked a strong popular support among the British citizens and never was explained properly by the British politicians, influencing negatively in the BREXIT. The kingdom of Spain was afraid of losing the much needed financial support from the Communities and asked for a new Cohesion Fund as a condition for accepting the new Treaty (Moravcsik, 1998).

Therefore Spain asked for more financial support to agree on such an important step in the European process. Also, Spain, united with Portugal, asked to keep the unanimity in the decisions link with the environment. Both Iberian countries were afraid about the more developed countries in the Communities because their legislation provided higher protection for the environment, and hence extending it to the Communities could have meant problems for the economic development of Portugal and Spain because of the financial cost. This problem also influenced the enlargement to Central and East Europe, as the candidates were afraid that protecting the environment could have made their economies less competitive (Monar, 1993). The already united Germany refused to create a new fund because the country considered that it was already contributing sufficiently to the European budget and a new fund could mean higher contributions to the Community at a time that German financial resources were needed for German reunification. Germany and the Benelux countries asked for federalization of the institutional system, but the other partners of the Community were not willing to advance so much in the political integration. Hence, the internal reasons, Neofunctionalism, and the external reasons, the end of the Cold War, and the European institution's lobby were complemented by the national interest of the member states shaping the treaties of Maastricht, Amsterdam, and Nice.

After hard and long discussion, the final draft was adopted by the Council, but the European Parliament found it insufficient and threatened to reject it (Ramiro, 2014). This European institution, representing the European citizens, opposed the internal organization of the treaty based on pillars. The parliament disagreed about the exclusion of the Common Foreign and Security Policy from the first pillar (under the control of the communitarian institutions) because it could mislead European citizens and the rest of the world about the essence of the Union. The Parliament argued that the division based on pillars was not democratic because the only democratic institution of the Union, the Parliament, did not have any control over the second and third pillars. The Commission, in similar terms, asked for a Treaty-based just on one pillar. Nevertheless, the

organization of the treaty based on three pillars was maintained, lasting till the last treaty of Lisbon in 2009.

2.1 Innovations of the treaty

The Treaty of Maastricht introduced a new working system based on three pillars. It was called a temple approach, the pillars supporting different policies supporting the European house. The first pillar including the European Communities was based on:

Qualified majority: The decision-making was based on a system where most of the member states, following some rules, decided about the common procedures. It means a de facto loss of national sovereignty in the sense that one member state could be outvoted by the other members and forced to adopt any rule against its national interest. The idea is united with the concept of sharing sovereignty rather than losing it, a big difference in legal terms. It created a common framework system to allow the approval and implementation of legal measures positive for the majority of the area, positive for Europe, even though it could have some negative influence on individual states (Moravcsik, 2013).

Subsidiarity: This principle was included in the first pillar because it was linked with the European building process itself. Subsidiarity mainly means that the institution dealing with an issue or a problem in the most effective way will prevail in this field (Shaw, 1996). So, local problems can be solved better by local authorities, regional issues by regional institutions, national issues by national institutions, and European issues by European institutions. It is one of the main principles of federalism and a clear concession for those who were afraid of the European Union as a strongly centralized organization.

The previous policies of the Community were included in the first pillar where the power was divided among the European institutions, mainly balancing the power of the Council of the European Union and the Parliament under the surveillance of the High Court of Justice and the executive powers of the Commission. New policies included in the first pillar with the Treaty of Maastricht were ones such as consumer protection, culture, development, education,

public health, Trans-European networks, and, under a special protocol, social policy.

The second pillar was the intergovernmental organization for the Common Foreign and Security Policy. This pillar depended on the member states and was out of the control of the Communitarian institutions. Only the political will of the member states was taken into consideration as a way of developing this policy within the Union. This pillar also included the possibility of developing a defense policy in the Union under the umbrella of the Western European Union. It was not the first time that coordination of the external policies of the member states was promoted, but it was the first time it was included in the treaties as a way to integrate the different positions of the member states, but almost always working with a system based on unanimity, avoiding the loss of sovereignty of the member states in such a sensitive policy (Vernygora, 2016).

