Perspectives of EU Enlargement after Nice

In preparation for the coming enlargement of the European Union, the Intergovernmental Conference in Nice had the task of making a number of improvements to the Union’s institutional framework to enable it to continue to function effectively with a substantially increased number of member states. The following five contributions discuss the results of the Nice conference and other important issues relating to enlargement.

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The Enlargement Process after Nice: a Qualitatively New Stage

At its meeting in Nice, in early December 2000, the European Council took two decisions that opened a qualitatively new stage in the ongoing enlargement process. Firstly, by concluding the inter-governmental conference on institutional reform, the European Council has honoured the commitment it had taken at Helsinki in December 1999, to ensure that the Union would be ready to welcome new Member States as of end 2002, as soon as they have fulfilled the accession criteria. Secondly, by endorsing the enlargement strategy put forward a few weeks earlier by the European Commission, the European Council has provided a clear mandate to move the accession process forward on that basis, and thus to significantly reinforce its momentum.

This article will look more closely at the decisions taken at Nice, and at their significance for the enlargement process. Before doing so, however, it will be useful not only to recall the overall context in which the ongoing enlargement is taking place and the challenges this process is posing for the European Union and the candidate countries concerned, but also to take stock of progress made so far.

A Historic Opportunity

Ever since its creation almost fifty years ago, the European Community, now the European Union, has been in expansion. The magnetism of the European project - which has been instrumental in consolidating peace, stability, democracy and prosperity among its participants – has been such that over the past decades a succession of countries have decided to join it, enlarging the Union from its original six members to the present fifteen.

While the ongoing enlargement process is not a new experience for the Union, it is unprecedented by its scope and diversity, as well as by its political and historical dimension. Through the present enlargement process, our continent is moving from division to unity, from conflict to stability, and from economic inequality to increased prosperity for all.

It was therefore a truly historic decision when the European Council, at its meeting in Copenhagen in June 1993, declared that “the countries of Central and Eastern Europe that so desire shall become members of the European Union. Accession shall take place as soon as a country is able to assume the obligations of membership by satisfying the economic and political conditions.”

Benefits of Enlargement Already Visible

Now, less than a decade later, the positive impact of enlargement is already visible, both politically and economically, and benefiting equally the present EU Member States and the prospective members. The goal of enlargement has led to political stability based on common European values, and has boosted economic reform in the candidate countries. Stable democracies have emerged in Central and Eastern
Europe, rooted in common European values—democracy, the rule of law, respect for human rights and the protection of minorities. The immediate effects are a dramatic improvement in the security situation in Europe, and the opening up of a huge potential for economic development.

The desire of the applicants to become EU members has provided an important incentive to "get their houses in order". Enlargement has served as an easily understandable rationale for economic measures which have sometimes been extremely painful, but which would have been necessary even without EU membership. In several cases the extent of structural change in the economy is already producing rapid growth from new, healthy roots. This means an opportunity for the candidate countries to increase their living standards and improve their prospects in global competition.

Over the past year, the overall volume of foreign direct investment into the Central and Eastern European candidate countries has continued to increase, and the European Union has become by far the most important trading partner of the thirteen candidate countries. Between 1993 and 1999 the total value of trade has increased almost threefold, to €210 billion. The advantages for the existing EU Member States are already tangible. They run considerable surpluses on their export trade with the candidate countries, and these translate into more jobs, more tax revenue and more money for social security systems. In 1999, the EU's trade surplus with the applicant countries amounted to €25.8 billion.

An Unprecedented Challenge

The ongoing enlargement process is also an unprecedented challenge, both for the candidate countries and for the Union itself.

As indicated, in 1993, the Copenhagen European Council declared that accession would take place "as soon as a country is able to assume the obligations of membership by satisfying the economic and political conditions". It defined these conditions to mean that a candidate country

- must be a stable democracy, respecting human rights and protecting minorities;
- must have a functioning market economy, able to cope with competitive pressures and market forces within the Union; and
- must be able to assume the obligations of membership.

Further specifying this latter criterion, in 1995 the Madrid European Council emphasised the importance, not only of incorporating the acquis—i.e. the Union's rules and legislation—into national legislation, but also of ensuring its effective application through appropriate administrative structures.

Fulfilling the Copenhagen and Madrid criteria is not an easy task for the candidate countries. Several of them have started their transition to a market economy and a democratic society hardly more than a decade ago. As to the adoption of the entire acquis as it has developed over several decades and the development of adequate administrative capacity to properly implement and enforce it, this is a formidable challenge by any standards.

Preparations to meet the accession criteria are under way in each of the candidate countries. On the whole, remarkable progress has been achieved on the political and economic criteria (with the notable exception of Turkey, which still does not meet the political criteria). The process of adopting the acquis is steadily moving forward, if not at the same pace in all countries. At this stage, the most difficult challenge for the candidate countries remains the strengthening of their administrative structures, a condition sine qua non to ensure due implementation and enforcement of the acquis.

Clearly, enlargement can be successful only if the candidate countries are properly prepared. To help the candidate countries in this process, the Community is providing considerable pre-accession assistance, amounting to over €3 billion a year. This includes assistance for institution building, investment in transport and environment infrastructures, agricultural reform, and economic and social cohesion. The twinning of administrations and agencies occupies a central place in the pre-accession assistance. With EU support, the vast body of Member States' expertise is made available to the candidate countries, through the long-term secondment of civil servants and accompanying expert missions. From Germany alone, thirty-seven civil servants are currently on secondment for the transfer of technical and administrative know-how.

The ongoing enlargement process also poses numerous challenges for the EU itself, starting with the sheer number of applicants involved at the same time. A key challenge facing the EU is the need to ensure that the Union's acquis is not in any way "denatured" in the process. This is one of the Union's main concerns in the context of the accession negotiations.
The Negotiation Process

Enlargement requires the negotiation of an Accession Treaty with each candidate. The accession negotiations are conducted in inter-governmental conferences with each negotiating country separately, and cover the entire acquis (divided into 31 chapters). They are based on the principle that each candidate must adopt the entire set of existing rules and legislation: the acquis is not negotiable. In the negotiations, the candidate countries commit themselves to adopt, implement and enforce the acquis as required by accession. When the EU considers that the information provided by a candidate on a given chapter is fully satisfactory, and when there is convincing evidence that commitments taken are actually implemented, negotiating chapters are provisionally closed. Actual negotiations are limited to those parts of the acquis of which candidates indicate that they would not be able to fully apply them as of accession, and for which they may request transitional arrangements. The Union, for its part, may also decide to request transitional arrangements, if required in the Union’s interests.

At this stage, twelve countries are engaged in accession negotiations. Six of them (Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia) started negotiations in March 1998; six other countries (Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia) entered the negotiation process last year. With the thirteenth candidate, Turkey, negotiations have not yet been opened, given that Turkey so far does not fulfil the political accession criteria, a precondition for opening negotiations. The negotiations are conducted in a differentiated manner, with each country progressing according to its own merits. For those countries that joined the negotiations at a later stage, there is an opportunity to catch up, provided their level of preparedness permits doing so.

Over the past months, considerable progress has been made in the negotiations. All chapters have now been opened with the countries that have been negotiating since 1998, and between thirteen and seventeen chapters have been provisionally closed, depending on the country. With the countries that joined the negotiations in 2000, between nine and seventeen chapters have been opened, and between six and twelve provisionally closed.

Nice: a Milestone in the Enlargement Process

At this stage in the enlargement process, when the candidate countries’ preparations for accession are well under way, and negotiations are relatively well advanced, a signal was needed to show that the way ahead for enlargement is clear, and to demonstrate the Union’s political will to move the accession process forward. Nice has provided this signal at the highest level.

The Treaty of Nice has cleared the remaining institutional obstacles for enlargement on the Union’s side. Once its ratification by the parliaments of the fifteen Member States has been concluded – which is expected to take up to two years – the Union will be formally ready to welcome new member states in its midst, as soon as they have fulfilled the accession criteria.

But Nice has done more for enlargement than clearing the way institutionally. By endorsing the enlargement strategy put forward by the Commission in November 2000, the Nice European Council has also set out clear perspectives for the further conduct of the negotiations. This will allow moving the negotiations decisively forward, in accordance with an ambitious yet realistic timetable.

The central element in the Commission’s strategy is a road map providing a clear sequence for tackling outstanding issues in the negotiations in the course of 2001 and early 2002. The road map is indicative and flexible, and fully takes into account the guiding principles of the negotiation process, i.e. merit, differentiation and catching-up. It allows individual candidate
countries to move forward more quickly than the envisaged timing, when their preparedness so permits.

This road map is accompanied by a method of dealing with requests for transitional measures, distinguishing between acceptable, negotiable, and unacceptable cases. While transitional arrangements should be limited to a strict minimum, as in previous enlargements it will not be possible to avoid them completely. Basic principles are that any transitional measures must be limited in time and scope, must not involve amendments to the rules or policies of the Union as such, and must not disrupt the proper functioning of the Internal Market or lead to significant distortions of competition. Such measures can thus only concern the implementation of rules, not the rules themselves, and must be accompanied by detailed implementation plans, including plans for investments.

Finally, the enlargement strategy also includes a new approach for opening chapters with the countries that joined the negotiations in early 2000, allowing the considerable speeding up of this process.

The Nice European Council has endorsed this enlargement strategy, and has given a clear mandate to move forward on that basis. In concrete terms, this implies that the Union undertakes to present common positions on the various negotiating chapters and to deal with related requests for transitional arrangements in accordance with the proposed timetable for the period up to mid 2002. To the extent that this strategy is effectively pursued, and the candidate countries continue their preparations for membership, this means that negotiations could be concluded in 2002 with those candidates that fulfil the accession criteria.

