

# Treaty of Amsterdam

The Treaty of Amsterdam (1997) was the third major amendment to the arrangements made under the Treaty of Rome (1957). It was largely an exercise in tying up the loose ends left over from the Maastricht Treaty (1992). However, in the ways in which it changed the operation of the Council of the European Union, absorbed the Schengen Convention and increased the role of the EU in home affairs, it pushed forward the model of a *supranational* European Union at the expense of *intergovernmental* co-operation.

## History

A Reflection Group was set up in 1995 to discuss which steps the EU should take after the Treaty of Maastricht. The Maastricht Treaty had not covered all the issues raised during the debates of the 1980s – in particular, the Schengen Convention on open borders remained outside the main body of EU Law while the Social Chapter that was meant to be included in the 1992 Treaty had actually only been ‘tacked on’ as an extra *protocol* because of British opposition. On the horizon, meanwhile, was the prospect of enlargement of the EU to include the former communist countries of Eastern Europe. Concerns also existed about the lack of democratic accountability within the EU – the so-called ‘democratic deficit’. These issues laid the groundwork for an Inter-Governmental Conference (IGC) that began in Turin on 29 March 1996. However, progress on the IGC was slow and the Treaty of Amsterdam was only signed in 1997 after the change of government in Britain in May that year. The Treaty came into force on 1 May 1999.

## What did the Treaty of Amsterdam do?

The most symbolically important gesture of the Treaty of Amsterdam was the framework sketched out for the future accession of ten new member states. This projected an image of a Europe soon to be united across the old Iron Curtain. Yet it made many more immediate changes. It absorbed the Schengen Convention into EU law, creating open borders between twelve of the member states; expanded the role of the Common Foreign and Security Policy (CFSP) by creating a High Representative to take overall responsibility for EU foreign affairs, and extended the powers of Europol, the European police agency, on the understanding that both these powers were controlled *intergovernmentally*.

Most significantly however, it changed the way that decisions were made in the EU by expanding the number of decisions covered by Qualified Majority Voting (QMV), including on some foreign policy issues. For this first time, it gave the Commission a say over the majority of Justice and Home Affairs, which had previously been in the hands of the European Council. It also created the idea of *enhanced co-operation* to allow some members to co-operate more closely on areas outside the remit of the EU treaties without unanimous agreement. At the same time, however, it recognised the

idea of *constructive abstention* – whereby a member state could opt out of security or foreign affairs without preventing other countries from going ahead.

## Arguments

### For

- By providing room for some countries to move faster along the path to integration than others, the Amsterdam Treaty created greater flexibility.
- It made enlargement possible, entrenching democracy for millions of people in Eastern Europe.
- It brought the UK in line with the social agreement of the Maastricht Treaty.

### Against

- The new flexibility built into the Treaty effectively created a two-speed Europe where some countries could become ‘second-class’ members.

## Quotes

*‘The success of this ever closer Union among the peoples of Europe depends, as we have seen, on its ability to meet citizens’ demands. However, it must also be based on common principles which must be reaffirmed. They inspire the common core which characterizes the Community’.* Reflection Group Report, 1995

*‘What disturbs people in Britain and many elsewhere is that they see a constant transfer of power in one direction only. They see all the footprints leading into the cave and none coming out... where does it end?’* Malcolm Rifkind, British Foreign Secretary, 1997

## Technical Terms

**Supranational:** a form of organisation through which decisions are made by international institutions, not by individual states.

**Intergovernmental:** a form of international organisation where governments work together to achieve shared goals.

**Enhanced co-operation:** the idea that a core of countries could co-operate more closely in more areas of policy without obliging other members to either veto these policies or adopt them.

**Constructive abstention:** a rule allowing the European Council to agree to a foreign affairs or security decision even if one country decides to abstain.

**Protocol:** additions to a previous treaty which are not binding for all signatories.

## Links

- [http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/amsterdam\\_treaty/a09000\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/a09000_en.htm)
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