The third pillar of the structure of the Union was based on cooperation on justice and home affairs, mainly asylum, cross-border problems, customs, drugs, fraud, immigration policy, judicial cooperation, and police's coordination. All these problems were a consequence of the Single Market and the Schengen agreement, a common area with free movement of goods and free movement of persons with the negative side effect of free movement of illegal products and free movement of criminals within the common area (Pipkorn, 1994). As it was necessary to control these problems from a common position, and integration was not possible because security is one of the main attributes of any state, cooperation was chosen as the means by which to eliminate these negative effects from the common area. In the future, deeper cooperation will lead to some kind of integration in this field, that being more effective for Union for solving the problems related to justice and home affairs. The member states at the moment are still not ready to take such an important step in terms of integration because it would mean the creation of the United States of Europe (Chochia, 2012).

The ratification of the Treaty was complicated, and the Danish citizens rejected it at first by 50.7% against 49.3% of the votes. As Denmark is a small state, not crucial in the European process, it was decided that the Treaty should not change

because of Danish rejection. If any big state of the Union would have rejected it, as France did with the so-called European constitution afterward, the Treaty might have had to be reformed and changed. So, there was a second referendum in Denmark where defense cooperation, European citizenship, and the common currency were excluded for Denmark. Then it was approved by the Danish citizens without major problems. The United Kingdom did not approve the Treaty until the resolution of the Danish rejection and opted to stay out of the social chapter included in the Treaty. France also had problems with the ratification of the Treaty, with a narrow victory of less than 2% of the votes. Finally, Germany had to wait for ratification until the German High Court gave its approval (Laursen, 1994). A German citizen started the process in the German justice system because the German government pretended to pass the new Treaty in the parliament and was not planning any referendum. He argued that the parliament was just a body representing the German people, the real holders of sovereignty; and, as the Treaty of Maastricht meant a big loss in terms of national sovereignty, it was illegal to pass it just in parliament without consulting the German people. The German Court ruled against this idea, arguing that Germany was not giving away the sovereignty of German citizens; it was just sharing it because the European Union was not an international organization but a supranational one. After so many obstacles, the Treaty was finally approved and started working in November 1993.

2.2 Social Policy and Maastricht

The European Communities had based their development on a common management of a common European market (industrial production and agriculture) eliminating physical barriers to intracomunitarian trade and establishing common external borders. The integration, fundamentally economic, did not include common social policies and neither mitigated the pernicious effects of the market economy on the weakest elements of the system. The basic social redistribution of the wealth generated by the capitalist economy was managed individually by the member states when the market itself was common, providing higher benefits to those economic agents operating at the European level, medium/big size companies

mostly. This situation served the USSR to criticize the European integration process as a capitalist tool under the influence of the USA against the workers of Europe. Francois Mitterrand, president of France and precursor of social Europe, already in the late 60s included social aspects in the debate about Europe, the idea of the European Communities as a process towards the integration of Europe carried intrinsically his worries about the Europeanization of social aspects. The French president, a pioneer in the social democracy of Europe, proposed a Community built for the benefit of the people, for the benefit of the workers or it would not be Europe and would certainly collapse in the long term. The ideas of Mitterrand were based on a society working with a market economy but with high level of social protection communitarizing a part of the benefits to achieve a balanced social reality based on equality of opportunities and the protection of the least favored by the market; and obviously wanted to implement it at the European level (Troitino, 2015). He went further stating that Europe will be nothing until a defined social European policy was implemented. It was actually a confrontation of two models of integration, the Europe of merchants versus the Europe of the people, a debate still alive today.

Following his election as French president in 1981, Mitterrand made the Europeanization of the social policy a basic complement to the European market for its proper functioning but he found the opposition of important European partners, UK, Holland, and Germany. The British rejected the idea of a Social Policy in the Communities as their national model was far from the continental social model mostly spread in the rest of the community members with the exception of the Mediterranean model of Italy. The Anglo-Saxon model advocates for less state intervention in the market beyond its basic regulation and lower public unemployment protection to foster the participation in the labor market, reducing the expenditures of the state and increasing its revenues (Pando, 2017). The Continental social system mostly implanted in France and Germany is very different and more costly but also more effective in terms of equality but more ineffective in terms of competitiveness. Nevertheless, the creation of a Social Europe meant (and still currently means) the convergence of the different social models of Europe, a key

element in the national identity of each European nation and hence a very problematic area to integrate. Germany and the Netherlands were more concerned about the competitiveness of their economies, as social policies are related to employment/unemployment policies, taxes, basic state services and other measures that obviously have a big impact on the economic agents. The negative response of the European partners and the problems of the Mauroy government in its French domestic social reforms eliminated the chances of success including social aspects in the European integration at the beginning of Mitterrand's term (Sverdrup, 2002).

