

**THE NEXT ENLARGEMENT OF THE EU AND ITS  
INSTITUTIONAL IMPLICATIONS**

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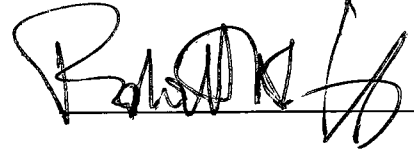
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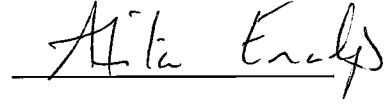
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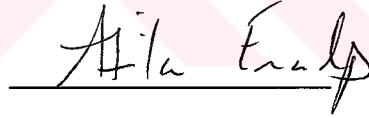
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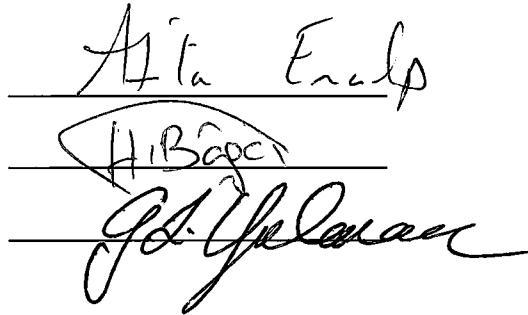
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## **ABSTRACT**

### **THE NEXT ENLARGEMENT OF THE EU AND ITS INSTITUTIONAL IMPLICATIONS**

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This thesis analyzes the possible effects of next enlargement of the European Union on three main institutions of the EU. The next enlargement of the EU, as defined by the Luxembourg meeting of the European Council in December 1997, will certainly affect the institutional structure of the EU negatively, which was designed for the six original members of the EEC. It signifies probably the biggest challenge to the institutional structure of the EU since it was set up in the 1957. In order to eliminate or at least to minimize the negative effects of the an EU of 26 member states to the institutional structure, there is a need for reforming the institutions. If the EU do not tackle the fundamental challenges raised by enlargement to the institutions, it is likely that this challenge may lead to a total paralysis of the institutions. Having presented, the concept of the next enlargement and its likely implications on three main institutions of the EU, the thesis shows that the Amsterdam Treaty has made just minor arrangements regarding institutions and concludes that the inadequate outcome of the IGC concerning institutional reform is a threat to the goal of the EU enlargement itself because, without institutional reform, it would be impossible for the EU to integrate all candidates. This paradoxical situation can be overcome only by encouraging enlargement while at the same achieving necessary reforms.

**Keywords :** The European Union, enlargement, the Intergovernmental Conference, institutional reform, Amsterdam Treaty

## ÖZ

### AVRUPA BİRLİĞİ'NİN GELECEK GENİŞLEMESİ VE BUNUN KURUMSAL YANSIMALARI

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Bu çalışma, Avrupa Birliği'nin gelecek genişlemesinin AB'nin üç temel kurumuna muhtemel etkilerini incelemektedir. Avrupa Konseyi'nin Aralık 1997'deki Lüksemburg toplantısında belirlendiği şekliyle, AB'nin gelecek genişlemesinin AET'nin altı kurucusu için oluşturulan kurumsal yapıyı olumsuz yönde etkileyeceği açıktır. Gelecek genişleme 1957 yılındaki kuruluşundan bu yana, muhtemelen AB'nin kurumsal yapısına en büyük tehdidi oluşturmaktadır. Gelecek genişleme sonucunda 26 üyeden oluşacak AB'nin, kurumsal yapıya olacak olumsuz etkileri ortadan kaldırmak veya en aza indirebilmek için kurumlarda bir reforma ihtiyaç bulunmaktadır. AB'nin, genişlemenin kurumlara getireceği güçlükleri aşmaması halinde bu durum kurumların işleyişi bakımından bir kilitlenmeye yol açması muhtemeldir. Gelecek genişleme ve bunun kurumsal yapıya muhtemel etkilerini ortaya koyduktan sonra, tez, Amsterdam Antlaşması'nın kurumlara ilişkin küçük düzenlemeler gerçekleştirdiğini göstermekte ve sonuç olarak, Amsterdam Antlaşması'nı ortaya çıkartan Hükümetlerarası Konferans'ın kurumsal düzenlemeler açısından yetersiz kalmasının AB'nin genişleme amacı için de bir tehdit olduğunu, zira, kurumsal reformlar gerçekleştirilmeksizin AB'nin bütün aday ülkeleri entegre etmesinin imkansız olacağını iddia etmektedir. Bir açmaz gibi gözükken bu durum genişleme yönündeki girişimler sürdürülürken gerekli kurumsal reformların yapılmasıyla aşılabilecektir.

Anahtar Kelimeler : Avrupa Birliği, genişleme, Hükümetlerarası Konferans, kurumsal reform, Amsterdam Antlaşması

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## PREFACE

As a result of developments in East Europe, the collapse of the SU and instability in Russia and its neighbours, Central and Eastern European Countries (CEECs) have increasingly turned westward in their economic, political and security orientation. The EU responded positively to the desire of CEECs, to join the Union and gave priority to these countries in its next enlargement. The next enlargement to include 10 CEECs plus Cyprus will certainly cause many problems within the EU. This study aims at institutional problems that will arise as a result of the next enlargement.

In the Introduction, the theoretical framework of relationship between enlargement of the EU, the institutions and the need for institutional reform will be described and the main concepts of the thesis will be defined and issues to be analyzed throughout thesis will be summarized.

In the second chapter, I will define in detail what I mean with the next enlargement and the development of relations between the EU and the CEECs, which are the main candidates concerned with the next enlargement and I will outline positions of the Member States regarding enlargement.

In the third Chapter, I shall describe the institutional structure of the EU and the necessary reforms to be made as regards these institutions, especially with reference to the proposals put forward by the Member States within the perspective of the next enlargement.

In the fourth chapter, I shall examine how the issue of enlargement and its institutional implications has been dealt within the context of the IGC 1996, and what

has been achieved regarding institutional reform.

In the Conclusion, I shall evaluate likely effects of the next enlargement concerning the institutional structure and integration process of the EU and I will analyze the reasons of the failure in the IGC as regards to the institutional reforms to be made prior to enlargement takes place on the basis of the arguments explained and our theoretical framework.

For what concerns the sources used for my research, I referred to the relevant bibliography existing about institutional structure, enlargement and overall decision-making structures of the European Union. Moreover I used original documents of the EU and a number of periodicals.

In order to make the comprehension of the argument easier to the reader, in the annex there are five tables on the past and prospective enlargements' impact on three main institutions.

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## LIST OF ABBREVIATIONS

CEECs:	Central and Eastern European Countries
Coreper:	Committee of Permanent Representatives
EU:	European Union
EEC:	European Economic Community
ECSC:	European Coal and Steel Community
EC:	European Community
EFTA:	European Free Trade Association
EMU:	Economic and Monetary Union
EP:	European Parliament
IGC:	Intergovernmental Conference
MEP:	Member of European Parliament
QMV:	Qualified Majority Voting
UK:	United Kingdom



## CHAPTER 1

### INTRODUCTION

In 1951 six European states<sup>1</sup> signed the Treaty of Paris forming the European Coal and Steel Community (ECSC), which began operating in 1952. Two further communities were subsequently set up: the European Economic Community and the European Atomic Energy Community which were created by the Treaties of Rome in 1957 and started to operate in 1958. In 1965 it was agreed to merge the institutions of the three Communities; this came into effect in 1967, after which date it became common to refer to the three collectively as the European Community.

The institutional structure of the Union is still based on the quadri-partite model of the ECSC Treaty of 1951: an independent Commission, a Council of Ministers, the European Parliament and the Court of Justice. This institutional structure, according to Barents, was mainly designed for the first stage of the integration process: the establishment of a common market.<sup>2</sup> However the Community, at the end of this century, is quite different from what it was in the fifties and early sixties. The internal market has almost been completed, a considerable number of new powers in various fields have been attributed and Economic and Monetary Union (EMU) is around the corner.<sup>3</sup> Furthermore, through the accession of 9 new States, the institutions have grown. The Commission now includes 20 members, the Council and the Court of Justice 15, and the EP 626.

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<sup>1</sup>The founding members of the Communities were France, The Federal Republic of Germany, Italy, Belgium, the Netherlands, and Luxembourg.

<sup>2</sup>Barents, R. (1997), 'Some Observations on the Treaty of Amsterdam' *Maastricht Journal of European and Comparative Law*, V. 4, N.4, p.336

<sup>3</sup>*Ibid.*, p.336

This background as well as the accession of new states in the near future explains why the adaptation or reform of the institutional structure is one of the main themes on the agenda of the EU.

The aim of this thesis is to analyse impact of the next enlargement, which the EU has committed itself starting from the Copenhagen European Council in 1993, on three main institutions of the EU, namely the Council of Ministers, the Commission and the European Parliament.

In this chapter of the study, first I will try to explore the relationship between the enlargement and institutions with a view of past enlargements, then I will turn to the future enlargement and its likely implications on the institutions.

### ***1.1 Theoretical Framework: Enlargement and Institutions***

The European Union<sup>4</sup> has never been an exclusive club. From its very start, the possibility of more members was not only expected but actually anticipated. The Preamble of the Rome Treaty asserts that the member states are "determined to lay the foundations of an ever closer union among the peoples of Europe." Article 237 of the Treaty states explicitly that "any European State may apply to become a member of the Community." Thus the way was opened up for four enlargements of its membership to include Denmark, Ireland, and the United Kingdom in 1973, Greece in 1981, Spain and Portugal in 1986, Austria, Finland, and Sweden in 1995.

Expansion to include new members, necessitates being prepared to be bigger, since the structures were initially designed for the six founding states and they were not formulated in a way to be suitable for unlimited members. This is why, the issue of

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<sup>4</sup>Throughout this study I used interchangeably the European Community (EC), the Community, the European Union (EU), and the Union to mean the same entity. Actually this is the practice of the EU itself since, in the publications of the EU, these terms are used interchangeably.

enlargement is usually discussed with reference to the consequences that it might have for future integration.

Each time there were demands from European countries to join the EC, existing members had to make their position clear whether further enlargement would advance or retard the process of further integration.<sup>5</sup> It is difficult to avoid a contradiction between widening and deepening when the enlargement issue is under discussion. However, the relationship between these two concepts has usually been more complex. Widening does not have to lead to a dilution of the EU, and has not always done so: widening and deepening have often gone hand in hand with the prospect of widening forcing the EU to take steps toward further deepening.<sup>6</sup>

According to Keohane and Hoffman enlargement contributes to strengthening Community institutions, not because of idealism or government's senses of obligations but because governments seek to use Europe to promote deregulation and because decision-making is becoming virtually impossible under the practice of unanimity.<sup>7</sup>

Actually contribution of the further enlargement to strengthening Community institutions is strongly bound to completing necessary reforms. Failure in this regard may cause adverse consequences. Instead of enhancing supranationality of the EU, what has been achieved may be sacrificed for the cause of a larger EU.

That is way, the prospect of enlargement always stimulates a debate within the EU on institutional and decision-making reform. Since, there is a logical and imperative link between enlargement and institutional reform, much of this debate is not linked to

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<sup>5</sup>Kahraman, S.(1997), 'The European Union and the Challenge of Enlargement', *Marmara Journal of European Studies*, V.5, N.1-2, p. 147

<sup>6</sup>The term "widening" is used here to mean accession of new members, and "deepening" to mean further integration among the existing member states.

<sup>7</sup>Keohane, R and Hoffmann S. (Eds.) (1991) *The New European Community: Decisionmaking and Institutional Change*, Oxford, p.21)

the specific implications of a particular applicant or group of applicants acceding, but to more general concerns about the shape of the EU and its capacity to meet new demands.<sup>8</sup>

In order to avoid a decision-making paralysis and to maintain effective functioning of the institutions, the Union as it enlarges to include new members must adapt its institutions and policies to enable them functioning in the framework of a larger EU.

As regards to the way of reforming institutions there are two different approaches. According to one point of view, enlargement necessitates a qualitative shift in decision-making power from the national to the European level to ensure that the larger Union retains and enhances its cohesion. Its proponents argue for an increase in the powers of the European Parliament and the Commission at the expense of those of the member states, and for bringing more policy areas within the scope of Community competence and decision-making systems.<sup>9</sup>

The other approach is that, enlargement necessitates limited, incremental adaptation in order that the new and existing member states can make mutual adjustments in terms of new policy priorities and working methods. This "intergovernmental"<sup>10</sup> view argues that nation states are still key actors in the EU and that any reforms resulting from enlargement should be pragmatic and specifically task related.<sup>11</sup>

Membership in the EU policy bodies has been basically determined by the "principle of member state representation".<sup>12</sup> Consequently any enlargement of the EU to

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<sup>8</sup>Preston, C (1997) *Enlargement and Integration in the EU*, London, p.176

<sup>9</sup>Preston, (1997), p.176

<sup>10</sup>for an explanation of intergovernmentalism see p. 28

<sup>11</sup>Preston, (1997), p.177. According to Masala the answers given by the member states to this question indicate the integration policy ideas of the states concerned. (Masala, C., (1997) 'Institutional Reform of the European Union Under Debate' *Aussen Politik*, Vol.48, No.3, p.228)

<sup>12</sup>CEPR annual Report, (1992) *Is bigger Better: The Economics of the EC Enlargement*, London, p. 95

include new member states implies increasing the number of members in existing EU policy bodies by at least the same number of countries.<sup>13</sup>

In the Commission membership has increased more than number of the new member states due to the system of providing large countries with two seats, at the time of accession of the large states. In accordance with the rule that each member country had one seat in the European Council of Ministers, number of its members increased depending on the number of new members. Member states are represented in the European Parliament according to their size of population. Therefore number of deputies in the EP also increased throughout various past enlargement again depending on the size of the new members.

Increase in the membership of these three institutions brings certain problems related to the characteristics of that institution. For example, as the number of the member states increased, it means increase in the number of commissioners and MEPs in the European Parliament, which certainly affected the working of these institutions.

To assess the possible impact of further enlargement on the institutional structure, it is worth looking back to the way in which the member states and the EU institutions have dealt with these issues within the context of past enlargements.<sup>14</sup> The previous enlargements of the EU brought some kind of institutional problems, and the institutions were reformed to various extent, depending on the contextual factors surrounding each enlargement round.

