

Impact of the Lisbon Treaty on the development of the institutional balance of the European Union

2008/2073(INI) - 09/03/2009

The Committee on Constitutional Affairs adopted a report drawn up by Jean-Luc DEHAENE (EPP-ED, BE) on the impact of the Treaty of Lisbon on the development of the institutional balance of the European Union. The committee welcomes the **institutional innovations** contained in the Treaty of Lisbon, which create the conditions for a renewed and enhanced institutional balance within the Union, allowing its institutions to function more efficiently, openly and democratically. MEPs stress that the essential core of the functions of each institution is reinforced, but warn that the new institutional framework demands that each institution play its role in **in-depth permanent cooperation** with the other institutions in order to achieve positive results for the whole of the Union.

The main points raised in the report are as follows:

The European Parliament: MEPs strongly welcome the fact that the Treaty of Lisbon fully recognises the European Parliament as one of the two branches of the legislative and budgetary authorities of the Union, while its role in the adoption of many political decisions of importance for the life of the Union is also recognised, and its functions in relation to political control are reinforced and even extended, albeit to a lesser extent, to the area of CFSP. MEPs call on the Parliament, the Commission and the Council to envisage the conclusion of **interinstitutional agreements structuring the best practices** in these domains in order to optimise their reciprocal cooperation.

MEPs welcome the fact that the Treaty of Lisbon extends to the European Parliament the **right of initiative concerning revision of the Treaties**, recognises that Parliament has the right to participate in the Convention and that its consent is required in the event that the European Council considers that there is no reason to convene the Convention. They consider that this recognition militates in favour of recognising that the European Parliament has a right of **full participation in the Intergovernmental Conference (IGC)** on similar terms with the Commission.

MEPs take note of the transitional arrangements concerning the **composition of the European Parliament**. They consider that the implementation of such arrangements will require a **modification in primary law** and call on the Member States to adopt all the necessary national legal provisions in order to allow the pre-election in June 2009 of the 18 supplementary Members of the European Parliament, so that they can sit in Parliament as observers from the date that the Treaty of Lisbon enters into force.

The role of the European Council: MEPs welcome the specification in the Treaty of Lisbon of the essential role of the European Council in relation to the revision of the Treaties. They maintain that the need to improve the interinstitutional cooperation between the European Parliament and the European Council militates in favour of optimising the conditions under which the President of the European Parliament participates in discussions in the European Council, which could possibly be dealt with in a political agreement on the relations between the two institutions. MEPs consider that it would be useful if the European Council were likewise to formalise those conditions in its internal rules of procedure.

The fixed Presidency of the European Council: MEPs underline that the nomination of the President of the European Council should take place as soon as possible after the entry into force of the Treaty of Lisbon. The essential role of the President of the European Council will be to drive the Council's work

forward, ensure the preparation and the continuity of its work, promote consensus amongst its members, report to the European Parliament and represent, at his/her level and without prejudice to the functions of the Vice-President of the Commission (High Representative), the Union externally in relation to the CFSP.

The report recalls that, although the Treaty of Lisbon provides for the European Council to be assisted by the General Secretariat of the Council, the specific expenditure of the European Council must be set out in a **separate part of the budget** and must include specific allocations for the President of the European Council, who will need to be assisted by his/her own office, which should be established on reasonable terms.

The Council: MEPs stress the essential role conferred by the Treaty of Lisbon on the General Affairs Council – and hence its President – with a view to ensuring the consistency and continuity of the work of the different Council configurations. They call for reinforced coordination between the President of the General Affairs Council and the Vice-President of the Commission (High Representative) as chairperson of the Foreign Affairs Council, and between them and the President of the European Council.

As regards the coordination between **different configurations of the Council** due to the new system of Presidencies, MEPs stress the importance of the **'new' fixed 18-month 'troikas'** (groups of three Presidencies), which will share the Presidencies of the different configurations of the Council (apart from the Foreign Affairs Council and the Eurogroup), and of COREPER in order to ensure the coherence, consistency and continuity of the work of the Council as a whole and to ensure the interinstitutional cooperation needed for the smooth running of the legislative and budgetary procedures in joint decision with the European Parliament. The troikas should develop intense and permanent cooperation throughout their joint mandate. MEPs call on the troikas to present joint operational programmes – containing, notably, their proposals on the timetabling of legislative deliberations – to Parliament in plenary session at the beginning of their joint mandate.

They also stress that the Prime Minister/Head of State assuming the rotating Presidency of the Council must be the privileged interlocutor of the European Parliament concerning the activities of the Presidency. He/she should be invited to address Parliament in plenary session, presenting to it the respective programme of activities of the Presidency and an account of the developments and results recorded during its six-month term, as well as presenting for debate any other relevant political matter arising during the mandate of his/her Presidency.

