

EUROPEAN PARLIAMENT

2004



2009

Committee on Constitutional Affairs

2007/0000(INI)

3.12.2007

DRAFT REPORT

on the Treaty of Lisbon
(2007/0000(INI))

Committee on Constitutional Affairs

Rapporteurs: Richard Corbett and Íñigo Méndez de Vigo

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION	3

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the Treaty of Lisbon (2007/0000(INI))

The European Parliament,

- having regard to the Treaty Amending the Treaty on the European Union and the Treaty Establishing the European Community (Treaty of Lisbon),
 - 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 Rights¹,
 - having regard to the Laeken Declaration of 15 December 2001 on the Future of the Union²,
 - 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 Union's constitutional process³, and to its resolution of 11 July 2007 on the convening of the Intergovernmental Conference⁴,
 - 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 Foreign Affairs, the Committee on Budgetary Control, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy and the Committee on Civil Liberties, Justice and Home Affairs (A6-0000/2007),
- A. whereas 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 and welfare through the creation of the world's largest single market with common rules for social standards, 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, not least the environment, and in giving Europe a stronger voice in world affairs,
- B. whereas there is a recognised need to reform and strengthen the structures of the Union in

¹ Charter of Fundamental Rights of the European Union of 7 December 2000, as proclaimed in Strasbourg on the 12 December 2007.

² Laeken European Council, Laeken declaration on the future of the Union, SN 273/01, 15.12.2001.

³ *Texts Adopted*, P6_TA(2007)0234 (Barón Crespo/Brok report).

⁴ *Texts Adopted*, P6_TA(2007)0328 (Leinen report).

order to 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. whereas 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. whereas 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 Parliament¹ 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,
- E. whereas the Treaty establishing a Constitution for Europe had been drafted by a Convention, composed of two representatives from every national parliament, sixteen MEPs, two representatives of the European Commission and a representative of every 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 traditional intergovernmental working methods with meetings behind closed doors,
- F. whereas 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 lessening of the ambition and an abandonment of several features of the Constitution, the postponement of the entry into force of some of its new mechanisms and the incorporation in the Treaties of particular measures specific to various Member States,
- G. whereas none the less, the agreement to the Treaty of every single national government in the Union 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 by 1 January 2009,
- H. whereas it is desirable that the new Treaty enters into force well in advance of the elections for the European Parliament in 2009, in order to allow citizens to make their political choices in full knowledge of the new institutional framework of the Union,

A positive step for the future of the Union

¹ By 500 votes in favour, 137 against and 40 abstentions (European Parliament 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).

1. Concludes that, taken as a whole, the Treaty of Lisbon is a substantial improvement on the existing Treaties, which will bring more democratic accountability to the Union (through a strengthening of the roles of the European Parliament and the national parliaments), enhance the rights of the European citizens vis-à-vis the Union and ameliorate the effective functioning of the Union's institutions;

More democratic accountability

2. Welcomes the fact that democratic accountability 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 be, with a few exceptions, 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 of national parliaments over all the 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 will also gain the right to object to a proposal if they feel 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 will be accountable to both the European Council and the President of the Commission (whose agreement is necessary to his/her nomination) and, as a member of the Commission, to the European Parliament;
 - (d) the new budgetary procedure will require the approval of both the Council and the European Parliament for all Union's expenditure, thus bringing virtually all the Union's expenditure under full democratic control;
 - (e) the democratic control of the exercise of delegated legislative powers by the Commission will be reinforced through a new system of supervision by the European Parliament and the Council that will enable each of them to call back Commission decisions on delegated legislation to which they object and give each of them the right to revoke the delegation of powers;
 - (f) the Council will meet in public when debating and adopting Union legislation, thus allowing citizens to see how their governments act in the Council;
 - (g) agencies, notably Europol, will be subject to greater parliamentary scrutiny;
 - (h) the role of the Committee of the Regions is reinforced;
 - (i) the procedure for revising the Treaties will be, in future, more open and democratic,

as the European Parliament will also gain the power to submit proposals to that end, and 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;

More rights and clarity for citizens

3. Welcomes the fact that the rights of citizens will be strengthened as a result of the following improvements:
 - (a) recognition of the binding nature of the EU Charter of Fundamental Rights means 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;
 - (b) the Union is to accede to the European Convention on Human Rights, which will make the Union subject to the same external review of the respect of the rights of the citizens as its Member States;
 - (c) new provisions will facilitate participation by citizens, representative associations and civil society in the deliberations of the Union; dialogue with social partners and dialogue with religious communities and non-confessional organisations will be encouraged;
 - (d) the introduction of a 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) individuals will have greater access to justice in connection with EU law;
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 competencies of the Union vis-à-vis Member States is established, under the principle that all competencies that are not conferred upon the Union by the Treaties remain with the Member States;
 - (b) there is a better focus 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, a high level 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 case 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 exerted through common mechanisms, while providing, for the avoidance of any doubts, sufficient guarantees that the Union will not become a centralised all-powerful "superstate":
 - 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 Member States that wish 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 reaching decisions in the Council;
 - (c) the six-months rotating presidency of the European Council 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 follow up of its meetings;
 - (d) the number of members of the Commission will be reduced, as of 2014, to 2/3 of the number of Member States, thus conferring more cohesion to the college, while a rotation system ensures equal participation of all Member States;
 - (e) there will be a significant enhancement of the Union's visibility and capacity as a global actor:
 - 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 to the external action of the Union;
- a single external action service, composed of civil servants of the institutions and of the national diplomacies, under the responsibility of the Vice-President/High Representative, will ensure coherence of the execution of the Union's external action;
 - the Union's capacity to develop common structures in the field of security and defence policy will be reinforced, 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 pillars 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 external and security policies implies specific procedures in these domains;
- (h) action in the area of justice and home affairs will have more ambitious goals and more effective procedures, no longer using separate intergovernmental instruments and procedures, and will be submitted to judicial review, thus promising tangible progress with regard to justice, security and immigration issues;
- (i) the Union's objectives and competencies in the fields of climate change, energy, space, tourism, sport, public health and civil protection are defined in a clearer way;
- (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 an agreement amongst the 27 Member States, to:
- abandon the constitutional approach and certain of its features, such as a new, single and structured text, the clearer terminology to designate legislative instruments, the symbols and the designation of the High Representative as “Foreign Minister”;
 - 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 policy areas;

- incorporate into the Treaty measures specific to individual Member States, such as the extension of the “opt-in” arrangements for the UK and Ireland to police co-operation and criminal law, the protocol limiting the effect of the Charter on the domestic law of the UK and Poland and the extra parliamentary seat attributed to Italy in derogation of the principle of degressive proportionality;
- modify the wording of several passages of the Treaty, or of the 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. Believes that this Treaty will provide a stable and lasting framework for the future development of the Union;
8. Endorses the Treaty and hopes that all Member States of the Union will be in a position to achieve its ratification by 1 January 2009;
9. Is aware that an amending treaty is inevitably less clear and readable than a codified treaty, but looks forward to the rapid publication of the consolidated Treaties as revised by the Treaty of Lisbon, which will 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 needs for further implementing measures;
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 European Commission and to the former Members of the Convention on the Future of Europe, and to ensure that Parliament's services, including its external offices, provide ample information about Parliament's position on the Treaty.