The creation of a real European market without national obstacles to the intracommunitarian trade and measures of equivalent effect was introduced by the Single European Act in 1986. The new treaty meant deepening Europe in economic terms and was supported by all the members of the Communities, especially by France, Germany, and the UK. During the negotiations, Mitterrand showed the opportunity to include social aspects in the development of the European market, but the strong opposition of the rest of the members, especially the United Kingdom, led the proposal to a dead end. Nevertheless, the fast evolution of Europe due to the end of the Cold War paved the way for more cooperation in the social aspects, by 1988, as he pointed out, the atmosphere had relaxed, and during the 1989 Council, under the French presidency, the Social Charter and Social Action Programme came to the fore. By the time of the Maastricht Summit in 1991, only the UK opposed a social chapter in the European Union text (Troitino, 2014).

Finally, the Social Policy of the European Union came into force in 1992 in the Treaty of Maastricht. The inclusion of social aspects was paved by the opt-out of the UK that removed the main obstacle to the implementation of a common policy in this field. Nevertheless, there is still an obvious social deficit in the European Union as the member states are afraid of developing the integration in this field because of several reasons. The Treaty of Maastricht created the framework for the further development of the Social Europe but later there has not been the political will in Europe to push for deeper integration in the field. Hence, currently, the European Union lacks the social aspects that

could give coherence to the European integration project.

2.3 German Reunification, Economic Integration and the Common Currency and Maastricht

Europe's stance on economic integration was based on the special Franco-German relationship and on the necessity to firmly integrate a reunified Germany into the Communities. While West Germany assumed economic leadership of the Communities after WW II, France was eager to secure its political predominance over communitarian affairs. To this aim, France chose economic means, namely the creation of an economic monetary union (EMU) including a common currency.

It was in this context that the idea of a multi-speed Europe was first accomplished: as a single market logically can only fully function when common costs are reduced, Mitterrand and Kohl agreed to gradually abolish controls at the Franco-German border in 1984. This triggered a spill-over effect from the bilateral to the European area. Only one year later, the Schengen agreement was signed by all members of the Communities. Although this agreement enormously favored the power position of both West Germany and France, it was Mitterrand who clearly took on the leading role due to the division of Germany, which provided for an asymmetrical distribution of power between the partners.

The Communities' common objective was stated for the first time in the SEA (1986), namely the creation of an economic and monetary union, including a single market, by 1992. Article 13 of the SEA defines the single market as an "area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured" (European Communities, 1987). According to the timeline set forth in the SEA, an intergovernmental conference on a monetary union was to be held to discuss possible designs of such union. West Germany, however, refused to agree to a date due to large domestic protests demanding the unification of West and East Germany. European politicians' and leaders' reactions to the possibility of unification ranged from skepticism to blunt refusal, fearing the threat

that might originate from a newly strengthened Germany.

The Maastricht Treaty was the outcome of a process set forth the aim to establish a common currency by 1999 and enshrined the objective of an EMU in its Protocol on the Statute of the European System of Central Banks. While this step would “effectively eliminate the monetary sovereignty of the Community’s members” as it expanded the competencies of the newly founded European Central Bank (ECB), a common currency would further unify the member states of the Communities. Satisfying the French security interests, Mitterrand thus “anchor a now greatly enlarged and strengthened Germany into a more vigorous, more permanent, organic form of European Community” that found its major expression in the creation of the euro (Ramiro, 2013).

In the following development process of the EMU, France proposed a union that would focus solely on economic issues arising from the introduction of a common currency. Doing so, he had a two-fold aim: on the one hand, he wanted to improve France’s bargaining position vis-à-vis Japan and the USA, which were the economic superpowers at that time, by strengthening the Communities. On the other hand, Mitterrand anticipated consolidating French predominance over European affairs. To him, a political union had several strategic flaws, including a bettering of Germany’s position and a reduction of the value of France’s special prerogatives in the area of security and defense policy (Troitino, 2008). Consequently, he stressed the economic benefits of the introduction of a common currency: the euro “will be the strongest [currency] in the world, stronger than the dollar, because it will be much more stable and will allow Europe to assert itself as the first economic power on the planet” (Balassone, 2004).

