

# Treaty of Nice

and Seville Declarations 2002



Information Guide

### Which countries are currently members of the EU?

Austria; Belgium; Denmark; Finland; France; Germany; Greece; Ireland; Italy; Luxembourg; the Netherlands; Portugal; Spain; Sweden; and the United Kingdom.

### What is Enlargement?

Enlargement is the increase in the membership of the EU planned to take place in coming years.

The EU is negotiating with the following countries which wish to join: Bulgaria; Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Romania; Slovakia; Slovenia.

Turkey has also been given candidate status.

### What are the Institutions of the EU?

The Institutions of the European Union are: the Commission; the Council of Ministers; the European Parliament; the Court of Justice and the Court of Auditors.

### What is an Intergovernmental Conference?

Amendments to EU Treaties must be agreed unanimously, at an Intergovernmental Conference involving all Member States.

A new Treaty containing these changes must be ratified (approved) by each of the Member States, in accordance with its own legal requirements.

# INTRODUCTION

In the coming years, the European Union is expected to grow from 15 to 27 members. To prepare for this, the Treaty of Nice modifies aspects of how the EU is organised. All of the existing members are agreed that change is necessary so that the EU can continue to work effectively.

The Treaty of Amsterdam - approved in Ireland by a referendum in 1998 - started the preparations. However, key issues such as the size of the Commission and voting arrangements in the Council of Ministers were not resolved at that time.

It was agreed that these issues needed to be revisited before any enlargement of the EU took place. It was also agreed that a more comprehensive review would take place before more than five new members joined. Twelve states are in negotiations to join. Ten are expected to be ready to do so in 2004.

During 2000, an Intergovernmental Conference (IGC) considered the size and composition of the European Commission; voting arrangements in the Council of Ministers; and other changes, for example to the European Parliament and the Court of Justice. The IGC also considered the question of Enhanced Cooperation (explained on page 7).

At the end of the IGC, the Treaty of Nice was agreed by all Member States in December 2000. Before taking effect, the Treaty must be ratified by each of the fifteen Member States in accordance with its own legal requirements. It is agreed that this should be done by the end of 2002 so that enlargement can go ahead as planned.

In Ireland, a referendum must be held. In each other Member State, the approval of its parliament was needed and was secured by July 2002.

A referendum seeking to enable the State to ratify the Treaty was defeated on 7 June 2001.

## Developments since the Referendum in June 2001

In October 2001, the Government established the National Forum on Europe to facilitate a discussion of EU issues. The two reports it has issued so far show broad support for enlargement. They also note a range of public concerns about the EU and point to ways of addressing them.

New arrangements have been made to improve the handling of EU business in the Oireachtas.

At the Seville European Council in June 2002, the Government made a National Declaration. This stated that Ireland's policy of military neutrality is not affected by the Treaty of Nice. It also makes a commitment that a referendum would have to be held before Ireland could become involved in an EU common defence.

At the same time, the European Council issued a Declaration confirming that the EU Treaties - including the Treaty of Nice - do not involve a mutual defence commitment. Nor do they compromise the character of any member's security and defence policy. In Ireland's case, this means our traditional policy of military neutrality (the Declarations are on pages 13 and 14).

The wording of the proposed amendment to the Constitution, which it is intended to put to the people in a referendum in the autumn, was published on 27 June 2002. It would allow Ireland to ratify the Treaty of Nice. In addition, the commitment not to become involved in an EU common defence without a further referendum would be put in the Constitution.

### What are the Treaties?

The EU has been created and shaped by a series of Treaties negotiated between the Member States over a period of 50 years. Each new Treaty adds to or amends the previous Treaties. Taken together, the Treaties are the basic law of the Union.

They can only be amended by the unanimous agreement of all Member States in an Intergovernmental Conference and each new Treaty must be ratified by every Member State in accordance with its own procedures.

The Treaties include the Treaty of Rome (1957), the Single European Act (1986), the Treaty on European Union (Maastricht Treaty) (1992), the Treaty of Amsterdam (1997).