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<sup>13</sup> *ibid.*, p. 95

<sup>14</sup> Although there has been a number of writings about enlargement, comparative studies of the four enlargements that have already taken place and their impact on policy-making, institutional structures, and decision-making processes and styles are practically non-existent. As it is stated by Redmond and Rosenthal there is no detailed and systemic analysis of similarities and dissimilarities between the enlargements that have already taken place and those that are likely to occur in the future. (Redmond, J. and Rosenthal G. (Eds.) (1998) *The Expanding European Union Past, Present, Future*, London, p.2)



Concern that enlargement would change the nature of the European Union and its institutions has been a source of debate ever since the British first applied for membership in 1961. There has been a concern that the Community would be endangered and the closer union many seek would become impossible in the face of increased numbers and the greater diversity.<sup>15</sup>

In 1973 first enlargement took place, Denmark Ireland and the United Kingdom became members of the Community. It was decided that the UK should be represented in the institutions in the same proportion as France, Germany and Italy and the two other states proportionally to their size. Thus the Commission was expanded to fourteen members, with the UK having two commissioners. In the Council, voting weights has been modified with the UK having ten votes and Ireland and Denmark three each. Overall voting weights has been modified and total votes in the Council increased from 17 to 58. The UK was assigned thirty six, Denmark and Ireland ten seats each in the European Parliament

On the other hand, the first enlargement opened up the need for more extensive decision-making reforms. The October 1972 Summit, which linked widening with deepening and called for a "European Union" by 1980, stimulated a series of institutional reform proposals to underpin the commitment to political and economic union.<sup>16</sup> Paris Summit in December 1974 called on Leo Tindemans to prepare a report on the European Union. Published in 1976 Tindemans report, which argued for a comprehensive reform of common policies and institutional structures, did not find favour with enough member states.<sup>17</sup>

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<sup>15</sup>Edwards, G. (1998) "The Council of Ministers and Enlargement: A Search for Efficiency, Effectiveness, and Accountability?" in Redmond, J. and Rosenthal G. (Eds.) *The Expanding European Union Past, Present, Future*, London,p.41

<sup>16</sup>Preston, (1997), p.182

<sup>17</sup>Ibid., p.183

The debate about institutions became more active in the late 1970s when the Mediterranean enlargement entered into agenda. In a paper prepared by the Commission in preparation for the Mediterranean enlargement, the Commission recognised that the greater heterogeneity of the enlarged Community would impose strains on the institutional structure designed for only six members.<sup>18</sup>

In 1981 Greece was accepted to the EC. The institutional adjustments necessary for ten member states had already been identified for Norway<sup>19</sup> during the first enlargement negotiations, and therefore no institutional issues were discussed when the accession of Greece was at stake. With Greece's accession the Commission was expanded to fourteen members, with one Greek commissioner. 24 seats were assigned to Greece in the European Parliament. In the Council, total votes rose to 63 when 5 votes were assigned to Greece.

In the third enlargement Spain and Portugal joined the EC. As a result, total votes in the Council increased to 76, with 8 votes to Spain and 5 votes to Portugal. The number of commissioners rose to seventeen with 2 commissioners to Spain and one for Portugal. In the Parliament 60 seats were allocated to Spain and 24 seats to Portugal.<sup>20</sup>

The radically transformed geopolitical situation in the late 1980s, in opening up the EU to potentially much wider and more diverse groups of applicants, led to a renewed debate on institutional structures and processes, particularly following on from the Commission's Paper on enlargement to the Lisbon Council in June 1992. The Commission's Paper identified safeguarding the Community's effectiveness as a key

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<sup>18</sup>Ibid., p.183

<sup>19</sup>Since Norway refused to enter into EU, during ratification of Accession Treaty, it did not become a member.

<sup>20</sup> According to Wallace, the extension of majority voting in the Single European Act reflected, in part, recognition of member states, the necessity of adapting Community decision-making to accommodate the forthcoming enlargement to Spain and Portugal (Wallace, W., (1997), *Opening The Door: the Enlargement of NATO and the EU*, London, p.39).

priority and called for a less comprehensive and detailed programme of legislation for the Parliament and Council.<sup>21</sup>

At the time of enlargement towards EFTA states there was a crisis, which was related to qualified majority voting (QMV) threshold,<sup>22</sup> The UK supported by Spain questioned the future QMV threshold after EFTA states' accession. They argued that the threshold should remain at sixty votes, and a closer fit must be maintained between voting weight and population size. However, if 4 votes would be given to Sweden and Austria and three to Finland and Norway then total votes would increase to 91 and in the case QMV threshold is maintained at its existing level of 71 percent<sup>23</sup>, then it would be 64 votes required for taking decision with QMV.

The Foreign Ministers of the member states in their informal meeting in Greece in 1994, adopted the "Ioannina Compromise"<sup>24</sup> on the weighting of votes in Council in view of EU enlargement to EFTA States.

In this fourth enlargement round Austria, Sweden, and Finland became members, with these accessions total votes in the Council rose to 87, with three votes to Finland and four votes to Austria and Sweden each. Each of them were assigned one commissioner. In the EP Finland was allocated 16, Austria 21 and Sweden 22 seats.

As a result of all four enlargement rounds up to now the institutions have not been paralysed. However there is a general agreement that this may not be the case with the next enlargement. If necessary reforms are not made a paralysis of the institutions is expected, as a result of the next enlargement, which is apparently very different from the previous ones.

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<sup>21</sup>Preston (1997), p.189

<sup>22</sup>QMV Threshold means minimum votes required for taking a decision with qualified majority.

<sup>23</sup>Before EFTAs accession total votes were 76 and QMV threshold 54 (71 percent of total votes)

<sup>24</sup>The Ioannina Compromise was foreseeing a "reasonable delay", whilst the Council Presidency seeks compromise if a veto block of between 23 and 27 is achieved.

## **1.2 The Next Enlargement's Likely Implications on the Institutions**

The European Union is in a process to expand towards the CEECs since the mid-1990s. There are 12 applicants seeking EU membership. In the Luxembourg European Council eleven<sup>25</sup> applicants were accepted as candidates for membership.

The prospect of a vast increase in the number of member states to 26 in the EU raises important political, economic and institutional questions. It is expected that the immediate impact of the further accessions will be felt primarily through its effect on policies and institutions. These two broad areas are increasingly a focus of debate within the current EU-15 member states.<sup>26</sup>

The history of enlargement, we reviewed above, suggests that the next enlargement is likely to differ qualitatively and quantitatively from those of the past.<sup>27</sup> However, the next enlargement is comparable to the southern enlargement,<sup>28</sup> since the level of economic development in the countries concerned in that enlargement was lower than the Community average, and at that time<sup>29</sup> concern was expressed about the risk of a dilution of the efficiency of Community institutions and its decision-making process with increased membership.<sup>30</sup> Another similarity is related to objectives of the both enlargements. The southern enlargement of the EU had the objective of stabilizing democracy in Greece, Spain and Portugal following a period of dictatorship. Identical arguments can be used regarding the potential eastern enlargement of the EU. Stability

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<sup>25</sup> Although it was the oldest applicant, the EU excluded Turkey from being a candidate.

<sup>26</sup> Grabbe H., and Hughes K. (1997) *Eastward Enlargement of the EU*, London, p.38 and Hopkinson N. (1994), *The Eastern Enlargement of the European Union*, Wilton Park Paper, No: 91, London, p.3

<sup>27</sup> Qualitatively since it involves a number of applicants whose level of economic development is to a great extent different from that of the existing EU members. It is quantitatively different because, there are a huge number of applicants. (Sjursen, H. (1997) "Enlarging the Union" in Stelios Stavridis et.al. (eds.) *New Challenges to the European Union: Policies and Policy-Making*, Dartmouth, p.155; Federal Trust Paper, No: 5 (1996) "Enlarging the Union: The IGC of the EU", p.5)

<sup>28</sup> Accession of Greece, Spain and Portugal

<sup>29</sup> Especially during accession of Spain and Portugal

and predictability at the eastern border is one of the main reasons why the EU wants to enlarge eastward.<sup>31</sup>

Nevertheless, the situation today is unique in at least four respects: firstly, there is much larger and heterogeneous queue<sup>32</sup> of applicants than previously. Secondly, most of the applicants are small states. Thirdly, the EU is more integrated than it was, and so expectations required of new members are now all greater.<sup>33</sup> And Fourthly, the institutions designed for original six member states<sup>34</sup> are already under a heavy burden, when 11 states are added to the existing ones they would become totally unbearable.<sup>35</sup>

The challenge for the institutions of this unique enlargement will be that when the EU is enlarged to include all 11 candidates as defined by the Luxembourg European Council, the institutions of the EU will be affected in a negative way to prevent them working effectively, and as a result the EU may not be a functioning organisation. Therefore, the basic institutional issue within the perspective of the future enlargement is the problem of adaptation of the institutions to work in a larger EU.

Reforming the EU before the accession of the CEECs is thought to be necessary for two main reasons: first the significant increase of the number of member states might seem to endanger well functioning of the institutions, as presently constituted, and secondly as I indicated previously the accession of small states will raise the issue of the

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<sup>30</sup>Sjursen (1997), p.154

<sup>31</sup>Jovanović, M. (1998), 'Is the Eastern Enlargement the End of the European Union' Review of International Affairs, V. 49 No. 1066, p.30

<sup>32</sup>According to Dinan there is seemingly "unlimited number" of applicants. (Dinan, D. (1998) "The Commission and Enlargement" in Redmond, J. and Rosenthal G. (Eds.), p.18)

<sup>33</sup>Redmond and Rosenthal (1998), p.2

<sup>34</sup>In the course of several rounds of enlargement, adjustments to the institutional system were only made in the form of supplementary reforms and extrapolation of existing institutions. Thus the current EU with its 15 member states depends on a framework of institutions which has grown in an uncontrolled way. As a result the institutions function, but they do not function to optimum effect. (Giering, C. (1998) "Chances for Institutional Reform" in Bertelsmann Foundation Research Group on European Affairs (Eds.) Costs, Benefits and Chances of Eastern Enlargement for the EU, Gutersloh, p.51)

<sup>35</sup>As more members join, the contradictions grow: between efficiency and representation, and between the equality of states and their economic and demographic weight. (Wallace-1997, p.44)

over representation of very small states. Of the eleven prospective member states nine are small countries, with Romania, falling between the large EU member states and the small ones, and Poland, which has almost the same population as Spain, a large state.<sup>36</sup> All the other potential member states are small states with 10 million people or less.

Despite some differences, the position of most of the EU member states is that, before the eastward enlargement takes place an institutional reform is extremely necessary. In other words, it is generally agreed that deepening the Union is a *conditio sine quo non* for widening it.<sup>37</sup> In a view of future enlargement of up to eleven countries, the particular reforms to be made regarding three principal institutions<sup>38</sup> are examined in the third chapter, and whether they are achieved or not in the fourth chapter.

On the other hand, despite the consensus about institutional reform that will contribute to paving the way for the next enlargement, all member states do not share a sufficient enthusiasm to guarantee an immediate enlargement and fundamental reforms of the institutions.<sup>39</sup> As it is stated by Giering, in order to achieve necessary reforms "a shared ideal"<sup>40</sup> or "an external pressure" is required.<sup>41</sup>

Up to now, each fundamental reform of the EU has been linked to a certain programme, an "overriding objective".<sup>42</sup> If we remember two important developments in the recent history of the EU, the Single European Act was directed at completing the

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<sup>36</sup>In the usual meaning of the term in the EU.

<sup>37</sup> Derycke, E. (1997) "Relations between the EU and CEECs and the Intergovernmental Conference" in Maresceau, M. (ed.), *Enlarging the European Union*, London, p.299

<sup>38</sup>Throughout this study, I emphasized only on three principal institutions of the EU, namely, the Commission, the Council and the Parliament. Because these three institutions are decision-making and implementing institutions.

<sup>39</sup>Giering (1998), p. 52

<sup>40</sup>Here the term shared ideal is used to mean perspectives of the member states as far as the concept of a future integration and the way to achieve it. Shared ideals among the current EU Member States must be crystallised in order to achieve institutional reforms, because, any reform of the institutions will be a result of the consensus of the existing member states. For a detailed analysis of common values on which the European integration has been based see, Wallace, W., (1990), *The Dynamics of European Integration*, London, pp.16-19

<sup>41</sup>Giering (1998), p. 52



single European market and the Maastricht Treaty at economic and monetary union. In the interests of achieving these objectives, institutional and procedural reforms were accepted.<sup>43</sup>

What about future enlargement? Certainly, as regards to the future enlargement reforming institutional structure is much more important than these two recent developments. In other words, there is an element of "external pressure" constituted by the prospect of the accession of a number of new member states. However, whether it constitutes a "shared ideal" and an "overriding objective" is not clear.

Although there is a common understanding in the EU that institutions must be reformed, in order to ensure that the next enlargement does not weaken, change the nature of or actually break up the Union,<sup>44</sup> there is a seemingly lack of commitment on the part of the EU member states to the priority of enlargement which become clear with the insufficiencies of the provisions Amsterdam Treaty as regards the institutions.

The principal move on the part of the EU, so far, to meet the challenge of the next enlargement was the 1996 Intergovernmental Conference<sup>45</sup> (IGC). Initially, the IGC was thought as a response to this challenge posed by the next enlargement to the institutions.<sup>46</sup> The Reflection Group<sup>47</sup> defined two fundamental reasons for holding the IGC: firstly, to meet the current challenges facing Europe, continuing and building on

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<sup>42</sup>Ibid., p. 52

<sup>43</sup>Ibid, p. 52

<sup>44</sup>Economist 30 March 1996, Wallace (1997), p.40

<sup>45</sup>Throughout this paper the Intergovernmental Conference (IGC), and the the Intergovernmental Conference 1996 (IGC 1996) are used interchangeably to mean the the Intergovernmental Conference which was conducted between March 1996 and June 1997, starting from Turin European Council and ending with the Amsterdam European Council.

<sup>46</sup>According to the Hopkinson, one of the main aims of the IGC was to make the European Union's institutions and decision making procedures more efficient to enable enlargement of the EU. (Hopkinson N. (1996) The Intergovernmental Conference: Prospects for Building a More Democratic and Effective European Union, Wilton Park Paper, London, p. 16)

<sup>47</sup> A reflection group of representatives from each Member State was established in summer of 1995 to cover the range of possible issues and began to set an agenda for the IGC. Reflection Group presented

the achievements of Maastricht and secondly preparing the ground for the forthcoming enlargement.<sup>48</sup>

As a result, enlargement dimension took an important part of the IGC. The EU member states, with this in mind, negotiated a new Treaty in the IGC from March 1996 to June 1997, in order to bring about deepening and to create viable institutions for enlarging the EU. However, the resulting Amsterdam Treaty was inadequate to meet the challenge that enlargement would pose, actually it achieved just one of the four main reforms to be carried out.

The insufficient outcome of the IGC is a threat to the goal of the enlargement itself as well as to the institutional structure. Since necessary institutional reforms could not be achieved either necessary reforms will be made in another IGC or the EU will enlarge with the lack of such reforms and institutional structure will be paralyzed under the heavy burden of 26 member states.

The main argument of this thesis is that, the next enlargement towards eleven countries, which the EU has committed itself irreversibly in the Luxembourg European Council will have important negative effects on the three main institutions of the EU. In order to eliminate these effects, there is a need for reforming institutions. However, there is a lack of enthusiasm on the part of the EU member states concerning this issue, which reflected itself most clearly with the Amsterdam Treaty which was a failure concerning institutional reform.

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their final report to the December 1995 Madrid Summit. That report drew up an agenda for the planned IGC and outlined the main currents of thought among the member states on each point of that agenda.

<sup>48</sup>Reflection Group's Report, p.23



## CHAPTER 2

### THE NEXT ENLARGEMENT OF THE EUROPEAN UNION

" The historical duty of Western Europe is to open up to the East."  
Jacques Delors. 17 March 1998

#### ***2.1 The EU, CEECs and the Next Enlargement***

In the mid to late 1980s, the deepening of the integration process was the priority of the EU, with the completion of the single market. In early 1989 it seemed clear that the European Community had begun a process of "deepening", extending its functions and strengthening its institutions, prior to any extension of membership.<sup>49</sup> In the the 1990s, internally the EU faced a number of major interrelated challenges, the key areas in the EU's agenda were, enlargement, EMU and the future EU budget package.<sup>50</sup>

The Maastricht Treaty, which was signed in 1992, has entered into force on 1 November 1993, following its ratification by all EC member states. And the name of the European Community changed as the European Union. In the post-Maastricht period, the EC was preoccupied with the preparation, negotiation and ratification of the Treaty, and to overcome the difficulties it faced. In this period, three EFTA countries Sweden, Austria and Finland became members of the EU. Thus it became a fifteen member club.

