

The Candidate States and the IGC

INTRODUCTION

ALTHOUGH NOT FORMAL PARTICIPANTS IN THE 2000 INTERGOVERNMENTAL CONFERENCE (IGC) ON INSTITUTIONAL REFORM, THE TWELVE APPLICANT-STATES¹ CURRENTLY NEGOTIATING ACCESSION TO THE EUROPEAN UNION (EU) ALSO HAD A LARGE STAKE IN ITS OUTCOME. This is because successful conclusion of the IGC and ratification of its final agreement, the Treaty of Nice,² is a precondition of further EU enlargement. The Nice Treaty also alters the institutional design and decision-making procedures of the Union to which the candidate-states will eventually accede. In this regard, as in many others, the EU that these countries are attempting to join is a “moving target” that will be quite different from the Union they originally applied to join. Of course, it is the prospect of enlargement to 27 or more member-states that was the initial and primary driving force behind the IGC and institutional reform.

This paper examines the 2000 IGC from the perspective of the candidate-states. Specifically, it examines the following key questions: how do the candidate-states view the issue of institutional reform and its relationship to enlargement? What were the views of the candidate-states on the main issues discussed at the IGC, and were these views uniform

or did they reveal differences on the basis of factors such as size and potential dates of accession? How did the candidate-states seek to express their views on institutional reform and were they allowed to participate in the IGC in any meaningful way? Finally, how will the candidate-states be affected by the agreements reached at Nice, including decisions on the “post-Nice agenda” for institutional reform?

To answer these questions the paper is divided into five sections. The following section discusses the EU’s institutional reform process since the early 1990s and its link to enlargement. The role of the candidate-states in the 2000 IGC is then discussed. Section three examines candidate-states’ views on each of the four main issues of the IGC: the size and composition of the Commission, the re-weighting of votes in the Council, the extended use of qualified majority voting (QMV) in the Council, and the adaptation of provisions for “enhanced co-operation.” The last two sections examine the Nice Treaty and post-Nice agenda from the perspective of the candidate-states.

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IT IS NOT NORMAL PRACTICE FOR THE EU TO INVITE NON-MEMBERS TO PARTICIPATE IN ITS IGCs, AND NO EXCEPTION



WAS MADE FOR THE CANDIDATE-STATES IN THE CASE OF THE 2000 IGC. The exclusion of prospective new member-states is awkward, however, since they are clearly affected by the outcome of the IGC, and also because it is the prospect of further enlargement that is the main driving force behind the IGC and institutional reform.

The link between the current institutional reform process and enlargement dates back nearly ten years. From the beginning of discussions on enlargement in the early 1990s (in the then European Community of twelve) there was an awareness that the addition of new member-states would require institutional reform. In its 1992 report on *Europe and the Challenge of Enlargement* the Commission declared:

The impact of future enlargement on the capacity of the Community to take decisions merits the most careful reflection and evaluation. Non-members apply to join because the Community is attractive; the Community is attractive because it is seen to be effective; to proceed to enlargement in a way which reduces its effectiveness would be an error (European Commission 1992:26).

For the Commission, therefore, a key question was how the EU could enlarge while preserving its operational effectiveness — in the Commission's words, how to ensure that "more" does not lead to "less"? With the prospective European Free Trade Association (EFTA) enlargement³ in mind, the Commission expressed the view that only limited institutional changes were necessary for the admission of a few new member-states. However, 'with the prospect of a Union of 20 or 30 members, fundamental questions of decision-making and the institutional framework cannot be evaded' (European Commission 1992:26-7).

Concern about the impact of enlargement on the EU's institutional effectiveness was also apparent in the European Council's June 1993 Copenhagen decisions, which accepted in principle the idea of enlargement to include the countries of Central and Eastern Europe. Among the conditions for membership of the Central and Eastern European countries (CEECs) announced by the EU at Copenhagen was the 'Union's capacity to absorb new members while maintaining the momentum of European integration' (European Council 1993:86). The European Council thus implicitly linked eastward enlargement to the EU's ability to carry out necessary internal adjustments, including the reform of its decision-making institutions.

The focus of institutional reform efforts became the IGC that was mandated by the Maastricht Treaty and scheduled to begin in 1996. The IGC's original purpose was to review the functioning of the EU's two new intergovernmental pillars — Common Foreign and Security Policy (CFSP) and Justice and Home Affairs — and investigate the possibility of incorporating them into the supranational structures that governed decision-making in the first (EC) pillar. It was also supposed to examine the possibility of giving additional power to the European Parliament, in order to address the EU's "democratic deficit" and thus improve its popular and democratic legitimacy. As the EU's focus shifted towards eastward enlargement, however, the 1996 IGC became the logical forum for discussing changes to the EU's decision-making system to accommodate a much larger membership. Thus, at its June 1994 meeting in Corfu the European Council declared that, 'the institutional conditions for ensuring the proper functioning of the Union must be created at the 1996 Intergovernmental Conference, which

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for that reason must take place before accession negotiations begin' (European Council 1994:136).

In the run-up to the IGC, the question arose of whether the candidate-states should be included in the negotiations. At its June 1995 meeting in Cannes, the European Council promised to keep the candidate-states 'fully informed of developments at the [IGC], bearing in mind their status as future members of the Union' (European Council 1995a:13-4). The candidate-states, however, countered that they should be allowed to participate in the IGC since its outcomes would affect them as future members. This request was viewed with sympathy by some EU officials, including Trade Commissioner Leon Brittan, who argued the candidate-states should be given non-voting "observer status" at the IGC (Southey 1995:2; *Financial Times*, 12 September 1995:3). At the December 1995 Madrid summit, however, the European Council decided only that the candidate-states would 'be briefed regularly on the progress of discussions and [would] be able to put their points of view at meetings with the Presidency of the European Union to be held, in principle, every two months' (European Council 1995b:55).

After beginning as planned in March 1996, the IGC proceeded slowly and spilled over into the following year, finally concluding at the June 1997 Amsterdam summit. Throughout, it was bedeviled by conflict between large and small member-states and a general unwillingness to compromise. The resulting Amsterdam Treaty,⁴ therefore, failed to resolve any of the key institutional questions discussed at the IGC, including the size and composition of the Commission, the re-weighting of votes in the Council, and the extended use of QMV. Instead, EU leaders attached to the treaty a *Protocol on the Institutions with the Prospect of Enlargement*

of the European Union which declared that, 'At least one year before the membership of the European Union exceeds twenty,' a new IGC shall be convened 'in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions' (*Treaty of Amsterdam* 1997:111). In this manner, the EU put off institutional reform until later, when it would be more pressing.

The disappointing outcome at Amsterdam created concern among the applicant-states that delays in reaching an agreement on institutional reform could also postpone enlargement. Thus, the Polish government suggested in the fall of 1998 that institutional reform should not be viewed as a prerequisite of enlargement, arguing instead that decisions on institutional reform could be made after the first new wave of accessions. This scenario would be appropriate, the Polish government claimed, because the new member-states would be affected by these decisions, and thus should be involved in making them.⁵ Such arguments received little support within the EU, however.

In addition to the candidate-states, the Commission, the European Parliament, and several member-states criticised the Amsterdam results and pressed for a new IGC on institutional reform to be convened as soon as possible.⁶ By the spring of 1999 there was a growing consensus among the member-states that a new IGC should be convened in early 2000. Among the factors spurring the EU on to launch a new IGC was the surprise resignation of the entire Commission in March 1999 following the release of an independent committee report accusing some Commissioners of fraud, nepotism, and mismanagement.⁷ Thus, after agreement in principle at the June 1999 Cologne summit (European Council 1999a:15), the European Council formally

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decided to convene a new IGC on institutional reform at its December 1999 meeting in Helsinki. According to the Helsinki summit decisions, the IGC would begin in February 2000 and conclude by the end of the year. The Helsinki summit also decided that the IGC would focus on the three institutional questions left unresolved by the Amsterdam Treaty (the "Amsterdam leftovers"), although the door was left open for the consideration of other issues (European Council 1999b: paras. 15, 16). At the June 2000 Feira summit, the European Council formally decided to add the issue of enhanced co-operation to the IGC agenda (European Council 2000a:2).