Using the Reinforced Momentum Created by the Nice Conclusions

The Swedish Presidency has, in consultation with the Commission, established an ambitious work programme for the coming months, to use the momentum created by the Nice conclusions. This programme is to bring the negotiations to a qualitatively new level, tackling also highly sensitive issues. It consists of two key tasks. The first task is to continue negotiations on chapters that have already been opened, with a view to provisionally closing as many chapters as possible. In doing so, priority is given to the objectives set out in the agreed road map for the first semester of 2001. This implies addressing all outstanding issues, including possible requests for transitional measures, on key internal market chapters such as free movement of goods, persons, and capital; as well as on such matters as social affairs and environment. In addition, it is envisaged to start discussions on some areas earmarked in the road map for subsequent semesters. The second task is to open as many chapters as possible with the countries that joined the negotiations in 2000, opening all remaining chapters with the best prepared among them. In practice, a total of 64 chapters are to be opened by mid-2001.

Success in meeting these objectives will depend on two main factors. Firstly, success will depend on the preparedness of EU Member States to translate the commitment taken at Nice into deeds. This means that Member States must determine, within the timeframe set by the road map, a common European Union position on the respective outstanding issues in the accession negotiations, including possible requests for transitional periods, even when issues at the heart of their national interests are concerned. Secondly, success will also depend on the candidate countries' ability to provide sufficient and substantial information in time, and on the Union's capacity to respond. The Commission is strongly committed to achieving this.

In the meantime, the candidate countries must continue their preparations for membership. The outcome of Nice, including the European Council's request that candidates "continue and speed up the necessary reforms to prepare themselves for accession, particularly as regards strengthening their administrative capacity, so as to be able to join the Union as soon as possible," will encourage them in their work. The Union, for its part, will continue to support the candidate countries through targeted assistance.

These efforts will enhance the positive impact of enlargement, by further consolidating the process of democratisation and economic and administrative reform. The dynamism with which the candidate countries are preparing for membership, combined with continued high economic growth, will also contribute to gradually reducing the considerable economic disparities which still exist, not only between the candidate countries and current EU Member States, but also regional disparities within the candidate countries themselves.

Turkey, which is not yet negotiating, will need to concentrate its attention on implementing the Accession Partnership, which sets out short and
medium-term priorities for meeting the accession criteria. Here as well, the Union will provide support. The National Programme for the Adoption of the Acquis, which Turkey will adopt in the months to come, is expected to provide a central tool in this regard.

As the first accessions draw closer, the dialogue with interested third countries will have to be strengthened, so as to reassure them that the impact of enlargement will be primarily positive, and to tackle problems where they arise. The envisaged discussions with Russia on the impact of enlargement for Kaliningrad are a concrete example.

In the meantime, the Union must prepare itself “mentally” for enlargement, by explaining the costs and benefits to its population. We have to set in motion a wide-ranging dialogue in our societies to make the risks and benefits clear, diffuse misconceptions where they exist, and let the people know that their concerns are being taken seriously. With this purpose, the Commission adopted an Enlargement Communication Strategy in May 2000, which is being implemented on a decentralised basis in the Member States and the candidate countries, involving also national and regional authorities. As the first accessions draw closer, our work in informing the population must continue and be intensified, both in the current EU Member States and in the candidate countries. Enlargement can only succeed if it has democratic support.

The Nice conclusions have added momentum to the enlargement process, bringing it into a qualitatively new stage. Not only has the Nice European Council cleared the last institutional obstacles and provided a road map, it also has set a clear time window for the first accessions, expressing the hope that the first acceding countries will be able to take part in the next European Parliament elections. Very considerable and determined efforts are still required to bring the process to its conclusion. But the way ahead is now clear. The Commission is fully prepared for the work in prospect. As to myself, I am personally determined to see the enlargement project well towards completion within my current term of office.

Elmar Brok*  
Post-Nice State of the Preparations for EU Enlargement

In 1993 the Copenhagen European Council made a historic promise that “the countries in Central and Eastern Europe that so desire shall become members of the Union. Accession will take place as soon as a country is able to assume the obligations of membership by satisfying the economic and political conditions”. Since then a lot of efforts have been made both by the states wishing accession and by the Union to let this dream of one large European house come true. One important step on the way to achieving accession was to adapt the EU Treaty to a Union probably consisting of 27 members. To achieve this was the aim of the Intergovernmental Conference taking place from 7 to 10 December 2000 in Nice. But it must be stated that the enterprise got stuck in the attempt because the Member States short-sightedly paid regard only to their own interests while nearly losing from view their responsibility to the states wishing to accede. Although I estimate the Nice Summit to be a catastrophe it is necessary to analyse carefully the present state of the enlargement process and the effects of the Nice Summit on it.

Despite the meagre results of the Nice Intergovernmental Conference the present Member States of the EU have clearly declared that they are willing for the accession of the first countries to take place in 2003. The European Council reaffirmed at Nice “the historic significance of the European Union enlargement process and the political priority which it attaches to the success of that process”. Moreover the European Council set up a road map for the next 18 months which will ease the way for further negotiations, bearing in mind that those countries which are the best prepared will continue to be able to progress more quickly. This principle of differentiation is the basis of the strategy paper proposed by the Commission on 8 November 2000. In Göteborg, in June 2001, the European Council will assess the progress in implementing that accession strategy, in
order to give the necessary guidance for its successful completion. And it should also be pointed out that the pre-accession strategy of the Union has always single-mindedly and systematically been the achievement of enlargement. So we should have a closer look at the details in order to be able to judge the results of the Intergovernmental Conference in Nice.

Pre-accession Strategy

The pre-accession strategy of the Union consists of a combination of priority setting coupled with Association Agreements, financial assistance, participation in Community programmes and agencies and preparation of the negotiations through analytical examination of the acquis. Its purpose is to help the candidate countries to prepare for their future membership by aligning with the acquis before accession.

The accession partnerships are the central pre-accession strategy instrument. The current accession partnerships were adopted in December 1999 for candidate countries in Central and Eastern Europe and in March 2000 for Cyprus and Malta. On the basis of the regular reports they put forward the short and medium-term priorities for each country to fulfil the accession criteria. They also indicate the financial assistance available from the Community in support of these priorities and the conditions attached to that assistance. In 2000 an Accession Partnership for Turkey was proposed for the first time, in line with the Helsinki European Council conclusions.

As far as the second strategy instrument – financial assistance – is concerned, the Central and Eastern European candidate countries benefit from EC financial assistance. It is to be doubled from the year 2000 to over € 3 billion a year. The PHARE programme is now accompanied by two new instruments which prepare candidate countries for the Structural Funds. These are, firstly, the ISPA (pre-accession structural instrument) promoting national strategies for transport and the environment and secondly, the SAPARD (Structural Adjustment Programme for Agriculture and Rural Development), which fulfils a similar function for agricultural and rural development.

The framework for monitoring the adoption of the acquis and the implementation of accession partnership priorities is set by the Europe Agreements (EAs) with the Central and Eastern European candidate countries. And the recently re-organised subcommittees provide a suitable forum for this. The agreement with Hungary has taken the next step following an Association Council decision in June 2000. This means further liberalisation as regards the provisions on establishment. A similar decision regarding the Czech Republic is expected shortly. With both of these states framework agreements for a Protocol on European Conformity Assessment (PECA) were also initialled. And as far as all ten Central and Eastern European countries are concerned it has to be mentioned that negotiations for additional reciprocal trade concessions in the field of agricultural products have led to agreements.

Another very helpful strategy instrument must also not be forgotten. I am speaking of the participation of candidate countries in Community programmes. Only to name two of them I would like to underline the important role of ERASMUS and of the YOUTH programme. Both are irreplaceable tools for educating people in the candidate countries to be aware of European Union issues and able to make the Single Market function.

And as a last instrument, we must point to the analytic examination of the acquis, "screening", which began with the candidate countries of Central and Eastern Europe and Cyprus in March 1998, and continued with Malta in February 1999. It was completed at the end of 1999. And the new acquis adopted in the course of 1999 was transmitted to negotiating countries in the first part of 2000. Meetings to explain the new acquis were held on certain issues. This will be repeated in early 2001 to present the new acquis adopted in 2000. In future the Association committees and sub-committees will be used to explain the new acquis and to discuss its adoption and implementation.

The State of Fulfilment of the Copenhagen Criteria

Having explained the instruments leading candidate countries to the status of members it is now time to have a closer look at the so-called Copenhagen criteria which each candidate has to fulfil to achieve its goal and at the progress they have made so far.

Firstly “membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and fundamental freedoms”. In addition, each candidate country will be measured according to economic criteria. One of these is, for example, a working market economy. And finally, the Copenhagen Council indicated that membership requires “the ability to take on
the obligations of membership, including adherence to the aims of political, economic and monetary union”. This presupposes the adoption, implementation and enforcement of the acquis communautaire by each candidate. Furthermore the European Council of Madrid highlighted the importance not only of incorporating the acquis into national legislation, but also of ensuring its effective application through appropriate administrative and judicial structures. This is also, in my opinion, a key aspect of preparation for membership.

Some of the candidate countries have made enormous progress in fulfilling the Copenhagen criteria. The enlargement reports developed by the Committee of Foreign Affairs and adopted by the plenary session of Parliament on 4 October 2000 give testimony to this progress, as does the strategy paper of the European Commission of 8 November 2000.