It is important to note that Mitterrand did not envisage any further enlargement of the Communities when drafting his plan for the EMU. As shown above, he aspired a deeply integrated Western Europe under French leadership with amicable relations with Central and Eastern Europe. A common currency then served as the focal point in his European design, firmly integrating states that had a similar economic

performance. Today, however, the Eurozone (EZ) counts 19 highly heterogeneous members. As a result, the occurrence of asymmetrical crises becomes more likely.

An asymmetrical crisis is a shock to the economic system that affects various parts of the system differently: while France and Germany recovered quickly, a severe blow has been dealt with Greece’s economy. This shows an inherent flaw in the EU’s common currency: as it was designed for a homogenous, small group of states, the ECB lacks the instruments to effectively counter an asymmetrical crisis. Due to the widely different economic performances of EZ members, financial tools such as devaluation or revaluation of a currency can never reflect the reality of all economies. While Greece, for example, is in dire need for a devaluation of the euro, this would overheat the German economy. Thus, a common currency precludes vigorous action in times of crisis and leaves weaker economies in the system largely unprotected. The question remains whether or not the euro would function better if Mitterrand’s plan had been fully adapted, including a deeply integrated homogeneous Western core.

3 THE AMSTERDAM TREATY AND THE TREATY OF NICE

The next Treaty in the European process had already been decided in its precedent treaty because Maastricht left some issues unresolved and the member states decided to postpone any decision about them to the following years with a new Treaty. The difficult and long process of ratification of the Treaty of Maastricht, and a growing resistance from European citizens to deepening the Union resulted in the treaty of Amsterdam’s having just modest provisions in order to avoid problematic situations (Gaja, 1998). The main contributions of this Treaty were basically adapting the European Union for the biggest enlargement of its history to Central and Eastern Europe, and including more policies in the first pillar. It followed the European logic that when member states cooperate in some field (Pernice, 199), they solved the main problems there; they then feel sure that this policy can be managed properly on the European level, and they share their sovereignty in this field with the rest of the

members of the Union in order to act more quickly and more effectively (Langrish, 1998).

The European Council had long and difficult discussions before an agreement was reached. But it was an agreement that did not satisfy most of the parties involved in the negotiations. The main target of this new treaty was the power of the states in a Union of 27 members and other reforms of the European Union in order to work properly under the new situation with so many new members. It was trying to give the Union the tools to avoid the collapse of the working system of the European institutions because they were not adapted for so many countries, so many wishes, and so many different interests. At the end of the summit, the Council reached a swift agreement but pointed out a reference for a further reform, a reference to the future European Constitution proposed by Germany, Belgium, Italy, and Sweden (Troitino, 2013). The Treaty was basically a revision of the Treaty of the European Union and took 11 months of negotiations for ending with a hasty agreement taken in the last days when the time for an agreement was almost over. The new treaty started working in February 2003 after ratification by Ireland in a second referendum. Again, a small country rejected the treaty, and, instead of forgetting the new reform in the whole Union, the referendum was repeated until the Irish gave their consent. It would be interesting to see what the reaction of the big countries and the answer of the European Union would be if a country rejected any treaty twice. As all new treaties need to be passed by all member states, the possibilities would be mainly three: expelling the country from the Union, stopping the reform in all of Europe, or starting a parallel integration including the states interested in deeper advancement. All of them would damage the European building process enormously.

The Treaty of Nice gave new values to the votes of the member states in the European institutions and to their representation in the European Parliament. It also changed the internal composition of other institutions, as the HCJ or the European Commission. The new values of the national votes in the European Council were:

Germany, France, Italy and UK 29, Spain and Poland 27, Romania 14, Netherlands 13, Greece, Czech Republic, Belgium, Hungary and Portugal

12, Bulgaria, Sweden and Austria 10, Denmark, Finland, Ireland, Slovakia and Lithuania 7, Luxembourg, Latvia, Slovenia, Cyprus and Estonia 4, Malta 3.

