

Special issue of The AFCO Newsletter

Committee on Constitutional Affairs European Parliament



Public Hearing "The institutional future of the European Union within and beyond the Treaty of Lisbon"

Introductory words by Danuta Maria HÜBNER



Dear Readers,

I am happy to present to you this special issue of the AFCO Newsletter, a tool prepared by the secretariat which aims to inform about AFCO activities and increase awareness of institutional

challenges which the EU is facing.

The AFCO Committee is currently working on two own-initiative reports linked to the future institutional evolution of the Union: the first, led by Mercedes Bresso and Elmar Brok, explores the unused potential of the Lisbon Treaty and how it could be better implemented to meet the current geopolitical, economic and social challenges, and the second one, in the hands of Guy Verhofstadt, will examine the possibility to change the current Treaties in order to strengthen the Union's resilience in the face of growing challenges.

The main objective of today's hearing is to allow for a deep discussion at the European Parliament level on the future outlook of the EU institutional set-up. Six high level Experts will stimulate the debates on different specific points, namely:

- Economic Governance
- Foreign policy
- Justice and Home Affairs, and

- Democracy, Accountability and Institutional Set-up

I hope you will find this issue useful.

Danuta Maria HÜBNER, Chair

Meeting languages available

CS, DA, DE, EL, EN, ES, FR, HR, IT, NL, PL, PT, RO, SV

Meeting documents:

In light of the European Parliament's paperless project please bear in mind that only a very limited number of paper dossiers will be available in the meeting room.

Instead, meeting documents will be made available on the following public and internal websites:

http://www.europarl.europa.eu/meetdocs/2014_2019/organes/afco/afco_8leg_meetinglist.htm

and (EP internal only):

<http://www.emeeeting.ep.parl.union.eu/committee/>

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Webstreaming:



Members are informed that this AFCO meeting will be webstreamed under the following link:

<http://www.europarl.europa.eu/wps-europarl-internet/frd/live/live-program?language=en>

The videos will be available to watch or download within 24 hours at:

<http://www.europarl.europa.eu/ep-live/en/committees/?legislature=8&start-date=&end-date=&committee=AFCO>

Please be aware that each time a speaker activates the microphone to make an intervention the camera will be automatically directed to the speaker.

eCommittee (EP internal only): further information on the work of the Committee on Constitutional Affairs can be found on our eCommittee page:

<http://www.afconet.ep.parl.union.eu>



MEETING DATE AND VENUE

26.05.2015 in Brussels, Building József Antall - 6Q2
(9.00 am - 1.00 pm)



09.00-09.20:

Welcome speech and opening remarks by the Chair, Danuta Hubner, and the Rapporteurs, Mercedes Bresso, Elmar Brok and Guy Verhofstadt

09.20-11.00

PART I

SECTORAL POLICIES

Economic governance

Expert: René Repasi, European Research Centre for Economic and Financial Governance

Foreign policy

Expert: Prof. Marise Cremona, European University Institute

Justice and Home Affairs

Expert: Sergio Carrera, Centre for European Policy Studies

Debate

11.00-12.40

PART II

DEMOCRACY, ACCOUNTABILITY AND INSTITUTIONAL SET-UP

Experts:

Dr. Antonio Padoa Schioppa, Università degli Studi di Milano

Univ.-Prof. Dr. Christian Callies, Freie Universität Berlin

Andrew Duff, former Member of the European Parliament

Debate

12.40

Concluding remarks by the three Rapporteurs and the Chairs

The Hearing will be in two parts: the first one focusing on the Union sectoral policies (economic governance, foreign policy and justice and home affairs), the second one will deal with issues of democracy, accountability and with the institutional set-up of the Union. Each part will examine both what could still be realised under the current Treaties and what would possibly need to be changed.

PART I - SECTORAL POLICIES

Economic governance

Expert: René Repasi, Scientific Coordinator of the European Research Centre for Economic and Financial Governance, EURO-CEFG (Leiden University)



The economic crisis gave rise to new, more improvised institutional arrangements in the EU, focusing more on giving a guarantee to each Member State than on developing a common European response to the crisis. Some of these measures were signed outside the existing Treaties framework on an inter-governmental basis (the Fiscal Compact and the European Stability Mechanism for example). Such agreements could be justified in exceptional cases, notably when the limits of the Treaties do not allow for immediate, Treaty-based solutions, but they risk leading to a fragmentation of the legal framework and producing discrepancies among Member States. Therefore ways for their re-integration in the Treaties framework should be examined.

Furthermore, the economic challenges ahead have reminded us of the importance of finalising the Internal Market in the areas where it is still incomplete, such as energy policy, digital market, capital market and the Banking Union.