But it has to be pointed out that the progress of each single candidate country will be examined individually and differentially. This principle of differentiation will not be traded in for political discounts. So at the moment it cannot be foreseen which countries will be the first acceding countries. From the current point of view Poland, Hungary and Estonia will have good chances of being the first to accede – provided that their pace of development continues.

### The Accession Negotiations

Before I elaborate concisely and judge the results of the Nice Summit in fitting the EU contract for enlargement, let me first draw a picture of the present state of the accession negotiations.

The negotiations began on 31 March 1998 with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia, and on 15 February 2000 with Malta, Romania, Slovakia, Latvia, Lithuania and Bulgaria. The negotiations are conducted in bilateral accession conferences between the member states and each applicant. With one half of the candidates the first round of negotiations was held on 10 November 1998 and with the other on 14 June 2000. To structure negotiations the acquis has been divided into 31 chapters.

Based on the progress made up to now, the Commission has, in its Enlargement Strategy Paper of 8 November 2000, outlined a strategy for taking the negotiations into a more substantial phase. And at the Nice Summit the European Council endorsed the General Affairs Council’s conclusions of 4 December concerning the strategy proposed by the Commission. This strategy would enable the Member States and the candidates to take up in the accession conferences the key issues which need to be resolved to bring the negotiations to a satisfactory conclusion. It contains in a kind of “road map” indicative priority schedules for 2001 and 2002. According to these, all requests for transitional measures and other outstanding issues will be addressed by the Union with the most advanced countries by June 2002 at the latest.

This strategy based on the principle of differentiation should permit the conclusion of negotiations in the course of 2002 with those candidate countries which fulfil all the criteria for membership named above. Therefore I expect that the first accession states will be able to take part in the next elections to the European Parliament in 2004.

### The Nice Summit – Preparing the Contractual Framework?

When all of the above is considered, it can be recognised quite clearly that the European Union and the accession states have for the most part done a good job of preparing for enlargement. In Nice it would have been the turn of the Member States to reform the contractual framework to be able to cope with up to 27 members.

But reviewing the results of the Nice Summit from 7 to 10 December I must admit my disappointment that the mission failed. The European Council did not make the necessary contribution to fulfilling the prerequisites for enlargement. The disaster of the Nice Summit is not only that the democratic deficit and lack of transparency have increased but that the Member States could not reach substantial achievements in expanding the qualified majority vote. The high quota of 35 new areas of agreement disguises the fact that these are only marginal areas. In areas of importance for the single market or for judicial and police cooperation the results achieved are not enough. Thus, the expansion of the qualified majority vote was postponed in the areas of asylum and immigration, taxes and structural funds. And as far as trade policy is concerned we even have to speak of a step backwards. It is true that the Commission can be given a mandate for negotiations by qualified majority vote procedure in the area of services, copyrights and investment, but in practice this will not work because there are far-reaching exceptions. And if within extensive WTO negotiations an exception is touched, unanimous voting applies even in areas for which the
qualified majority vote was previously used. Moreover, the qualified majority vote procedure will become more complicated due to the new 3-step procedure. The requested percentage for qualified majority decisions will amount to 73.5%. A Council decision will also require the simple majority of Member States. And the third hurdle which must be overcome to reach a Council decision is that any Member State can apply that it be established that the majority represents 62% of the population. This so-called “demographic safety net” is just a further possibility for blocking decisions.

So it can clearly be seen that the summit has not achieved its goal of putting the European Union into the state of being ready for enlargement. As enlargement is a historical, political and economic “must”, we cannot accept a result that will lead to the long-term destruction of the European Union. It has to be assured that an EU of 27 Member States can still function.

For this reason, and considering the broader democratic deficit as well, I will advise the European Parliament to vote “no” when the report of the results of the Nice Summit is discussed in the plenary session in February 2001. A rejection of the Treaty will not lead to a delay of enlargement because there are several ways to avoid this scenario:

- When it turns out that the Treaty of Nice is not an applicable solution we will need a new round of negotiations. The earlier this new round starts the better.

- In the past the technical conditions for the accession of new states – such as the number of votes in the Council or seats in Parliament – have always been part of the accession treaties. This would also be profitable for the accession states as they could not be tricked.

- The imperative revision of the Community treaties (the so-called post-Nice process) with the simplification of the treaties, the incorporation of the Charter of Fundamental Rights as legally binding and the delimitation of competencies between the EU and the Member States could take place before 2004 and start immediately.

These alternative ways could also be varied. The argument that a rejection of the Nice Treaty would delay enlargement does not convince. Lasting structural mistakes should be abandoned soon because the chances of these being revised in a Union of 27 Member States will decline. Successful “post-Nice” and enlargement should soon become reality. We therefore need a better version of the Nice Treaty.

Jan Kulakowski*

Federation and a Wider Union
An Attempt to Respond to Joschka Fischer

My generation of Europeans experienced the tragedy of World War II and saw the devastation brought by communism. We also witnessed the success of European integration and participated in Poland’s Solidarity revolution, which finally resulted in the fall of communism and opened the path to the reunification of Germany and of the European continent.

I have been committed to the European integration process since the very beginning, since the fifties. Therefore I would like to put aside for a while my official hat of Poland’s chief negotiator with the European Union and speak not as a member of the government but rather as a committed European, just as Joschka Fischer, German minister of foreign affairs, did in his speech at the Humboldt University in Berlin. I want to consider Europe’s future, bearing in mind what I have seen in the past and what I am experiencing today. Moreover, I would also like to add my views on the Union’s enlargement process. I am convinced that slowing down the enlargement process in order to ponder first the ultimate destiny of Europe would in no way help in resolving the Union’s existential problems. It will simply delay finding “right” solutions.

Problems and Objectives of Integration

European integration has reached the goals which were set almost half a century ago in times of utmost
threat to European civilisation. After the hecatomb of World War II and under the threat of Soviet oppression, the nations of Western Europe managed to maintain the peace, and in particular to reconcile France and Germany. This was possible, however, at the price of the suppression of democracy and freedom in the other half of the continent by the communists. The Marshall Plan provided a financial stimulus and an incentive to the free part of Europe, whose economies recovered and experienced an unprecedented period of development in terms of both pace and duration. The American nuclear umbrella averted the menace of ultimate destruction. However, only the western part of Europe enjoyed the privileges of welfare and security.

The events of 1989 enabled the foundations to be laid for the political integration of the whole continent. The biggest challenge facing contemporary Europe is the enlargement of the Union, the natural consequence of these events. The “Community peace method” – this unique invention of Europe of the twentieth century – needs to cover the countries of Eastern and Central Europe as well. Perhaps the most difficult element of this challenge is the experience gap of the last half century. For Western society this was the time when it achieved stability and affluence. For Central Europe this was the time of departure from the mainstream of civilisation, and then the time of struggle to regain the right to democracy. For the whole of Europe this was the time when its global role was questioned.

However, the enterprising spirit of Europe has already awoken. The Union’s single market is a major achievement and a great success. Euro banknotes and coins will soon be circulating. Transparency of prices and competition across the whole single market will result. Business in the EU member states is profiting from the stability created by monetary union. During the last ten years the young, dynamic, well-educated and hungry-for-success entrepreneurs of Central Europe have proven their ability to adapt to new rules of competition. The economic dynamism of the countries in this region brings hope for a better future and it complements the activities of EU businessmen, who are entering the new Central European markets with increasing boldness. The accession of Central European countries to the EU will be the crown of those labours.

Yet, those labours are pursued alongside the objectives set by the founding fathers of Europe half a century ago – namely to establish “ever closer Union among the peoples of Europe”. Under current circumstances those objectives still need to be pursued with due diligence – since nothing but integration of those nations, and cooperation with the USA, can guarantee peace in Europe. At the same time, however, new objectives need to be set today, ones to be endorsed also by the new EU members. Those new objectives will define the shape of Europe for the next half century. The European Union must take a lead in guiding the development of integration at the world level. It must play an even greater role in world institutions such as the WTO or the world environmental bodies. It cannot leave all crises for the United States to settle; at a minimum it must have the capacity to deal with security on the European continent. And there are many other new policy challenges for the Union, all of which result from the great success of the first 50 years of integration. In my view, a pre-condition for carrying those objectives into effect is a swift and efficient EU enlargement. It is also an opportunity to build sustainable foundations for political cooperation between Poland and Germany, which should complement the process of European reconciliation. Polish-German friendship and cooperation thus lie in the best interest of Europe as a whole.

The Future of Europe – Federation or Union

The European Union also faces dramatic problems internally. How far and how fast should further steps towards integration go? What relationship should there be between member states which wish to integrate further, and those which are more reticent? What is the role of the nation state in a federating Europe? These are all questions to which political élites in Europe are now turning. My hope is that these vital debates are held in the greatest openness, so that the charge of a democratic deficit cannot be held against the Union once again.

Against such a background, Joschka Fischer presented his concept of the future of Europe, which can be summed up in the words: “Let’s build a Federation”. This proposal deserves several comments. As a convinced European, I think that federation is an obtainable goal of integration. However, the significant problem is how such federation is to be accomplished. I was provoked to think deeply about this concept by the Fischer speech and I am sure that he has done a great service to European integration by stimulating such deep consideration in all the European capitals.

His federal vision of Europe assumes the establishment of the institutions of government, of a parliament and of a president elected in direct elections. Those institutions would cover the group of those states which are ready for such a step. Flexible integration is to become the means to such an end. In the words of
Mr Fischer such a step would require “a conscious, political act, aiming at the re-establishment of Europe”.