The number of votes was decided according to different patterns, as economic importance, size, or size of the state, respecting the unwritten principle of equilibrium between France and Germany in the European Union (Galloway, 2001). Also, the small countries are over-represented if we compare the number of votes and the number of votes of the big countries. The Treaty also redefined the concept of a qualified majority, establishing it in 255 votes of 345, adding two ways that the decisions could be blocked:

- a. If half plus one of the member states vote against any rule, it cannot be approved. It is clearly a way to protect the smallest countries in the Union, and avoid a situation where the big countries, allied and voting together, impose their decisions over the majority of the states. It does not take into consideration the population of the countries, or its size, just that they are countries. In this sense, it is closer to a confederation.
- b. If there is an agreement among states representing more than 62% of the European population, any decision can be vetoed. This is a measure to protect the biggest states from being outvoted by most of the member states representing a minority of Europeans. It is an action closer to a federation, where the population matters more than other factors.

The composition of the European Commission also changed. Previously, the big states had two nationals as Commissars, and the rest of the states just one. As many new countries were going to join the Union, the work of the Commission would have been very difficult with so many Commissars. Even now, when each member state has a national working as Commissar, the system is sometimes too slow and the efficiency could increase with fewer members, but all the states want to keep a member in the Commission because of its influence and national prestige (Moravcsik, 2002). According to the internal rules of the Commission, the Commissars make an oath protecting the European interest and hence

forgetting about the national interest of the countries they are from. The states should not worry about the number of Commissars or whether they have a national in the Commission if this rule is respected. Moreover, the Treaty of Nice established that after each enlargement the number of Commissars will increase. The last reform of the Commission was about the election of the president of the institution; previously he had been chosen by consensus and after the reform, by qualified majority.

The European Parliament changed the number of its members, with different representation for each member state according to its population. It follows a democratic principle, because it is supposed that the EP is the representation of the European people, and hence, it should take into consideration the number of voters of each member of the Parliament. Germany, as the most populous member state of the EU, in Nice got more seats than any other country, breaking the traditional balance between Germany and France; but the small countries got more representatives in terms of population than the big states. Germany, with almost 82 million people, got one member of Parliament for each 828,000 people; France needed a similar number of people for each of its members of the European Parliament; the middle states, as Portugal, just needed half of this number for getting a member of Parliament, and countries as Malta just needed 84,000 people for each of its 5 members. This means that for election to the European Parliament, the vote of a person from Malta counted the same as the vote of more or less 10 German citizens. The protection of the small member states of the Union was clear here, but maybe the differences were too big and there was a lack of democracy in terms of equality among European citizens. Nevertheless, this was accepted by the member states of the Union, and no reforms have been planned in this matter in the near future after the Treaty of Lisbon.

Other reforms of Parliament were the right to go to the European High Court of Justice and ask for the opinion of the Court about the compatibility of European international agreements with current Treaties.

The European High Court of Justice also suffered some reforms by the Treaty of Nice, adopting the institution for the enlargement to East and Central

Europe. The numbers of the HCJ changed and there was just one person from each member state before the big countries had two. Also, it was established that just the most important cases will go to this court to grant the unity and coherence of the Communitarian law and the industrial protection. The rest of the cases go to the other Communitarian courts (Shaw, 2001).

On the procedures, there was a very important reform introduced by Nice, the reinforced cooperation. As the Union was going to undergo its bigger enlargement ever, it was thought that the operating system could not handle unanimity or consensus in many cases, and it could cause the paralysis of the integration process. In order to avoid a situation in which a member state uses its veto to stop any further integration even when this country was not included in it, unanimity was abolished in this kind of measure. After Nice, if a member state wants to stop any reinforced cooperation, it must ask the Council of the European Union, and this institution will decide by qualified majority, except for cases related to Common Foreign and Security Policy. The rules to start a reinforced cooperation, to start a new policy in the Union with just some of its members when others prefer to stay aside, also changed with this Treaty, making it easier. Previously, most of the states were needed in order to launch reinforced cooperation and start a new policy in the Union; after Nice, it was established that just one-third of the member states could start a new policy in the Union for themselves if the rest of the partners do not want to widen the Union. The reinforced cooperation after Nice was allowed in Foreign and Security Policy, just by unanimity, but not in the field of defense because of the fears of some member states of losing their neutral status in international relations. Reinforced cooperation was accepted and was made easier after this treaty despite the reluctance of some member states afraid of the creation of different levels of integration within the European Union, or what is called now a multi-speed Union. The problem is the creation of the Union of a central core of countries more integrated and that would dominate the rest of the Union. If it is going to happen, it is more likely that France and Germany are going to be members of this central part of the EU, and some new members and the periphery of the Union will be in the second group because of