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THE DECISION TO LAUNCH A NEW IGC WAS GENERALLY WELCOMED BY THE CANDIDATE-STATES, WHICH HAD TWO MAIN CONCERNS. Most importantly, they did not want to see the IGC extend beyond the end of the year, because any prolongation of the negotiations would likely lead to further delays of enlargement. For this reason, they firmly supported the Helsinki summit declaration that the IGC would be concluded by December 2000, so that after ratification of the new treaty the EU would be in a position to welcome new member-states from the end of 2002 (European Council 1999b: para. 5).

The candidate-states also wanted the IGC's agenda to remain a limited one, preferably focusing only on the three "Amsterdam leftovers." In the run-up to Helsinki the Commission, European Parliament, and some member-states had pushed for an expanded agenda to include such issues as enhanced co-operation, a Charter of Fundamental Rights, simplification ("constitutionalisation") of the EU

treaties, and common European defence.⁸ Because of the controversial nature of many of these issues, however, an IGC with a broader agenda would be more difficult to conclude and likely not be completed by the end of 2000. Thus, the candidate-states welcomed the Helsinki summit's decision for a limited agenda, yet they remained concerned that the door was left open at Helsinki for some of these other items to be added to the IGC at a later date.⁹ At a June 2000 hearing in Brussels before the convention responsible for drafting the Charter of Fundamental Rights, for instance, representatives of the candidate-states uniformly endorsed the Charter, yet they also opposed its inclusion in the IGC out of concern that this could delay the successful conclusion of negotiations (*Agence Europe*, no. 7742, 22 June 2000:5).

As before, the candidate-states sought to participate in the IGC. However, the EU once again promised only that the candidate-states would be kept regularly informed of the progress of negotiations, while they would also be invited to submit their views on the issues under discussion in the IGC.¹⁰ With the conclusions of the Helsinki summit in mind, the Portuguese government, holder of the EU's rotating presidency in the first half of 2000, sent a letter to all candidate-state governments requesting their views on the IGC agenda. The candidate-states were also assured that they would be regularly consulted as the IGC progressed, and that all IGC-related documents would be made accessible to them. This approach was confirmed by the Portuguese State Secretary Francisco Seixas da Costa who declared that the EU presidency was 'in favour of transparency,' and that all IGC working documents would be published on the EU Council's web site (*Uniting Europe*, no.88, 28 February 2000:2).

Shortly before the formal opening of the IGC on 14 February 2000, each of the candidate-states, including Turkey, submitted their views on the IGC issues in the form of brief letters to the Portuguese presidency.¹¹ In these letters, the candidate-states re-emphasised their strong desire for a rapid conclusion of the IGC by the end of the year, so as not to delay enlargement. For this reason, most also favoured retaining a limited IGC agenda, although Bulgaria indicated that it favoured discussion of enhanced co-operation and Slovakia argued that the IGC should also deal with the issue of common European defence policy. Most candidate-states also expressed their desire to further elaborate their views on the IGC as the negotiations progressed (Council of the European Union 2000b-m). Poland, however, was the only candidate-state to submit a more detailed position paper on the IGC.¹²

Throughout the IGC the candidate-states were kept informed of developments through meetings arranged by the EU presidency. The Portuguese presidency held a ministerial-level meeting with the candidate-states on 5 June, in advance of the Feira summit (Council of the European Union 2000o:6; *Agence Europe*, no. 7729, 1 June 2000:3). The French presidency also discussed institutional reform issues and the future functioning of an enlarged Europe at two meetings of the European Conference¹³ held before the Nice summit, on 23 November at ministerial level in Sochaux, and on 7 December at heads of state and government level in Nice. At both meetings, the candidate-states were able to give their views on the IGC and the post-Nice reform agenda (*Agence Europe*, no. 7849, 25 November 2000:11-2; *Agence Europe*, no. 7858, 8 December 2000:9-10).

The IGC attracted little political attention within the candidate-countries.

In Poland, Hungary, the Czech Republic, and Slovakia, none of the political parties took official stances on the IGC or EU institutional reform, and the IGC was not an issue for public discussion or debate. This absence of debate reflects, perhaps, a general feeling of marginalisation *vis-à-vis* the IGC that existed within the candidate-countries, although it is true that there was also little public discussion of the IGC within the member-states.

While as future members the candidate-states were interested in the specific issues being discussed in the IGC, their main concern was that the negotiations be concluded successfully at the December Nice summit so that enlargement would not be delayed. In this regard, the position of the candidate-states was almost exactly opposite that of the French government, which declared at the beginning of its EU presidency in the second half of 2000 that 'no treaty is better than a bad treaty.'¹⁴ For the candidate-states, any treaty, even a "bad" one, would be better than no treaty if this meant that enlargement would be delayed. This attitude was well expressed by Czech President Václav Havel, who in a speech to the European Parliament just after the opening of the IGC, referred to the potential impact of delayed enlargement on public opinion and stability in the CEECs:

Whatever the outcome of the deliberations on institutional reform, and however the reform may develop, to my mind, one thing is obvious: an absence of understanding, or of agreement on institutional matters must not slow down the Union's enlargement. If enlargement were delayed too long, the consequences might be more dangerous than the effects of the institutional reform remaining unfinished (Havel 2000).

Beyond hoping for a successful conclusion of the IGC, the candidate-states

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had other concerns in the run-up to the Nice summit. For the more advanced ("Luxembourg group") of candidate-countries, a key issue was the ratification timetables for the IGC treaty and the first new accession treaties, specifically the question of whether a parallel ratification might be possible. The candidate-states also worried about the prospect of yet another IGC, a post-Nice constitutional conference in 2004 that was being called for by some member-states to consider deeper changes to the EU's institutional and legal structure. Such a conference, they feared, could be used to discriminate against them and delay enlargement even further. These and other post-Nice issues will be discussed more fully in the final section of this paper. In the following section, the views of the candidate-states on each of the main IGC issues are examined.

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CANDIDATE-STATE VIEWS ON THE IGC ISSUES

COMMISSION SIZE

Of all issues on the IGC agenda, the issue of the Commission's size and composition attracted the most attention among political elites in the candidate-countries. The individual positions of the candidate-states on this issue are based on an analysis of the two options developed in discussions among the member-states at the 1996-97 IGC, and again proposed by the Portuguese presidency as a basis for discussion at last year's conference.

The first option builds on the assumption that each member-state will nominate one national to be on the Commission. This approach has been traditionally favoured by smaller member-states, which regard the Commission as the main EU institution not dominated

by the larger member-states, and thus as the EU institution that looks out for small state interests. Supporters of this option have repeatedly insisted that it is 'the only way of safeguarding the Commission's legitimacy in the eyes of the public.' In addition, 'a good way of making sure that Commission initiatives and decisions are acceptable,' they argue, 'is for Commissioners to be able to highlight the various sensitivities to be taken into consideration when defining the common interest' (Council of the European Union 20000:12). Opponents of this option, on the other hand, reject it as being 'contrary to the Commission's very nature, as an independent, collegiate body whose members do not represent states.' They also claim that it raises 'practical objections, as having too many members would inevitably detract from the efficiency and consistency of Commission action' (Council of the European Union 20000:12).