Starting from this outline of the Federation concept, we need to ask several further questions to clarify some of the obvious difficulties, difficulties recognised by Fischer himself.

**The Cohesion of the Union**

Firstly, how will a coherent institutional framework of the European Union be preserved? So far this has been the “sacrum” of integration. The very existence and efficient functioning of the Union was perceived as both the substance of integration and a necessary pre-condition for finding the element shared by the diversity of interests of integrating countries. Federation – this new quality of integration – will function, so to say, within the European Union. States of the Federation would speak in the Union with the one voice of their government, their parliament and their president. However, here we need to think imaginatively to avoid undermining the institutional framework of the EU. Institutions of another integration (the Federation) would, so to say, be working inside the Union framework.

I am aware that from the purely theoretical point of view such a situation does not necessarily seem to pose a significant problem. Already now – and it has been so since the very beginning of integration – the institutions of nation states successfully operate within the framework of European Union institutions. Hence it would seem that the emergence of new political institutions – those related to Federation – within the EU will not significantly change the operational logic of the latter. However, it will be important that this is also true in practice. It will be necessary to ensure that there will not be major tensions between the institutions of the Federation and those of the Union.

**Paradox of Power**

A second series of questions concerns the way in which the Federation is represented in the Union. A moment will come when the government of the Federation wishes to speak with one voice on its behalf in all forums of the Union. Such a situation signifies that the Federation would have a certain number of votes in the Council of Ministers, a certain number of seats in the European Union’s Parliament and the right to appoint a certain number of Commissioners. Hence it will become necessary to negotiate the extent of the Federation share in the EU governing bodies. In an extreme case, countries remaining outside the Federation could refuse it the right to vote in the EU institutions, by not consenting to any amendments to the establishing treaties of the Community and the Union. If the Federation is not granted the right to vote in the Union, Federation states could participate in the Union under hitherto existing principles – as a permanent coalition – which, as a rule, would dominate the whole decision-making process. It would have many Commissioners, a large group of Euro-deputies and a significant number of votes. Paradoxically, however, such a situation would not be advantageous to the Federation. The very fact that the Federation as a political entity would be forced to participate in the work of the Union through its components (i.e. member states), would undermine the rationale and legitimisation of the institutions of the Federation. Perhaps it would render its very existence redundant. Here again, the question of the meaning of Federation resurfaces, the existence of which within the EU in particular, and perhaps its existence at all, will depend on the states remaining outside the Federation.

**Federal Europe – Divided Union?**

If established, the Federation might perceive itself as something more important, more momentous than the current Union. As a result, the Federation might be tempted to try to carry out its project regardless of the attitudes of the states remaining outside. One can imagine that if the Federation does not encounter any obstacles to its efficient and full participation in the activities of the Union, it would be inclined to base its integrative efforts not only upon cooperation of the police, army and diplomacy but also on the economic foundations, hitherto reserved for the European Union. One should, however, ask the question whether in such a case the avant-garde will not become transformed from the magnetic power attracting other states into a disintegrative power undermining the past achievements of integration as we know it? If we are not careful in the establishment of the Federation, it might lead to the collapse of the EU single market.

**Deeper Integration and Monetary Union**

I sometimes feel that we are discussing the inevitable. The full implications of the creation of monetary union in Europe have not been fully appreciated by many people in the Union. Is it conceivable to think about an avant-garde group of nations in the Union which is not identical with the members of the monetary union? And is it conceivable that monetary union is a success, without a far greater degree of integration, not only fiscal but also in other areas? A Federation which is not identical with membership in
the monetary union will endanger the monetary union itself. And that cannot be allowed to happen.

My feeling is that the monetary union will determine far greater integration within the Union and will quite naturally lead to problems with those member states which remain outside it. This is one of the reasons which has led Poland to seek entry to the monetary union very soon after accession to the European Union itself. Poland wants to be at the heart of the new Europe and, with the other member states, to build on the achievements of integration of the last half century.

**Finalité of the Union and Enlargement**

Poland wishes to join in the discussion opened by Minister Fischer. It wants to participate in shaping the future of Europe. We embrace the *finalité politique* of the Union. We want to be part of it, as we are part of Europe.

Enlargement is a component of the *finalité* of the Union. The Union was never conceived of as separating Europe but as bringing it together. This historical chance presents itself today. It deserves all our attention. By the end of the Portuguese Presidency in the EU (i.e. in the first half of the year 2000) Poland had put all of its negotiating positions on the table. Strangely enough, we know little about the concrete response of the EU to our very concrete demands. Without this, we cannot really negotiate.

Our efforts in preparing for membership are considerable, including the implementation of the EU *acquis*. We are supported by a strong economic development in our country. This brings us closer to EU standards and is a sign of our growing competitiveness. But we need a clear perspective for the future. Business needs this, too. As we read ever more frequently that enlargement will be delayed perhaps for several years, because the European Union is not yet ready, I am often asked why we Poles are rushing to adopt the *acquis* today when accession is not for tomorrow but the day after. Negotiating has to take on a different quality. We are sure that the EU Commission will act as a motor and shift into a different gear now that the first phase of the negotiations has been completed successfully.

**Solidarity in Europe**

Solidarity is one of the guiding principles of the European Union: “desiring to deepen the solidarity between their peoples” – says the preamble to the Rome treaty. All Member States have experienced this solidarity in the past. Solidarity is never one-sided. Solidarity is also guiding the Union and the applicant states in the process of enlargement.

Solidarity is a good word for Poland. Under this banner the social movement of 1980–81 achieved its breakthrough. Under the same banner democracy returned to Poland in 1989, and under the very same banner the government of Mr Jerzy Buzek is continuing bold systemic reforms of the state.

Solidarity is a good word for Europe, parallel to partnership, another key word of European integration, which has dominated the process of integration for many years. Both solidarity and partnership impose obligations.

When it is possible to unite the whole continent through the Union, all the political forces in the Member States should rethink the notion of solidarity. We all need economic and social solidarity. The richer ones: so that they can live within friendly local communities. The poorer ones: so that they can take part in the opportunities offered. We also need political solidarity. Solidarity in supporting the development of less favoured regions, of rural areas, solidarity in ensuring territorial integrity and in safeguarding the EU external border.

May the well-tried word “partnership” become the instrument of solidarity. And may this partnership include southern countries of the present European Union with future members of its eastern confines. This should develop as a strategic partnership, whose objective is to prevent a split within the European Union into two blocs, orienting themselves into two different directions: the South looking only southward (Africa and Latin America), and the East only eastward (post-Soviet area).

Such a separation would not allow the development of the full European potential. We all gain from the experience and special relationships which the different Member States contribute to the Union. We must support each other in our initiatives. I consider it a good development when EU Mediterranean policy is carried out and is based on the centuries-long experience of the southern states of the EU. We – the North and East of Europe – will support such efforts. We should endorse the Barcelona process, supporting closer relations with countries neighbouring the European Union to the South, and supporting the development of those areas.

Simultaneously the South should not fail to notice its strategic interest in the northern and eastern dimension of the enlarged EU. I am counting on support from the countries of southern Europe for Poland’s interest in the fate of the post-Soviet region. Poland’s traditional links with those areas will help to
reinforce the development of free market economies, democracy and the rule of law. This is an asset for the whole Union.

In the eighties, the democratic revival in Poland was carried out under the slogan "there is no liberty without Solidarity". I believe this slogan still holds its values in the context of European integration. I believe that it can become one of the foundations of a future Federation in Europe, encompassing all Member States of the Union.

**Bilateral and Trilateral Cooperation**

French-German cooperation has been instrumental in developing integration. After the collapse of the projects of defence and political communities in the 1950s, it helped to create the European Economic Community, the "mother" of the European Union.

The political framework for French-German cooperation was provided by the Traité d’Elisée signed in 1963. Close political consultations at the highest level between Paris and Bonn were complemented by bilateral cooperation in various areas. A very important achievement of the Traité d’Elisée was the promotion of exchange and cooperation between young people of both countries. France and Germany put their trust in the new generation, which carried the reconciliation to a good end. Cooperation among youth and the educational institutions is also a challenge to future generations.

Much has already been done in developing relations between Poland and Germany. If there is any lesson to be learnt from history, and if we are looking for a starting-point to build from, it seems desirable to deepen cooperation within the Weimar triangle. The cooperation within the Weimar triangle is developing remarkably well. This cooperation requires support and a new impulse. A contractual base would provide it with a different quality. Such a trilateral Traité d’Elisée – let us call it for example the second Traité d’Elisée – could develop into a new and revitalised driving force of integration.

I believe that the three countries Germany, France and Poland represent a community of interest in relation to European integration.

**Conclusion**

I have ranged widely, perhaps too widely, over some of the key issues which confront the EU. But I feel strongly that without a profound debate over the future of the Union we will stumble from one crisis to the next, with real dangers for the stability of our Continent.

Let us think deeply about the future of our Continent and let us seize the opportunity of the enlargement of the European Union at the same time.

The six ministers of foreign affairs of the candidate countries considered Minister Fischer’s proposals to be a useful and interesting example of positive thinking targeted at the future of Europe. This position of candidate countries is still another proof contradicting the claims of those who think those countries are not ready yet to discuss the development of integration, that they are too involved in the process of harmonisation with the acquis communautaire. I hope that this article will also contribute to the repudiation of this cliché. Poland does not solely wish to enter Europe. Poles wants to talk about its future.