The collapse of communism in Central and Eastern Europe has left the EU facing economic, political and security challenges. Events in Central and Eastern Europe affected the whole pace and direction of change within the EC. There was growing

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<sup>49</sup> Keohane, R and Hoffmann S. (Eds.) (1991), p. 9

<sup>50</sup> Hughes, K.(1996-b), 'European Enlargement' World Today, Vol. 52, No.55, p.8

concern in the West about instability in the East, and the need for the EC to make an effective response to any such instability.<sup>51</sup>

Central and Eastern European Countries (CEECs) have increasingly turned westward in their economic, political and security orientation. The Union, has had to face the challenge of providing an effective and united response to its neighbours in the east, at a time when it was busy with serious internal problems. The EU responded positively to the desire of CEECs, to join the Union and gave priority to these countries in its next enlargement.

A refusal to enlarge the Union, according to Mayhew, might put the future existence of the Union itself at risk.<sup>52</sup> If enlargement to those countries, which have carefully prepared their economies and citizens for accession, does not take place, then these countries are liable to descend -politically and then economically- into chaos as one of the main props of their foreign policies is removed. Chaos developing on the eastern border of the Union would be destabilising to the future development of the Union, and would probably lead to its disintegration.<sup>53</sup>

Actually it was political and security considerations on the part of the EU that made it to respond positively to the desire of economically backward countries demand for accession. In the Madrid European Council, enlargement was defined as, both a political and necessity and a historic opportunity for Europe. Because, it would ensure the stability and security of the continent and will thus offer both the applicant States and

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<sup>51</sup>George, S (1996-a), *Politics and Policy in the EU*, Oxford, p. 15. According to Gower, one of the greatest challenges facing the EC in the 1990s was to respond cohesively and effectively to the collapse of the communist regimes in Eastern Europe and to prepare to extend membership to include its former Comecon neighbours. (Gower, J. (1993) "The EC relations with Central and Eastern Europe", in Juliet Lodge (ed.) *The European Community and the Challenge of the Future*, London, p.283)

<sup>52</sup>Mayhew, A., (1998), *Recreating Europe: The EU's Policy Towards Central and Eastern Europe*, Cambridge, p.180

<sup>53</sup>*Ibid.*, p.180

the current members of the Union new prospects for economic growth and general well-being.<sup>54</sup>

The response of the EU to the challenges posed by the changes in CEECs was initially, one of piecemeal ad hoc measures<sup>55</sup>, however a co-ordinated and effective response gradually emerged from the EU, given their common interest in achieving a successful transition in these countries. In 1989, the G-24 countries invited the EU Commission to co-ordinate aid to the countries of Eastern Europe. At the same time the EC established the PHARE programme, designed to support the reform process in the recipient states. As early as 1990, it was becoming clearer that the scale of the transformation process required a more broadly based response from the EC.<sup>56</sup>

In August 1990, the Commission has proposed to the Council that second generation association agreements should be negotiated with Czechoslovakia, Hungary and Poland, and eventually with other countries.<sup>57</sup>

In December 1990, the EU opened negotiations on Europe Agreements which foresee associate membership with Czechoslovakia, Hungary and Poland. Later on, the Europe Agreements, concluded with all the CEECs,<sup>58</sup> these agreements were aimed primarily at helping the CEECs, in their transition by establishing a new economic relationship with the EU and with provisions on accession of these countries to the EU. The Europe Agreements were conceived as frameworks within which the CEECs can be prepared for accession.<sup>59</sup> The Europe Agreements were different to many of the past EU Agreements in that they had a political as well as an economic dimension.<sup>60</sup> They

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<sup>54</sup>Madrid European Council Presidency Conclusions, Madrid, 15-16 December 1995.

<sup>55</sup>The EU responded changed situation in Eastern Europe with initiatives like the PHARE programme and other assistance programmes.

<sup>56</sup>Preston (1997), p.198

<sup>57</sup>Commission Communication to the Council, Brussels 1990

<sup>58</sup> The Countries with which the EU has signed Europe Agreements: Bulgaria, The Czech Republic, Hungary, Poland, Romania, Slovakia, Estonia, Latvia and Lithuania.

<sup>59</sup> Hopkinson (1994), p.2

<sup>60</sup> Barnes, I. and Barnes, P. (1995) "The Enlarged European Union", London, p. 402

contained a commitment to pluralistic democracy based on the rule of law and the market economy and a recognition that the CEECs wished to become members of the EU.<sup>61</sup>

The EU's policy towards accession of the CEECs became clear, when heads of government, in the Copenhagen European Council agreed that the associated countries in Central and Eastern Europe that so desire should become members of the EU.<sup>62</sup> Association would take place as soon as an associated country was able to assume the obligations of the membership by satisfying the economic and political conditions required. In order to facilitate this process, the Council proposed that the associated countries should enter into a structured relationship with the institutions of the Union within the framework of a reinforced and extended multilateral dialogue and concentration on matters of common interest.<sup>63</sup> The CEECs applied for membership starting from 1994.<sup>64</sup>

In June 1994, the Corfu European Council called on the Commission to prepare a strategy paper on how the CEECs could be integrated to the EU's policy process.<sup>65</sup>

At the Essen European Council, in December 1994, the position taken at Copenhagen and Corfu European Council meetings was confirmed that the associated countries of CEECs can become members of the EU if they so desire and as soon as they are able to fulfil the necessary conditions. Moreover, the Essen European Council adopted the "Strategy for the Integration of the associated countries of Central and

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<sup>61</sup> *ibid.*, p.402

<sup>62</sup> Copenhagen European Council stated that, the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressures and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

<sup>63</sup> Presidency Conclusions of the Copenhagen European Council

<sup>64</sup> Hungary (31.3.1994), Poland (5.4.1994), Romania (22.6.1995), Slovakia (22.6.1995), Estonia (24.11.1995), Latvia (13.10.1995), Lithuania (8.12.1995), Bulgaria (14.12.1995), The Czech Republic (17.01.1996), and Slovenia (10.6.1996).

<sup>65</sup> Presidency Conclusions of the Corfu European Council

Eastern Europe" based on the Commission's proposals,<sup>66</sup> requested at the Corfu European Council and submitted in July 1994.

At the same meeting the European Council recognised that negotiations on the future enlargement of the Union would go beyond those states already associated but would encompass other CEECs and it called for Europe Agreements to be concluded with the Baltic States and Slovenia.<sup>67</sup>

The pre-accession strategy, adopted at Essen European Council was based on the phased adoption of the Internal Market acquis by the associated states. The Commission's May 1995 White Paper, covering 150 internal market measures which should be adopted by the CEECs, was accepted at the Cannes European Council in June 1995.<sup>68</sup>

From the Copenhagen European Council to Madrid European Council in December 1995, the parameters of the enlargement has been defined,<sup>69</sup> at Madrid the timetable for enlargement was clarified. The Madrid European Council reaffirmed that the necessary decisions for launching the accession negotiations with the countries applying for EU membership would be taken within six months of the conclusions of the IGC which was formally launched at the Turin European Council Meeting on 29 March 1996.

In the Florance European Council the timetable for the enlargement process as set at its Madrid meeting has been confirmed and it was requested from the Commission its opinions and reports on enlargement as called for at Madrid to be available as soon as possible after the completion of the Intergovernmental Conference so that the initial

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<sup>66</sup>Commission Communication to the Council: "The Europe Agreements and Beyond: A Strategy to Prepare the Countries of Central and eastern Europe for Accession", 13 July 1994

<sup>67</sup>Presidency Conclusions of the Essen European Council

<sup>68</sup>Preston (1997), p.202

phase of negotiations with the CEECs can coincide with the beginning of negotiations with Cyprus six months after the end of the IGC taking its results into account.<sup>70</sup>

The Amsterdam European Council noted that, with the successful conclusion of the IGC, the way has been opened for launching the enlargement negotiations.

Between the Amsterdam and Luxembourg European Councils the Commission issued its Communication regarding enlargement. The Commission defined eleven countries as likely candidates for membership. Commission proposed in the Agenda 2000 that negotiations with six<sup>71</sup> countries could begin immediately. This proposal was confirmed by the December 1997 Luxembourg European Council.

At the Luxembourg meeting of the European Council eleven<sup>72</sup> applicants were accepted as candidates for membership. The European Council decided to launch an accession process comprising the ten Central and East European applicants States and Cyprus. The applicants were divided into three different groups:

Firstly, the 6 countries belonging to the fast track group, Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia with which the European Council decided "to convene bilateral intergovernmental conferences in the spring of 1998 to begin negotiations ... on the conditions for their entry into the Union and the ensuing Treaty adjustments."<sup>73</sup> Negotiations with these countries already started on 30 March 1998 and are supposed to lead to EU membership in around 5 years.

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<sup>69</sup>Burghardt, G. (1997), "The European Commission's Approach towards the IGC", in Maresceau, M., (ed.) *Enlarging the Union*, London, p. 307

<sup>70</sup>Presidency Conclusions of the Florence European Council (21-22 June 1996)

<sup>71</sup>The Commission recommended that accession negotiations could start with Hungary, Poland, Estonia, the Czech Republic, Slovenia and Cyprus

<sup>72</sup>The EU excluded Turkey from being a candidate.

<sup>73</sup>Presidency Conclusions of the Luxembourg European Council, 12-13 December 1997

Secondly, the 5 countries belonging to the slower-track group, Slovakia, Latvia, Lithuania, Romania and Bulgaria. Concerning these countries the European Council decided that the preparation of negotiations would have be speeded up "in particular through an analytical examination of the Union's acquis" and that this preparation could also have been "discussed at ministerial-level bilateral meetings with the member states of the Union."<sup>74</sup> For these countries negotiations will start at a later stage, when they will have endorsed most part of the EU legal acquis, and they fulfill the required political and economic criteria.

Thirdly, Turkey for which a "one-country ghetto"<sup>75</sup> was created, since it was not even included in the slower track accession group.

A review procedure was set up, according to which "from the end of 1998 the Commission will make regular reports to the Council with any necessary recommendations for opening bilateral intergovernmental conferences... The Commission's reports will serve as a basis for taking, in the Council context, the necessary decisions on the conduct of the accession negotiations or their extension to other applicants".<sup>76</sup>

## **2.2 Member States' Perspectives on the issue of Enlargement**

Although it is generally accepted that the Union should accept the CEECs, there is no consensus among existing member states about which or how many applicants should be admitted, or when.<sup>77</sup> Since the accession of each new member has to be agreed by each existing member state, it is important to realise that, beside general consensus among the fifteen on the principle of enlargement, there are wide differences about the

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<sup>74</sup>Ibid

<sup>75</sup>The Economist, 20 December 1997, p.29

<sup>76</sup>Presidency Conclusions of the Luxembourg European Council, 12-13 December 1997

<sup>77</sup>Federal Trust Paper: Enlarging The Union p.14



scope and timing of enlargement, and on what policy and institutional reforms should be made by the Union to accommodate the new members.<sup>78</sup>

Although formal acceptance of enlargement has been stated in EU declarations, all member states do not share a sufficient enthusiasm to guarantee speedy or harmonious accessions.<sup>79</sup> member states vary in their enthusiasm and motivations for wanting to enlarge the EU eastwards. For almost no member-government does enlargement dominate other international and domestic objectives.<sup>80</sup> For most of them, the pursuit of EMU is an overwhelming preoccupation.<sup>81</sup> On the other hand most governments are internally divided, with foreign ministries pressing the interests of some or all applicants, while finance and agriculture ministries resist.<sup>82</sup>

Germany is most enthusiastic about eastern enlargement, having most to gain economically from exploiting a wider European single market, and the greatest interest projecting security eastwards.<sup>83</sup> Moreover, Germany would like to see some of the advanced East European countries in the EU, because those countries would tend to see the Union's affairs in the "German way". On the other hand, despite its support for eastern enlargement, it has at times found it difficult to reconcile this aim with its desire to promote deeper EU integration.<sup>84</sup>

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<sup>78</sup> *ibid.*, p.15

<sup>79</sup> Hopkinson, N. (1995), *The Southern and Eastern Enlargements of the EU*, Wilton Park Paper, No: 102, London, p. 43

<sup>80</sup> Only for Greece is enlargement -to Cyprus- a major political priority: one which it pushes in front of unwilling partners at every opportunity. (Wallace -1997, p.39)

<sup>81</sup> Wallace (1997), p.39

<sup>82</sup> *Ibid.*, p.39

<sup>83</sup> Hopkinson (1994), p. 6, Germany has also concerns regarding instability in the east and potential mass migration. According to Altman, Chancellor Kohl and his generation remain the engine behind integration, believing that the EU is the best guarantee against the reemergence of national rivalry. (Altman R. and Kupchan C. (1997) "Arresting the Decline of Europe", *World Policy Journal*, Winter 97/98, p. 6)

<sup>84</sup> According to Tewes West Germany's post-war role in European politics was that of a promoter of deeper integration. The changed situation after 1990 placed new demands on German foreign policy makers. West Germany's traditional self conception as an integration deepener conflicted with the desire to press for EU enlargement. (Tewes, H. (1998), 'Between Deepening and Widening: Role Conflict in Germany's Enlargement Policy' *West European Politics*, V. 21, No.2, , p. 117)



Italy and the Benelux countries share much of the German approach.<sup>85</sup> In the Belgian Government's view, consolidating the European Union before expanding it is an essential requirement.<sup>86</sup> The Dutch government is in favour of including the countries of Central and Eastern Europe in the political and economic structures of the West.<sup>87</sup> The Luxembourg Government supports accession on a 'case-by-case' basis, in other words when all the required conditions have been met.<sup>88</sup> Italy favours enlargement and a federal EU.<sup>89</sup>

The UK and Denmark are in favour of eastern enlargement in principle, however they are sceptical about supranational decision-making structures.<sup>90</sup> Denmark has reservations about the deepening federal character of the Union, but is supportive regarding enlargement.<sup>91</sup>

The UK supports enlargement as a means of enhancing European security, but is perceived as being motivated by an assumption that enlargement could mean dilution, preventing further deepening of the EU, and keeping it as little more than a single market organisation.<sup>92</sup> On the other hand, one of the Britain's reason for early entry of Central Europe is that an expansion of the EC will make it less likely that Germany is going to dominate.<sup>93</sup>

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<sup>85</sup>Federal Trust Paper: Enlarging The Union p.16

<sup>86</sup> " Government Policy Paper addressed to the Belgian Parliament on the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference* , P.12

<sup>87</sup>"Note of 14 November 1994 on the enlargement of the European Union: the opportunities and obstacles" in *White Paper on the 1996 Intergovernmental Conference* P.86

<sup>88</sup>"Luxembourg Government memorandum of 30 June 1995 on the 1996 Intergovernmental Conference" in *White Paper on the 1996 Intergovernmental Conference*, P.85

<sup>89</sup>Federal Trust Paper: Enlarging The Union p.16

<sup>90</sup>Giering (1998), p. 53; The Dutch, shifted from being a net beneficiary from the EU budget to a major net contributor, vigorously oppose increasing the size of the budget and they want to avoid to push ahead with enlargement (Wallace -1997, p.40).

