

The future of the European Union and the Lisbon Treaty

Marie-José Garot

IE Law School

Center for European Studies, IE
University



Introduction

- The one-year old Lisbon Treaty
- The special European context
- Outline:
 - From Rome to Lisbon
 - Why did Europe need a new Treaty?
 - The long march towards the Lisbon Treaty
 - Institutional and policy reforms
 - Conclusion: A new step in the integration process?

From Rome to Lisbon

- The Schuman Declaration and the European Community of Coal and Steel
- The European Community of Defense
- The Treaty of Rome
- A twofold process:
 - Political deepening: European Single Act (1986), Maastricht Treaty (1992), Amsterdam Treaty (1997) and the Nice Treaty (2001)
 - Gradual enlargement: The UK, Ireland and DK (1973), Greece (1981), Spain and Portugal (1986), Finland, Sweden and Austria (1995), 10 new Member States from Central and East Europe (2004), Bulgaria and Romania (2007)

Why a new Treaty?

- New challenges for the European Union (21st century):
 - Domestic challenges:
 - Enlargement
 - Democratic legitimacy
 - End of the “*méthode communautaire*”?
 - External challenges: to find a place in the international scene
 - End of the cold war
 - Asia as a new international partner
 - Other challenges: terrorism, energy...

The long march towards the Lisbon Treaty

- After the Nice Treaty (2001):
 - Declaration n° 23
 - The Laeken Declaration
- The European Convention (Feb. 2002- July 2003): a new treaty-making process
- The Treaty establishing a Constitution for Europe (June, 29th 2004)
- The ratification process and the rejection of the Constitution by France and Netherlands (2005)

The long march towards the Lisbon Treaty

- Lisbon at the end of the tunnel:
 - The friends of the Constitution and the reflection period
 - The German presidency (first semester 2007), President Sarkozy (May 2007) and the Intergovernmental Conference (June-October 2007)
 - Lisbon, December, 13th 2007: a new treaty was born!
 - December 1st, 2009: the new treaty came into force

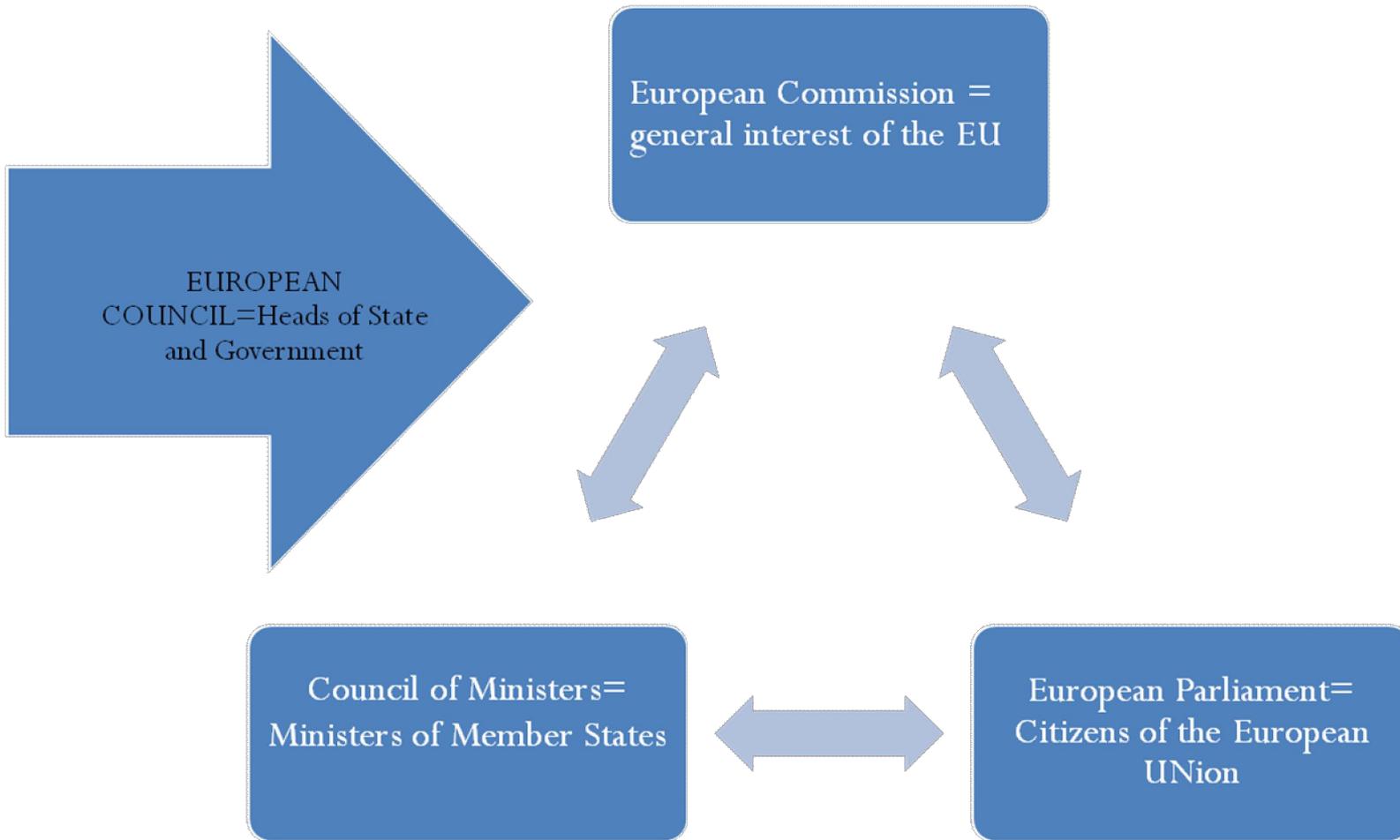
The Lisbon Treaty versus the European Constitution