The second option is based on the assumption that the best way of ensuring that the Commission works efficiently and effectively after enlargement is to limit the number of Commissioners. This option finds support among some member-states and in the Commission. It is presented by its supporters as 'the only way of abiding fully by the spirit of the institutions, whereby the Commission is intended as an independent, collegiate body, whilst at the same time ensuring that it can act consistently and effectively, something which would not be possible in a college of thirty-odd members that was more of a debating chamber than an executive body' (Council of the European Union 20000:12). Opponents of this option, despite assurances that equal treatment of the member-states would be ensured — through a system of rotation on an equal basis, for instance — argue that 'a Commission which did not have

one national from each Member State would find its legitimacy and the acceptability of its decisions seriously undermined, which could not fail to detract from its effectiveness too' (Council of the European Union 2000o:13).

On this particular issue, the candidate-states generally favour the first option. All of them clearly stated in their official position letters their desire to have the right to nominate their national candidate to the Commission college (Council of the European Union 2000b-m). Only Turkey expressed more flexibility on this issue, suggesting that 'in order not to overburden or to separate further the functioning of the Commission, it may be preferable to preserve the current number of 20 Commissioners or at least not increase its size to the extent that it becomes unmanageable' (Council of the European Union 2000k:2).

The candidate-states do not see a direct relationship between the size of the Commission and its efficiency. In their position letters, some governments suggested that what is needed is internal reform of the Commission. The most detailed statement on this issue was provided by the Polish government, which argued that what is needed in this regard are 'the transparency of [the Commission's] structure and a clear-cut division of responsibilities among individual Commissioners.' Moreover, 'the need to enhance the Commission's credibility as a European institution is an argument in favour of introducing the principle of the Commissioners' individual responsibility while preserving its collective character.' The Polish statement continued, 'this could be done by amending Article 213 or 215 of the Treaty, which would be a codification of the principle made effective by Romano Prodi in September 1999 [that individual Commissioners resign upon the Commission President's request].'

The Polish government also supported the idea of a strong Commission President fully exercising all of his powers that are granted in Article 219, and a redefinition of the roles of the Commission's Deputy Presidents (Council of the European Union 2000n: 9).¹⁵

One issue of special sensitivity to all candidate-countries is the preservation of equality among member-states in an enlarged EU. Some of the applicants sought assurance that if the principle of rotation were introduced for a downsized Commission, it would be based on a mechanism strictly respecting the formal equality of the member-states. The equality issue was stressed in the position letters of several governments. The Latvian contribution, for example, states that 'equal participation of all member-states in the formation of the Commission is a very important aspect to ensure its legitimacy in the society' (Council of the European Union 2000d:3). The same concern was expressed in the position documents of Bulgaria, Cyprus, Estonia, Lithuania and Slovakia.

The position of the candidate-states on the issue of the Commission's size and composition is closely connected to the unstable public support for EU membership in these countries. Since the mid-1990s, when the citizens of the CEECs have grown disillusioned with unmet promises of speedy enlargement and various difficulties connected with applying the voluminous *acquis communautaire*, public support for membership has declined in most candidate-countries.¹⁶ This shift in domestic opinion has had clear implications for the views of the candidate-states on institutional reform. Preservation of the right to nominate a Commissioner is thus perceived by the governments of the candidate-states as a way to improve the EU's image at home. In this regard, Czech Foreign Minister

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Jan Kavan, in his position letter to the IGC, wrote:

I was pleased to note that among the member-states a consensus has been growing concerning the need for each member state to nominate one of its nationals to the European Commission. The developments thus far have shown that this is a fundamental precondition for guaranteeing the Commission's natural prestige vis-à-vis the member-states general public. This is valid both generally and especially with respect to the Commission's decisions which may appear unpopular in certain countries of the Union. In this connection, I wish to re-emphasise the need to respect the citizens' sentiments (Council of the European Union 2000h:3).

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the loss of one of their Commissioners, they demanded in return a fairer distribution of votes in the Council, so that voting weights more closely reflect demographic size. This issue, as well as reform of the Commission, involves political sensitivities in the relationship between small and large member-states, but it also contains more options for resolution than the Commission issue. The role of size as a factor influencing views on Council voting is clearly mirrored in the differing positions of the candidate-countries.

The strongest proponent among the applicant-countries of better representation in Council voting for the larger member-states is Poland. Due to the size of its population (comparable to that of Spain), it is the only candidate-country that will belong to the group of large and medium-large member-states. Warsaw has strongly emphasised the size of its population and domestic market in the accession negotiations, and used this as leverage to counter criticism of its insufficient readiness for membership.¹⁷

RE-WEIGHTING OF VOTES

The re-weighting of votes in the Council is closely connected with reform of the Commission. As the five large member-states (France, Germany, Italy, the United Kingdom and Spain) accepted

TABLE 1: POSITIONS OF THE APPLICANT-COUNTRIES ON REFORM OF THE COMMISSION

Applicant-country	Maximum of 20 Commissioners?	One Commissioner for each member-state?
BULGARIA	No	Yes
CYPRUS	No	Yes
THE CZECH REPUBLIC	No	Yes
ESTONIA	No	Yes
HUNGARY	No	Yes
LATVIA	No	Yes
LITHUANIA	Not known	
MALTA	No	Yes
POLAND	No	Yes
ROMANIA	No	Yes
SLOVAKIA	No	Yes
SLOVENIA	No	Yes
TURKEY	Yes	No*

Source: CONTRIBUTIONS FROM THE CANDIDATE-STATES' GOVERNMENTS (COUNCIL OF THE EUROPEAN UNION 2000B-M).

Note on Table 1: * IF A DANGER OF OVERBURDENING THE COMMISSION ARISES.

The Polish position is based on the view that votes in the Council should be distributed according to the demographic size of member-states. Thus, in its IGC position statement the Polish government supported the following changes to the voting system:

A change in the proportion of votes, to be effected independently or combined with the establishment of a double-majority system; the result of the reform of weighting of votes must ensure adequate compensation to those countries which renounce the right to appoint a second Commissioner; and a new qualified majority threshold should be fixed at such a level as not to adversely affect the efficiency of the decision-making process in the EU Council (Council of the European Union 2000n:9)

The only other candidate-country that falls into the category of a large state is Turkey. Unlike Poland, Turkey has not yet started accession negotiations and thus has no chance to join the EU in the next wave of enlargement. Therefore, it has not articulated any clear position on the re-weighting of votes. In its position letter, the Turkish government limited itself to stating that the Council should function as efficiently as possible and the national veto right should be limited to a minimum number of areas of vital importance. It also stated that the current threshold of 71 percent of Council votes for the approval of new measures seems to be appropriate (Council of the European Union 2000k:3).

The rest of the candidate-countries will belong to the category of medium-small and small member-states after accession. It is for this group of member-states that over-representation in Council voting takes effect. These countries view the question of re-weighting as being not

simply a technical issue, but rather one of sovereignty and democratic legitimacy.¹⁸ It is not surprising, therefore, that the concerns expressed by most candidate-countries on this issue are similar to those of the smaller member-states.

A common interest of these countries, as declared in their position letters to the IGC, is the preservation of a system guaranteeing their over-representation in the Council. This, however, does not mean that they are opposed to the reform of Council voting. According to the Hungarian letter, for instance:

Hungary supports weighting the votes in the Council in a way to better reflect population figures, while preserving a relative over-representation of small member-states in their voting power. We expect a similar number of votes to be granted to countries with similar population figures. That objective may be served both by re-weighting the present votes or introducing double-majority voting. In our view the IGC should establish a consistent, coherent and transparent voting system, which would not require further amendments in the process of the gradual accession of new members (Council of the European Union 2000c:3).