The Commission: MEPs welcome the reaffirmation of the essential role of the Commission as the 'engine' driving forward the activity of the Union, through:

- the recognition of its **quasi-monopoly in terms of the legislative initiative**, which is extended to all areas of activity of the Union apart from the CFSP, and particularly **reinforced in financial matters**;
- the strengthening of its role of facilitating agreement between the two branches of the legislative and budgetary authority;
- the reinforcement of its role as the 'executive' of the Union whenever implementation of the provisions of European Union law requires a common approach, with the Council assuming such a role only in CFSP matters and in duly justified cases specified in legislative acts.

Election of the President of the Commission: MEPs stress that the election of the President of the Commission by the European Parliament on a proposal by the European Council will give a pronounced political nature to his/her designation. To recall, a candidate for the office of President of the Commission may be proposed by the European Council, acting by a qualified majority, and that the election of that candidate by the European Parliament requires the votes of a majority of its component members, constitutes a further incentive prompting all those involved in the process to develop the necessary

dialogue with a view to ensuring the successful outcome of the process. MEPs stress that the European Council should take into account the elections to the European Parliament and, before designating the candidate, to hold the appropriate consultations, which are not formal institutional contacts between the two institutions.

Nominations process: according to MEPs, the European Council, when choosing its President, the President of the Commission and the High Representative for foreign policy, must take into account the relevant competence of the candidates and respect a gender and a political balance and the geographical and demographic diversity of the Member States. The **nominations process should occur following the elections to the European Parliament**, in order to take account of the electoral results, which will play a primordial role in the choice of President of the Commission. MEPs propose a timeframe to allow Parliament's prerogatives provided by the new Treaty to be respected. The newly-elected European Parliament would need **two weeks to establish itself**, according to the proposed schedule, so consultations between the presidents of the European Council and the European Parliament could take place in the third week following the elections. Then, separate meetings would have to be organised between the President of the European Council and the chairs of the political groups. In the following week, the European Council could propose its candidate for Commission President, taking into account the results of the consultations. MEPs stress that the proposed scenario should in any case be applied from 2014 onwards. They consider that the possible entry into force of the Treaty of Lisbon by the end of 2009 calls for a political agreement between the European Council and the European Parliament in order to ensure that the procedure for the choice of the President of the next Commission and for the nomination of the future Commission will, in any case, respect the substance of the new powers that the Treaty of Lisbon assigns to the European Parliament on this issue.

The report recalls that, **should the second referendum in Ireland not have a positive outcome**, the Treaty of Nice will in any case be fully applicable and that the next Commission will have to be formed according to the provisions under which the number of its members will be lower than the number of Member States. It stresses that, in that event, the Council will have to take a decision on the actual number of members of that reduced Commission. **Programming:** MEPs considers that programming, at both the strategic and the operational level, will be essential in order to ensure the efficiency and coherence of the action of the Union. They welcome, consequently, the fact that the Treaty of Lisbon specifically calls for programming as a means of enhancing the institutions' capacity to act. It is proposed that the European Parliament, the Council and the Commission should **agree on a 'contract' or 'programme' for the parliamentary term**, based on the broad strategic goals and priorities to be presented by the Commission at the beginning of its mandate, which should be the subject of a joint debate with the European Parliament and the Council, with the aim of establishing an understanding (possibly in the form of a specific interinstitutional agreement, even if this is not legally binding) between the three institutions on common goals and priorities for the five-year legislative term. This would enable the Union to have a five-year multiannual financial framework ready to enter into force at the beginning of year N+2 (or N+3), thus providing each European Parliament and each Commission with the possibility of deciding on its 'own' programming. This system will require prolongation and adjustment of the current financial framework.

External relations and representation: MEPs stress the importance of the new dimension that the Treaty of Lisbon brings to the external action of the Union as a whole, including the CFSP, which, together with the legal personality of the Union and the institutional innovations relevant to this area (notably the creation of the **'doubled-hatted' Vice-President of the Commission (High Representative) and the European External Action Service (EEAS)**), could be a decisive factor in the coherence and effectiveness of the action of the Union in this domain and significantly enhance its visibility as a global actor. To ensure that this complex system, designed to enhance the EU's political coherence, does not hamper its efficiency, MEPs propose that in the foreign policy sphere, the President of the European

Council should represent the Union only at the level of Heads of State or Government. Political negotiations on behalf of the Union, at ministerial level or in international organisations, should instead be carried out only by of the High Representative/Vice-President.