- No more “Constitution”, nor Primacy Principle, nor “United in diversity”
- No more Minister of Foreign Affairs, only a High Representative
- No more “Law” nor “Framework Law”
- However, the Lisbon Treaty is substantially identical to the failed European Constitution

The structure of the Lisbon Treaty

- A complicated architecture, besides the abolition of the “Pillar” structure
- The Lisbon Treaty reforms the Treaty on the European Union and the Treaty establishing the European Community.
- Now, we have:
 - The Treaty on the European Union (TEU): principles, values, basic organization of the EU
 - The Treaty on the Functioning of the European Union (TFEU): organization, functioning of the institutions, definition and limits of European policies
 - 36 Protocols, 63 Declarations and opt-outs...

Institutional reforms



Institutional reforms

- European Commission:

- Reduction of the number of commissioners for a more efficient Commission but reform postponed *sine die*
- Share of its power of legislative initiative

- Council of Ministers:

- New system of qualified majority vote (Art. 16 TEU). 68 new areas for qualified majority vote
- Rotating presidency, except for the Council of Foreign Affairs

Institutional reforms

- European Parliament:
 - European co-legislator. Co-decision procedure = ordinary legislative process
 - Maximum number of members: 750 + President
 - New budgetary competences
- European Council:
 - Elevated to European Institution
 - Permanent Presidency

Institutional reforms

- High Representative of the European Union for Foreign Affairs and Security Policy
 - Reinforcing Europe's voice in the world
 - At the same time, vice-president of the European Commission and president of the Foreign Affairs Council of Ministers
 - Assisted by the European Diplomatic Service
- European Court of Justice:
 - New competences
 - General Court
 - Specialized courts

Institutional reforms



More institutional reforms

- The European Union has legal personality
- “Exit Clause”
- New rules for enhanced cooperation (even for Foreign Affairs)
- New role for National parliaments
- Citizen’s initiative

New competences and new policies for the European Union

- Clear allocation of competences (Art. 2 to 6 TEU) and higher protection of national identities
 - Recognition of the Attribution principle
 - Competences:
 - Exclusive
 - Shared
 - Supporting or Coordination
- “Communitarization” of Justice and Home Affairs (with opt-out of the UK and Ireland regarding some aspects)

New competences and new policies for the European Union

- Lesser “communitarization” in areas of Foreign Policy
- New competences for Climate change
- New competences for Energy policy
- The Charter of Fundamental Rights of the European Union
 - Legally binding, except in the UK and Poland
 - European Convention on Human Rights

Conclusion: Does the Lisbon Treaty constitute a new step in the European integration process?

- Implementation still “under construction”
- Who wins, who loses?
- A new step regarding the economic integration as well as the financial integration
- A new step in terms of political integration?
- The future of the European Union will depend mostly on its leaders...

• Thanks!