Most applicant-countries are also interested in greater transparency and simplicity in Council voting. Only a few governments, however, have presented a detailed position on how to reform the voting system. Slovakia expressed its readiness to accept the introduction of a double majority if certain, unspecified, conditions favouring smaller member-states were preserved (Council of the European Union 2000g:3). Cyprus also stated a clear preference for a dual majority or any other "objective system" over a re-weighting of votes (Council of the European Union 2000b:3).

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QUALIFIED MAJORITY VOTING

If an enlarged Union is to function effectively, it is necessary to expand the number of policy areas where decisions are taken by a qualified majority vote. This argument has been widely accepted by the candidate-countries and was clearly reflected in their position letters to the IGC. The positions of the candidate-states on this issue are to a great extent uniform, as they do not have precisely defined positions on most of the areas that were suggested for QMV. This is partly due to the fact that none of these countries has previous experience with supranational integration. For example, the only relevant experience of many of the candidate-states with regional economic integration has been their participation in the Central European Free Trade Association (CEFTA). Although of an intergovernmental nature, the CEFTA can be used to illustrate, to a cer-

tain extent, the varying degrees of interest in regional integration among the CEECs.¹⁹

None of the candidate-countries has federalist ambitions for the EU. Their support for the extension of QMV, therefore, excludes areas ranging from constitutional matters to the system of "own resources" (EU financing) and taxation, important appointments, and other sensitive issues. Countries that specifically argued in their position letters for the exclusion of constitutional matters from the IGC included Poland, Slovakia, Bulgaria, Hungary, Slovenia, Romania, Latvia, Estonia, Cyprus and Malta. Poland and Cyprus also stated that unanimity should also be retained in the field of own resources (and taxation in the case of Cyprus). Cyprus declared that unanimity should be retained in matters that require ratification by national parliaments, and Slovakia argued that unanimity should be

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TABLE 2: POSITIONS OF THE APPLICANT-COUNTRIES ON RE-WEIGHTING VOTES IN THE COUNCIL

Applicant-country	Support for better representation of large member-states?	Support for maintaining <i>status quo</i> /over-representation
BULGARIA	No	Yes
CYPRUS	No	Yes
THE CZECH REPUBLIC	Not known	Yes
ESTONIA	Not known	Yes
HUNGARY	Yes ¹	Yes
LATVIA	No	Yes
LITHUANIA	Not known	Not known
MALTA	Yes ²	Yes
POLAND	Yes	Yes
ROMANIA	Yes	Yes
SLOVAKIA	Yes ³	Yes
SLOVENIA	Not known	Yes
TURKEY	No preference made yet	No preference made yet

Source: CONTRIBUTIONS FROM THE APPLICANT-STATES' GOVERNMENTS, COUNCIL OF MINISTERS, FEBRUARY 2000.

Notes on Table 2: 1) IF A RELATIVE OVER-REPRESENTATION OF SMALL MEMBER-STATES IN THEIR VOTING POWER IS PRESERVED. 2) IF THE PRINCIPLE OF EQUALITY OF ALL MEMBER-STATES IS MAINTAINED, AND THE INTERESTS OF SMALL STATES ARE SAFEGUARDED. 3) IF CERTAIN CONDITIONS IN FAVOUR OF SMALLER EU MEMBER-STATES ARE PRESERVED.

applied for decisions in the field of foreign security and defence policy.

Some of the applicant-countries expressed the view that an agreement should be reached in Nice even if the list of new articles to which QMV would be applied is relatively brief. According to Hungarian Foreign Minister Janos Martonyi writing in his government's position letter:

We do not see the range of sensitive issues as remaining static, and we therefore suggest those categories of decision to be transferred to the domain of qualified majority vote where consensus can be achieved at this point of time, while categories to be considered too sensitive at this stage may be reconsidered later (Council of the European Union 2000c:4).

Also holding this view was the Czech government. While endorsing the idea of more decision-making by QMV, the Czech government stressed that 'the success of the next Conference should be measured by arriving at consensus on subjects where progress can be realistically expected. The establishing of unrealisable goals could *a priori* condemn the Conference to failure, which would be impermissible as far as the Europeans are concerned' (Council of the European Union 2000h:3).

ENHANCED CO-OPERATION

A late addition to the IGC agenda, the issue of enhanced co-operation is closely linked to that of QMV.²⁰ As with QMV, enhanced co-operation is important for EU enlargement because it addresses the

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TABLE 3: POSITIONS OF THE APPLICANT-COUNTRIES ON THE EXTENSION OF QMV

Applicant-country	General support for extension of QMV?	Areas where unanimity should be retained
BULGARIA	Yes	Constitutional issues
CYPRUS	Yes	Constitutional issues, own resources, taxation, matters that require ratification by national parliaments
THE CZECH REPUBLIC	Yes	Not known
ESTONIA	Yes	Not known
HUNGARY	Yes	Constitutional issues
LATVIA	Yes	Constitutional issues
LITHUANIA	Not known	
MALTA	Yes	Constitutional issues
POLAND	Yes	Constitutional issues, enlargement, important appointments, own resources
ROMANIA	Yes	Not known
SLOVAKIA	Yes	Constitutional issues, foreign policy, security and defence
SLOVENIA	Yes	Constitutional issues
TURKEY	Yes	Not known

Source: CONTRIBUTIONS FROM THE CANDIDATE-STATES' GOVERNMENTS (COUNCIL OF THE EUROPEAN UNION 2000b-M).

efficiency of an enlarged Union. As enlargement will substantially increase the heterogeneity and diversity of the EU, one way to prevent stagnation of the integration process is to advance the principle of closer co-operation ("flexibility") introduced by the Amsterdam Treaty.

Since enhanced co-operation did not belong to the "Amsterdam leftovers," and thus was not initially part of the IGC agenda, most candidate-states did not provide their views on this issue. This, however, does not mean that this matter is of lesser importance to them. For most of the candidate-states, enhanced co-operation is connected with the growing debate on the future of the EU, a debate in which they do not want to play a secondary role.

Most applicant-states took a cautious approach to the inclusion of this topic in the IGC agenda. Only Bulgaria expressed a positive view on this issue, stating in its position letter that: 'we believe that the flexibility concept could contribute to the speedy implementation of the enlargement process' (Council of the European Union 2000l:3)

On the other hand, the Czech government claimed that there was no real need to include this issue in the IGC agenda. But if it were included, Prague confirmed that it was ready to endorse the current (Amsterdam) provisions on enhanced co-operation in the EU treaties, arguing that: 'the preconditions for closer co-operation comprised in Article 43 were recently incorporated into the Treaty on the EU by the member-states as a consensus minimum, which enables closer co-operation while offering protection against the dissolution of European structure that has been carefully constructed for nearly half a century' (Council of the European Union 2000h:3-4).

The Polish government also declared its preference for retaining the existing

provisions for enhanced co-operation, while arguing that their effectiveness should be improved. In the event that the member-states decided to revise the present provisions, Poland would be opposed to any attempt to view this as a means of 'relaxing ... the requirements [for membership] *vis-à-vis* the future member-states.' What Poland wanted was full membership of the EU, not any sort of "second-class" membership. Warsaw also argued that enhanced co-operation should not lead to the emergence of a "two-tier" Europe, with some member-states 'not fully involved in the dynamic progress of European integration.' According to the Polish government, 'closer co-operation should provide additional stimuli for advancing integration, in no case should it lead to the exclusion of future member-states from important new co-operation measures.' Poland also argued that any extension of enhanced co-operation to the EU's second pillar (CFSP) should be approached with caution (Council of the European Union 2000n:18-9).