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**Phedon Nicolaides**

**The Problem of Effective Implementation of EU Rules: an Institutional Solution**

In June 2000, the Feira European Council declared that the countries that had applied for membership of the European Union would have to implement effectively and enforce the acquis communautaire (i.e. the body of EU rules and practice) before they would be able to conclude their negotiations for accession to the EU. In December 2000, the General Affairs Council stated that the development of capacity for implementation and enforcement of EU rules had become one of the most important issues in the accession negotiations.

The issue of "effective implementing capacity" now attracts far more attention than the mere single-sentence mention it received for the first time in the Madrid European Council conclusions of December...
The EU monitors their progress very closely and tries, as was posed in the Madrid conclusions. Yet what is more surprising, and certainly more disconcerting for the candidate countries, is that common understanding of the concept of effective implementing capacity" has hardly advanced since Madrid.

Perhaps there has been no concerted EU effort to develop a common definition of the concept because it is considered that it is easily or intuitively understood. I will argue below that it is exceedingly difficult to define it precisely. It is for this reason that the EU and the candidate countries need to come to grips with that concept. Otherwise, the accession negotiations may eventually be held hostage to conflicting interpretations.

What Has Been Done So Far?

Of course, it is a bit of an exaggeration to claim that the EU and the candidates would one day discover to their surprise that they have conflicting views as to what it takes to apply effectively the rules of the EU. The EU monitors their progress very closely and continually offers guidance and sets specific targets to be reached within particular time limits (formally through the accession partnerships and informally through the numerous contacts between the Commission and the governments of the candidate countries).

Nonetheless, the fact remains that the EU has no internally acceptable definition of its own to offer to the candidates. Although its institutions and services have drafted many documents that identify the various elements that constitute capacity for effective implementation and enforcement of its internal market rules and its many policies, there is no single document that attempts to bring together into a single cohesive framework those diverse descriptions, guidelines and lists. Perhaps this is due to the fact that the EU lacks competence over the administrative structures of its members.

Despite the plethora of sectoral or policy-specific documents, the concept of implementation has been systematically examined only in the legal literature dealing with the jurisprudence of the Court of Justice. But because that literature considers only the legality of the means of compliance of member states with their obligations, it is not of great value to the candidate countries that have to build new institutions and establish novel administrative mechanisms. For example, the jurisprudence says nothing about the resources that should be committed to enforcement apart from the fact that member states should enforce EU rules in the same way they enforce their own national rules.

The absence of official definitions of effective implementing capacity in primary or secondary legislation is no major problem when there is extensive jurisprudence which through successive court rulings defines the full meaning of the various principles on which the EU is based (e.g. discrimination, state aid, corporate establishment). Indeed, the EU judicial process is based largely on case-by-case interpretation and elaboration. It does not necessarily offer general advice.

There is also no major problem when other disciplines such as economics or accounting through research and analysis have facilitated the emergence of a consensus with respect to concepts which are used by the EU with no prior attempt to define them (e.g. macroeconomic stabilisation, financial audit).

The same cannot be said for the concept of "effective implementing capacity". There is neither any rich jurisprudence with successive interpretations to identify the various meanings of that concept and provide guidance, nor any voluminous academic analysis to deepen understanding.

However, related developments in adjacent areas of research have shed some light on this problem. Worth mentioning here is the burgeoning literature on "governance" in the European Union. Governance is defined in this context as the interaction within "multi-level networks" made up of all the actors that together formulate and apply EU rules. Contributions to this literature focus on how the interaction between the various actors affects the outcome of EU decision-making, the quality of Community rules and, above all,

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1 "Administrative reform" is a term usually used to describe the process of improvement of public administrations through the adoption of modern management methods and structures.

2 In a recent article in this journal, I also identified another cause for concern, which was the apparent proliferation of entry requirements through the progressive elaboration of the concept of effective implementing capacity. See Phedon Nicolaides: The End Game of the Enlargement of the European Union, in: INTERECONOMICS, Vol. 35, September/October 2000.

3 For a detailed review of the relevant literature and the measures taken by the EU to achieve enforcement of its rules see Phedon Nicolaides: Enlargement of the EU and Effective Implementation of its Rules. (Maastricht: European Institute of Public Administration, 2000).

4 A recent internal Commission working paper has identified all the institutional elements required for implementation of the internal market rules. However, it makes no attempt to define "effective implementing capacity".
their ability to work together towards common objectives. Naturally, these contributions are more concerned with how decisions are made at the Community level and how the mechanisms of interaction may strengthen or weaken collective ability to achieve those common objectives. Most of them stress the importance of mutual trust and formal and informal coordination as the "glue" that binds together the actors and improves their capacity for collective action.  

For existing member states and even more so for candidate countries, the problem of effective implementation is not how to formulate rules and work collectively at the Community level, but how to apply those rules to the intended effect once they are adopted by Community institutions. How can their partner countries or the European Commission, which is the Guardian of the Treaties, judge whether the rules have been applied as they have been agreed and in the best possible way? Even this question is problematic. Who shall determine what is the right benchmark of performance or implementation? Member states would certainly dispute that the Commission's competence extends to that kind of assessment. Perhaps this is the reason why recent attempts by the Commission to define benchmarks have been in the form of non-binding recommendations (e.g. recommendations on pricing of access to telecommunications networks). For, as long as the present or future member states have to abide by general rules or principles, there will always be ambiguity as to "how", in terms of the method used, those rules can be best applied. I explore below the meaning and implications of this statement.

In Search of a Definition of “Effective Implementation”

The Oxford English dictionary defines implementation as the process by which a pre-determined objective or goal is reached. This definition suggests that the act of implementation (of a rule or policy) is predicated on two necessary pre-conditions: (a) ability to identify an objective or goal and (b) ability to assess whether it has been reached.

The identification of these two necessary pre-conditions leads to three propositions concerning the nature of the task of building effective capacity for policy implementation. The first proposition is that it is virtually impossible to define with great precision the required steps or measures of a process of economic or political integration. Not only are there many and diverse indicators of integration, the process itself reveals new obstacles as it unfolds. This is particularly true when integration moves from relatively simple formats such as a free trade area covering specific industries to more complex formats such as a common market covering all sectors and factors of production.

One may retort that most EU directives and regulations are not about integration in general but about many particular items of law with much narrower scope of application. Although this is in one sense absolutely correct, many aspects of the acquis are complex concepts that may be subject to distinct interpretations and may be implemented in different and perhaps incompatible forms. For example, the regulatory supervision of telecommunications services, the fiduciary supervision of financial services, the monitoring and assessment of state aid or the maintenance of health and safety at work are all complex tasks that have to be performed by the member states. There are no exact prescriptions on how to perform those tasks.

In a recent paper Bilal and Nicolaides have argued that higher levels of integration are supported by a mixture of general principles or norms and specific measures or rules. This mixture of norms and rules requires that partner countries retain a degree of policy-implementation discretion in the pursuit of the agreed integration objectives. They need to have discretion so as to interpret the general principles. Interpretation in this context means assessment of how general principles may apply to particular cases or particular market conditions. It may require measurement of the relevant market conditions. Bilal and Nicolaides further argue that it is for this reason that common institutions are established. Such institutions are vested with that policy-implementation discretion so as to prevent “creative re-interpretation” of the common norms by the partner countries, which could allow them to escape their obligations.

It is worth noting that in a rather paradoxical way this need for continuous re-interpretation and adjustment in the implementation of general principles has made the preparation of the present candidate countries for accession to the EU both easier and...
more difficult. It has made it easier because after forty years of Community practice and many cases, it is now much better understood how, for example, the establishment of companies can be obstructed by apparently non-discriminatory national measures or how governments may distort competition through complex schemes of state aid. But this long practice has also made it more difficult for any candidate country to escape the obligations of EU membership by arguing, for example, that the general principles on which the internal market is based do not apply to certain of its policies or laws. This is different from the fact that over the last couple of decades the competence of the EU has expanded and therefore affects a wider range of national laws, policies and practices. The point is that the same EU rules today are understood differently than say twenty years ago. For example, the concept of fiscal state aid is today much more developed and elaborate than in the past, without the formal introduction of any new Community rules.

The second proposition follows from the first. Different partner countries starting from different points of economic development would experience different problems and obstacles to integration. Hence, the methods that may be necessary in each one of them and the intensity with which the common rules need to be applied and enforced must consequently vary from member state to member state. General prescriptions cannot suit all of them. The amount of required resources for enforcement would also vary across member states.

Finally, the third proposition is that, at least at the margin, the method of implementation has a non-negligible impact or effect on the goal of integration itself. To understand this, consider first a case where this is not true. The reciprocal elimination of tariffs has nothing to do with the number of customs officers employed by the partner countries. Whether a good is subject to a zero tariff or 10% tariff is independent of how long it takes a customs official to inspect a certain consignment. By contrast, whether a company from a partner can truly exercise its right of establishment by buying up a local company depends to a certain extent on how speedily its acquisition is processed by the competition authority of the host country. That, in turn, depends on how well that authority is staffed. Unreasonable delays would constitute a barrier to establishment, even if all companies, domestic and foreign, were subject to the same treatment and same delays. Although it should be obvious that, at least at the margin, the method of implementation defines the nature of the integration goal itself, it is not so obvious what is an "unreasonable" delay. It becomes necessary to define goals or standards of integration in relative terms by comparing the performance of the various partner countries. It follows that, ultimately, "effective policy implementation" is a relative concept. This must have implications on how implementing capacity can be established.

