

**Prof. dr hab. Danuta Hübner**  
**„Treaty change is not a taboo anymore”**  
**Meeting of the Committee on Constitutional Affairs**  
**17th of May, Brussels**

17 years ago, 3 months after the referenda on EU Constitution, Eurobarometer showed that only 34% of European citizens were aware of the Convention. This time around these are the citizens who clearly voiced their vision of the Union during the Conference on the Future of Europe and asked for Convention and treaty change. Treaty change is not a taboo anymore.

It has been 15 years since the last treaty change. Since then the European Union went through multiple crisis: euro, migration, Brexit, pandemic and war. Each time we could see shortcomings and loopholes of the European legal order.

For years we had been repeating that we should first exploit fully the potential of the current treaties before we strive for its change. And indeed, we had been doing it. In particular during pandemic and the cruel aggression of Russia. But we could have been better prepared, we could decide faster, act more agile, do more, had our treaties been modernized and fit for the current world and internal unity. We are not a unified jurisdiction but we can be more unified. In particular we must be more effective in acting against populist political forces undermining European agility, values and the rule of law, in short undermining the Union.

We can use the momentum to make our treaties less prescriptive and more principle based. There is also a lot of unfinished business regarding reforms in important areas, very clearly identified during the Conference. We used to say this is due to political will fatigue which comes from time to time but it might be due to the missing solutions in the treaties, preventing us from advancing forward and be proactive.

We are not starting from scratch. We have conclusions of the COFE. Also AFCO, numerous think tanks, NGOs, our own EPRS service - we all have been working for

years to understand better inefficiency of our treaties. A lot has been done preparing us to make Conference's ideas the core of new reforms and new Treaties.

Unfortunately, 13 countries announced they do not support moving from what the Conference has produced toward a new Treaty. We all know that unanimity requirement embedded in the art. 48 TEU can become an obstacle on the way to renew Europe at a critical time in its history. We need a short road to the success. We could think of a new intergovernmental treaty with new rules on its entry into force. This is why, when working on a new treaty, we might also look at what Prof. Federico Fabbrini called the Political Compact. We have discussed it in AFCO.