free choice or incapacity of their economies. Also, a multi-speed Union will confuse both European citizens, already distant from the European institutions, as well as the international world. Nevertheless, there are some policies already working with this system and there are no major problems concerning these issues. For example, the UK decided to step aside in Social Europe because of free choice and fear of European interference in the competitiveness of the British economy, and nothing exceptional has happened. On the other hand, we see how states outside the common currency wanted to be in all the meetings about the Euro in the last crisis because they said that all the decisions taken there would influence the whole Union, not just the eurozone. Of course, the leader of this group of countries was the United Kingdom (Moravcsik, 1999).

In the field of decision-making, the Treaty also enlarged the policies decided by qualified majority, previously based on unanimity, because the enlargement to Central and Eastern Europe would have made decision-making in the Union, if it were based on unanimity, where all the members had to agree, more difficult and, especially, slower. Hence, 29 policies ruled before by unanimity were included in the qualified majority voting system. There were some policies where the member states still felt the necessity of keeping the national veto, or unanimity, as France with Cultural and Audiovisual services, or Spain with the Cohesion Fund, or the United Kingdom with Taxes and Social Security.

Another novelty of the Treaty was the inclusion of the European letter of fundamental rights in article 52.2. It has only political value, but it could be the beginning of a wider reform where the Communitarian law will be much influenced by this chapter. The rights included were rights like protection of personal information, rights of children, rights of elders, protection from being fired without reason, integration of handicapped people, etc.

Finally, the treaty reformed article 7 of the TEU because of the case of Haider in Austria. This politician, who later was killed in a traffic accident, created a problem for the Union when his political party became an important force in Austria, and even took part in the Austrian government, because of his radical right political beliefs. The

Union could not stop his accession to power because there were no European tools for acting in the domestic politics of Austria. After Nice, if the European Council finds an important violation of the fundamental rights in one member state, it can suspend some of the rights of this state. It also adds to this action some preventative measures for the violation of fundamental rights. Before that, fines could be imposed only after the damage had been done, never before.

In that sense, if one-third of the member states, the European Parliament, or the European Commission asks for a penalty, the Council by a qualified majority of 4/5 of its members with a previous agreement with Parliament can send recommendations to a member state as a warning against further actions (Sinnott, 2003).

4 CONCLUSIONS

The main problem of the Treaty of Maastricht was the EU's complexity, the impenetrable language, and lack of transparency. The problem here was that just specialists could understand it, and regular citizens could not comprehend the significance of the Treaty. It made the Union even more distanced from European people. The treaty also did not achieve one of the original targets of more democracy and more subsidiarity, and hence did not increase integration in these basic fields. The different rules on different policies about decision-making made it more difficult to understand the working system of the Union for European citizens, again separating the people from a process which influenced their everyday lives.

The treaty of Amsterdam did not address really its priorities as the problematic approval of the Treaty of Maastricht influenced the European leaders who were a concern of a rejection from a major member (Shaw, 1998), as France, leading to the collapse of the whole reform. Hence, the treaty was too timid and postponed the solutions to the European problems.

Finally, the treaty of Nice was facing a different environment with different political actors representing the main states of Europe, focusing primarily on the share of power of their own states, postponing again the necessary reforms to the treaty of Maastricht already envisioned in 1992.

In terms of European integration, these three treaties must be understood as a whole, a pack of reforms addressing the internal problems of the European Communities derivate from the Neofunctionalism approach. The process also responded the external influences, mainly the end of the Cold War and the rise of a new world order.

Nevertheless, the treaties did not fully fulfill the necessities generated by internal and neither

external reasons because the process was designed in a stepped reform with three consecutive treaties implementing a comprehensive reform. The resistance to the first leg, Maastricht, weakened the process and left unfinished the reforms as Amsterdam and Nice were too modest.

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