By taking into account the three propositions outlined above, it becomes obvious that the dictionary definition of implementation is insufficient to capture the meaning of capacity for effective policy implementation. That capacity must also include an ability to assess the results or outcomes and then adjust the methods accordingly. In other words it must necessarily include a feedback and adjustment or a learning mechanism (because learning is indeed about feedback and adjustment). Not only should the ministries or agencies responsible for implementation have the required resources (i.e. capability), they must also have the required incentives to act accordingly (i.e. willingness to identify or measure, assess, learn and adjust).

Towards an Institutional Definition of Effective Implementing Capacity

We can now define the concept of effective implementing capacity as "the establishment of institutions which are fully 'empowered' (they have the necessary resources and legal discretion) and fully 'responsible or accountable' (meaning that they have the right incentives to act and adjust)."

It may be thought that this is a definition which is too general and therefore of little value to the candidate countries. Naturally, any definition, if it has to have wide applicability, must be sufficiently general. Yet, this is a powerful definition because it forces candidate countries to ask the necessary questions. In every case, they must determine whether they have granted sufficient legal power, whether they have committed enough manpower and financial resources, whether the responsible agency has clear tasks, whether it has no overlapping responsibilities with other agencies, whether it is obliged to follow open and transparent procedures so that it can be accountable, whether it is shielded from undue political interference and whether it is subject to some review procedure.

There is another reason why such an institutional conception of the problem of effective implementing
capacity is useful to the candidate countries. To understand it, one has to go back a step and consider the overall method of European integration with respect to the creation of a single market. Broadly, the purpose of the EU with regard to the single market is to eliminate barriers to trade, movement, establishment and competition and to lay down the foundations for further cooperation. The question which is often asked in the literature is why do countries need to agree to remove their barriers. Unless they are large enough so as to command market power, it is in their individual interest to liberalise their markets unilaterally, rather than reciprocally or collectively.

Many answers have been given to that question but one of the most convincing and illuminating is that reciprocal liberalisation is a mechanism for making commitments credible in the eyes of the partner countries. They are assured that market opening will be irreversible.

The irreversibility of commitments is a problem of particular significance to the candidate countries. Although most of them have been found in the Commission’s most recent progress report (published on 8 November 2000) to have largely completed the transition to market-based economies, there are lingering doubts whether their achievements are solid enough. But irrespective of the completion of that transition process, the candidate countries still have to persuade the EU that their new political regimes will allow their economies to function without interference. This is hardly a transition issue. Until recently, government interference of this kind had been endemic in most western democracies. Indeed, one may argue that democratic regimes are more prone to such interference because governments have to respond to the demands of the electorate and the pressure of organised groups. So the completion of the transition cannot provide the assurances that the EU is asking.

Moreover, given the absence of uniformity in the implementation methods chosen by the existing member states, whatever quantitative evidence is submitted by the candidate countries can easily be questioned by the EU. A more convincing approach by the candidate countries would be to demonstrate that the institutions they establish are shielded from political interference; that their integration process and the commitments they make are irreversible.

The establishment of empowered and accountable institutions and agencies provides a substantial guarantee of that irreversibility. If they have sufficient legal power and resources at their disposal they will be less dependent on the whims of the government and the politicians. If they are accountable they will also have a strong incentive to resist attempts to influence them or corrupt them. In this way, candidate countries will gain the credibility they need so as to function as an integral part of the networks that make up the governance structures of the EU and which are based on mutual trust.

Conclusion

After the completion of the inter-governmental conference for reform of EU institutions and the drafting of the Treaty of Nice, the road has opened for the entry of the candidate countries into the EU. Barring any hiccups during the ratification of that Treaty by member states, the only remaining hurdle to the entry of new members is the conclusion of the accession negotiations.

So far the candidate countries have accepted the whole of the acquis and have made no requests for permanent derogations. They have only asked for transitional measures of varying time lengths. The Commission has recorded a total of about 500 such requests, 340 of which concern agriculture. In its regular report of November 2000, the Commission proposed classifying those requests into three categories: acceptable, negotiable and unacceptable. There is, evidently, willingness on the part of the Union to accommodate, to some extent, the wishes of the candidate countries. But, the candidates still have to work hard to convert requests which are now perceived as unacceptable into acceptable or at least negotiable ones.

However, if the statements of the EU are to be taken at face value, the negotiations will not be completed simply by an agreement on all outstanding requests for derogations. The candidates will have in addition to demonstrate their capacity to apply and enforce effectively EU rules. I have suggested in this article that the concept of effective implementing capacity has an important institutional dimension. It requires the establishment of institutions which are fully empowered and accountable so that they can have both the ability and willingness to fulfil their obligations and resist political interference. In this way candidate countries will strengthen the credibility of their commitments.

The experience and practice of the EU itself suggest that integration and its rules evolve continually. It would be wrong for the candidates to presume that
they will have completed their task of preparation for EU membership once they have put into place the myriad of requirements, measures and mechanisms stipulated by the acquis communautaire. Even if no new regulation or directive were adopted in Brussels, the new members would still have to adjust, calibrate and improve the functioning of their domestic arrangements for the implementation of the acquis. They have to establish mechanisms which are capable of learning, adjusting and resisting political interference; in other words, of acting like the "national guardians of the Treaties".

While the candidates clearly have the responsibility to establish such mechanisms, the task of the EU in this respect should be to define the criteria by which it will judge the results of their efforts. These criteria have to be transparent and objective so that the candidates will know the benchmark against which they will be judged. So far the EU has progressed in a piecemeal way. Its criteria will have to become more systematic and coherent. Otherwise there is a serious risk that the negotiations will in the end stumble over conflicting interpretations and assessments of the performance of the candidates.

Edward Best*

The European Union after Nice: Ready or Not, Here They Come!

The Intergovernmental Conference (IGC) which concluded in Nice in December 2000 was convoked to agree institutional reforms required to prepare the EU for enlargement to 27 Members. The agenda focused on the three issues “left over” from Amsterdam — size and composition of the Commission, weighting of votes in the Council and possible extension of qualified majority voting (QMV) — as well as “other necessary amendments to the Treaties arising as regards the European institutions in connection with the above issues and in implementing the Treaty of Amsterdam”. The Feira European Council in June 2000 agreed that the new provisions on closer cooperation should also be considered.

Despite fears that no deal would be possible, given the depth of the differences and sensitivities, some agreement was reached in most areas. The way was thus cleared for enlargement to proceed, but life in the enlarged European future may not have been made easier. Moreover, the negotiations were so long and difficult that there was widespread feeling that this is not an effective way to decide new steps in European integration. This contribution assesses the results of the IGC in each of the main issue areas, and offers some early reflections about the impact of Nice for the future.

The only specific agreement regarding the size and composition of the Commission was that the five largest countries will lose their right to name two Commissioners: as of 1 January 2005, the Commission will include “one national of each of the Member States”. Further changes will take place “[w]hen the Union consists of 27 Member States”. The maximum number of Commissioners in EU27 is not fixed: the Protocol on the Enlargement of the European Union only states that the number “shall be less than the number of Member States” and will be agreed by the Council, acting unanimously. Finally, a future “rotation system based on the principle of equality” is agreed, but the implementing arrangements are to be adopted by the Council, by unanimity, only after signing the treaty of accession of the 27th Member State of the EU.

The smaller countries were thus successful, at least for the medium term, in defending their position. They continue to believe that a strong and independent Commission, like a strong legal system, is an essential guarantee of their interests in the face of the larger countries. The presence of a national of each country is seen as reassurance that all interests will really be taken into account (although others argue that such a Commission would be an intergovernmental body less able to defend small countries’ interests), as well

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1 This and all other quotes from the treaty refer to the provisional text approved at Nice (SN 533/00).
as being felt to increase public acceptance of the institutions.

Since a Commission of 20 to 27 Members clearly requires stronger "organisation", it was agreed that the President "shall decide on its internal organisation in order to ensure that it acts consistently, efficiently and on the basis of collective responsibility", as well as allocate and reshuffle responsibilities among Members. The President will be able to oblige a Member to resign, "after obtaining the collective approval of the Commission", and "shall appoint Vice-Presidents".

The Weighting of Votes and Threshold for Qualified Majority Voting

A generally accepted aim of re-weighting was to ensure that any winning coalition under QMV will represent a reasonable majority of the population, and that decisions cannot be blocked by too small a minority. At present, the minimum share of EU population represented by a possible winning coalition is around 58% (down from over 70% in EC9); the minimum share represented by a possible blocking minority is around 13%. Extrapolation of the present system would mean that a winning coalition in EU27 could represent barely 50% of the population, while a coalition representing a large majority could be blocked by one representing 10%.

There were also more particular concerns regarding the relative position of the larger Member States. From the 1950s until 1986, only one of the big states could be out-voted. In EC12 and EU15, two big countries could be outvoted, while the Big Five together could not out-vote the rest (although they accounted for around 80% of the total population in EU15). Would it now be accepted that three of the big countries would let themselves be out-voted?

The instruments available were an indirect recognition of relative population through a reweighting of votes in favour of the larger countries and/or the addition of a dual key in the sense of also directly checking that a winning coalition, however it is weighted, represents a specific percentage of total population.

Many problems would not have arisen had there been acceptance of the double simple majority. Under this system, each Member State would have one vote. Decisions would require a majority of the states, so long as this also reflected a majority of the EU population. This system would most clearly reflect the dual nature of the EU as a union of states and of citizens. It would have been simple to understand and relatively easy to manage. It would, by far, do most to increase ease of decision-making. It would be a once-off decision which would not require complex and repeated calculations as enlargement proceeds. And it would have made demographic weight count while avoiding differentiation between pairs of countries which had so far, despite having different populations, enjoyed equal voting rights.