<sup>91</sup>Federal Trust Paper: Enlarging The Union p.16

<sup>92</sup>Federal Trust Paper: Enlarging The Union p.16. According to Hopkinson, "the British Government has been an enthusiastic supporter of enlargement, since it does not see the EU as an exclusive club but as a dynamic, outward looking group ready to spread the benefits of membership wherever Europeans want to join", Hopkinson-1995, p.5)

<sup>93</sup> Van Ham, P. (1993), *The EC The Eastern Europe and European Unity*, London, p. 192

France has only a secondary interest in enlargement and it is not too anxious to let the CEECs join the Community family.<sup>94</sup> Nevertheless, she regards enlargement to the east as inevitable, and it wants assurances that an eastern enlargement will not weaken the EU.<sup>95</sup>

The poorest four member states, Greece, Ireland, Portugal and Spain are all concerned to protect the financial transfers from which they benefit, and if possible to negotiate compensation for the adverse economic impact of manufactured and farm imports from Eastern Europe.<sup>96</sup> These countries all complain about the sacrifices needed to absorb poor, farm intensive economies from the east.<sup>97</sup>

Spain and Portugal are concerned about a quick and comprehensive enlargement.<sup>98</sup> According to Spain, the major issue regarding enlargement is neither when enlargement should happen nor which countries should be admitted but how enlargement should take place. Enlargement will require both a genuine deepening of the Union and the resolution of the problems which will arise in its wake, particularly the institutional problems.<sup>99</sup>

For Greeks, enlargement should not be a pretext for the reversal of the economic and social conditions that support the present equilibrium within the European Union.<sup>100</sup>

Ireland stresses that the Union must be enabled, in institutional terms and in due time, to confront its forthcoming enlargement.<sup>101</sup>

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<sup>94</sup> Van Ham (1993), p. 193; Wallace (1997), p.39

<sup>95</sup> Hopkinson, (1994), p. 7

<sup>96</sup> Lionel Barber, Financial Times, 5 January 1998; Gower (1995), p.10; Wallace (1997), p.39

<sup>97</sup> Financial Times, 16 September 1997

<sup>98</sup> Giering (1998) p. 53

<sup>99</sup> "The 1996 Intergovernmental Conference: starting points for a discussion" in *White Paper on the 1996 Intergovernmental Conference*, P.44

<sup>100</sup> "Conclusions of the interministerial committee of the Greek Government, Athens, 7 June 1995" in *White Paper on the 1996 Intergovernmental Conference*, P.42

<sup>101</sup> "White Paper on Foreign Policy: 'External challenges and opportunities', 26 March 1996" in *White Paper on the 1996 Intergovernmental Conference*, P.72

Among the three newest member states, Austria is in favour of the accession to the Union of the former territories of the Habsburg Empire,<sup>102</sup> Finland and Sweden have historical and cultural links with the Baltic states thus they attach particular importance to the Baltic states' being treated in the same way as the other candidates.<sup>103</sup>

Described as such, although there are various concerns and interests of the member states regarding further enlargement, there is no rejection of the enlargement, for one or other reason most of the member states support the enlargement process to which the EU has committed itself irreversibly from the Copenhagen to Luxembourg European Councils.

The next enlargement will certainly have an impact on the institutional structure of the EU. In the next chapter enlargement's likely impacts on the institutions will be analysed.

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<sup>102</sup>Federal Trust Paper Enlarging The Union p.16

<sup>103</sup>ibid, p.18, "Communication of the Swedish Government of 30 November 1995 on the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P. 123

## CHAPTER 3

### THE NEXT ENLARGEMENT AND INSTITUTIONS

#### **3.1 Institutional Structure of the EU**

The institutional structure of the EU contains elements of supranationalism and elements of intergovernmentalism.<sup>104</sup> Supranationalism implies that a permanent and independent executive body exists and able to take decisions binding on both member states and citizens. Intergovernmentalism, on the other hand, essentially relies on the cooperation between the governments of member states. The main supranational element within the institutional structure is the Commission and the European Parliament. The European Council and the Council of Ministers represent the intergovernmental element.

Because it was created in an *ad hoc* manner, reflecting political compromises between the differing views of the member states, the system of decision-making in the EU is extremely complex.<sup>105</sup> Essentially there are three main institutions involved in the decision-making process: the Commission, the Council of Ministers, and the European Parliament. However, their precise role varies depending on the issue under consideration; and there is a whole complex of subsidiary institutions<sup>106</sup> that are also involved in one way or another.

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<sup>104</sup>George, S (1996-a), p. 18; According to Dinan, intergovernmentalism and supranationalism jointly characterize the European Community. (Dinan, D. -1994, *Ever Closer Union?*, London)

<sup>105</sup>Since the entry into force of the 1965 Merger Treaty, the three Communities have enjoyed a common institutional structure. Prior to that, each Community had its own Council and Commission, though by virtue of a Convention on Certain Institutions Common to the European Communities signed at the same time as the EC and Euratom Treaties, the three Communities have shared a single Parliament and a single Court of Justice from the entry into force of those treaties.

<sup>106</sup>The Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of Regions, COREPER, the Consultative Committee, the European Investment Bank.

The institutional system of the EU is now close to a federal system, in which the legislative power is shared by two branches, representing the population of the Union (the EP and the Commission) and its member states (the Council of Ministers), respectively.<sup>107</sup>

The roles allotted to the different Community institutions reflect the concern, seeking a balance between possibly divergent national interests.<sup>108</sup> The Commission is the driving force: it alone has the right to propose new Community legislation, but can not adopt it, it is the member states which decide within the EU Council. The European Parliament also plays an important part in this process. It can examine, modify and veto the Commission's proposals, depending on the legislative procedure<sup>109</sup> being followed.

In the EU, all institutions try to reconcile the two conflicting elements within themselves the equality and the size of the member states. The Council by having weighted votes (ranging from two to ten), the Commission by according two commissioners to the larger countries and one each to all the others, and the EP by being composed of national groupings between ninety-nine (Germany) and six (Luxembourg) members. But whatever the numbers, the smaller countries get more than their share of representation than would be under a strictly proportional distribution.

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<sup>107</sup>Dehousse, R. (1998), 'European Institutional Architecture After Amsterdam: Parliamentary System or Regulatory Structure' *Common Market Law Review* V.35, p.606; However according to federalists, the present institutional structure of the EU, is characterised by the prevalence of the Council of Ministers with respect to the other organs. Therefore it is far from reflecting a federal character. (Schioppa, A (1998), 'The Institutional Reforms of the Amsterdam Treaty' *The Federalist*, V. 40, No.1, p.65)

<sup>108</sup>How Does the EU Work, (The Commission -1998) p. 16

<sup>109</sup>There are four procedures of legislation: **The Consultation Procedure** consists of simply requesting Parliament's opinion before the Council adopts a Commission proposal for legislation. **The Cooperation Procedure** authorises Parliament to improve a draft law by amending it. This requires two readings by Parliament, leaving the Members of the EP opportunity to study and amend the Commission's proposal and the Council's preliminary position on it. **The Codecision Procedure** provides for the real sharing of decision-making between Parliament and the Council. A conciliation committee has the task of seeking agreement on a draft joint text that the Council and Parliament can then adopt. If they disagree, EP can reject the proposal outright. **The Assent Procedure** applies to important international decisions such as the accession of new Member States, association agreements with third countries etc. This procedure authorises Parliament to give or withhold its approval of the legislative proposal presented to it, but it does not have the right to amend it. (How Does the EU Work-The Commission -1998 p. 17)

### 3.1.1 The Council of Ministers

The Council of Ministers<sup>110</sup> represents national interests of the member states. It is the Union's main decision-making institution and legislative powerhouse. Each member state sends a minister to Council meetings according to the issues to be addressed. General matters are handled by the member states' foreign ministers, and the ministers of finance, agriculture, environment, etc. also meet regularly within the setting of the Council. The Presidency of the Council, which rotates every six months, arranges and presides over all meetings, works out acceptable compromises and finds pragmatic solutions to problems submitted to the Council and seeks to secure consistency and continuity in decision-making.

The Council is responsible for coordinating the general economic policies, enacting Union legislation, a function it shares in certain areas with the European Parliament, adopting international agreements negotiated by the Commission.

Decisions are adopted, depending on the issue, unanimously<sup>111</sup>, by simple majority or by qualified majority<sup>112</sup> with votes distributed as, Germany, France, Italy, United Kingdom (each) 10 votes, Spain 8 votes, Belgium, Greece, the Netherlands, Portugal (each) 5 votes, Austria, Sweden (each) 4 votes, Ireland, Denmark, Finland (each) 3 votes, Luxembourg 2 votes. These votes were allotted to the member states according to their population.

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<sup>110</sup>It is also known as "the Council of the EU" and "the Council".

<sup>111</sup>Unanimity is required on issues of fundamental importance such as the accession of new member states, Treaty amendments or the launching of a new common policy.

<sup>112</sup>QMV is a key concept of European integration, which, according to Duff, could never have advanced to the level of its present sophistication had the unanimity were the only voting system in the Council. Since the unanimity makes controversial decisions difficult, and progress of legislation inevitably slow. AT present QMV applies in the following policy areas: the free movement of workers, freedom of establishment, mutual recognition of qualifications, the internal market, public health, consumer protection, co-ordination of national provisions on the treatment of foreign nationals, competition, transport, trans-European networks, environment, development co-operation. (Duff, A. (Ed.) (1997-a), *The Treaty of Amsterdam: Text and Commentary*, London)

As the EU has expanded from the original six to the present fifteen, the system of voting weights has progressively favoured the smaller countries. The weighting of votes has not changed basically since the first enlargement of the Community in 1973. As a result the relative weight of the large countries has consistently diminished as enlargement increased membership from 9 to 15 members. Thus Luxembourg has two votes, but Germany has only 10 votes, it represents a 1:40 disparity favouring the small one. Designed to safeguard the rights of small countries, this bias is increasingly unacceptable to the large ones as the EU membership continues to expand.<sup>113</sup>

At present the qualified majority is 62 votes out of the total 87 and the blocking minority which can stop any measure being agreed is therefore 26. Thus countries representing a very large majority of the population of the Community can be prevented from deciding a measure by a blocking minority of a few small states. Alternatively, a measure supported by the vast majority of countries in the Union can be blocked by a coalition of only three or four countries.<sup>114</sup> With the original six European Community members, the balance of voting weights meant decisions could only be taken if countries representing 70 per cent of the community's population supported them. Today, with 15 members, the figure has fallen to 58.3 per cent.

Extension of the scope of the QMV, reweighting of votes and the rotation of the presidency are problematic issues within the perspective of the next enlargement. These issues will be dealt in the subsequent sections below.

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<sup>113</sup>Mayhew, A., (1998), *Recreating Europe: The EU's Policy Towards Central and Eastern Europe*, Cambridge, p. 322

<sup>114</sup>Mayhew (1998) , p. 322



### 3.1.2 The Commission

At the "heart" of the EC is the European Commission.<sup>115</sup> The Commission has sole initiative rights, and the Council may only make decisions based on its proposals. As an institution independent of the governments of the member states, the Commission ensures that the provisions of the EU treaties are observed, checks that regulations and directives adopted by the Council are properly implemented by the members, draws up the preliminary draft of the EU budget, administers the various EU funds, implements decisions made by the Council and maintains diplomatic relations with third countries.

At present, big countries, namely Britain, France, Germany, Italy and Spain have two commissioners; and the smaller countries have one, that makes 20 commissioners in all. The Commission is headed by a president and six vice-presidents. Each commissioner is responsible for a specific area. Commissioners are appointed by the national governments by common accord, for a five-year term and must be approved by the European Parliament. They may be forced to resign "en bloc" by a vote of censure in parliament supported by a two-third's majority.

The institutional history of the Commission is one of almost continuous adjustment - but not of radical restructuring or reform- in response to successive enlargements.<sup>116</sup> Today the EU has double the population, more than double the membership, nearly three times the number of official languages, and an immensely greater range of responsibilities than the original EEC. Yet the role and structure of the Commission remain unchanged. Apart from a larger college of commissioners and a threefold increase in the size of the permanent staff, today's Commission looks like the original model.<sup>117</sup>

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<sup>115</sup>George (1996-a), p.21

<sup>116</sup>Dinan (1998), p.17

<sup>117</sup>Ibid., p.17



Within the perspective of the enlargement, increase in the numbers of the commissioners and their distribution among the member states are two most important problematic issues.

### 3.1.3 The European Parliament

In the early phases of European Integration the EP lacked influence on policy development and was decorative than effective. Gradually since its acquisition of first budgetary powers and then some legislative powers, the EP has inserted itself much more directly into the institutional structures.<sup>118</sup> The European Parliament has been directly elected since 1979. Elections take place once every five years. There are 626 Members of the European Parliament (MEPs) who are divided between the member states on a basis that is approximately proportionate to size of population, although the small countries are somewhat over represented.<sup>119</sup>

Parliament has no right to initiate laws. It may, however, call on the Commission to present drafts in areas it deems necessary. Parliament shares the legislative function with the Council. The Single European Act had inaugurated the legislative dialogue through the establishment of the cooperation procedure, which requires two readings of drafts in Parliament and two in the Council and, thus, gives Parliament a bigger say; the Maastricht Treaty had marked EP's accession to the role of co-legislator with the introduction of the co-decision procedure. The Amsterdam Treaty has gone a step further along the same path in qualitative terms, by putting the Parliament and the Council on an equal footing in the co-decision procedure, and in quantitative terms with the extension of this procedure to a significant number of new areas.<sup>120</sup>

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<sup>118</sup>Wallace, Helen, (1997) "The Institutions of the EU" in Wallace, H. and Wallace, W. (eds) Policy Making in the Union, Oxford.

<sup>119</sup>Duff, A. (Ed.) (1997-a), p. 144; See Table 2 in the Annex for the distribution of seats among Member States.

<sup>120</sup>As a result of this process, the Parliament has moved from the status of a consultative assembly to that of a fully fledged legislative body (Dehousse- 1998, p.605).

It is generally recognised in the EU that there will have to be some limit set, with seats being redistributed when further enlargements take place, perhaps more in line with population size than previously.<sup>121</sup>

### ***3.2 The Necessity of Institutional Reform and the Next Enlargement***

As I indicated in the previous chapter, in the Luxembourg European Council eleven applicants were accepted as candidates for membership, and negotiations with first group of candidates have already begun in March 1998.

The prospect of a vast increase in the number of member states in the EU has important institutional implications mainly due to two fundamental factors. Firstly, the significant increase of the number of member states mean increase in the membership of the institutions because of the "principle of member state representation" in the institutions, which might seem to endanger well functioning of the institutions, as presently constituted.

Secondly, the accession of small states will raise the issue of the over representation of very small states.<sup>122</sup> Of the eleven prospective member states nine are small countries, with Romania, falling between the large EU member states and the small ones, and Poland, which has almost the same population as Spain, a large state. All the other potential member states are small states with 10 million people or less.

What will be the solution to the questions of legitimacy which will arise as a result of increasing number of small states<sup>123</sup> and voting weights representing always

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<sup>121</sup>George (1996-b) p.54

<sup>122</sup>Michalski, A. and Wallace, H. (1992), *The EC: The Challenge of Enlargement*, Royal Institute of International Affairs, London, p.27

<sup>123</sup>The small members have far more voting weight in relation to their population than the big member states. According to Davidson, the technical argument over voting weights will lead directly to a fundamental debate over the nature of the relationship between member states and the Union. In short, the

small percentages? How the problems that will arise as a result of accession of a number of new members will be solved?