Foreign policy

Expert: Prof. Marise Cremona, co-Director of the Academy of European Law of the EUI (European University Institute-Florence)



The conflicts in the Balkans and Georgia, the Arab revolution, now the Islamic State and the situation in Ukraine have made it very clear that the Union does not have one EU foreign policy. If Europe wants to play a geopolitical role of any importance, big steps need to be made in Common Foreign, Security and Defence Policy. Often the unanimity required prevents the EU from agreeing on a common position or action to defend Europe's security, economic and political interests. Fortunately, the Lisbon Treaty itself provides for quite a number of mechanisms that could make decision-making in this area more streamlined and efficient, as well as a law to equip the Union with capacities that would place it in a more central role in the global arena. Nevertheless, it would be also worth looking at how a possible Treaty change could strengthen even further the tools necessary for the EU to develop a truly *common* Foreign and Security policy.

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Justice and Home Affairs

Expert: Dr. Sergio Carrera, coordinator of Justice and Home Affairs Research Programme of the Centre for European Policy Studies (CEPS-Brussels)



The Lisbon Treaty brought about some significant improvements to the area of Freedom, Security and Justice mostly through the "communitarisation" of the former "third pillar", and the corresponding switch of decision-making to the ordinary legislative procedure and Qualified Majority Voting (QMV) for the adoption of legal acts in the majority of areas covered by this chapter. Nevertheless, the "variable geometry" provisions remained after Lisbon, namely in what concerns the specific provisions of Denmark, Ireland and the UK, as well as the Schengen area, which is not yet open to all Members of the Union. While these provisions provide for some flexibility, they add to the complexity of the Union's legal architecture. Therefore, it is worth examining in this third panel how the area of Justice and Home Affairs can be further improved within and beyond the limits of the Lisbon Treaty to make decision-making more efficient and thus to provide the highest added value to European citizens.

Experts:

Prof. Antonio Padoa Schioppa, Professor in History of Medieval and Modern Law (University of Milan)

Prof. Dr. Christian Calliess, Chair for Public Law and European Law at the Freie Universität Berlin

Mr Andrew Duff, former Member of the European Parliament

Among the underlying problems of the intergovernmental arrangements outside the EU Treaty framework is the lack of parliamentary scrutiny, as the Parliament's involvement is essential for ensuring the democratic legitimacy and functioning of the EMU and it is also a precondition for any further step towards a banking union, a fiscal union and an economic union. Moreover, democratic accountability was also threatened when the European Council expanded its role in the legislative process during the economic and financial crisis and in the context of the 2014-2020 Multiannual Financial Framework (MFF) negotiations, thus leaving the Parliament no possibility for meaningful negotiations with the Council, which constitutes *de facto* a clear violation of its legislative prerogatives.

At the same time, the European Parliament made significant progress in the democratisation of the process of the election of the Commission President by applying the Lisbon Treaty provisions and ensuring that the leader of the European Commission emerges from the majority in the Parliament. Although not perfect, the experience of the 2014 elections has set a clear precedent and has confirmed the now more important role of the Parliament in the selection of the Commission's Head.

Linked to the challenges identified in the field of sectoral policies, as well as in the areas of democracy and accountability, is the impact they might have on the institutional setup of the European Union, such as variable geometry, new forms of Membership, the unity within European institutions if multi-tier solutions are adopted for the Union.

PART II - DEMOCRACY, ACCOUNTABILITY AND INSTITUTIONAL SET-UP



AFCO Bulletin

The Activities of the Chairwoman Danuta Maria HÜBNER as AFCO Chair

On 5 May Professor Hübner took part in a debate organised by the EPRS Services of the European Parliament on the "First Five Years of Permanent Presidency of the European Council: Van Rompuy Experience". In her intervention Professor Hübner presented the European Parliament's perspective on this institutional experience and elaborated on the possibilities for more efficient cooperation between the two institutions.

On 6 May Professor Hübner represented the AFCO Committee at the High Level Conference on the State of the Union that was organised by the European University Institute in Florence. The Chairwoman took part in the Opening debate on the New Schuman declaration which was presented at the same time.



In her intervention, Professor Hübner said that the declaration "represents a mixture of passion and pragmatism and this is exactly what we need in Europe to get back on track and reengage with the citizens".

While addressing the current challenges Professor Hübner talked about the lost confidence and how important it is to rebuild it. She made a reference to the ECI which has shown that Europeans want to have a say about Europe and that there is the obligation to give them this possibility. She also highlighted the need for a new narrative and a bold long term vision for Europe.



On 12 May Professor Hübner took part in a Conference entitled 'Road to a New Treaty', where she discussed the possibilities of moving beyond the current treaty and the challenges posed by the current institutional set-up to the definition of a New Treaty.

Further information

For any further information, please visit the AFCO committee website:

<http://www.europarl.europa.eu/committees/en/afco/home.html>

Twitter

Activities of the AFCO committee may be followed on twitter [@EPInstitutional](https://twitter.com/EPInstitutional)

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