However, the big countries generally preferred a re-weighting of votes to any system of dual majority, usually on grounds of greater simplicity. In addition, those Member States which "renounced" their second Commissioner felt, some more strongly than others, that they had to be directly "compensated". Moreover, it may never have been completely realistic to imagine placing Germany or France on the same standing qua states as Luxembourg or Malta. Other "objective" keys aiming to provide a simple principle which could be extended without re-negotiation (such as the Swedish ideas based on square roots of population) were also rejected.

The result was a triple threshold for qualified majority decisions, with an even greater degree of complexity than the present arrangements:

- a threshold of votes of well over 70%;
- a majority of Member States; and, if requested, verification that this represents at least 62% of the EU population.

The weighting: The future system of weighting is basically derived from proposals by which the present Member States would all receive an increased number of votes (so that "all would have prizes") but in different proportions. There had also been some prior agreement that it would help to double the numbers anyway, in order to increase the scope for differentiation in the votes attributed to new Member States. Beyond this, the negotiations were strongly shaped by President Chirac's resisting Chancellor Schröder's demand that Germany should now have more votes than France in view of the difference in population of 22 million - while at the same time proposing, as EU Presidency, that differentiation should apply between other countries.

This led to renewed sensitivity between Belgium and the Netherlands. The Belgian position in the run-up to the IGC had been to accept a "decoupling" but only if the French also accepted having fewer votes than Germany. In the end, Belgium only agreed to

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2 The population threshold could be higher, perhaps 60%, without losing the advantages of the system.
such a decoupling without Franco-German differentiation in return for having 12 votes compared to the Netherlands' 13, rather than the 11 originally proposed, and for an increase from 20 to 22 in the number of Belgian MEPs after enlargement. Spain continued to press its “special position” as a medium-to-big country which had, on accession, accepted eight votes to the big countries' ten in exchange for two Commissioners. In the run-up to Nice, the Spanish Government also argued that it would only agree to continue having less votes than France, Italy and the UK if the Germans were to have more. Although Spain did not succeed in its stated goal of obtaining the same influence in blocking decisions as the large countries, it did receive the greatest proportional increase in votes. This, however, contributed to sensitivities with Portugal, which, having had five votes compared to Spain's eight, was now offered 11 compared to 28 in the first proposals. The result was to give Portugal 12 compared to Spain's 27, as well as two more MEPs.

There was also a clear belief that applicant countries did not merit the same treatment as present Member States. In the first Presidency proposals at Nice, Poland was given fewer votes than Spain, Lithuania five votes compared to Ireland's seven, and Malta three to Luxembourg's four, although these three pairs of countries have nearly identical population sizes. Romania was to be offered the same number of votes as the Netherlands despite having a population which is 40% larger. The Polish situation was rapidly sorted out. Only in the final phases, however, was Lithuania given equal treatment with Ireland and Romania a slight increase compared to the Netherlands (14 to 13). Malta was left in its peculiarly disadvantaged position in both Council and Parliament. The distribution which was finally agreed is shown in Table 1.

The threshold of votes: In the aftermath of Nice there was confusion even over what had actually been agreed concerning the threshold of votes for decisions under QMV. First, the Protocol on the Enlargement of the European Union, which deals with the Commission and the present Member States, states that as of 1 January 2005 the present Member States will have the number of votes indicated in Table 1. For

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Table 1  
Shares of Population, Council Votes and European Parliament Seats in EU 27, as Agreed at Nice

<table>
<thead>
<tr>
<th>Country</th>
<th>Population</th>
<th>Present Votes</th>
<th>Future Votes</th>
<th>Present Seats</th>
<th>Future Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>82.0</td>
<td>17.0%</td>
<td>10</td>
<td>11.5%</td>
<td>29</td>
</tr>
<tr>
<td>UK</td>
<td>59.2</td>
<td>12.3%</td>
<td>10</td>
<td>11.5%</td>
<td>29</td>
</tr>
<tr>
<td>France</td>
<td>59.0</td>
<td>12.3%</td>
<td>10</td>
<td>11.5%</td>
<td>29</td>
</tr>
<tr>
<td>Italy</td>
<td>57.6</td>
<td>12.0%</td>
<td>10</td>
<td>11.5%</td>
<td>29</td>
</tr>
<tr>
<td>Spain</td>
<td>39.4</td>
<td>8.2%</td>
<td>8</td>
<td>9.2%</td>
<td>27</td>
</tr>
<tr>
<td>Poland</td>
<td>38.7</td>
<td>8.0%</td>
<td>8</td>
<td>9.2%</td>
<td>27</td>
</tr>
<tr>
<td>Romania</td>
<td>22.5</td>
<td>4.7%</td>
<td>14</td>
<td>4.1%</td>
<td>33</td>
</tr>
<tr>
<td>Netherlands</td>
<td>15.8</td>
<td>3.3%</td>
<td>5</td>
<td>5.7%</td>
<td>13</td>
</tr>
<tr>
<td>Greece</td>
<td>10.5</td>
<td>2.2%</td>
<td>5</td>
<td>5.7%</td>
<td>13</td>
</tr>
<tr>
<td>Czech Rep.</td>
<td>10.3</td>
<td>2.1%</td>
<td>12</td>
<td>3.5%</td>
<td>20</td>
</tr>
<tr>
<td>Belgium</td>
<td>10.2</td>
<td>2.1%</td>
<td>5</td>
<td>5.7%</td>
<td>12</td>
</tr>
<tr>
<td>Hungary</td>
<td>10.1</td>
<td>2.1%</td>
<td>12</td>
<td>3.5%</td>
<td>20</td>
</tr>
<tr>
<td>Portugal</td>
<td>10.0</td>
<td>2.1%</td>
<td>5</td>
<td>5.7%</td>
<td>12</td>
</tr>
<tr>
<td>Sweden</td>
<td>8.9</td>
<td>1.8%</td>
<td>4</td>
<td>4.6%</td>
<td>10</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>8.2</td>
<td>1.7%</td>
<td>10</td>
<td>2.9%</td>
<td>17</td>
</tr>
<tr>
<td>Austria</td>
<td>8.1</td>
<td>1.7%</td>
<td>4</td>
<td>4.6%</td>
<td>10</td>
</tr>
<tr>
<td>Slovakia</td>
<td>5.4</td>
<td>1.1%</td>
<td>7</td>
<td>2.0%</td>
<td>13</td>
</tr>
<tr>
<td>Denmark</td>
<td>5.3</td>
<td>1.1%</td>
<td>7</td>
<td>2.0%</td>
<td>16</td>
</tr>
<tr>
<td>Finland</td>
<td>5.2</td>
<td>1.1%</td>
<td>7</td>
<td>2.0%</td>
<td>16</td>
</tr>
<tr>
<td>Ireland</td>
<td>3.7</td>
<td>0.8%</td>
<td>7</td>
<td>2.0%</td>
<td>15</td>
</tr>
<tr>
<td>Lithuania</td>
<td>3.7</td>
<td>0.8%</td>
<td>7</td>
<td>2.0%</td>
<td>12</td>
</tr>
<tr>
<td>Latvia</td>
<td>2.4</td>
<td>0.5%</td>
<td>4</td>
<td>1.2%</td>
<td>8</td>
</tr>
<tr>
<td>Slovenia</td>
<td>2.0</td>
<td>0.4%</td>
<td>4</td>
<td>1.2%</td>
<td>7</td>
</tr>
<tr>
<td>Estonia</td>
<td>1.4</td>
<td>0.3%</td>
<td>4</td>
<td>1.2%</td>
<td>6</td>
</tr>
<tr>
<td>Cyprus</td>
<td>0.8</td>
<td>0.2%</td>
<td>4</td>
<td>1.2%</td>
<td>6</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>0.4</td>
<td>0.1%</td>
<td>4</td>
<td>1.2%</td>
<td>6</td>
</tr>
<tr>
<td>Malta</td>
<td>0.4</td>
<td>0.1%</td>
<td>3</td>
<td>0.9%</td>
<td>5</td>
</tr>
</tbody>
</table>

TOTAL 481.2     87 345       - 626 732
EU15 the threshold indicated in the first provisional text was 170 votes out of 237. This, however, would be 71.7%, somewhat higher than the current level of 71.3% (62 out of 87). To stay at the current level, 169 would have been the obvious figure. Second, that threshold is to be adjusted proportionately with every accession on the condition that the qualified majority threshold expressed in votes does not exceed the threshold resulting from the table in the Declaration on the Enlargement of the European Union (as in Table 1), which stipulates the common position of the Member States in the accession conferences. This indicates a threshold of 258 votes out of 345, which would represent an increase in the percentage of votes required to 74.8%. Finally, a separate Declaration on the qualified majority threshold and the number of votes for a blocking minority stated not only that the maximum percentage for a qualified majority would rise to 73.4% but also that the blocking minority is to rise from 88 to 91 when all candidate countries will have joined. This would mean reducing the voting threshold to 255, giving yet another figure of 73.9%.

A revised Provisional Text dated 22 December reduces the threshold for EU15 from 170 to 169, but confirms both the figure of 258 in the Declaration on the Enlargement and the agreement in the Declaration on the qualified majority threshold to raise the blocking minority to 91. The question may have to be resolved finally at the next IGC.