The answers to these questions always points the necessity of an institutional reform before accession of the new member states. The prevailing opinion in Europe's political debate is that the Union's enlargement necessarily calls for some form of institutional enforcement.<sup>124</sup>

A number of writers have pointed out the requirements of reform. They argued that if the EU's decision making is not sufficiently reformed, there will be a point at which an enlarged EU will simply just cease to function. In order to prevent this happen, the Union must preserve its decision-making ability after further enlargement.<sup>125</sup>

Parallel to the academical studies and views of practitioners, the approach of the most of the member states regarding the next enlargement is that, before offering the candidates their legitimate place within the Union, its rules and structures must be

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debate over majority voting will turn, in two quick strides, into a debate over whether Europe needs more or less federalism. (Ian Davidson, *Financial Times*, 11 December 1996)

<sup>124</sup>Rossolillo, F. (1995), 'Considerations on the 1996 Intergovernmental Conference and the Passage to Third Phase of Monetary Union' *The Federalist*, Vol. 37, No.1, p. 66

<sup>125</sup>Hopkinson (1996), p.16. A number of writers put the same argument, for example Derycke wrote that: "if the decision making mechanism remains unchanged after enlargement, there will be a risk that the real decisions are taken in the corridors by the large countries outside the EU structures. Moreover, a diluted union can not bring about the envisaged integration of the CEECs in a democratic Europe, and European solidarity would collapse" (Derycke-1997, p.302). Another writer putting the same argument is Giering, who wrote that the forthcoming enlargement of the Union to more than 20 members has to be prepared by fundamental institutional reforms, if the deficits already existing are to be overcome and symptoms of paralysis after enlargement are to be prevented. (Giering-1998, p. 53); For Grabbe and Hughes, the potential enlargement of the EU to 25 or more member states poses major challenges for institutional effectiveness. (Grabbe and Hughes-1997), p.46; According to Brok the structure and working methods of the Institutions need adjusting both with a view to the efficient functioning of the Union after enlargement, and in order to ensure transparency. The existing structures were worked out for a Community of six member states -Clinging to them in a union of 20 or even more member states would make it impossible to function. (Brok, E. (1997- b), ' Intergovernmental Conference 1996: Not A Maastricht II' *Common Market Law Review* V. 34, p.7); For Mayhew, internal reform of the Union is certainly necessary and was considered by most participants to be the crucial area where progress had to be achieved, since the enlargement to the CEECs threatens paralysis in decision-making unless changes are agreed to in these procedures. (Mayhew -1998, p.319-324); Mc Cormic states that, economic, political, cultural and

adopted to take a larger number of members into account.<sup>126</sup> Germany and the Benelux countries believe that there can be no enlargement of the Union without strengthening its supranational bodies.<sup>127</sup> The Danish Government thinks that, in the prospect of enlargement of the Union, a number of institutional changes will be needed.<sup>128</sup> Belgium, France and Italy support eastern enlargement but only on the condition that fundamental institutional reforms be carried out before an enlargement.<sup>129</sup> Only a few governments differ from this position,<sup>130</sup> primarily the British government, which explicitly exploits enlargement in order to water down the Union and transform it into a free trade area.<sup>131</sup>

Despite the near consensus on the existence of a need for institutional reform,<sup>132</sup> there is hardly any common view on how to solve specific institutional problems that will be brought by the enlargement.<sup>133</sup> The formulas proposed for reinforcing the Union's institutions are numerous. Nevertheless, we can divide them substantially into two categories. First category of proposals adopt the goal of reinforcing the Union's capacity to act by rationalising the existing institutions, by remaining within an intergovernmental

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geographic balance which will be upset with enlargement will certainly require a reform. (Mc Cormick, J. (1996), *The EU: Politics and Policies*, Oxford, p.199)

<sup>126</sup>Derycke (1997), 298

<sup>127</sup>*Economist* 30 March 1996, p.30

<sup>128</sup>“Agenda for Europe: the 1996 Intergovernmental Conference. Report of the Danish Foreign Ministry, June 1995” in *White Paper on the 1996 Intergovernmental Conference*, P.21

<sup>129</sup>Giering (1998), p. 53, The Treaty of Amsterdam includes a corresponding declaration by the three countries

<sup>130</sup>*Economist* 30 March 1996, p.30, Hopkinson (1996), p.2; The British position is, according to Wallace, to use enlargement to weaken the Union's federalist tendencies, and without admitting that enlargement requires the reform of EU institutions (Wallace-1997, p.39)

<sup>131</sup>see Flockhart, T. (1996), 'The Dynamics of Expansion: NATO; WEU, and EU', *European Security*, V.5, N.2, p.210

<sup>132</sup>The consensus is not only among the member states but also institutions of the Union participate it. In the Commission's Report on the issue of preparing for next enlargement, it is stated that, the substantial increase in the number of member states of the Union will have repercussions on the operation of the institutions, no one doubts that the difficulty of working together will increase with the number of participants. The principal message of the Commission Report was that, a substantial deepening is a prerequisite for a successful widening. (Commission Report: "Reinforcing Political Union And Preparing For Enlargement" February, 1996)

<sup>133</sup>Barents, R. (1997), 'Some Observations on the Treaty of Amsterdam' *Maastricht Journal of European and Comparative Law*, V. 4, N.4, p.336. This situation is defined by the Giering as a dilemma (Giering - 1998, p. 53)

perspective. And second group of proposals aim to change the Union's current institutions in a way to enhance its supranational character.<sup>134</sup>

In the following section I will elaborate on specific problems within the three main institutions and the issue of reforming them.

### 3.2.1 The Council of Ministers

As the number of the member states increase it will be difficult to take decisions in the Council, in those areas of policy where unanimity is still required with 26 members, some of which have totally different backgrounds and political and economic systems to those of the existing 15 member states.<sup>135</sup> Therefore extension of the scope of the qualified majority voting will be a requirement. As the scope of the majority voting extends, another controversial issue will appear, namely weighting of votes since overwhelming majority of the prospective members are small in addition to the existing ones.<sup>136</sup>

Enlargement to further 11 members represents a risk of a European Union dominated by a large number of smaller countries.<sup>137</sup> As it can be seen in the Table 4 in the Annex, if the present weighting system were applied to future EU members Poland will have 8 votes, Romania 6/7 votes, Czech Republic and Hungary 5 votes each, Bulgaria 4 votes, Slovakia and Lithuania 3 votes each, Slovenia and Latvia 2/3 votes each, Estonia and Cyprus 2 votes each. As a result, 42/45 votes will be added and the

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<sup>134</sup>However according to Rossolillo many of the proposals which have been advanced as regards institutional reform are based on the illusion that these objectives can be reached without sacrificing the sovereignty of states. (Rossolillo -1995, p. 66)

<sup>135</sup>Mayhew (1998), p. 325

<sup>136</sup>Leipold, H., (1995) 'The Eastward Enlargement of the European Union: Opportunities and Obstacles' *Aussen Politik*, Vol.46, No.2, p.133: according to Ersboll this situation is not controversial because voting in the Council does not separate countries according to size, but depends on their interests and difficulties in connection with the individual decisions. Alliances therefore form and change according to subject matter. (Ersboll, N. (1997) 'The Amsterdam Treaty' *CEPS Review*, No.4, p.11)

<sup>137</sup>Ersboll (1997), p.11

total votes will increase to 129 to 132. In the case QMV threshold is maintained at its existing level of 71 percent it will be 92 to 94 votes required for taking decision with QMV. On the other hand, blocking vote will be 38 to 39 votes.

All these numerical developments will certainly affect the working of the Council. And it implies that countries representing a very large majority of the population of the Community can be prevented from deciding a measure by a blocking minority of a few small states. Alternatively, a measure supported by the vast majority of countries in the Union can be blocked by a coalition of only three or four countries.<sup>138</sup> On the other hand, the ten new member states from Central Europe will be able to form a blocking minority and be able to block all measures in the Council. The "cohesion countries"<sup>139</sup> together with the new members will control 62/64 votes in the Council, almost exactly half of the votes, with 36% of the Union's population.

At the beginning when the EU had six members decisions could only be taken if countries representing 70 percent of the community's population supported them. Today, with 15 members, the figure has fallen to 58.3 per cent. It could fall to 50.3 per cent with 26 members, to the point where Britain, France, Germany and Spain could be outvoted by the rest. On the other hand, with the enlargement the share in total EU population of the four largest EU member states, Germany, France, the UK and Italy would be reduced from 77 % to 56 %, but their share in Council votes would decline from 53 % to 30 %.<sup>140</sup>

With many issues agreed by QMV, the size of the qualified majority and, as importantly, the blocking minority are vital. The threshold for qualified majority should be decreased and the level of blocking minority increased to a level that will enable decision-making with QMV.

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<sup>138</sup>Mayhew (1998) , p. 322

<sup>139</sup>Spain, Ireland, Greece and Portugal

<sup>140</sup> Ibid., p.19

The increase in the number of member states will make itself felt in the Council in three main respects. Firstly, on the extension of the scope of the majority voting, secondly in the weighting of votes and thirdly about the half-yearly rotation of the Presidency.

Since decisions on an amendment of the EU Treaty can only be taken on the basis of unanimity, proposals made by all the member states are important to achieve a result. Therefore, in the following section I will examine the position and perspectives of the member states regarding reforms to be made in the Council of Ministers.

### **3.2.1.1 Extending the Scope of Majority Voting**

Member states' positions regarding extension of qualified majority can be categorized into three groups. The first group comprises those states, which think that greater efficiency and enlarged Union's capacity for decision-making can only be safeguarded by expanding qualified majority voting, therefore for them it should become the general procedure, apart from issues relating to taxation, the decision on own resources, and decisions of a constitutional nature concerning reform of the Treaties, use of languages and accession, in the enlarged Community. Germany Belgium, the Netherlands, and Luxembourg can be counted in this group.<sup>141</sup>

The second group of the member states, such as Austria, France and Italy, share the view that QMV will contribute to the greater efficiency, however they demand a

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<sup>141</sup>Masala (1997), p.229; Germany and other supporters of closer integration argued that the EU itself should take more responsibility, for some policy areas still being decided by national governments alone. For approaches of the three Benelux states see White Paper on the 1996 Intergovernmental Conference, pp.13, 85 and 96



partial extension of the QMV and they propose recourse to a reinforced qualified majority for certain areas at present subject to the unanimity rule.<sup>142</sup>

The third group of the member states, mainly represented by the Britain and Spain oppose any extension of the qualified majority voting.<sup>143</sup>

### 3.2.1.2 Reweighting of votes

As regards weighting of votes member states have different approaches, especially small member states want to keep existing voting weights and most of the large member states are demanding reweighting of votes in the Council to better reflect the differences in the population sizes.

Despite the fact that it is a large state Germany has no problem with the current disequilibrium in weighted voting because it has traditionally favoured a relatively stronger role for smaller member states.<sup>144</sup> Portugal and Austria consider that the existing weighting of votes in Council should basically be preserved and they oppose to any change in the QMV.<sup>145</sup>

The British government supports a reweighting<sup>146</sup> of votes in the Council to better reflect the differences in the population sizes. It proposes a system of weighting of votes under which the four largest member states would continue to have the same number of votes while the smaller member states would have a reasonable degree of

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<sup>142</sup>Lionel Barber, Financial Times, 21 May 1997, "The 1996 Intergovernmental Conference: starting points for a discussion" in *White Paper on the 1996 Intergovernmental Conference*, pp.47-48, Masala (1997), p. 231

<sup>143</sup>George (1996-b), p.53; Masala (1997), p.232, Financial Times 11 December 1996 and 21 May 1997

<sup>144</sup>Hopkinson (1996), p.18

<sup>145</sup>"Portugal and the IGC for the revision of the Treaty on European Union -Foreign Ministry document, March 1996" in *White Paper on the 1996 Intergovernmental Conference*, P. 108; "Guidelines of the Austrian Government on the subjects likely to be dealt with at the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P. 100



influence in the system as a whole.<sup>147</sup> Finland and Belgium consider that reweighting of votes is a requirement in the course of enlargement.<sup>148</sup>

The Danish Government proposes that decisions should require a qualified majority of votes in Council plus a majority representing at least half the Union's total population.<sup>149</sup> For Greece, any reform of the Council must not make it possible for a group of member states (be they large or small) to decide for the rest.<sup>150</sup> The Italian and the Dutch Governments favour reforming the weighting of votes in Council to take greater account of population.<sup>151</sup>

The Commission had suggested that majority voting become the rule, on the grounds that retaining the unanimity requirement would lead to paralysis.<sup>152</sup>

### 3.2.1.3 Council Presidency

As the number of the member states increase to 26 with the existing half yearly rotation of presidency, member states will assume the presidency on times in 12-13 years. As regards the Presidency some member states demand a change in the current arrangements and some are for preserving it.

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<sup>146</sup>The UK supports changing the existing total number of votes, rather than introducing a second voting criterion. (George, 1996-b, p.53)

<sup>147</sup> Masala (1997), p.233

<sup>148</sup> "Finland's starting-points and objectives for the 1996 IGC - report of the Finnish Government, 27 February 1996" in *White Paper on the 1996 Intergovernmental Conference*, P. 119; "Government Policy Paper addressed to the Belgian Parliament on the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P.13

<sup>149</sup> "Bases for negotiations: an open Europe. The 1996 IGC. Memorandum of the Danish Government, 11 December 1995" in *White Paper on the 1996 Intergovernmental Conference* P.24

<sup>150</sup> "Towards a citizens' Europe - democracy and development: memorandum for the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P.39

<sup>151</sup> Position of the Italian Government on the IGC for the revision of the Treaties, 18 March 1996; "Fourth memorandum by the Dutch Government on the institutional reform of the European Union, 12 July 1995" in *White Paper on the 1996 Intergovernmental Conference*, P.96

<sup>152</sup> The European Policy Centre (Ed.) (1998), *Making Sense of Amsterdam Treaty*, Brussels, p.39

Italy, Austria, Sweden and Portugal are in favour of retaining the current system of rotating presidencies.<sup>153</sup>

Britain prefers the 'presidential teams' option under which three or four member states would jointly occupy the presidency for a year or even longer.<sup>154</sup> French Government is for a longer presidential term, in order to guarantee the continuity.<sup>155</sup>

### 3.2.2 The Commission

As I indicated above, at present, big countries, namely Britain, France, Germany, Italy and Spain have two commissioners; and the smaller countries have one, that makes 20 commissioners in all. In the case that eleven new members enter into the EU then 12 new commissioners<sup>156</sup> will be added to the existing ones. Then under the present conditions Commission will have 32 members. This highly probable outcome, if no reform is made, is described by Barber as a management nightmare.<sup>157</sup>

Enlargement has had an immediate and obvious effect on the size and collegiality of the Commission, on the role and influence of the commissioners' Cabinets, and on the composition, character and effectiveness of the civil service. The Commission is already oversized. This diminishes its political cohesion, which is an essential requirement for an effective participation of this institution in the Community's decision-making process and its watchdog-position vis-a-vis the member states. The

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<sup>153</sup> Position of the Italian Government on the IGC for the revision of the Treaties, 18 March 1996 and White Paper on the 1996 Intergovernmental Conference, pp. 100,108,125

<sup>154</sup>George (1996-b) p.55

<sup>155</sup> Masala (1997), p.231; White Paper on the 1996 Intergovernmental Conference, P.66

<sup>156</sup>Because Poland has the same population with Spain, which has two Commissioners, it will also have two Commissioners.

