

## **P6\_TA(2008)0055**

### **Treaty of Lisbon**

#### **European Parliament resolution of 20 February 2008 on the Treaty of Lisbon (2007/2286(INI))**

*The European Parliament,*

- having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed on 13 December 2007,
- having regard to the Treaty on the European Union and the Treaty establishing the European Community as amended by the Single European Act and the Treaties of Maastricht, Amsterdam and Nice,
- having regard to the Charter of Fundamental Rights of the European Union of 12 December 2007<sup>1</sup>,
- having regard to the Laeken Declaration of 15 December 2001 on the Future of the Union,
- having regard to the Treaty establishing a Constitution for Europe signed in Rome on 29 October 2004,
- having regard to its resolution of 7 June 2007 on the roadmap for the European Union's constitutional process<sup>2</sup>, and to its resolution of 11 July 2007 on the convening of the Intergovernmental Conference<sup>3</sup>,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Regional Development, the Committee on Foreign Affairs, the Committee on Development, the Committee on International Trade, the Committee on Budgets, the Committee on Industry, Research and Energy and the Committee on Civil Liberties, Justice and Home Affairs (A6-0013/2008),

Whereas:

- A. Throughout the last 50 years the development of the European Union has been fundamental in establishing an area of peace and stability in a continent previously ravaged by war, in consolidating democracy, freedom and citizens' rights, in enhancing prosperity, solidarity and welfare through the creation of the world's largest single market with common rules for social standards, environmental and consumer protection, and fair competition and with an economic and monetary union, in enabling Member States to work together to address issues that transcend national borders and in giving Europe a stronger voice in world affairs,
- B. There is a recognised need to reform and strengthen the structures of the Union in order to

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<sup>1</sup> OJ C 303, 14.12.2007, p. 1.

<sup>2</sup> Texts Adopted, P6\_TA(2007)0234.

<sup>3</sup> Texts Adopted, P6\_TA(2007)0328.

consolidate these achievements and to improve the capacity of a Union of twenty-seven, and potentially more, Member States to function effectively so as to enable it to face common new challenges and to be subject to greater democratic accountability,

- C. This need was the origin of the successive reforms that, since the Treaty of Maastricht - which marked a shift in European integration, with the creation of an economic and monetary union and the passage from an essentially economic community to a political union - have tried to settle the institutional structure of the Union and led to the Declaration of Laeken, which also opened the way to a different process for reform based on the Convention method, and no longer based exclusively on intergovernmental conferences,
- D. The Treaty establishing a Constitution for Europe was drafted by a Convention, composed of two representatives from every national parliament, sixteen MEPs, two representatives of the European Commission and a representative of each national government, who prepared a draft in public deliberation, producing a consensus which was left essentially unchanged by the 2004 Intergovernmental Conference, while the subsequent Treaty of Lisbon, which dropped some of the features of the Constitution, resulted from more traditional intergovernmental working methods, albeit with the full participation of three representatives of the European Parliament,
- E. The previous effort to reform the Union by means of replacing the Treaties with a Constitution was endorsed by a very large majority of the elected representatives of European citizens in the European Parliament<sup>1</sup> and was ratified by 2/3 of the Member States but was rejected by two (France and the Netherlands) and, after a period of reflection in which it became clear that the necessary approval by all Member States could not be attained, this approach was abandoned in favour of amending the pre-existing Treaties instead,
- F. This shift in method and process, while retaining in a new form many of the practical adjustments to the institutional structure of the Union that it envisaged, implied a lowering of the ambition and the abandonment of several features of the Constitution, the postponement of the entry into force of some of its new mechanisms and the incorporation into the Treaties of particular measures specific to various Member States,
- G. None the less, the fact that every single national government in the Union agreed to the Treaty demonstrates that the elected governments of Member States all consider that this compromise is the basis on which they wish to work together in the future and will require each of them to demonstrate maximum political commitment to ensuring ratification before 1 January 2009,
- H. It is necessary that the Treaty of Lisbon be ratified by all Member States by the end of 2008, in order to allow citizens to vote in the 2009 elections in full knowledge of the new institutional framework of the Union,