The strongest opposition to wider use of enhanced co-operation was expressed by the government of Cyprus. Its position on this issue underlines the general lack of enthusiasm among candidate-states for this item of the IGC agenda. In its position letter to the IGC, the Cypriot government declared:

We believe that the idea of "Europe à la carte" or of "variable geometry" where states can opt out and therefore dilute core EU policies should be approached with extreme caution. Institutional reform should aim at maintaining the effective decision-making capacity of the Union but not at the expense of the Union's unique character. We believe that clear decisions should be taken about which decisions are to be reached at European level and which

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TABLE 4: POSITIONS OF THE APPLICANT-COUNTRIES ON THE WIDER USE OF ENHANCED CO-OPERATION

Applicant-country	Support for wider use of enhanced co-operation?
BULGARIA	Yes
CYPRUS	No
THE CZECH REPUBLIC	No
ESTONIA	Not known
HUNGARY	Not known
LATVIA	Not known
LITHUANIA	Not known
MALTA	Not known
POLAND	No
ROMANIA	Not known
SLOVAKIA	Not known
SLOVENIA	Not known
TURKEY	Not known

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Source: CONTRIBUTIONS FROM THE CANDIDATE-STATES' GOVERNMENTS (COUNCIL OF THE EUROPEAN UNION 2000b:M).

at national level and subsidiarity should not be used to recover responsibility for areas that are best dealt with at the European level (Council of the European Union 2000b:3).

THE NICE SUMMIT

THE AGREEMENT ON INSTITUTIONAL REFORM ACHIEVED IN NICE, ON THE MORNING OF THE FIFTH DAY OF AN ACRI-MONIOUS SUMMIT, WAS GENERALLY WELL RECEIVED BY THE CANDIDATE-STATES. The main outcome desired by the candidate-states was for the IGC to conclude, so that a major obstacle to enlargement would be removed and the accession process could proceed. On this point they were satisfied. In the Nice Treaty, the European Council 'agrees that the conclusion of [the IGC] opens the way for enlargement of the European Union and underlines that, with ratification of the Nice Treaty, the European Union will have completed the institutional changes necessary for the accession of new member-states.'²¹ Because it brought the IGC to a successful conclu-

sion, the candidate-states expressed general satisfaction with the Nice summit's results (Wagstyl 2000:2).

On specific aspects of the Nice agreement, however, the reactions of the candidate-states were mixed. The European Council's decision that the Commission will include one national of every member-state until the number of member-states reaches 27 was welcomed by the candidate-states because it ensures that they will each have a representative on the Commission at the time of their accession.²² This decision, along with the rotation system that will be instituted for the Commission once the number of member-states reaches 27, will help bolster public support for EU accession in the candidate-countries since it guarantees equal treatment with other member-states. Also, in the public opinion of these countries it is the Commission that embodies the EU more than any other institution (mainly because of its central role in administering the accession process), and thus not having a national "representative" on this body would have been a severe blow.

The candidate-states were also pleased with the only modest extension of QMV agreed to in Nice. From a potential list of 50 (out of a total of 70 treaty articles still subject to unanimity), QMV was extended to only 30 types of policy decisions (Council of the European Union 2000a). While the candidate-states generally favoured an extension of QMV in the interest of an efficient and effective EU, most are newly independent countries that are extremely sovereignty-conscious, and therefore not anxious to surrender the national veto in sensitive policy areas. For this reason, and because none of the new QMV areas belong to categories that they consider sensitive, the candidate-states were satisfied with the Nice outcome on this issue. Problems for the candidate-states could arise, however, from the decision to delay the move to QMV in social and cohesion policy until 2007, after agreement is reached on a new EU budgetary framework to succeed the one ending in 2006. This delay was insisted upon by Spain — the main current beneficiary of EU structural assistance — to enable it and other poor member-states to protect their shares of EU aid after the accession of even poorer CEECs (*European Voice* 2000a:2).

The candidate-states are more ambivalent about the adoption of new provisions for enhanced co-operation. According to the Nice Treaty, groups of at least eight member-states can push ahead with further integration. Authorisation for enhanced co-operation is to be granted by the Council acting by qualified majority, thus removing the unanimity requirement for the use of flexibility procedures imposed by the Amsterdam Treaty. However, enhanced co-operation initiatives must adhere to a list of safeguards to ensure that they do not undermine the *acquis communautaire* and the Single Market, and they must be open to

all member-states so that non-participants can join later. The new provisions for enhanced co-operation are to apply to all areas of EU policy, including common foreign policy, with the major exception of defence, this at the insistence of the UK backed by Sweden and Ireland.²³

Because of the accompanying list of safeguards, the candidate-states have not reacted negatively to the new provisions for enhanced co-operation. Nevertheless, this aspect of the Nice agreement could eventually have a major negative impact on the candidate-states. One of the few candidate-states to take a clear position on enhanced co-operation during the IGC was Poland, yet its views provide a good indication of the wariness with which the candidate-countries regard this concept. The primary concern expressed by the Polish government is that enhanced co-operation could result, whether intentionally or unintentionally, in the creation of a “two-tier” Europe in which less-developed member-states, including the CEECs, could be left behind or relegated to the second division. Such second-class status or membership would be clearly unacceptable, and would invalidate the years of preparation and considerable sacrifices made for accession by the candidate-states.²⁴ For some within the candidate-countries, therefore, the Nice decision on enhanced co-operation only reinforces existing suspicions that new member-states will not be treated equally once they join the EU.

By far the greatest amount of controversy generated by the Nice summit concerned voting procedures in the Council, and the distribution of votes in the Council and seats in the European Parliament among both current and future member-states. The deal on voting procedures that was eventually reached in Nice creates a complex “triple majority” system. To be approved, decisions will

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require around 71 percent of the votes in the Council, plus the support of a majority of the member-states and the votes of member-states representing at least 62 percent of the EU's population. It was also agreed that the threshold for approval of decisions would rise to nearly 74 percent once the Union has 27 member-states, with a "blocking minority" of 91 votes (out of 345 total).³⁵ Thus, in an enlarged EU making decisions will be even more difficult. The main "positive" implication of this outcome for the candidate-states, as for all member-states, is that they will be less often outvoted and forced to go along with measures they oppose.

Of great concern to the candidate-states was the share out of Council votes and European Parliament seats agreed to in Nice. The Polish government reacted with considerable alarm to the French presidency's initial proposal giving Poland one less vote than Spain, a country with a similar population (see Table 5). After phone calls to the leaders of Germany, France, Spain, Denmark, and Sweden to lobby against the French plan, and after issuing a press statement highly critical of the Nice proceedings and demanding equal treatment, Poland was able to gain parity with Spain at 27 votes apiece. Largely because of this successful lobbying, Polish Prime Minister Jerzy Buzek later labelled the Nice outcome "exceptionally favourable" for his country (*RFE/RL Newslines*, no. 238, 11 December 2000; *RFE/RL Newslines*, no. 239, 12 December 2000; *Agence Europe*, no. 7861, 11-12 December 2000:8; Wagstyl 2000:2).

Other candidate-states were not so fortunate, however. Romania, without the same level of support in Nice or political clout as Poland, was awarded only 14 Council votes, only one more than the Netherlands despite its significantly larger population. The outcome for Romania

would have been even worse were it not for Belgian Prime Minister Guy Verhofstadt, who held up agreement on a final deal to gain one additional vote for Romania and two for Lithuania (*Agence Europe*, no. 7870, 23 December 2000:3; *European Voice* 2000b:2). The latter was able to improve its position only after furious lobbying by its President and Prime Minister (*RFE/RL Newslines*, no. 239, 12 December 2000). Other "losers" in the share out of Council votes were Latvia, Slovenia, and Estonia, which received the same number of votes (four) as Luxembourg, even though their populations are three to five times larger. Tiny Malta also received one less vote than Luxembourg, despite having only a slightly smaller population.