<sup>157</sup>Lionel Barber, Financial Times, 21 May 1997, it is generally accepted that, in order to function with the necessary efficiency, this organ of government should not comprise too many members. Even at present it is widely suspected that some Commissioners have too little to do and that the college itself is unwieldy. A reform of the structure and working method of the Commission is indispensable, as the Commission will become so big due to enlargement (Brok, 1997- b-, ' Intergovernmental Conference 1996: Not A Maastricht II' Common Market Law Review V. 34, p.7)

result is a fragmentation of portfolios and departments, while internal procedures are slowed down because of problems of coordination.

As a result enlargement has become synonymous with a widely accepted, but largely unfulfilled, need for administrative and organizational reform. Such reform is generally understood to mean reducing the number of commissioners and Commission departments, improving the Commission's collegiality, curbing the power of the commissioners' Cabinets, streamlining and restructuring the civil service, and coping with the proliferation of official languages.<sup>158</sup>

Nevertheless, the most important debate regarding the Commission is about distribution of commissioners among the member states in the case that their numbers are reduced. Most of the small member states want to retain their right to have a commissioner and the large member states demand a reweighting of votes in the Council if they would give up their second commissioner. According to Sutherland "the debate about the Commission was implicitly premised upon the belief that commissioners are national representatives."<sup>159</sup> The small countries by demanding their representation on the Commission, and the larger ones in looking for compensation for giving up theirs, have called into question the concept of the independence of the Commission that is an essential element for European construction.<sup>160</sup> Thus, pressing the need for one commissioner per country risks damaging the credibility of the institution.<sup>161</sup> The bargaining about compensation (through reweighting of votes in the Council) exacerbates this issue."<sup>162</sup>

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<sup>158</sup>Dinan (1998), p.17

<sup>159</sup>Sutherland, P. (1997) "Has The IGC Succeeded" in Making Sense of Amsterdam Treaty by The European Policy Centre (Ed.), Brussels, p.31

<sup>160</sup>Sutherland states that the fact that from time to time some Commissioners have publicly played the role of advocate for their own countries, does not in any sense justify this renunciation of principle. (Sutherland -1997, p.31)

<sup>161</sup>According to Duff, this would make the Commission merely a reflection of COREPER, with national interests predominating at the expense of the common good. (Duff, A. (Ed.) (1997-a), The Treaty of Amsterdam: Text and Commentary, London, p. 132)

<sup>162</sup>Sutherland (1997), p.31, Bargaining regarding one Commissioner per Member State and weighting of votes in the Council.

There are various options for the composition of the Commission as proposed by the member states. These options can be grouped into three: Firstly, retaining current practice of providing large countries two and small countries one commissioner with an optimum division of labour among the commissioners. Second option is to, allow all members to have at least one commissioner. The third view is to reduce the commissioners to a lesser number than member states and enhance their independence to attain efficiency.

The Belgian, the Greek and the Dutch Governments support the principle of one commissioner per member state and reject the idea that large countries should have one each and other commissioners each represent a regional grouping of smaller member states.<sup>163</sup>

Similarly, Luxembourg and Portugal are in favour of retaining Commission's current nature. They consider that the nature, role, composition and structure of the Commission should remain as they are, in accordance with the existing terms of the Treaties.<sup>164</sup>

For France, the size of the Commission should be reduced to a degree,<sup>165</sup> taking the necessary action in accordance with specific negotiating briefs and guidelines laid down by the European Council.<sup>166</sup> Denmark, Spain and Italy share the French approach,

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<sup>163</sup>For Belgian approach see "Government Policy Paper addressed to the Belgian Parliament on the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P.13, and for Dutch Government approach see "Fourth memorandum by the Dutch Government on the institutional reform of the European Union, 12 July 1995" in *White Paper on the 1996 Intergovernmental Conference*, P.96, for views of Greece see "Towards a citizens' Europe - democracy and development": memorandum for the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P.39

<sup>164</sup>"Luxembourg Government memorandum of 30 June 1995 on the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P.85; "Portugal and the IGC for the revision of the Treaty on European Union -Foreign Ministry document, March 1996" in *White Paper on the 1996 Intergovernmental Conference*, P. 108

<sup>165</sup>Masala (1997), p.232

<sup>166</sup>This approach of French Government, according to Masala, has to do with their inclination to scale down the role of the Commission. It wants the Commission to be more subject to the control of the Council than it has been so far. (Masala-1997, p.232)

they want that there should be substantially less commissioners than member states, with genuinely viable portfolios and a permanent commissioner's post for each large country plus rotation of the remaining portfolios among the smaller member states.<sup>167</sup>

The UK Government considers that further enlargement will make it impossible to retain the present system.<sup>168</sup> The UK supports the reduction in the number of commissioners for the large states from two to one; but it also wishes to explore the possibility of not every small state having a commissioner in the Commission, and the establishment of two classes of commissioner, voting and non-voting; or that not all the commissioners would have a specific portfolio.<sup>169</sup>

Austria, Finland and Sweden favour the view that each member state must have the right to nominate one member of the Commission, for them if the number is to be reduced it should be on the basis of 'one and only one' commissioner per member state and they oppose the notion of different 'classes' of commissioner.<sup>170</sup>

The Commission proposed for itself that, securing its right of initiative, its executive powers, and its function as guardian of the Treaties has crucial importance.<sup>171</sup> The Commission takes the view that, in the context of enlargement, the number of its members should be reduced to one per member state, its President should be designated

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<sup>167</sup>Bases for negotiations: an open Europe. The 1996 IGC. Memorandum of the Danish Government, 11 December 1995 in *White Paper on the 1996 Intergovernmental Conference*, P.24; "The 1996 Intergovernmental Conference: starting points for a discussion" in *White Paper on the 1996 Intergovernmental Conference*, P.48; Position of the Italian Government on the IGC for the revision of the Treaties, 18 March 1996

<sup>168</sup> "UK White Paper of 12 March 1996 on the IGC: An association of nations' submitted to the national Parliament on 12 March 1996" in *White Paper on the 1996 Intergovernmental Conference*, P. 129

<sup>169</sup>George (1996-b), p.55

<sup>170</sup> "Finland's starting-points and objectives for the 1996 IGC - report of the Finnish Government, 27 February 1996" in *White Paper on the 1996 Intergovernmental Conference*, P. 118; "Communication of the Swedish Government of 30 November 1995 on the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P. 125; "Guidelines of the Austrian Government on the subjects likely to be dealt with at the 1996 IGC" in *White Paper on the 1996 Intergovernmental Conference*, P. 101

<sup>171</sup> Commission Report: opcit, para. 41

by the European Council and approved by Parliament. The President should play a decisive part in the choice of the commissioners, in order to ensure collegiality.<sup>172</sup>

### 3.2.3 The European Parliament

Member states are represented in the European Parliament according to their size of population. Therefore number of deputies in the EP will also increase with the enlargement of the EU. The same problem of imbalance between large and small member states exists as regards to the European Parliament as well.<sup>173</sup>

Due to the fact that, the MEPs in the EP are grouped according to the political views instead of their nationalities,<sup>174</sup> this imbalance remains secondary to the problem regarding the overall numbers of the Parliament.

If the current allocation is maintained then, the total numbers of the members of the Parliament will increase to 873 (see table 5 in the Annex), a level which clearly would make its working very difficult.

Past enlargements did not challenge the functioning of the EP as such,<sup>175</sup> however it seems to be quite clear that future enlargements will present a much more fundamental challenge to the EP than any previous ones.

Concerning Parliament within the context of the next enlargement the main issue regards the number of the MEPs and putting a ceiling on the number of MEPs in the Parliament and the ration of seats to population. In this regard also member states have

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<sup>172</sup> Commission Report: *ibid* para. 41

<sup>173</sup> Under the present system one German MEP represents 800.000 people, while one Luxembourg MEP represents only 66.000. (Duff-1997-a, p. 144).

<sup>174</sup> Votes or position taking on national or cross-party alignments are rare. (Wallace, - 1997, p.64)

<sup>175</sup> Neunreither, K. (1998) "The European Parliament and Enlargement, 1973-2000" in Redmond, J. and Rosenthal G. (Eds.) *The Expanding European Union Past, Present, Future*, London, p.77

different approaches. The European Parliament proposed to limit its membership to 700. The Commission agrees with this proposal of the European Parliament.<sup>176</sup>

The UK Government considers that the size of the European Parliament should be reconsidered with an eye on the situation following further enlargement.<sup>177</sup> French government also suggests that the European Parliament needs to bring itself into line with the requirements of the next enlargement.<sup>178</sup> The "requirements" are understood by most of the member states as putting a ceiling. Danish Government accepts a ceiling on the number of MEPs in an enlarged Union with a view to facilitating Parliament's workings.<sup>179</sup> Spain proposes that the number of MEPs should be between 650 and 700, and advocates reducing the present disproportionate aspects of the ration of seats to population.<sup>180</sup> Italy agrees with Spain as regards to putting a ceiling on the membership of Parliament of 650 to 700 MEPs, which should not be raised after future enlargements.<sup>181</sup>

Although they agree on putting a ceiling Portugal and Denmark are concerned with the distribution of seats. Portugal considers that the present over-representation of the smaller member states is the best way of responding to the need to ensure representation of the different national political forces in an institution which should be a faithful reflection of the diversity of the peoples of the member states.<sup>182</sup> The Dutch

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<sup>176</sup> Commission Report: *opcit.* para.39

<sup>177</sup> George (1996-b), p. 54

<sup>178</sup> "The French Foreign Minister, Alain Juppé's speech in the National Assembly on 3 November 1994" in *White Paper on the 1996 Intergovernmental Conference*, P.67

<sup>179</sup> "Bases for negotiations: an open Europe. The 1996 IGC. Memorandum of the Danish Government. 11 December 1995" in *White Paper on the 1996 Intergovernmental Conference*, P.24

<sup>180</sup> "The 1996 Intergovernmental Conference: starting points for a discussion" in *White Paper on the 1996 Intergovernmental Conference*, P.49

<sup>181</sup> Position of the Italian Government on the IGC for the revision of the Treaties, 18 March 1996

<sup>182</sup> "Portugal and the IGC for the revision of the Treaty on European Union -Foreign Ministry document, March 1996" in *White Paper on the 1996 Intergovernmental Conference*, P. 108



Government believes that a certain minimum number of seats should be set aside for the smaller countries.<sup>183</sup>

Finland and Austria oppose any change regarding the EP, they are for preserving the Parliament's basic nature.<sup>184</sup>

Having examined the institutional structure of the EU, the need for institutional reform prior to the next enlargement and positions of the member states on this issue, in the next chapter I will examine the efforts to achieve reform in the institutions throughout the IGC 1996.

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<sup>183</sup> “Fourth memorandum by the Dutch Government on the institutional reform of the European Union, 12 July 1995” in *White Paper on the 1996 Intergovernmental Conference*, P.96

<sup>184</sup> “Finland's starting-points and objectives for the 1996 IGC - report of the Finnish Government, 27 February 1996” in *White Paper on the 1996 Intergovernmental Conference*, P. 118; “Guidelines of the Austrian Government on the subjects likely to be dealt with at the 1996 IGC” in *White Paper on the 1996 Intergovernmental Conference*, P. 100



## CHAPTER 4

### PREPARING INSTITUTIONS FOR A LARGER EU: THE INTERGOVERNMENTAL CONFERENCE AND BEYOND

"The forthcoming enlargement is a mammoth task for which the Union must urgently prepare itself. This is the great pan-European responsibility facing the 1996 IGC"

Klaus Kinkel, 17 January 1995

#### **4.1 *The Background of and the need for the IGC***

In the Maastricht Treaty, negotiations for additional treaty revisions were scheduled for the Intergovernmental Conference of 1996. The mandate of the 1996 Conference, the legal basis for which is Article N of the Treaty on European Union, was in part set by the Treaty itself and its accompanying Declarations. The scope of the IGC has subsequently been enlarged at various European Councils. The Heads of State or Government have identified the need to make institutional reforms as a central issue of the Conference in order to improve the efficiency, democracy and transparency of the Union.<sup>185</sup>

The June 1994 Corfu Summit made any enlargement after the accession of Austria, Finland and Sweden conditional upon success in the IGC 1996.<sup>186</sup> Fearing a decision-making paralysis, the Corfu European Council of June 1994 stated that the institutional conditions for ensuring the proper functioning of the Union must be created at the 1996 IGC, which for that reason must take place before accession negotiations begin.<sup>187</sup> The Essen European Council in December 1994 acknowledged that the

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<sup>185</sup> Reflection Group's Report, Brussels 5th December 1995: Introduction

<sup>186</sup> Presidency Conclusions of the Corfu European Council

<sup>187</sup> EC Bulletin, No. 6, 1994, p.14

institutional conditions for ensuring the proper functioning of the EU must be created at the 1996 IGC.

The underlying aim of the IGC was to rebuild the European Union which would reflect the new political realities. Central to this task was ensuring that the once-abandoned eastern part of Europe is integrated to the West,<sup>188</sup> and it was expected to provide an answer about the future shape of the EU. One of the major items on the agenda was the institutional, political and economic preparation of the EU for the decades to come when the EU may even double its number of Members.<sup>189</sup> It was defined by the Commission as probably the last and the only opportunity for all 15 member states will have to reflect together about how the Union is to function in a wider framework.<sup>190</sup>

A reflection group of representatives from each member state was established in the summer of 1995 to cover the range of possible issues and began to set an agenda, reporting to the Madrid European Council in December 1995. The report of the Reflection Group suggested that one of the major aims of the IGC was the need for institutional reform to prepare the Union for enlargement. In particular, the future number of commissioners and the voting weights of the member states within the Council would need adjustment.

Since the IGC took place in the political context of this irreversible commitment to enlargement, it affected preparations and the outcome of the negotiations notably on the institutional structure.<sup>191</sup>

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<sup>188</sup> Economist 30 March 1996

<sup>189</sup> Hughes (1996-a), p.1; Jovanovic (1998), p. 18; Welsh, M. (1996) Europe United: The EU and the Retreat from Federalism, London, (1996), p. 176, Grabbe and Hughes (1997), p. 46

<sup>190</sup> Commission Report: opcit, para. 4

<sup>191</sup> Dashwood A. (Ed.) (1996) Reviewing Maastricht: Issues for IGC 1996, p.178.

## 4.2 *The Conduct of the IGC*

Within the framework of the IGC a systematic revision of the Treaties on which the Union was based was undertaken according to the agenda of the Conference submitted to the European Council in Madrid 1995 and carried through subsequent Council's meeting in Turin (March 1996), Florence (June 1996), and Dublin (December 1996), the work was finalized in Amsterdam (June 1997) and resulted in the Treaty of Amsterdam.

The IGC was formally launched at the Turin European Council Meeting on 29 March 1996. The Turin European Council established the mandate for the IGC and laid down its programme.