**Current Member States**

	Austria	Germany	Netherlands
	Belgium	Greece	Portugal
	Denmark	Ireland	Spain
	Finland	Italy	Sweden
	France	Luxembourg	United Kingdom

**Negotiating Candidate States**

	Bulgaria	Latvia	Slovakia
	Cyprus	Lithuania	Slovenia
	Czech Republic	Malta	
	Estonia	Poland	
	Hungary	Romania	

**Non-negotiating Candidate State**

	Turkey
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# CONTENTS of the TREATY OF NICE

## The Commission

At present the five large Member States nominate two Commissioners each. The other ten Member States nominate one each. In the Treaty of Amsterdam, it was agreed that in future the large states would also nominate only one Commissioner, provided that the number of votes each Member State has in the Council of Ministers was adjusted.

Under the Treaty of Nice

- regardless of size, each Member State - old and new - will nominate one Commissioner from 2005
- this will continue until membership of the EU reaches 27
- when the EU reaches 27 members, the Council of Ministers will decide the size of the Commission. This decision must be taken unanimously. It is agreed that from that point there will be fewer than 27 Commissioners. It is guaranteed that the right to nominate a Commissioner will be rotated among all Member States on a strictly equal and fair basis.

The Treaty of Nice also gives the President of the Commission authority to: organise the Commission so that it acts consistently, efficiently and with collective responsibility; allocate tasks among Commission members; reallocate portfolios during the Commission's term of office to appoint a number of Vice-Presidents, with the collective approval of the Commission; and oblige a Commissioner to resign, subject to the agreement of the Commission.

### What is the Commission?

The Commission is an independent body appointed by the Member States to act as the neutral guardian of their shared interests. Its members act collectively.

It proposes legislation and has important executive functions.

At present, there are twenty Commissioners. Two Commissioners are nominated by each of the five largest countries - France, Germany, Italy, Spain and the United Kingdom. Each of the other ten Member States nominates one Commissioner.

Ireland's current Commissioner is Mr. David Byrne.

### Who is the President of the Commission?

The President of the Commission is nominated by the European Council and, with the other Commissioners, is approved by the European Parliament.

The current President of the Commission is Mr. Romano Prodi.

### What is the Council of Ministers?

The Council is the EU institution in which the governments of the Member States are represented.

Together with the European Parliament, it is the Community legislator and budgetary authority.

The Council meets in different formations, depending on the issues under discussion (eg environment) and each Member State is represented at Ministerial level in each formation.

### What is Qualified Majority Voting?

The Treaties provide that Council decisions, depending on the issue, are taken by (a) unanimity (b) qualified majority (QMV) and (c) simple majority. Decisions in most areas are taken by QMV.

Each Member State has a number of votes, weighted according to a scale which groups together Member States with roughly similar populations.

France, Germany, Italy and the United Kingdom currently have 10 votes each; Spain has 8; Belgium, Greece, the Netherlands and Portugal have 5; Austria and Sweden have 4; Ireland, Denmark and Finland have 3; and Luxembourg has 2.

62 votes out of 87 are currently needed for a proposal to be carried.

## Voting in the Council of Ministers

Qualified Majority Voting (QMV) has been in use since the EEC was founded. Its use has been extended over successive Treaties to facilitate smoother decision making.

In the Treaty of Amsterdam, it was agreed in principle that the number of votes which each Member State has in the Council of Ministers when decisions are taken by QMV should be adjusted, both to accommodate new Member States and to compensate the large Member States who would be giving up their right to nominate a second Commissioner. These adjustments are made in detail in the Treaty of Nice.

At present there is a total of 87 votes among 15 Member States. To be successful, a proposal needs 62 votes in favour. The Treaty of Nice sets out how many votes each Member State will have in an EU of 27 members. These are shown in the table below. There will be a total of 345 votes, and to be successful a proposal will need 255 votes in favour. It will also need the support of a majority of Member States, representing 62% of the EU population.

The Treaty of Nice also sets out the transitional arrangements that will apply until there are 27 members.

With the prospect of a significant increase in Council membership, the Member States also agreed in the Treaty of Nice that the use of QMV should be extended to some new areas.

Fifty different new areas were proposed. Thirty were agreed (these include, for example, areas such as trade in services and the appointment of the President and members of the Commission).