Closely connected with reform of the Council's voting system was the distribution of seats in the European Parliament. Obvious victims of discrimination were Estonia, which received the same number of seats as Luxembourg, despite a population three times as large, and Slovenia, which received only one more seat than Luxembourg, despite its population being more than four times as large. The loudest objections, however, came from the Czech Republic and Hungary, which received only 20 seats each, two less than Belgium, Greece, and Portugal, current member-states with similar populations. This discrepancy emerged in the final hours of bargaining in Nice, in order to gain the support of Greece and Portugal for the re-weighting of votes in the Council. After the summit, the outraged Czech and Hungarian governments demanded an upward revision of their seat numbers, claiming that the absence of equal treatment could negatively affect public opinion in their countries towards the EU and fuel existing suspicions that the candidate-states will be treated as second-class members once they join.

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TABLE 5: DISTRIBUTION OF VOTES IN THE COUNCIL AND SEATS IN THE EUROPEAN PARLIAMENT FOR CURRENT AND FUTURE MEMBER-STATES, AGREED TO IN THE TREATY OF NICE

Current Members					
Country	Population (in millions)	Current Vote*	New Vote	Parliament Seats (Old)	Parliament Seats (New)
GERMANY	82,038	10	29	99	99
UK	59,247	10	29	87	72
FRANCE	58,966	10	29	87	72
ITALY	57,610	10	29	87	72
SPAIN	39,394	8	27	64	50
NETHERLANDS	15,760	5	13	31	25
MICHAEL J. GREECE	10,533	5	12	25	22
BAUN BELGIUM	10,213	5	12	25	22
AND DAN PORTUGAL	9,980	5	12	25	22
MAREK SWEDEN	8,854	4	10	22	18
AUSTRIA	8,082	4	10	21	17
DENMARK	5,313	3	7	16	13
FINLAND	5,160	3	7	16	13
IRELAND	3,744	3	7	15	12
LUXEMBOURG	0,429	2	4	6	6
Candidate-States					
POLAND	38,667	8	27	--	50
ROMANIA	22,489	6	14	--	33
CZECH REPUBLIC	10,290	5	12	--	20
HUNGARY	10,092	5	12	--	20
BULGARIA	8,230	4	10	--	17
SLOVAKIA	5,393	3	7	--	13
LITHUANIA	3,701	3	7	--	12
LATVIA	2,439	3	4	--	8
SLOVENIA	1,978	3	4	--	7
ESTONIA	1,446	3	4	--	6
CYPRUS	0,752	2	4	--	6
MALTA	0,379	2	3	--	5

Sources: TREATY OF NICE (COUNCIL OF THE EUROPEAN UNION 2000A); FINANCIAL TIMES, 12 DECEMBER 2000:2.

Note on Table 5: * ADOPTED FROM CURRENT FOR EU 27.

Hungarian Foreign Minister Martonyi claimed that the Nice agreement on Parliament seats ‘is unacceptable, unjust and discriminatory. It is against the principle of equal representation of population’ (*iDnes On-line*, <www.idnes.cz>, 17 December 2000). Similar criticism was expressed in a statement issued by the Czech Republic Foreign Ministry (2000a). The two governments declared

that if the EU did not rectify the discrepancy in European Parliament seats, they would insist that this issue be addressed in the accession negotiations. In response to these and other protests about unequal treatment of the candidate-states in Nice, French President Chirac declared only that it was only natural for new member-states to have a “handicap” compared to existing members (Taylor 2001:1).

Even though not formally present at the Nice summit, the candidate-states still sought to influence the negotiations, mainly through contacts with the governments of current member-states and the Commission. The Polish government also used public pressure by issuing a press statement at a critical moment in the negotiations. Some member-states acted as informal representatives of candidate-state interests in Nice. Germany, for instance, positioned itself as a strong supporter of Poland, and Belgium's Prime Minister championed the interests of Romania and Lithuania, apparently for altruistic reasons.²⁶ The problem with this system of indirect representation, however, is that it is unequal, and the candidate-states without strong supporters, or those that are small and relatively less politically important, were less protected and hence more shabbily treated in Nice. The position of the candidate-states in Nice was also undermined by the weak position of Commission President Prodi, who was effectively marginalised by President Chirac, the summit's host. Thus, even though Prodi repeatedly reminded EU leaders to fully take into account the interests of the candidate-states in the re-balancing of Council votes and bargaining on other issues, he only had a limited ability to intercede on their behalf.²⁷

THE POST-NICE AGENDA

THE NICE AGREEMENT ON INSTITUTIONAL REFORM IS NOT THE END OF THE STORY AS FAR AS THE CANDIDATE-STATES ARE CONCERNED. Before enlargement can occur, the Nice Treaty must first be ratified by each of the member-states so that it can come into effect. A minimalist treaty should make ratification easier and allow it to proceed more quickly, which could allow ratification of the first new

accession treaties to begin sooner as well. The more advanced candidate-states have advocated parallel ratification of the Nice Treaty and the first accession treaties, so that accession of the first new member-states could occur shortly after the Nice Treaty enters into force (January 2003, for instance). The EU has rejected the parallel ratification scenario, however, claiming that ratification of accession treaties can only begin once the Nice Treaty is finally ratified.²⁸ The candidate-states have countered that the language of the Helsinki summit conclusions does not preclude parallel ratification. In the words of the Czech government's chief EU negotiator, Pavel Telicka, 'there are no legal or substantive reasons, no convincing arguments, for the sequence of ratifications [suggested by the EU].' Telicka has also suggested that one alternative would be for the member-states that have ratified the IGC treaty to immediately initiate ratification of the accession agreements (Czech Republic Foreign Ministry 2000b).²⁹ However, the enlargement strategy endorsed by the European Council in Nice foresees negotiations on difficult chapters such as agriculture and structural and cohesion policy only beginning in the first half of 2002 (European Council 2000b:II5).³⁰ This timetable indicates that the first accession treaties will not be signed until late 2002 at the earliest, thus effectively precluding the possibility of parallel ratification.

Another outcome of the Nice summit with implications for enlargement is agreement on the "post-Nice agenda" for institutional reform. This agenda includes such issues as the formal distribution of competencies between different levels of government, simplification of the EU treaties, the legal status of the Charter of Fundamental Rights, the future role of national parliaments in EU decision-making, and common defence

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policy. Many of these issues were deliberately excluded from the IGC agenda, and thus can be considered the “Nice leftovers” (Dinan and Vanhoonacker 2000:2).

Over the course of the 2000 IGC support grew for the idea of a new conference to consider these post-Nice issues. While a new IGC was supported by several member-states, including Italy and the Benelux countries, Germany was a particularly strong advocate of this idea. This is because the government of Chancellor Gerhard Schröder was under pressure at home from the powerful *Länder* (federal state) governments, who were seeking guarantees that their constitutional powers would not be further eroded by European integration. Some conservative *Länder* governments even suggested they might block ratification of new accession treaties in the *Bundesrat*, the chamber of the German parliament that represents the state governments, unless their demand for a clearer delineation of the powers of different levels of government (EU, national, regional) was met.³¹ In Nice, after securing the backing of the UK, Chancellor Schröder was able to gain France’s agreement to a new IGC as part of Germany’s compensation for accepting continued parity in Council votes with its less-populous neighbour.