In the Presidency Conclusions it was stated that, "with a view to improving the EU institutions and preparing for the forthcoming enlargement, the heads of state and government stressed the need to seek the most suitable means of ensuring that those institutions operate on the basis of greater effectiveness, coherence and legitimacy."<sup>192</sup>

As far as institutional problems, which are analyzed in this study, are concerned, the presidency conclusions defined following areas which the Conference was charged to examine: the question of the extending scope of majority voting in the Council, the weighting of votes and the threshold for QMV, means of enabling the Commission to carry out its work more effectively, examining its membership and representativeness, composition of and the uniform procedure for election of the European Parliament.<sup>193</sup>

The Florence European Council reaffirmed the need for reform and defined areas which require reform in view of the enlargement. The European Council defined the following areas which require reform.

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<sup>192</sup>Presidency Conclusions of the Turin European Council (29 March 1996)

<sup>193</sup>Ibid.

- for the Council: the scope of qualified majority voting, the weighting of votes and the threshold for qualified majority decision-making;
- for the Commission: the manner of appointing it and its composition;
- for the European Parliament: the procedures under which it participates in the legislative process and its political and watchdog role.<sup>194</sup>

In the Presidency Conclusions of the Dublin European Council, the necessity of institutional reform has been confirmed and the IGC was given the task to find solutions on all institutional issues.<sup>195</sup>

Intergovernmental conference that produced Amsterdam Treaty ended with the Amsterdam European Council in June 1997. In its Conclusions, it was stated that with the successful conclusion of the IGC, the way was open for launching the enlargement negotiations.<sup>196</sup> The European Council also invited the General Affairs Council to examine in depth the Commission's opinions as well as its Agenda 2000 Communication<sup>197</sup> and present a comprehensive report to the European Council at its Luxembourg Meeting.<sup>198</sup>

### **4.3 Negotiations on the Institutions**

Institutional issues addressed by the IGC include the number of commissioners, weighting of votes, extension of qualified majority voting, and numbers of the MEPs in the Parliament.<sup>199</sup> There were a number of conflicting interests and views on the part of the member states over these issues.

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<sup>194</sup> Presidency Conclusions of the Florence European Council (21-22 June 1996)

<sup>195</sup> Presidency Conclusions of the Dublin European Councils (13- 14 December 1996)

<sup>196</sup> It is clear from this statement that in spite of not having resolved the problems which the IGC was established to solve, the Union is determined to go ahead with limited negotiations for accession, and if so under what conditions. (Mayhew -1998, p.331)

<sup>197</sup> Commission Communication: "Agenda 2000: for a stronger and wider Europe"

<sup>198</sup> Presidency Conclusions of the Amsterdam European Council (16- 17 June 1997)

<sup>199</sup> Marcelino Oreja, The letter Regarding the Conduct of the IGC, February 1997

### 4.3.1 The Council: Scope of Majority Voting and the Reweighting of Votes

In the course of the IGC two issues regarding the Council were discussed: scope of the QMV and weighting of votes. These two issues will be much more important once there are a large number of new member states.<sup>200</sup>

Faced with an increase in member states and potentially more use of QMV, the larger states were particularly concerned to see an increase in their relative voting weights, a change that is also less popular with the smaller countries. Despite broad agreement across existing member states that some increase in QMV may be necessary in the context of enlargement, there is much less consensus about what precisely where it should be extended, and extension to major areas such as Treaty change or taxation was highly controversial.<sup>201</sup>

Negotiations on these two issues also revealed the different approaches of the member states.<sup>202</sup> Some member states, such as Germany, Belgium, the Netherlands and Luxembourg<sup>203</sup> argued that greater efficiency and enlarged Union's capacity for decision-making can only be safeguarded by expanding qualified majority voting, therefore for them it should become the general procedure with some exceptions of a constitutional nature concerning reform of the Treaties.

France, Spain, Italy, and Austria also were for a partial extension of the QMV. However, the UK opposed any extension of qualified majority voting.<sup>204</sup>

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<sup>200</sup>Duff, (1997a), p. 134

<sup>201</sup>Grabbe and Hughes (1997), p.47

<sup>202</sup>Duff, (1997a), p. 134

<sup>203</sup>Masala (1997), p.229; White Paper on the 1996 Intergovernmental Conference, pp. 13, 85,96

<sup>204</sup>George (1996a) p.53; Masala (1997), p.232, Financial Times 11 December 1996

As regards weighting of votes especially small member states tried to keep existing voting weights and large member states pressed to have votes reweighted in a way better reflecting the differences in the population sizes.

According to Duff, unless reasonable solution can be found to these two issues, the cleavage between small and large member states is bound to grow.

#### **4.3.2 The Size of the Commission and Distribution of Commissioners**

Although it was generally accepted that the number of commissioners cannot continue to grow in line with number of member states and it is agreed that present Commission comprising 20 members is already too large for efficiency, individual countries (especially the smaller ones with only one commissioner) were reluctant to agree to a reduction.<sup>205</sup> The negotiations during the IGC showed that the large member states are not prepared to give up one of their commissioners, unless it happens together with an increase of their voting weights in the Council.<sup>206</sup> Moreover most of the large member states were also unwilling to consider a compromise involving "their" member on the same basis as that of the smaller member states.<sup>207</sup>

At the IGC, the French especially took the technocratic view, and wished to reduce the size of the Commission to ten - twelve, having regard only to regional balance. Other large member states, namely, Germany, Spain and Italy and the UK agreed to sacrifice their second commissioner.<sup>208</sup> However, all were concerned to be compensated for their reduction on the Commission by an increase in voting weight in the Council.<sup>209</sup>

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<sup>205</sup> Grabbe and Hughes (1997), p.47

<sup>206</sup> Ersboll (1997), p.10

<sup>207</sup> Ibid., p.11

<sup>208</sup> Duff, (1997a), p. 132, White Paper on the 1996 Intergovernmental Conference, p. 129

<sup>209</sup> Ibid., p. 132

Spain and Denmark proposed different systems of rotation. Spain suggested that the larger states should always have one commissioner, while the others would rotate.<sup>210</sup> Denmark proposed genuinely viable portfolios and a permanent commissioner's post for each large country plus rotation of the remaining portfolios among the smaller member states.

The smaller member states such as Belgium, Greece, the Netherlands, Luxembourg and Portugal supported the principle of one commissioner per member state but they reject the idea that large countries having one each and other commissioners each representing a regional grouping of smaller member states or any system of rotation.<sup>211</sup> Austria, Finland and Sweden particularly opposed the notion of different 'classes' of commissioner.<sup>212</sup>

The position of the smaller member states was not only that there would be a problem of equal treatment of all member states, but that a Commission which does not include commissioners from all the member states would lack legitimacy and also be less efficient than under the present system, where all member states can be confident that the Commission through its composition of members representing all the nationalities can be made aware of the particularities of national situations, of what is politically sensitive.<sup>213</sup>

At the end of the IGC no agreement on the issue has been reached and German Prime Minister Helmut Kohl's proposal to postpone the whole issue was accepted.<sup>214</sup>

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<sup>210</sup>Ibid., p. 132

<sup>211</sup> White Paper on the 1996 Intergovernmental Conference, pp.13, 24, 39, 85, 96, 108

<sup>212</sup> White Paper on the 1996 Intergovernmental Conference pp. 101, 118, 125

<sup>213</sup>Ersboll (1997), p.11

<sup>214</sup>Duff, (1997-a), p. 133

### **4.3.3 The European Parliament: the Number of MEPs**

Concerning the number of MEPs there was broad agreement that a ceiling must be put in order to bring the EP into line with the requirements of the next enlargement.<sup>215</sup> There were also negotiations on the question of distribution of the MEPs, however no agreement on this issue has been reached, despite the fact that, putting a ceiling on the number of the MEPs has been easily agreed.

## **4.4 Beyond the IGC: The Amsterdam Treaty, Agenda 2000 and Institutions**

The IGC resulted in the Amsterdam Treaty. On 18 June 1997 the Dutch Prime Minister announced that the Conference had agreed on the text of a new treaty by which the TEU and the EC Treaty would be amended. The Treaty, which was signed by the Foreign Ministers of the member states in October 1997 consists of 116 articles, 13 protocols and 45 declarations.

### **4.4.1 The Amsterdam Treaty and the Institutions**

The Amsterdam Treaty contained various provisions regarding the institutions. However it has left basic institutional questions in abeyance, especially the size of the Commission and distribution of the commissioners among the Members, the weighting of votes in QMV and extension of the scope of the majority voting.<sup>216</sup>

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<sup>215</sup>White Paper on the 1996 Intergovernmental Conference, pp. 24,49, 67, 96, 108; George (1996-b), p. 54

<sup>216</sup>The key objectives set for the IGC have hardly been met and the changes necessary for a smooth enlargement have not been made. (Mayhew-1998, p.326, Dehousse- 1998, p.595; Nicoll, W. and Schoenberg R. (1998) *Europe Beyond 2000: The Enlargement of the EU Towards the East*, London, p.vii.) According to Barber, Amsterdam Treaty has been dismissed as a mere footnote in history. (Financial Times, 2 October 1998). One reason for the failure of the Amsterdam Treaty regarding institutional reform has to do with the traumatic experience of the 1992 Maastricht Treaty, which barely scrapped through ratification in Denmark, France, Germany and the UK. Therefore, member states were much more mistrustful about ceding national sovereignty and much more attentive to public opinion. (Financial Times, 19 June 1997)



The Treaty provided for a modest extension of the system of majority voting to a limited number of new policy areas, but it deferred agreement on making majority-vote decisions the norm instead of exception. The scope of the QMV has been extended to employment guidelines and incentive measures, social exclusion, free movement of persons, special treatment for foreign nationals, public health, equal opportunities and equal treatment for men and women, research and technological development, countering fraud, customs cooperation, statistics, data protection, the outermost regions.

The "Protocol on the Institutions in the Perspective of Enlargement"<sup>217</sup> annexed to the Amsterdam Treaty, provides for the Commission being composed of a national from each member state, as long as the number of twenty member states does not exceed. Although the larger member states have agreed in principle to give up one of their two Commission seats as the Union enlarges to 20 countries, this has been made conditional on a reweighting of votes in the Council of Ministers to compensate those member states losing their second commissioner. The Protocol also provides that at least a year before membership of the Union exceeds twenty an IGC will be convened in order to carry out a "comprehensive review" of the institutional provisions of the Treaties.<sup>218</sup>

In the Amsterdam Treaty changes have been made to the procedure for nominating the President of the Commission and the commissioners. Having failed to reduce the size of the Commission, the Amsterdam Treaty enhanced the role and status of Commission President.<sup>219</sup> The president must be elected by the common accord of the governments of the Member States and this must be approved by the EP. On the other hand, After this approval, the member states and the President have to agree by common accord on the nomination of the other commissioners.<sup>220</sup> Moreover, it is provided that

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<sup>217</sup>According to Duff, this Protocol is a low point of the Amsterdam Treaty. It is an admission of failure on two counts -to reduce the size of the Commission and to reweight the votes on the Council. But it also marks a reduction in ambition of the EU with regard to enlargement. (Duff, 1997-a, p.130)

<sup>218</sup>Langrish, S.(1998), 'The Treaty of Amsterdam: Selected Highlights' European Law Review, V.23, N.1, p.4

<sup>219</sup>The European Parliament (1998) The Amsterdam Treaty and the European Parliament, p. 7)

<sup>220</sup>Until now the President only had to be consulted.

the Commission shall work under the political guidance of its President, which gives him the formal position of *primus inter pares*.

With the Amsterdam Treaty the position of the EP in the Community's institutional structure and decision-making procedures has been significantly strengthened. Its role as co-legislator is enhanced considerably, since in 23 cases of co-decision added to the present 15 cases under the Maastricht Treaty. In a considerable number of cases the advisory procedure and the cooperation procedure have been replaced by the co-decision procedure, in particular with respect to powers which are of direct interest for the position of the citizen.<sup>221</sup> Finally, a number of Council decisions have been made conditional upon approval by the EP.<sup>222</sup> The main exception is agriculture, where the advisory procedure is maintained. As a result of all these changes the Parliament has been transformed from a consultative body into a real co-legislator.<sup>223</sup>

As regards to the numbers of the MEPs, it has been limited to 700, however many member states there may be in future. Actually this is the only concrete achievement of the Amsterdam Treaty as regards institutional reform with a view to next enlargement.

The Amsterdam Treaty succeeded in bringing about institutional improvements in some details, however it remained largely inadequate to meet the challenge of enlargement posed to institutional structure: Firstly, because scope of the majority voting extended in a very limited way. Secondly, there was no reweighting of votes. Thirdly, the issue of the number of the commissioners was not solved clearly and it was postponed

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<sup>221</sup>Discrimination on grounds of nationality, free movement of persons, establishment, social security, education, various elements of social policy, sex equality, employment, public health, transparency. In addition, the codécision procedure will also apply to environmental policy, transport, infrastructure, expenditure for social and regional policy, and the combat against fraud.

<sup>222</sup>Such as the determination of a serious and persistent breach of human rights, certain international agreements and the accession of new Member States.

<sup>223</sup>Barents (1997), p.338; Brok, E. (1997- b), p.2

for future and was tied to the reweighting of votes.<sup>224</sup> A fundamental reform of the structures, was postponed into the next century when the enlargement is being prepared.

In Amsterdam the member states failed to reach an agreement on reforming institutions and left it pending till the expansion to the East takes place. This is a contradiction because one of the reasons for changing the EU institutional set-up was precisely the possibility of accession of new members.

There are various views as regards the failure of the IGC and Amsterdam Treaty especially concerning institutional reform. According to Giering and Patijn, it was the lack of urgency that made the IGC decide on only a partial reform, since no enlargement is foreseen before 2003-2005 and the first group of new entrants is likely to be less than six.<sup>225</sup>

Most of the member states and political forces in the EU considered the Amsterdam Treaty to be inadequate.<sup>226</sup> According to France and Belgium, the Union needs more than ever a reform of institutions. This requirement could not be met in Amsterdam, but remains fundamental.<sup>227</sup> Amsterdam Treaty caused a disappointment for the Italian Government.<sup>228</sup> These three countries, Belgium, France and Italy issued a joint declaration in September 1997,<sup>229</sup> demanding a further institutional reinforcement of the EU. They also demanded a new IGC by emphasising that it would be “wise” to

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<sup>224</sup> Agence Europe, 15/16 September 1997

<sup>225</sup> Making Sense of the Amsterdam Treaty, (1997), p.39, Giering (1998) p. 53

<sup>226</sup> Nevertheless some big states, namely the UK and Germany Governments are satisfied with the Amsterdam Treaty, for them it represents a good deal, since it successfully meets objectives set before the IGC. (Making Sense of the Amsterdam Treaty, (1997), pp.41-.43)

<sup>227</sup> Making Sense of the Amsterdam Treaty, (1997), p.41

<sup>228</sup> Ibid., p.43

<sup>229</sup> In the declaration it is stated that “Belgium, France and Italy note that, on the basis of the results of the IGC, the Amsterdam Treaty does not respond to the need for substantial progress on the path to reinforcement of the institutions. These countries consider that such a reinforcement is indispensable for the conclusion of the first accession negotiations. They are determined to provide all the necessary follow-ups to Protocol No 11 on the composition of the Commission and the weighting of votes, and consider that considerable recourse to qualified majority voting is part of the relevant elements of which account will have to be taken.” (Agence Europe, 15/16 September 1997)

convene a new IGC before the year 2000 to prepare the Union for this new enlargement.<sup>230</sup>

#### **4.4.2 Agenda 2000 and Institutions**

In the Agenda 2000, which was published in July 1997 Commission released its opinion on which countries were prepared to begin entry negotiations, and on the EU institutional and budgetary reforms necessary before enlargement can occur. By proposing that accession negotiations should begin with six countries in the framework of its "Agenda 2000" the Commission put particular emphasis on the requirement that institutional reform (hardly begun in the Amsterdam Treaty) should be achieved before any enlargement,<sup>231</sup> consequently, another IGC has to be convened for early 2000.<sup>232</sup>

#### **4.4.3 The Future of the Institutions and a New IGC**

In the Amsterdam Treaty reforms were put off to another day, when enlargement would be closer to reality.<sup>233</sup> Therefore, at some point in the next few years a major institutional reform will have to take place. Member states agreed that at least one year before the number of member states exceeds twenty another IGC would be convened to carry out "a comprehensive review of the provisions of the treaties on the composition and functioning of the institutions." Since accession negotiations with six countries have already started, the first wave of enlargement could already take the number to twenty-one. Another IGC is therefore to be planned now.

