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„The tenth anniversary of Lisbon Treaty and the role of the European Parliament”

Groupe d'études géopolitiques Weekly Seminar – a high-level round table on the European Parliament, based on a discussion around President Sassoli's interview with Le Grand Continent

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I was among those frustrated by the failure to get the Constitution of Europe through referendum in France and the Netherlands and not really enthusiastic about the Lisbon Treaty. Having said that let me also say that I still believe that that this is a Treaty we Europeans can be proud of.

The way it emerged made it a sort of ersatz of the Constitutional Treaty that was signed in 2004 in Rome. And never ratified. So, one can say we have had a better basis to address challenges we faced in the last ten years.

Lisbon Treaty was crucial in getting us through several crisis situations. Without doubt they were difficult. There have been dramatic shifts in policies. Rule of law has been challenged which means foundations of the Union have been put on fire. Lives of our citizens have been put at risk. In short, I would say that Lisbon Treaty has been a good framework though still, to my taste, far from perfect.

Lisbon Treaty gave the European Parliament a key role in maintaining democratic legitimacy of the Union. Without doubt the European Parliament can be considered a beneficiary of the Treaty of Lisbon.

Even though European Parliament became a directly elected institution already in 1979, it was the Lisbon Treaty that expanded its co-legislator's role to most of policy areas, moving away from consultative and consent procedure. Now the EP legislates more often on equal footing with the Council.

As we know, there are still important areas where the role of the EP is rather limited.

Also, national parliaments, have been winners of the new framework. But we have to do more to better use the double legitimacy, in particular in the context of coordination of economic policy. I am actually disappointed with the way national parliaments use their powers in European decision making.

As policies become increasingly European and politics stays largely national, more often today than in the past in the hands of anti-European and anti-democratic forces, it should be up to national parliaments to mitigate related risks.

The Lisbon Treaty has opened a more generous path toward inter institutional cooperation. Issues between institutions have always existed and strengthening cooperation framework has become key, in particular as the role of the EP in the legislative process has, especially through the reform ushered in through the Lisbon treaty, grown substantially.

In some areas, where the Parliament has no or only limited legislative powers, like for example in: taxation, health services, education or foreign policy, the need of cooperation between institutions has become important for pragmatic reasons. Actually, "pragmatism" has become an important addition to the decades old "political will" when it comes to major drivers of decision and policy making.

In general, I would say, the solidification of inter-institutional cooperation has rendered the EU more democratic, as the EP is more directly involved in the decision-making process, thereby reducing the often criticized democratic deficit of the EU.

It is certainly worth noting that inter institutional agreements have developed since 1964, out of necessity. Lisbon Treaty, specifically its Art. 295 TFEU, gave us a more solid legal basis to further develop them. Those agreements play an important role in the European integration system, provide a lot of pragmatic solutions to the way sincere cooperation between institutions develops.

Actually, they enhance a better cooperation not only in the context of the agreements themselves. They boost and facilitate pre-legislative cooperation between the Parliament, the Commission and the Council. This practice does not undermine in my view the powers of the individual institutions. It does not blur the check and balances but rather allows reaching better understanding on many issues. It also improves the quality of the legislation, and shortens lengthy legislative procedures.

I would say that a lot has been done to make Parliament fit to face new tasks and responsibilities generated by Lisbon Treaty. Still, I believe that internal reforms have not addressed structural challenges related to its internal structure. In particular regarding the role, cooperation and competences of its major substantive machinery - committees.

The internal distribution of competences among committees has never been adjusted to the changed world. They continue to function in line with archaic sectorial, silos way, instead of following a holistic approach and interlinkages characterizing the modern world where everything is increasingly interconnected with everything else.

Efforts have been made to identify ways and means to reduce conflicts, and enhance cooperation among committees but, what is needed, is changing the cast in stone patterns of perception of the world. The Commission has been adjusting its internal structure since 2014 to address holistic way of the functioning of the reality. Committees continue their sectorial pattern, afraid of opening the annex to the rules

of procedures. It is hard to understand and accept. Conflicts continue, existing structure produces limits to rational holistic approach to legislation.

As a result, the role of political groups is strengthened in replacing the committee platform to look for horizontal solutions. This reflects existing power competition between the committees and political groups.