Some Member States, including Ireland, did not wish to see QMV extended to taxation matters. Decisions in this area, and in some other areas of particular sensitivity to certain Member States, must still be taken unanimously.

**VOTING WEIGHTS AFTER ENLARGEMENT**

Existing Member States		New Members	
Austria	10	Bulgaria	10
Belgium	12	Cyprus	4
Denmark	7	Czech Rep.	12
Finland	7	Estonia	4
France	29	Hungary	12
Germany	29	Latvia	4
Greece	12	Lithuania	7
Ireland	7	Malta	3
Italy	29	Poland	27
Luxembourg	4	Romania	14
Netherlands	13	Slovakia	7
Portugal	12	Slovenia	4
Spain	27		
Sweden	10		
UK	29		

**How many votes does Ireland currently have?**

Ireland currently has 3 votes out of 87, or 3.45%.

**How many votes will Ireland have in an EU of 27?**

In a Union of 27, Ireland will have 7 votes out of 345, or 2.02%.

**What percentage of the population of a Union of 27 will Ireland have?**

Ireland will have 0.8% of the population of a Union of 27.

**How many votes are currently needed for a proposal to be agreed?**

At present, 62 votes out of 87 (71.26%) are required.

**How many votes will be needed for a proposal to be agreed in when there are 27 Member States?**

When there are 27 Member States, 255 votes out of 345 (73.9%) will be required.

In addition, the support of a majority of Member States, representing 62% of the population of the EU, will also be required.

### What is Enhanced Cooperation?

Enhanced Cooperation involves the development of closer cooperation on a given matter between a sub-group of Member States.

The Treaty of Amsterdam of 1997 introduced Enhanced Cooperation into the Treaties.

### What protections are in place?

The Treaty of Amsterdam put checks and balances in place to protect both the functioning of the EU and the rights of Member States.

Some careful modification of these is proposed in the Treaty of Nice.

Before any project can proceed, it will require the authorisation of the Council of Ministers (by QMV or unanimity, depending on the area). It will have to involve the participation of at least 8 Member States, and all States have the right to join the group at the start or later.

## Enhanced Cooperation

Enhanced Cooperation allows a sub-group of Member States to choose to cooperate on a specific matter, subject to conditions and safeguards. It can only be used as a last resort, when the objectives involved cannot be achieved in any other way within a reasonable period.

Enhanced Cooperation was provided for in the Treaty of Amsterdam. It has not been used. Some Member States felt that this was because the rules were too restrictive. All accepted, however, the need to ensure that the system would safeguard the overall coherence of the Union and respect the rights of all Member States. A revised set of safeguards was agreed in the Treaty of Nice.

Under the Treaty of Nice, at least eight Member States must participate in a group. Every Member State has the right to join any group, either at the start or later.

An Enhanced Cooperation project must be authorised by the Council of Ministers by Qualified Majority Vote (QMV), except in the area of Common Foreign and Security Policy (CFSP), where each State has a veto.

A project must not undermine the single market. It must not be a barrier to free trade. It must not distort competition between Member States.

Enhanced Cooperation may not be used in any circumstances for security or defence matters.

## The European Parliament

There are already 626 Members of the European Parliament. Ireland elects 15 of these. Without reorganisation, enlargement would create a Parliament too large to operate effectively.

An upper limit of 732 seats was agreed at Nice. As new members join, seats within the Parliament will be increased and reallocated. The number of seats each Member State will have when there are 27 members was also agreed. Ireland will have 12.

## The Court of Justice

With enlargement, and the increasing workload of the Court, changes were agreed at Nice to make the administration of justice more efficient. The role of the Court of First Instance (CFI) will be broadened, freeing up the European Court of Justice to deal with the most important matters. The Treaty also formalises, for the first time, the right of each Member State to nominate a Judge to the Court of Justice.

## The Court of Auditors

The Treaty gives each Member State the right to nominate a member of the Court of Auditors. A Declaration encourages greater cooperation between the Court and national audit institutions.

### What is the European Parliament?

The European Parliament is directly elected every five years. Member States return Members of the European Parliament (MEPs) in rough relation to their size (though smaller countries return more MEPs than their population would strictly suggest).