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<sup>230</sup> *ibid*, The Commission proposes that, as from now, a date be set for the reform regarding the weighting of votes in the Council which must accompany the reduction in the number of Commissioners to one per Member State prior to the first enlargement. Regardless of the likely date of that enlargement, the political decision on this reform should be taken well before 2000. However, this reform will not be sufficient to proceed with a substantial enlargement, as is also clear from Article 2 of the Protocol on the future of the institutions. The Commission therefore suggests that a new Intergovernmental Conference be convened as soon as possible after 2000 to produce a thorough reform of the provisions of the Treaty concerning the composition and functioning of the institutions. (Agenda 2000, p.4)

<sup>231</sup> Agence Europe, 12 July 1997

<sup>232</sup> *ibid*

<sup>233</sup> Nicoll (1998), p.1

The Commission believes that a new Intergovernmental Conference should be convened "as soon as possible after the year 2000",<sup>234</sup> to handle all necessary reforms, from a re-weighting of votes in the Council of Ministers to the introduction of QMV in all policy areas.<sup>235</sup>

It seems likely the new European Commission in 2000 will prepare for an IGC strictly limited to institutional reform, to take place in 2001 or 2002.<sup>236</sup>

Alternatively, the reform process might be split in two. A first mini-IGC would settle the priority issues raised in the protocol annexed to the Amsterdam Treaty—limiting the number of commissioners to 20 and re-weighting voting rights to reflect more adequately the population of each member state. And a second, possibly just before or just after the first wave of enlargement, would tackle the question of majority voting.<sup>237</sup> Either way institutional reform will be unavoidable if the Union is not to regress into a vast free-trade area as it absorbs more than ten new member states.

The enlargement negotiations with first group countries and ratification procedures will last several years, and accession of the all candidates will certainly take a long time. Length of this period may give a chance to the EU to complete necessary reforms. Until the time of accessions all reforms cited above could be achieved.

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<sup>234</sup> Agence Europe, 16 July 1997

<sup>235</sup> European Policy Analyst, 2nd quarter 1998, p. 87

<sup>236</sup> Lionel Barber, Financial Times, 5 January 1998

<sup>237</sup> European Policy Analyst, 2nd quarter 1998, p. 87

## CHAPTER 5

### CONCLUSION

The European Union has never been an exclusive club. As it was asserted in the Preamble of the Rome Treaty, the possibility of more members was expected, since the founding member states were "determined to lay the foundations of an ever closer union among the peoples of Europe" and not only among the people of the six states. Thus, up to now it enlarged to include 9 new members in addition to the original six member states. Since mid-1990s the EU is in another process of widening towards the Central and Eastern European Countries. In the Luxembourg European Council ten CEECs and Cyprus were accepted as the candidates. Thus, the door for a 26 member EU has been opened.

The next enlargement as determined by the Luxembourg European Council will certainly have implications for the process of deepening, particularly via the institutions. The main aim of this study has been to point out implications of the next enlargement on the three main institutions of the EU.

The enlargement to include new members has always led to a debate on the impact of widening to deepening, since the first enlargement of the Community. The problematic issue as regards the relationship between these two concepts is the question of whether or not the two objectives can proceed in parallel, or, whether widening will contribute or retard the Community process of deepening.<sup>238</sup>

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<sup>238</sup>Kahraman (1997), p. 171

There is a direct relationship between enlargement of the EU and its institutional structure. Particularly due to the system of member state representation as explained in the first chapter. Thus, any expansion to include new members, requires to adapt institutions in order to ensure their efficient working within a larger framework and in order to avoid a decision-making paralysis. This is why, the issue of enlargement is usually discussed with reference to the consequences that it might have on the institutions and integration process.

As I indicated in the previous chapters, from the very beginning of the Community there is an ideal of forming an "ever closer" integration between the European people. Main instruments of this close integration were thought as the institutions of the EC.<sup>239</sup> Therefore any enlargement will have implications on the closer integration in two main ways. Firstly, as the number of members of the EU increases it means that more and more European states are included within the integration process. Secondly, as the number of the members increase then problem of effective functioning of the institutions will appear, given the fact that the institutional structures were designed for six founding states.

Although it is relatively easy to determine the relationship between enlargement and the institutions, it is difficult to determine whether it contributes or undermines the integration process within the EU. As the EU enlarges it becomes difficult for institutions to work, if they are not sufficiently reformed. This may lead to a inefficiency and even a paralysis for the functioning of institutions and a barrier before the integration process. Therefore, enlargement necessitates a qualitative shift in decision-making power from the national to the supranational level to ensure that the larger Union retains and enhances its cohesion.<sup>240</sup> This requires an increase in the powers of the

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<sup>239</sup>For example, for Monnet institutions were the key to succesful integration as "only institutions grow wiser, they accumulate collective experience". Cited in Kahraman, S. (1996) Institutional Reform and Political Change in the European Community: From the 1950s to the 1980s, Ph. D Thesis, METU, Ankara p.58

<sup>240</sup>Keohane, R and Hoffmann S. (1991), p.21



European Parliament and the Commission at the expense of those of the member states, and bringing more policy areas within the scope of Community competence and decision-making systems. If this is the case then we can mention about contribution of the enlargement to integration process.

Actually contribution of the further enlargement to the "ever closer" integration is strongly bound to completing necessary reforms to enhance institutions. Failure in this regard may cause adverse consequences. Instead of enhancing further integration of the EU, what has been achieved as regards integration may be sacrificed for the cause of a larger EU. In this case we can mention negative impact of the enlargement to the closer integration.

The unique characteristics of the next enlargement that I explained in the first chapter makes much more urgent the need for institutional reform. Accession of a number of small states will certainly affect institutional structure and integration process. In the case that the existing institutions can not be brought into the line of requirements of 20 to 26 member states, what had been achieved with regard to "supranational" type of government may be totally abolished, as the Commission and the EP could not function under the heavy burden of the increased membership. In order to prevent this happen, supranational institutions, the Commission and the EP must be enhanced in a way to ensure their working within an EU of 26 member states, and the scope of the qualified majority voting, which is another supranational element, must be extended to cover much more areas, in order to make easier taking decisions within the Council.

Due to the fact that the institutional structure established by the Treaty of Rome has reached its limits, in terms of member states concerned, the EU can accommodate new members only if it makes necessary arrangements. In practical terms, the most important institutional reforms to be done prior to any enlargement are, firstly, the reweighting of votes in the Council to balance the impact of the increasing number of small states and extending the scope of the majority voting since it would be difficult to take decisions,



with the increase of membership having different and sometimes conflicting interests. Secondly, to set a limit on the number of the commissioners and redistribute them among the members in order to prevent negative effects of a larger Commission that will face difficulties in taking decisions and implementing them. Third area of reform is putting a ceiling on the number of members of the European Parliament and redistribution of MEPs among the member states.

As I explained in the previous chapter there were great expectations from the IGC 1996, concerning the institutional reforms to be made prior to the next enlargement. However, the outcome of the IGC, namely the Amsterdam Treaty, was far from meeting the expectations from it. Merely modest arrangements, that are not sufficient to meet the challenge of the next enlargement, could be made in this regard. Only concrete reform achieved was putting a ceiling on the number of MEPs.

The insufficiencies of the Amsterdam Treaty as regards the institutions can be attributed to the lack of commitment on the part of the EU member states to the priority of enlargement. As I indicated in the second chapter, although formal acceptance of enlargement has been stated in EU declarations, all member states do not share a sufficient enthusiasm to guarantee an immediate enlargement. I think, that is why, despite the awareness of the challenge of enlargement to the institutions no major reforms were achieved with the Amsterdam Treaty.

Another explanation could be the lack of pressure on the part of the EU member states. It seems that this situation arises because of the nonexistence of a feeling of urgency, since there will be no immediate membership of the CEECs, despite the fact that the negotiations had been scheduled following the conclusion of the IGC since the Madrid European Council in 1995.<sup>241</sup> I agree with Peterson and Bomberg who wrote that the "European Union usually does not anticipate problems until they are

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<sup>241</sup>Here it must be remembered that, accession negotiations with Portugal and Spain lasted more than seven years, perhaps accession negotiations with the CEECs will take much longer time.

unavoidable."<sup>242</sup> Amsterdam Treaty is a clear indication of the slowness of the member states to the enlargement issue, if it is not their unwillingness.

The inconclusive outcome of the IGC concerning institutional reform is a threat to the goal of the EU enlargement itself because, without institutional reform, it would be impossible for the EU to integrate all those candidates. On the other hand, if the enlargement takes place despite these deficiencies in the institutions, then the functioning of the Union will be compromised. This paradoxical situation can be overcome only by encouraging enlargement while at the same time achieving necessary reforms.

What can be the likely developments in the light of the inadequacy of the Amsterdam Treaty regarding institutions? The member states will have to hold another Intergovernmental Conference to prepare institutions for enlargement, if their willingness to widen towards the CEECs is not mere lip service. Concerning the institutional reforms that could not be achieved with the Amsterdam Treaty there are various options. One possibility could be that large countries will give up one of their commissioners in return for the small countries agreeing to rebalance the voting weights which is much more proportional to the population size. The qualified majority could be raised to 60-65 per cent of the population; or a 'double majority' which would include an appropriate percentage of the population and the current weighted majority may be adopted. Actually such a situation will contribute to the solution of two problems: Numbers of the commissioners and the weighting of votes. Parallel to these reforms, the scope of the qualified majority voting might be extended in order to make it possible for decision-making within the Council easier.

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<sup>242</sup>Peterson, J. and Bomberg E. (1996) Decision- Making in the European Union: Reflections on EU Governance, Centre for Policy Studies Working Document , No.98, Brussels

To conclude, with the accession of the Central and Eastern European Countries, the cold-war division between eastern and western Europe will totally end with all its security and political and economic benefits for the all European people. On the other hand, accession of a number of states will certainly have implications on three main institutions of the EU. In order to maintain their efficiency and to prevent a paralysis, the institutions must be reformed before the enlargement take place. If this is the case, then we can hope that the next enlargement will serve the goal of "an ever closer union" among the all European people both with respect to the number of the European states included within the integration process and with respect to the increase in the power of the supranational elements in the institutional structure. Thus the ideal of the founding fathers of the EU will be realized as the integration among the member states increases due to enlargement.



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## APPENDIX

**Table 1. Voting Weights in the Council of Ministers and the Past Enlargement**

	1957	1973	1981	1986	1995
<b>Germany</b>	4	10	Voting Weight as before		
<b>France</b>	4	10			
<b>Italy</b>	4	10			
<b>Belgium</b>	2	5			
<b>Netherlands</b>	2	5			
<b>Luxembourg</b>	1	2			
<b>Denmark</b>		3			
<b>Ireland</b>		3			
<b>UK</b>		10			
<b>Greece</b>			5		
<b>Spain</b>				8	
<b>Portugal</b>				5	
<b>Finland</b>					3
<b>Austria</b>					4
<b>Sweden</b>					4
<b>Total Votes</b>	17	58	63	76	87
<b>Votes required for QMV decision</b>	12	41	45	54	62

**Table 2: Distribution of Seats in the European Parliament and the Past Enlargement**

	1957 <sup>1</sup>	1973	1979 <sup>2</sup>	1981	1986	1995 <sup>3</sup>
<b>Germany</b>	36	seats as before	81	seats as before		99
<b>France</b>	36		81			87
<b>Italy</b>	36		81			87
<b>Belgium</b>	14		24			25
<b>Netherlands</b>	14		25			31
<b>Luxembourg</b>	6		6			6
<b>Denmark</b>		10	16			16
<b>Ireland</b>		10	15			15
<b>UK</b>		36	81			87
<b>Greece</b>				24		25
<b>Spain</b>					60	64
<b>Portugal</b>					24	25
<b>Finland</b>						16
<b>Austria</b>						21
<b>Sweden</b>						22
<b>Total Seats</b>	142	198	410	434	518	626

Notes

- 1) European Assembly composed of nominated national parliamentarians
- 2) Seat allocation for direct elections to EP
- 3) Seat distribution following 4th enlargement and German unification

**Table 3: Distribution of the Commissioners and the Past Enlargement**

	1957	1973	1981	1986	1995
<b>Germany</b>	2	as before			
<b>France</b>	2				
<b>Italy</b>	2				
<b>Belgium</b>	1				
<b>Netherlands</b>	1				
<b>Luxembourg</b>	1				
<b>Denmark</b>		1			
<b>Ireland</b>		1			
<b>UK</b>		2			
<b>Greece</b>			1		
<b>Spain</b>				2	
<b>Portugal</b>				1	
<b>Finland</b>					1
<b>Austria</b>					1
<b>Sweden</b>					1
<b>Number of Commissioners</b>	9	13	14	17	20

**Table 4 : Voting Weights and the Next Enlargement**

If the present weighting system will be applied to future EU members, the situation will be as follows:

<b>Applicants</b>	<b>Population</b>	<b>Weighted Vote</b>
Poland	38.300.000	8
Czech Republic	10.300.000	5
Hungary	10.200.000	5
Slovenia	2.000.000	2/3
Estonia	1.500.000	2
Cyprus	720.000	2
Slovakia	5.200.000	3
Bulgaria	8.900.000	4
Romania	22.700.000	6/7
Lithuania	3.700.000	3
Latvia	2.600.000	2/3
Total	106.100.000	42/45
Current Total	368.500.000	87
Current Total +Future	474.600.000	129/132
Current Level (Votes required for QMV)		62
Future Level (Votes required for QMV)		92/94

Source: Redmond, J. And Rosenthal G. (Eds.) (1998) The Expanding European Union Past, Present, Future, London, p. 59 and own calculations

**Table 5: Distribution of the Seats in the EP and Commissioners and the Next Enlargement**

If the present distribution of seats will be applied to future EU members, the situation will be as follows:

<b>Applicants</b>	<b>Seats in the EP</b>	<b>Commissioners</b>
Poland	60	2
Czech Republic	25	1
Hungary	25	1
Slovenia	10	1
Estonia	9	1
Cyprus	6	1
Slovakia	18	1
Bulgaria	23	1
Romania	44	1
Lithuania	15	1
Latvia	12	1
Total	247	12
Current Total	626	20
Current Total+Future	873*	32

\* The Amsterdam Treaty put a ceiling of 700 on the total number of MEPs, therefore this number is just hypothetical.

Source : Mayhew, A., (1998), Recreating Europe: The EU's Policy Towards Central and Eastern Europe, Cambridge, p.123 and own calculations.