In Nice, therefore, it was decided to hold a new IGC in 2004 to discuss the distribution of competencies and other post-Nice issues. While the agenda for the 2004 conference remains open, the European Council declared that the preparatory process leading up to the IGC should address the following questions:

how to establish and monitor a more precise definition of competencies between the European Union and the member-states, reflecting the principle of subsidiarity; the status of the charter of Fundamental

Rights of the European Union proclaimed at Nice ...;

*a simplification of the Treaties with a view to making them clearer and better understood without changing their meaning; and the role of national Parliaments in the European architecture.*³²

The discussion of a new IGC in the run-up to Nice alarmed the candidate-countries, which feared that it could represent yet another precondition of enlargement and thus delay even further the next accessions. According to Czech Ambassador to the EU Libor Secka, the decision to set a target date for the next IGC at Nice would send a worrying signal to the candidate-states: ‘Setting 2004 for the next IGC implies that there will be no enlargement before 2004. Member-states should explain there is no new obstacle to enlargement’ (Taylor 2000:8). The candidate-states also argued that they should be fully involved in any future round of treaty negotiations, even if they have not yet been formally admitted to the EU by the time the next IGC begins, and they demanded a voice in setting the conference agenda (Taylor 2000:8).

In Nice, the European Council responded to candidate-states’ concerns by pledging that the new IGC ‘shall not constitute any form of obstacle or precondition to the enlargement process. Moreover, those candidate-states which have concluded accession negotiations with the Union shall be invited to participate in the Conference. Those candidate-states which have not concluded their accession negotiations shall be invited as observers.’ The European Council also promised that the candidate-states would be “associated” with the preparatory process for the conference, ‘in ways to be defined.’³³ One possibility, previously discussed at its 7 December meeting, was the possibility of using the European

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Conference as a forum for exchanging views on post-Nice institutional reform (*Agence Europe*, no. 7858, 8 December 2000:9). Despite assurances from the EU, however, the candidate-states remain wary about the possibility that the 2004 IGC could be a factor that delays enlargement.

What is the likely position of the candidate-states on post-Nice reform issues? Because of their experience of the Commission-led accession process, and since most are small countries, it is likely that most candidate-states will remain supporters of a strong and representative Commission, including possibly a directly-elected Commission president. At the same time, despite repeated pledges that they are not in favour of a weaker or diluted EU,³⁴ the recently independent and sovereignty-conscious CEECs are likely to favour continued preservation of the EU's intergovernmental nature as a union of nation-states. They will probably favour, for instance, a stronger role for national parliaments in EU decision-making and a clearer definition of competencies between the EU and national governments. They might also be more sceptical about a common European Security and Defence Policy, especially in view of their continued reliance on NATO for protection against a resurgent Russia. Such projections are highly speculative, of course, and divergent views among the candidate- (or future member-) states will no doubt reflect differences of size, geography, and political interests. The only sure thing is that intergovernmental bargaining in an enlarged EU will produce complex and as yet unimagined coalitions of interest among current and prospective member-states.

CONCLUSION

THE 2000 IGC AND NICE TREATY HAVE SIGNIFICANT IMPLICATIONS FOR THE CANDIDATE-STATES FOR EU MEMBERSHIP. Of most importance for these countries, the Nice summit brought the IGC to a successful, if somewhat ugly, conclusion, thereby clearing the way for enlargement to proceed. The institutional changes agreed to at Nice will also affect the future position and interests of the candidate-countries as member-states. A less effective EU, because of the minimalist extension of QMV and raised threshold for qualified majority decisions, when combined with the new provisions for enhanced co-operation could work against the new member-states as frustrated and more federalist members seek to press ahead with further integration. In such a scenario, the new member-states could indeed be left behind and relegated to a second-class sub-group. Regardless, the new member-states will suffer in common with other members if an enlarged EU becomes paralysed and unable to make decisions. The Nice agreement, including decisions on the size and composition of the Commission and the distribution of Council votes and seats in the European Parliament, will also affect popular perceptions of the EU in the candidate-states, and thus the level of popular support for accession in these countries.

The candidate-states were only peripheral players in the IGC and the debate on institutional reform. As promised by the EU at the Helsinki summit, the candidate-states were kept informed of IGC developments through meetings organised by the EU presidency, and the EU provided them with access to all IGC documents. The candidate-states were also invited by the EU to submit their views on institutional reform to the

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IGC. While each of them did so, these views were generally not expressed in any detailed form. Only Poland submitted a detailed position statement that went beyond the general letters sent to the Portuguese presidency at the very beginning of the IGC. This reticence was due mainly to the fact that the candidate-states were not formal, voting participants in the IGC, and thus their views carried little weight. The one possible exception to this lack of influence concerned negotiations on the issue of Commission reform. Here, the uniformly strong demand of the candidate-countries for their right to nominate a Commissioner bolstered the position of the smaller member-states in the IGC negotiations, and was probably a factor in the decision not to reduce the Commission's size.³⁵ In another exception, the Polish government, even though not formally present in Nice, was able to use its size and the support of Germany to gain an upward revision of its Council voting weight to secure parity with Spain.

To the extent that they expressed them, the positions of the candidate-states on the IGC issues were generally similar, with the main difference existing between Poland and the remaining candidate-states on the issue of voting weights in the Council. Among the candidate-states, the Polish government was the lone strong supporter of a redistribution of voting power to favour the larger member-states. In this regard, division among the candidate-countries reflects the cleavage between large and small member-states in the EU. Another factor differentiating the candidate-states, their perceived prospects for accession (whether a candidate-state expects to join in the first or second wave of new entrants, or later), does not appear to have influenced candidate-states' positions on the IGC to a great extent.

However, Bulgaria's lone support for enhanced co-operation may stem from the perception that its relatively weak accession prospects are improved with a more differentiated EU.

All of the candidate-states were in agreement on their main goal, however, which was for the IGC to end successfully at the Nice summit with agreement on a relatively minimalist and ratifiable treaty, so that enlargement will not be delayed. The candidate-states also all hope to play a key role in the post-Nice debate on Europe's future architecture and governance, preferably as full EU members.

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NOTES:

Michael J. Baun is Associate Professor of Political Science and Pizer Chair in International Relations at Valdosta State University, Valdosta, GA 31698, United States. Tel: 1 912 259 5082. E-mail: <mbaun@valdosta.edu>.

Dan Marek is Jean Monnet Lecturer at the Department of Politics and European Studies, Palacký University, 771 80 Olomouc, The Czech Republic. Tel: 420 68 563 33 02. E-mail: <marek@aix.upol.cz>.

¹ The twelve applicant-states negotiating accession, listed alphabetically, are: Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, and Slovenia. A thirteenth country, Turkey, was formally designated a candidate for EU membership in December 1999, but has not yet been allowed to begin accession negotiations.

² The provisional text of the Treaty of Nice was agreed by the European Council at the Nice summit on 7-11 December 2000. After undergoing legal and linguistic review, a final version of the treaty will be formally signed on 26 February 2001. The Nice Treaty adapts the EU's basic treaty framework, specifically the Treaty on European Union (TEU)

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and the Treaties on the European Communities (TEC). It also includes, as annexes, a 'Protocol on the Enlargement of the European Union' and three 'Declarations' pertaining to enlargement and the future of the EU. For the provisional text, see Council of the European Union (2000a).

3 In January 1995 three EFTA applicants — Austria, Finland, and Sweden — acceded to the EU. A fourth EFTA member-country, Norway, also negotiated entry, but its citizens rejected EU membership in a November 1994 referendum.

4 The treaty was formally signed in Amsterdam on 2 October 1997. For analysis of the treaty's various provisions, see Duff (1997).

5 See the comments of various Polish government officials, cited in *Agence Europe*, no. 7300, 14-15 September 1998:4, 16; *Agence Europe*, no. 7315, 5-6 October 1998:3; and *Agence Europe*, no. 7321, 14 October 1998:8.