The Parliament has an important role in the legislative and budgetary processes of the EU and in overseeing the work of the Commission.

### How many MEPs does Ireland currently elect?

Ireland currently elects 15 MEPs. Under Nice, with 27 Member States, it would elect 12 MEPs (ie with 0.8% of the total population, Ireland would return 1.64% of MEPs).

### What is the Court of Justice?

The European Court of Justice, based in Luxembourg, has general responsibility for interpreting EU law and for ensuring that its application is consistent. The Court currently comprises 15 judges, one from each Member State.

### What is the Court of First Instance?

The Court of First Instance assists the European Court of Justice and has a limited jurisdiction to hear certain categories of cases.

### What is the Court of Auditors?

The Court of Auditors audits expenditure by EU Institutions.

### What is the Economic and Social Committee?

The Economic and Social Committee is an advisory body. Its role is to inform the decision-making Institutions of the EU on a broad range of social and economic issues. It is made up of representatives of various categories of economic and social activity, nominated by the Member States.

Ireland currently has 9 members out of a total of 222.

### What is the Committee of the Regions?

The Committee of the Regions is an advisory body comprising representatives of regional and local interests.

Members of the Committee, are appointed by the Council of Ministers on the basis of nominations from Member States.

Ireland currently has 9 members out of a total of 222.

## Economic and Social Committee

The Economic and Social Committee currently has 222 members. A maximum of 350 members was agreed at Nice for a Union of 27 members. Ireland will continue to nominate 9 members.

The Treaty also acknowledges that Committee membership should reflect broader society, including consumers.

## Committee of the Regions

There are currently 222 members of the Committee of the Regions. A maximum of 350 members was agreed at Nice for a Union of 27 members. Ireland will continue to nominate 9 members.

The Treaty also requires that members of the Committee of the Regions must either be members of a regional or local authority, or politically accountable to an elected assembly.

## Breach of Fundamental Principles by a Member State

The EU already has power to act when it believes that there is a serious and persistent breach by a Member State of fundamental principles, such as democracy and human rights. Under Nice, it will be able to make recommendations to a Member State where it sees a serious risk of such a breach.

## Social Protection

The Treaty of Nice encourages greater cooperation among Member States in the area of social protection (for example, in combating poverty) and formally establishes a Social Protection Committee.

## What is the Common Foreign and Security Policy (CFSP) of the EU?

In the Treaty on European Union the EU defined the objectives for its Common Foreign and Security Policy.

### These include:

- safeguarding the common values, fundamental interests, independence and integrity of the EU in conformity with the principles of the United Nations Charter
- strengthening the security of the EU
- preserving peace and strengthening international security
- promoting international cooperation
- developing and consolidating democracy and the rule of law, and respect for human rights and fundamental freedoms.

The security and defence aspects of this policy are being developed under the heading of the European Security and Defence Policy (ESDP)

## Common Foreign And Security Policy

The European Union wishes to play a greater role for peace, stability and security in Europe and the wider world. The development of the Common Foreign and Security Policy (CFSP) - under the Treaties of Maastricht and Amsterdam - has led to a greater EU capacity to carry out humanitarian and crisis management tasks.

The Treaty of Nice makes limited amendments to these existing arrangements.

As the EU now has its own capacity to carry out humanitarian and crisis management tasks, certain references to the Western European Union (WEU) are deleted from the Treaties.

A Treaty basis is also provided for a new Political and Security Committee of officials to assist in taking forward the EU's objectives in this area.

In June 2002, at the European Council at Seville, Declarations were made confirming that Ireland's traditional policy of military neutrality is not affected by the Treaty of Nice or any previous EU Treaties.

## Future Development of the Union

A Declaration on the Future of the Union was agreed at Nice and attached to the Treaty. This Declaration highlights the need for a broadly based discussion about the EU's future, both within Member States and at EU level.

Taking this discussion forward, the European Council at Laeken in December 2001 recognised the need for the EU to become more transparent. It also identified three basic challenges:

- how to bring citizens, and primarily the young, closer to the EU
- how the EU should be better organised
- how the EU can most effectively play a positive role in the wider world.