In general, I would say that the Lisbon Treaty has brought an immense progress to the functioning of the EU in terms of efficiency, democracy and transparency. Nevertheless, it maintained and even enhanced the system of inter-governmental policy coordination, far away from the community method. This has been a disappointment. As a result, important policy decisions and actions are based on voluntary commitment of member states with all its consequences. Some member states reach out to the veto mechanism in an unprecedentedly creative way.

Paradoxically, and in spite of the fact that the EP's powers have greatly expanded as a result of Lisbon Treaty, certain issues, not least its own electoral system or composition are still very much determined at European Council level.

There is no rationale to bloc Parliaments' rights regarding major reform of the electoral law, its right of initiative, right of inquiry or, indeed, its relevance in the governance of the euro zone.

I will not exaggerate saying that the awareness of the role of the European Parliament among citizens, member states and Council as institution has been growing amazingly slow. Even though, it is the institution contributing to building solidarity and confidence capital, the two European fundamentals that can grow only there.

If you ask me if the Lisbon Treaty has given the Union necessary tools to tackle current and future challenges, I would be only partly positive. Treaties are never perfect. They address the challenges of the past. Nevertheless, they create the space to mobilize pro-European forces to act. From that point of view, Lisbon Treaty works, even if its toolbox is not fit for purpose. In reality, the EU is equipped to respond and act slowly, building compromises, using frameworks of its inter institutional agreements. In reality, Lisbon toolbox is dominated by inter governmentalism.

One can only hope that the Conference on the future of Europe will have a hard look at that challenge. And evaluate the need of a treaties' change. Some of the haphazard and patchwork responses to major crises indicate that the Lisbon toolbox is not fit for purpose.

I hope as well that the Conference will deliver on the not adequately tackled in the Lisbon Treaty process of the engagement of citizens in this dialogue and its outcome and on finding the best permanent path for the engagement of citizens.

I hope we will look anew at European policies, Europe's place and role in the global world, but also at some European rules, at legal bases, at mechanism of democratic accountability, at the way institutions function and interact, at policy making on the basis of legislative action.

We, as European Parliament, have to admit that what makes the challenge of democratic legitimacy even more acute is the fact that European citizens see European integration predominantly as an executive power project. They see their governments as their representatives, less so parliaments, and the European Commission as decision maker and less the European Parliament as the main actor in Brussels.

Part of the solution is communication, but what seems even more important is to provide democratic legitimacy to the whole European architecture.

When the day comes to launch the work on a new treaty, it will have to be given a constitutional framework within which substantive political choices will be made respecting democratic accountability. But first we must demystify a treaty change. World is changing, Europe has dramatically changed from the day of the Lisbon Treaty.

While there is still a meaningful unexploited potential of the Lisbon Treaty, we need a much better framework on democratic accountability, on engagement of citizens, on transparency. Show me one citizen that would not like to see such a change in the European Treaty. Last European elections showed a lot of common narrative across all member states. These were not elections with twenty seven diverging narratives. Maybe a European demos is gradually emerging from below. Let us give ourselves a chance.

Crises in the past hit most where there were no or limited European competences, that is why they were so difficult to address rapidly. The solutions were largely the result of intergovernmental agreements at the level of the European Council. They were then implemented including with the involvement of the European Parliament as legislator.

But the latter was not an impetus to a solution - rather a rubber stamper for solutions that had been decided at the level of governments

As a consequence, the combination of crises complexity and our responses, sometimes seen by citizens as technocratic, added to the democratic deficit and populism. We could also see mainstream political parties absorbing ideas coming from radical circles in order to avoid a loss of political power.

In general, far too often when crisis reality comes, we do not address the root causes, but rather find peace-meal solutions to issues as they arise.

Unlike many national parliaments, the European Parliament does not have a full right of initiative – with the exception of a handful of cases provided for in the EU Treaties, it cannot independently propose new laws but needs to rely on the Commission to do so.

The EU Treaties do allow the Parliament to 'request' the Commission to submit proposals, but the Commission maintains broad discretion as to how to respond to such requests. Existing inter-institutional agreements nevertheless commit the

Commission to reply within three months and to justify its decision where it does not submit a proposal in response to the request.

I would therefore regard the right of initiative for the European Parliament to initiate legislation as a key reform priority, even if for the prompt start it could be introduced via an inter institutional agreement.

Let me conclude by taking note of the fact that the European Parliament has been traditionally seen as the most trusted European institution. And that it has come a long way since its inception. And that it has a huge potential to move forward, ready to take greater responsibility for the future of Europe.