### ***A positive step for the future of the Union***

1. Concludes that, taken as a whole, the Treaty of Lisbon is a substantial improvement on the

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<sup>1</sup> By 500 votes in favour, 137 against and 40 abstentions (its resolution of 12 January 2005 on the Treaty establishing a Constitution for Europe [Corbett/Méndez de Vigo report], OJ C 247 E, 6.10.2005, p. 88)..

existing Treaties, which will bring more democratic accountability to the Union and enhance its decision-making (through a strengthening of the roles of the European Parliament and the national parliaments), enhance the rights of European citizens vis-à-vis the Union and improve the effective functioning of the Union's institutions;

### *More democratic accountability*

2. Welcomes the fact that democratic accountability and decision-making powers will be enhanced, allowing citizens to have greater control over the Union's action, notably due to the following improvements:
  - (a) the adoption of all European Union legislation will be subject to a level of parliamentary scrutiny that exists in no other supranational or international structure:
    - all European legislation will, with a few exceptions, be submitted to the dual approval, in equal terms, of the Council (composed of national ministers accountable to their parliaments) and of the European Parliament (composed of directly elected MEPs);
    - the prior scrutiny by national parliaments of all legislation of the Union will be reinforced as they will receive all European legislative proposals in good time to discuss them with their ministers before the Council adopts a position and they will also gain the right to demand fresh scrutiny of a proposal if they are of the view that it does not respect the principle of subsidiarity;
  - (b) the President of the Commission will be elected by the European Parliament, on a proposal of the European Council, taking into account the elections to the European Parliament;
  - (c) the High Representative of the Union for Foreign Affairs and Security Policy will be appointed by both the European Council and the President of the Commission and, as a member of the Commission, must undergo the same investiture procedure in Parliament as any other Commissioner: as a Vice-President of the Commission, the High Representative will be subject to the same rules as any other Commissioner as regards his or her investiture and the performance of his or her duties;
  - (d) a new, simpler and more democratic budgetary procedure with a single reading is established: the distinction between compulsory and non-compulsory expenditure is abolished, thus ensuring full parity between Parliament and Council as regards approval of the whole annual budget, while Parliament is also granted the right of consent to the legally binding Multiannual Financial Framework;
  - (e) democratic control in relation to the legislative powers delegated to the Commission will be reinforced through a new system of supervision in which the European Parliament or the Council may either call back Commission decisions or revoke the delegation of such powers;
  - (f) the consent of the European Parliament will be required for the approval of a wide range of international agreements signed by the Union, including those concerning domains subject to the ordinary legislative procedure in the internal sphere of the Union;

- (g) the Council will meet in public when deliberating or voting on draft legislative acts, thus allowing citizens to see how their governments act in the Council;
- (h) agencies, notably Europol and Eurojust, will be subject to greater parliamentary scrutiny;
- (i) the Committee of the Regions will be able to bring cases before the Court of Justice of the European Union, its members' term of office will be increased to five years and its relations with the European Parliament will be defined more clearly;
- (j) the procedure for revising the Treaties will, in future, be more open and democratic, as the European Parliament will also acquire the power to submit proposals to that end, the scrutiny of any proposed revision must be carried out by a Convention which will include representatives of national parliaments and of the European Parliament, unless Parliament agrees that this is not necessary, while new simplified revision procedures are introduced for amending, by unanimous decision, certain provisions of the Treaty, with the approval of the national parliaments;