6 For the Commission's view, see European Commission (1997:12-3). For the Parliament, see European Parliament (1997:8-9). Among the member-states, Belgium, France, and Italy were particularly critical of the Amsterdam Treaty results. In the 'Declaration by Belgium, France and Italy on the Protocol on the Institutions with the Prospect of Enlargement of the European Union' that was attached to the final version of the Amsterdam Treaty, these governments asserted that the treaty's provisions on institutional reform were insufficient, and that further institutional reform was 'an indispensable condition for the conclusion of the first accession negotiations' (*Treaty of Amsterdam* 1997:144). At an EU foreign ministers meeting in September 1997, the Belgian government threatened to block further enlargement unless there was adequate institutional reform. See Barber and Smith (1997:16).

7 The committee was established in December 1998 by the European Parliament, with the agreement of the Commission, following a move by some MEPs to censure the Commission for its conduct. For the text of the committee's Conclusions, see Independent Committee Report (1999).

8 On the debate over the IGC agenda in the run-up to Helsinki, see Baun (2000:188-91).

9 The Helsinki summit decided that additional issues, beyond the three "Amsterdam issues," could

be added to the IGC agenda upon recommendation of the Portuguese EU presidency in its June 2000 progress report on the negotiations. See European Council (1999b: para. 16). For candidate-states' reactions to the Helsinki summit decisions, see Smith (1999a:4); and *Agence Europe*, no. 7614, 13-14 December 1999:9-10.

10 See Portuguese government report on priorities of the incoming EU presidency, summarised in *Agence Europe*, no. 7623, 28-29 December 1999:3-4. Also see Portuguese EU presidency plans for organising the IGC, reported in *Agence Europe*, no. 7638, 21 January 2000:3; and *Agence Europe*, no. 7640, 24-25 January 2000:6.

11 See Council of the European Union (2000b-m). The letters are available on the Council's official website <<http://db.consilium.eu.int/cig/default.asp?lang=en>>. Retrieved 15 June 2000.

12 The Polish government's position paper was presented in June 2000. See Council of the European Union (2000n).

13 The European Conference is the annual meeting, at both ministerial and heads of state and government level, of the EU member-states and all European countries aspiring to EU membership. The first such meeting took place in March 1998.

14 See, for instance, the remarks of French Minister for European Affairs Pierre Moscovici, cited in *Agence Europe*, no. 7747, 29 June 2000:4.

15 Article numbers refer to the post-Amsterdam consolidated version of the Treaty Establishing the European Community (TEC). See European Union (1997:33-168).

16 For details of public opinion in the candidate-countries *vis-à-vis* the EU, see the ongoing surveys conducted by Central and Eastern Eurobarometer <europa.eu.int/comm/dg10/epo/ceeb.html>.

17 See, for example, *The Economist* (1999); and *The Economist* (2000).

18 See Gillespie (2000:2).

19 See Kolankiewicz (1994). Kolankiewicz identified four different approaches towards Central European co-operation among the Visegrad countries: "The Czech strategy is minimalist, seeing the grouping of central European states as a consultative body, underpinned by bilateral relations which can be complemented by multilateral ties such as those

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of the CEFTA ... The stance of the Hungarians could be seen as essentially pragmatist and instrumental. Leaning more towards the view of Visegrad as a process rather than an entity, they have been prepared to use it alongside other organisations such as the Central European Initiative (CEI) to gain access to Europe ... The Polish position is maximalist and intrinsic, favouring the use not only of Visegrad but also of the CEI, the Baltic Council and the Euro-Arctic group, as well as bilateral treaties in furthering their integration with Europe ... Slovakia views Visegrad as an essential lifeline to the West and as its only chance of staying in contact with the leading democracies.' On co-operation among the Visegrad states, see also Vachudova (1993). In 2000, the member-states of CEFTA were Poland, Hungary, the Czech Republic, Slovakia, Slovenia, Bulgaria, and Romania.

20 For a detailed analysis of the arguments concerning enhanced co-operation, see Philippart (2000:11).

21 'Declaration on the Future of the European Union to be Included in the Final Act of the Conference,' Annex IV of the *Treaty of Nice* (Council of the European Union 2000a:83).

22 Article 4, 'Protocol on the Enlargement of the European Union,' Annex I of the *Treaty of Nice* (Council of the European Union 2000a:76-7). The Protocol further specifies that once the number of member-states reaches 27 the Council shall decide, by unanimity, on a number of Commissioners that is 'less than the number of member-states,' with Commission members chosen on the basis of a system of equal rotation among the member-states (para. 2). Until this point, 'Any State which accedes to the Union shall be entitled to have one of its nationals as a member of the Commission' (para. 4).

23 The new provisions for enhanced co-operation are contained in clauses A-P of the *Treaty of Nice* (Council of the European Union 2000a:12-20). On the opposition of the UK, Sweden and Ireland to enhanced co-operation on defence matters, see Norman (2000a:2).

24 For the Polish government's position on enhanced co-operation, see the pre-IGC commentary by Poland's chief EU negotiator, Jan Kulakowski (1999:17); and Council of the European Union (2000n:18-9).

25 'Declaration on the Enlargement of the European Union to be Included in the Final Act of the Conference,' Annex II of the *Treaty of Nice* (Council of the European Union 2000a:78-79); and 'Declaration on the Qualified Majority Threshold and the Number of Votes for a Blocking Minority in the Context of Enlargement to be Included in the Final Act of the Conference,' Annex III of the *Treaty of Nice* (Council of the European Union 2000a:82).

26 On Germany's defence of Poland's interests, see *Agence Europe*, no. 7861, 11-12 December 2000:8. On Verhofstadt's support for Romania and Lithuania, see Norman (2000b:2).

27 On Prodi's defence of candidate-state interests in Nice, see *Agence Europe*, no. 7861, 11-12 December 2000:5, 8.

28 See the statement of Enlargement Commissioner Günter Verheugen, cited in Smith (1999b:2). Verheugen re-emphasised this position in a statement issued on 8 February 2000, cited in *Agence Europe*, no. 7651, 9 February 2000:7-8.

29 For the response of the governments of Poland, Hungary, and the Czech Republic to Verheugen's initial statement of his views on parallel ratification, see *Agence Europe*, no. 7614, 13-14 December 1999:9-10.

30 The Nice European Council endorsed the conclusions on enlargement of the Council of Foreign Ministers, reached on 4 December 2000 (Council of the European Union 2000p); also see *Agence Europe*, no. 7855, 5-6 December 2000:7-8. The Swedish government has declared its wish to open negotiations on some of these difficult chapters during its EU presidency in the first half of 2001, however. See *Agence Europe*, no. 7865, 16 December 2000:5.

31 On *Länder* concerns about losing constitutionally-guaranteed powers through integration, see Baun (1998). On the possibility that the *Länder* might block ratification of new accession treaties, see Simonian (2000:2).

32 'Declaration on the Future of the Union to be Included in the Final Act of the Conference,' Annex IV of the *Treaty of Nice* (Council of the European Union 2000a:83-4).

33 'Declaration on the Future of the Union,' in the *Treaty of Nice* (Council of the European Union 2000a:83-4).

34 See, for instance, *Agence Europe*, no. 7849, 25 November 2000:11-2; and Interview with Poland's President Alexander Kwasniewski, in *European Voice*, 11-17 January 2001:14.

35 The Benelux states frequently referred to the argument that doing away with the right of every

member-state to nominate a Commissioner would be difficult to explain to the candidate-states. See the remarks of Dutch Permanent Representative to the EU Bernard Bot, cited in *Agence Europe*, no. 7826, 21 October 2000:6. Also see *Agence Europe*, no. 7817, 11 October 2000:3.

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