A Convention on the Future of Europe has been set up to address these issues. It is chaired by former French President, Valéry Giscard d'Estaing, and includes representatives of the Governments and national parliaments of Member States and candidate countries, and of the European Parliament and the European Commission.

The Convention is expected to produce a final document in 2003. Together with national debates on the future of Europe - such as in Ireland's National Forum on Europe - this will provide a springboard for a new Intergovernmental Conference which, under Nice, is planned for 2004.

# SEVILLE DECLARATIONS

## NATIONAL DECLARATION BY IRELAND

1. Ireland reaffirms its attachment to the aims and principles of Charter of the United Nations, which confers primary responsibility for the maintenance of international peace and security upon the United Nations Security Council.
2. Ireland recalls its commitment to the common foreign and security policy of the European Union as set out in the Treaty on European Union, adopted at Maastricht, amended at Amsterdam and approved on each occasion by the Irish people through referendum.
3. Ireland confirms that its participation in the European Union's common foreign and security policy does not prejudice its traditional policy of military neutrality. The Treaty on European Union makes clear that the Union's security and defence policy shall not prejudice the specific character of the security and defence policy of certain Member States.
4. In line with its traditional policy of military neutrality, Ireland is not bound by any mutual defence commitment. Nor is Ireland party to any plans to develop a European army. Indeed, the Nice European Council recognised that the development of the Union's capacity to conduct humanitarian and crisis management tasks does not involve the establishment of a European army.
5. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the Member States and adopted in accordance with their respective constitutional requirements. The Government of Ireland have made a firm commitment to the people of Ireland, solemnised in this Declaration, that a referendum will be held in Ireland on the adoption of any such decision and on any future Treaty which would involve Ireland departing from its traditional policy of military neutrality.
6. Ireland reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European security and defence policy, requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government and (c) the approval of Dáil Éireann, in accordance with Irish law.
7. The situation set out in this Declaration would be unaffected by the entry into force of the Treaty of Nice. In the event of Ireland's ratification of the Treaty of Nice, this Declaration will be associated with Ireland's instrument of ratification.

21 June 2002

# SEVILLE DECLARATIONS

## DECLARATION OF THE EUROPEAN COUNCIL

1. The European Council takes cognisance of the National Declaration of Ireland presented at its meeting in Seville on 21-22 June 2002. It notes that Ireland intends to associate its National Declaration with its act of ratification of the Treaty of Nice, should the people of Ireland in a referendum decide to accept the Treaty of Nice.
2. The European Council notes that the Treaty on European Union provides that any decision to move to a common defence shall be adopted in accordance with the respective constitutional requirements of the Member States
3. The European Council recalls that under the terms of the Treaty on European Union the policy of the Union shall not prejudice the specific character of the security and defence policy of certain Member States. Ireland has drawn attention, in this regard, to its traditional policy of military neutrality.
4. The European Council acknowledges that the Treaty on European Union does not impose any binding mutual defence commitments. Nor does the development of the Union's capacity to conduct humanitarian and crisis management tasks involve the establishment of a European army.
5. The European Council confirms that the situation referred to in paragraphs 2, 3 and 4 above would be unchanged by the entry into force of the Treaty of Nice.
6. The European Council recognises that, like all Member States of the Union, Ireland would retain the right, following the entry into force of the Treaty of Nice, to take its own sovereign decision, in accordance with its Constitution and its laws, on whether to commit military personnel to participate in any operation carried out under the European Security and Defence Policy. Ireland, in its national Statement, has clearly set out its position in this regard.

**21 June 2002**

This Information Guide is published by the Government to outline and explain in brief the main changes which would be made to the European Union by the Treaty of Nice.

For further information on the issues involved, you may wish to consult the Treaty of Nice and Seville Declarations 2002 White Paper, which can be accessed on the website of the Department of Foreign Affairs - [www.irlgov.ie/iveagh](http://www.irlgov.ie/iveagh) - as can the text of the Treaty of Nice.

Alternatively, you can request a hard copy of the White Paper from:  
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Information on the National Forum on Europe is available on  
<http://www.forumoneurope.ie>

Information on the European Convention is available on  
<http://european-convention.eu.int>