*Affirming values, strengthening rights of citizens, improving clarity*

3. Welcomes the fact that the rights of citizens will be strengthened as a result of the following improvements:
  - (a) the EU Charter of Fundamental Rights, setting out a complete list of up-to-date civil, political, economic and social rights, will become legally binding; it will give the citizens of the Union legal certainty, ensuring that all provisions of EU law, and all action taken by the EU institutions or based on EU law, will have to comply with those standards, while respecting the principle of subsidiarity;
  - (b) the Union is to apply to accede to the European Convention on Human Rights, which will make the Union subject to the same external review as regards the obligation to respect citizens' rights, as its Member States;
  - (c) new provisions will facilitate participation by citizens and representative associations of civil society in the deliberations of the Union, building on their important contribution to the preparation of the Treaty; dialogue with social partners and dialogue with churches, religious communities and non-confessional organisations will be encouraged;
  - (d) the introduction of an EU citizens' initiative will enable citizens to submit proposals on matters where they consider that a legal act of the Union is required for the purpose of implementing the Treaties;
  - (e) judicial protection of citizens will be enhanced, since the jurisdiction of the Court of Justice will extend to matters relating to freedom, security and justice as well as to acts of the European Council, the European Central Bank and agencies of the Union, while provision will also be made to facilitate access for natural and legal persons to proceedings of the Court;
4. Welcomes the fact that the Treaty establishes in a clearer and more visible way the values, common to all Member States, on which the Union is founded, as well as the objectives of

the Union and the principles governing its action and its relations with Member States:

- (a) a clear delimitation of the competences of the Union vis-à-vis Member States is established, under the principle that all competences that are not conferred on the Union by the Treaties remain with the Member States;
- (b) there is a greater emphasis on policies that visibly benefit citizens: there are new provisions of general application concerning the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, high levels of education, training and health, the elimination of all kinds of discrimination and the promotion of equality between women and men; new provisions enhance the promotion of sustainable development and protection of the environment, including fighting climate change, and the respect of services of general interest; economic, social and territorial cohesion is reaffirmed as an objective of the Union;
- (c) the confusion between the “European Community” and “European Union” will end as the European Union becomes one single legal entity and structure;
- (d) a solidarity clause between Member States provides citizens with an expectation of receiving support from all parts of the Union in the event of a terrorist attack or a natural or man-made disaster;
- (e) it confirms the specificity of the institutional organisation of the Union, to which Member States entrust certain of their competences that they consider to be better exercised through common mechanisms, while providing, for the avoidance of any doubts, sufficient guarantees that the Union will not become a centralised all-powerful superstate, such as:
  - the obligation to respect the national identities of Member States, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government, as well as their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security;
  - the principles of conferred powers (whereby the Union's only competences are those conferred on it by the Member States), subsidiarity and proportionality;
  - the participation of the Member States themselves in the Union's decision-making system and in agreeing any changes to it;
  - recognition of the right of any Member State that wishes to do so to leave the Union;

### ***Greater effectiveness***

5. Welcomes the fact that the new Treaty will strengthen the capacity of the Union's institutions to carry out their tasks more effectively, notably because:
  - (a) the areas in which the governments meeting in the Council decide by qualified majority voting rather than by unanimity will increase substantially, thus enabling the

Union of twenty-seven Member States to function in more areas without being blocked by vetoes;

- (b) a new system of double majority voting will facilitate the reaching of decisions in the Council;
- (c) the European Council will become a fully-fledged institution of the European Union, and its six-month rotating presidency will be replaced by a President elected by its members for a two-and-a-half-year term, thus allowing for more coherence in the preparation and continuity of its work;
- (d) the number of members of the Commission will be reduced, as of 2014, to 2/3 of the number of Member States, thus making it easier for the Commission to act, and making it even clearer that Commissioners are representatives of European interests and not of those of their countries of origin, while a rotation system will continue to ensure equal participation of all Member States;
- (e) the Union's visibility and capacity as a global actor will be significantly enhanced:
  - the Union's Foreign policy High Representative and the Commissioner for External Relations - two posts causing duplication and confusion - will be merged, creating a Vice President of the Commission/High Representative for Foreign Affairs and Security Policy who will chair the Foreign Affairs Council, and be able to speak for the Union on those subjects where the latter has a common position, thus ensuring more coherence in the external action of the Union;
  - there will be a single external action service composed of civil servants of the Commission and the Council and of the national diplomatic services, which can be established by the Council only with the assent of the Commission and having consulted Parliament; this external service will be headed by the Vice-President of the Commission/High Representative, should be attached to the Commission and is intended to ensure greater consistency in the development and implementation of the Union's foreign policy;
  - the Union's capacity to develop common structures in the field of security and defence policy will be reinforced, inter alia by the insertion of a clause providing for mutual aid and assistance in the event of armed aggression, thereby enhancing citizens' sense of security, while ensuring the necessary flexibility to cater for differing approaches of Member States to such matters;
- (f) the distinction between legislative and executive instruments will be clarified, and a new definition of delegated acts will make it possible to simplify and streamline the legislation of the Union;
- (g) the pillar structure is abandoned, allowing for unity of action in the different fields of activity of the Union with simplified mechanisms and instruments, although the specific nature of foreign and security policy implies specific procedures in these domains;
- (h) action in the area of freedom, security and justice will have more ambitious goals and more effective procedures, no longer using separate intergovernmental instruments and