The majority of states: Reweighting faces an inherent tension between the representation of states and the representation of citizens. At present a winning coalition necessarily has a majority of Member States – no combination of seven countries can reach the threshold of votes required for a qualified majority. The further one goes in making the weighting of votes more directly proportional to population, the easier it is for a qualified majority of votes to be reached by a minority of Member States. To deal with this part of this problem, there was preliminary agreement before Nice that, whatever the eventual weightings, a qualified majority would have to represent a majority of Member States.

The threshold of 258 out of 345 happens to be just the right number needed to ensure that a qualified majority of votes always represents a majority of States, in which case the second majority condition would only be relevant during the transition from EU 15 to EU 27. A blocking minority of 91, however, would change this.

The 62% of population: With a threshold of 258 or 255, the minimum share of total population represented by a winning coalition would be around 58% – more or less what it is today. However, as part of the negotiations for a reweighting of votes in which France retained parity with Germany, a third condition was added by which any Member State may request verification that the qualified majority comprises at least 62% of the population. This means in practice that Germany and any two of the other three largest countries (UK, France, Italy) – such a trio together accounting for over 40% – will still be able jointly to block any decision, whatever happens in terms of votes cast. Equally important, perhaps, is the very fact that relative demographic weight is now explicitly stated for the first time as a condition for decision-making.

Qualified Majority Voting

Little change occurred in the end concerning the "possible extension" of QMV. There had already been a consensus by June 2000 that "a number of constitutional and quasi-constitutional issues intrinsically call for unanimity". The French Presidency in its Revised Summary of 23 November listed nearly 50 provisions which could be changed to QMV. Whereas a few Member States (e.g. Italy, Belgium, Netherlands, Finland) had virtually no objection to making QMV the rule, almost all others opposed some part of the list and either vetoed any change or succeeded in introducing delays and conditions.

The British Government, with some support, defended its "red line" areas of taxation and social security. The French Government agreed to extend QMV to trade in services, but not to cultural and audiovisual services. Spain put off any change affecting the structural funds and the cohesion fund until 2007, and even then only on the condition that

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4 These included four categories: provisions expressly to be adopted by the Member States in accordance with their respective constitutional rules (e.g. treaty revision, new accessions etc.); “quasi-constitutional” provisions (e.g. number of Commissioners, Judges and Advocates-General; amendment of Commission proposals; committee procedure etc.); “provisions allowing derogations from national Treaty rules” (e.g. measures constituting a step back in movement of capital or in transport); and “provisions in respect of which the rule of unanimity ensures consistency between internal and external decisions”. See Annex 3.7 to the Portuguese Presidency’s Report to the Feira European Council, CONFER 4750/00, 14 June 2000.

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4 That is, working “downwards” from the largest country in order to reach the highest number of votes with the lowest number of countries, the votes of the 13 most populous countries together total 257.

5 That is, working “upwards” from the least populous country in order to reach the most votes with the least population, it is only possible to reach 258 votes by including all Member States except France, the UK and Germany. This coalition would represent 281 million citizens out of a total of 481 million, equivalent to 58.4%.
the 2007-2013 financial perspective will previously have been adopted. Germany blocked QMV in some areas concerning free movement of persons, while much of asylum and immigration policy is only to move to QMV in 2004, and, in the case of conditions of entry and residence, only provided that the Council had previously adopted the common rules and basic principles by unanimity.

The provisions in which QMV is to be introduced are therefore largely limited to procedural questions, certain kinds of international agreement, several areas of Justice and Home Affairs (JHA), albeit in the certain kinds of international agreement, several areas of Justice and Home Affairs (JHA), albeit in the future and with conditions, and a few other policy decisions. Co-decision only applies in JHA and a few other cases.

The European Parliament

The European Parliament was affected by two kinds of decision at Nice: the distribution of seats in the light of the ceiling of 700 agreed at Amsterdam; and the evolution of its institutional role in the EU system.

Franco-German differentiation had been implemented in the Parliament since 1992. This differentiation was in fact increased as part of the overall packet in which France retained parity of votes in the Council. Germany retained 99 representatives while France, Italy and the UK each dropped from 81 to 72. Moreover, Belgium, Portugal and Greece also received extra seats at the end as compensation for the voting arrangements in the Council – the Czech Republic and Hungary, despite similar populations, did not, a situation which they later angrily vowed to fight. The consequence of all this was to exceed the ceiling of 700. A new limit was set at 732 – thus somewhat weakening the credibility of other target figures and commitments.

With regard to Parliament's institutional role, the decisions were mixed, even contradictory. Parliament was finally placed on an equal footing as the Commission, the Council and the Member States with regard to the right to bring actions for judicial review of Community acts by the Court of Justice. However, co-decision was not recognised as a necessary corollary of qualified majority voting in the Council. A further step was made in recognising the importance of political parties at European level in creating a European political debate, and thus boosting public interest in the European Parliament. Regulations governing such parties are now to be adopted, "in particular the rules regarding their funding". Yet at the same time, the distribution of seats was not only being negotiated very much in terms of national representation. It tended to be treated as a means to compensate changes in the Council voting weights, and was agreed without any consultation of the European Parliament itself.

Enhanced Cooperation

Important changes were introduced in the provisions on enhanced (or "closer") cooperation, by which deeper integration can be pursued in particular areas without the participation of all countries. The main changes have been to relax the "enabling clauses" introduced at Amsterdam – that is, the general conditions and procedures contained in the Treaty on European Union, and the specific provisions included for the European Community and in Police and Judicial Cooperation in Criminal Matters (the new "Third Pillar"). First, the simple right of veto has been removed. At present the Council may decide by qualified majority to authorise closer cooperation. However, if any Member State declares that it opposes the authorisation "for important and stated reasons of national policy", the Council may by qualified majority refer the proposal to the European Council for a unanimous decision.

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Further changes are made in the Third Pillar. Authorising procedures are brought closer to those in the European Community: the Commission is now given the near-exclusive right of initiative, and the "emer-
Transparency has actually suffered: the decision-making. In this case, there is no formal threshold for actual use and consequences remain uncertain. Council, subject to an "emergency brake".

Conclusions

The results of Nice in the longer term are unclear. Efficiency in the sense of ease of decision-making will not be much improved: the qualified-majority threshold has been raised and complicated, while important policy areas remain subject to unanimity. Enhanced cooperation has been made formally easier, but its actual use and consequences remain uncertain. Transparency has actually suffered: the decision-making system has been made yet more difficult for people to understand.

More broadly, the IGC has not helped create a (re)new(ed) common vision of European integration. On the contrary, in the course of 2000, speeches by national leaders highlighted the differences in approach. Moreover, beneath the rather confused debate of "intergovernmentalism" versus the "Community method", there was clear tension between larger countries wishing to ensure their relative weight was respected and small countries anxious to avoid a "directorate" of the Great Powers. In this respect, the power-balancing wranglings at Nice in 2000 were only the final blows in arguments worthy of the Congress of Vienna in 1815.

It can be argued that all this has been a necessary, even salutary, exercise. From one perspective, the fact that the EU has been kept as an "unidentified political object" may have been one factor in its success so far, but the time seems to be up for fudging. As we move beyond a single currency, there has to be some political definition which countries consciously assume (or do not), and the issue of relative national weights simply cannot be dodged. From another, it seems to be time to accept that the "Community method" is now only one part of a bigger equation in which the nation states - especially the bigger ones - play a new kind of leading role. And in all events, the IGC has only drawn attention to the tectonic shift which has taken place in Europe in the last 10 years and which no amount of denial can reverse: Germany is now by far the largest country in the EU and the centre of the Union has moved east.

These are fundamental constitutional and geopolitical questions which require sensitive treatment, however, and at least in the short term Nice has probably had a negative impact on solidarity. Arguments over relative national weight predominated over a Community perspective; tensions were exacerbated about the balance between big and small states; and the IGC caused positive harm to relationships between some countries. Strains between France and Germany were so strong that a summit had to be arranged for January 2001 to try to soothe the wounds. Benelux was seriously bruised, while the weighting game led to some sensitivities on the Iberian peninsula.

It is in this context, nevertheless, that the European Union is to set off once more on the road to a new IGC. The Conference agreed a Declaration on the Future of the Union which calls for a deeper and wider debate about the future development of the EU. Following "wide-ranging discussions with all interested parties", a new IGC is to be convened in 2004 to consider a more precise delimitation of competencies between the European Union and the Member States; the status of the Charter of Fundamental Rights; simplification of the Treaties; and the role of national parliaments.

The emphasis on national parliaments is significant. Even as this new IGC was agreed (largely in response to German pressure, as part of the overall deal), widespread dissatisfaction with the IGC process itself was being expressed. After 10 months of meetings and more of preparation, the Nice conference lasted four days and ended in the early hours in confusion and conflict. Unsurprisingly, there is mounting interest in exploring other ways of deliberating on constitutional changes, and in involving other key actors. In particular, attention is drawn to the experience of the Convention on Fundamental Rights, which brought together representatives not only of the national governments but also of national parliaments, as well as the European Parliament and European Commission.

The IGC 2000 has made it possible for the EU to proceed with enlargement. It has not made it certain that the EU can succeed with enlargement. That still requires new ways of thinking about European governance and managing change. If nothing else, this last ICG has clearly demonstrated that there must be better ways of going about it.

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10 Again a semi-brake is left, in that, if the Commission does not submit a proposal as requested, the Member States concerned "may then submit an initiative to the Council designed to obtain authorisation for the cooperation concerned." (Clause 0).