

The Lisbon Treaty

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Introduction

- The reasons for introducing a constitution for Europe
- The birth of the European Union Constitution (the 'EU Constitution')
- The rejection of the EU Constitution in 2005
- The new Lisbon Treaty
- The rejection of the Lisbon Treaty in 2008
- The acceptance of the Lisbon Treaty in 2009
- What the Lisbon Treaty will change

The Need for EU Constitutional Reform

- The enlargement of the EU:
 - 2000: 15 member states
 - 2004-2007: 12 new members joined
- Simplification of the existing structures and procedures of the European Union needed

The EU Constitution

- The main changes intended by the EU Constitution were as follows:
 1. Simplification of the structures of the EU, e.g. one treaty, one legal personality, codification of existing rules
 2. Reform of the EU institutions, e.g. a new voting system
 3. Changes in substance, e.g. incorporation of the Charter of Fundamental Rights
 4. Political symbols, e.g. flag, anthem, use of state instruments ('constitution', 'minister', 'law')

The Ratification Process: Crisis

- 2004: All the member states signed the EU Constitution
- Ratification of the EU Constitution by national parliament or national referendum needed
- 18 member states ratified the EU Constitution
- 2 member states (France and the Netherlands) rejected the EU Constitution by referendum
- 7 member states postponed the ratification process
- The rejection of the EU Constitution by France and the Netherlands provoked a crisis of confidence and resulted in paralysis

Why the EU Constitution was Rejected: the French Example

- The complexity of the text of the EU Constitution
- A chance to show discontentment with the incumbent national government
- The fear of the European Union becoming a 'super state'
- The fear of further expansion of the European Union
- The high rate of unemployment

The Lisbon Treaty: a New Constitution?

- 2005-2006: the constitutional project is frozen
- 2007: revival of the project in the form of the Reform Treaty
- 13 December 2007: the Lisbon Treaty is signed by all the member states
- Ratification needed again!

Is the Lisbon Treaty very Different from the Constitution?

- Same objectives
- Most of the changes brought by the Constitution appear in the Lisbon Treaty
- Difference of conception
- No state-like symbols
- Opt-ins and opt-outs

The Rejection and Ratification of the Reform Treaty

- Ratification by member states essential
- Most countries wanted to avoid referendum
- The Irish 'no' in 2008
- Why?
- The second Irish vote in 2009
- The Treaty of Lisbon entered into force on 1 December 2009

The Key Features of the Reform Treaty (Part I)

1. No state-like elements such as an anthem or flag
2. Amendment of the existing treaties (no replacement)
3. Creation of a permanent President of the European Council
4. Creation of a High Representative of the Union for Foreign Affairs and Security Policy
5. The 'co-decision' procedure becomes the ordinary legislative procedure

The Key Features of the Reform Treaty (Part II)

6. National parliaments given a voice in making European laws
7. A reduction in the size of the Commission?
8. Extension of Qualified Majority Voting
9. Introduction of a new system of majority voting
10. Incorporation of the Charter of Fundamental Rights into EU law
11. Simplification of the rules on 'enhanced co-operation'

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