procedures, and will be subject to judicial review, thus promising tangible progress with regard to justice, security and immigration issues;

- (i) the Union's objectives and competences in the fields of climate change, children's rights, European Neighbourhood Policy, humanitarian aid, energy (including a reference in the Treaty to solidarity between Member States in this domain), space, research, tourism, sport, public health and civil protection are defined more clearly; common commercial policy is recognised as an exclusive competence of the Union;
- (j) for a number of other matters, it will become possible to apply more efficient methods of decision-making as soon as there is the political will to do so;
- (k) there is more room for flexible arrangements when not all Member States are willing or able to go ahead with certain policies at the same time;

### ***Concerns***

6. Is aware of the widespread regrets that, following the results of the referendums in France and the Netherlands, it was necessary, in order to secure a fresh agreement amongst the 27 Member States, to:
  - abandon the constitutional approach and certain of its features, such as the notion of a Union based on the will of its citizens and Member States, a single and structured text, the clearer terminology to designate legislative instruments, the anchoring in the Treaty of the flag and the anthem and the use of the title "Foreign Minister" instead of "High Representative";
  - postpone the implementation of important elements of the new Treaty, such as the entry into force of the new voting system in the Council (accompanied by special provisions for postponing votes known as the "Ioannina compromise"), and add restrictive mechanisms like "emergency brakes" to the ordinary legislative procedure in some areas of competence;
  - incorporate into the Treaty measures specific to particular Member States, such as the extension of the opt-in arrangements in relation to cooperation in police and criminal matters for two Member States, the protocol limiting the effect of the Charter on the domestic law of two Member States and the extra parliamentary seat attributed to a Member State in derogation of the principle of degressive proportionality;
  - modify the wording of several passages of the Treaty, or of the protocols and declarations annexed to it, entailing an unjustified shift to a negative tone, which gives an impression of mistrust vis-à-vis the Union and its institutions and thus sends a wrong signal to the public;

### ***Conclusions***

7. Endorses the Treaty and stresses the need for all Member States of the Union to achieve its ratification in good time for its entry into force on 1 January 2009;
8. Believes that the Treaty of Lisbon will provide a stable framework which will allow further development of the Union in future;

9. Is aware that an amending treaty is inevitably less clear and readable than a codified treaty; calls, therefore, for the immediate publication of the consolidated Treaties as revised by the Treaty of Lisbon, which would provide citizens with a clearer basic text of the Union;
10. Reiterates its request that all possible efforts be deployed, both by EU institutions and national authorities in accordance with the principle of sincere cooperation, in order to inform European citizens clearly and objectively about the content of the Treaty;
11. Instructs its committee responsible to prepare the necessary changes to its Rules of Procedure and to assess the need for further implementing measures;

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12. Instructs its President to forward this resolution and the report of the Committee on Constitutional Affairs to the national parliaments of the Member States, to the Council, to the Commission and to the former Members of the Convention on the Future of Europe, and to ensure that Parliament's services, including its information offices, provide ample information about Parliament's position on the Treaty.