

Notices:

- There is a newer edition available: Tobler Christa/Beglinger Jacques, Essential EU Law in Charts, updated and revised 2nd "Lisbon" ed., Budapest: HVG-Orac 2010, 278 charts, 363 p., ISBN 978-963-258-086-9, see <http://www.eur-charts.eu/books>
- There is an updated overview on the development of the European Union available on the internet, together with the corresponding chapter of "Essential EU Law in Text" [39 p.]: http://www.eur-charts.eu/pdf2ed/SampleChartsText_Essential-EU-Law-in-Charts-Text_Tobler-Beglinger_2Ed-2010.pdf



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Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

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- Based on the texts officially published: Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, OJ 2007 C 306 (see: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>);
- Uses the new numbers of the Treaty provisions (Lisbon renumbering);
- Includes a table of contents including the topic sentences.

This document was prepared within the framework of [EUR-charts](http://www.eur-charts.eu).

Notes:

The charts contained in this document are intended to supplement the book 'Essential EC Law in Charts'. It deals with important elements of EU law under the Lisbon Treaty. Cross references other than to the present Chapter 2a relate to the book.

The differences between the present law and the 'Lisbon law' can be seen by comparing the original charts and these 'Lisbon charts'.

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Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

CHART

Background: important Treaty revisions

2a|1

Over the decades, the EC Treaty (and subsequently also the EU Treaty) was repeatedly revised. The most recent revision dates of 2007 (Lisbon revision).

The Intergovernmental Conference 2007

2a|2

In October 2007, the Intergovernmental Conference (IGC 2007) agreed on a Reform Treaty, which was formally signed on 13 December 2007 in Lisbon ('Lisbon Treaty'). In terms of content, the Lisbon Treaty is largely based on the Constitutional Treaty.

The European Union before and after the Lisbon Treaty

2a|3

The Lisbon Treaty does away with the European Union's traditional pillar structure.

Structure of the European Union following the Lisbon Treaty

2a|4

In the future, the European Union may perhaps be compared to a large planet around which Euratom circulates like a satellite.

Three fundamental texts of equal value

2a|5

Under the Lisbon Treaty, there are three fundamental EU texts of equal value, namely two Treaties (the EU Treaty and the Treaty on the Functioning of the European Union) and one Charter (the Charter of Fundamental Rights). In the picture of a planet, they represent the core, the mantle and the crust of the planet.

Structure of the EU Treaty following the Lisbon Treaty

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The Lisbon Treaty radically alters the structure of the EU Treaty.

Structure of the FEU Treaty following the Lisbon Treaty

2a|7

The Lisbon Treaty radically alters the structure of what used to be the EC Treaty, now called Treaty on the Functioning of the European Union.

Functioning of the European Union: internal and external action

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Within the Treaty on the Functioning of the European Union, an important distinction is made between internal and external action of the Union.

Fundamental values

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Under the Lisbon Treaty, the European Union is based on a number of fundamental values, some of which are not explicitly mentioned in the present EU Treaty.

Aims of the European Union

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The European Union's overarching aim is to promote peace, its values and the well-being of its peoples. In order to achieve this aim, the EU Treaty defines a number of specific objectives of the Union.

'Overarching' substantive law

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In all its areas of activities, the European Union and its Member States must observe the general principles of Union law. Further, the European Union must fulfil certain overarching tasks.

Division of competences between the European Union and its Member States

2a|12

There are different categories of Union competences. The Treaty on the Functioning of the European Union lists the relevant (principal) fields.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

CHART

Single institutional framework

2a|13

The European Union and Euratom are served by a single institutional framework, in which the European Council works together with a number of institutions that were originally set up within the framework of the European Communities.

The European Council following the Lisbon Treaty

2a|14

The European Council is the European Union's top political institution. The Lisbon Treaty provides for a presidency lasting 2.5 years.

Important changes regarding the structure of other institutions

2a|15

The Lisbon Treaty brings about important institutional changes, concerning in particular the size of the European Parliament, the size of the Commission, and the structure of the Court of Justice. It also introduces the new office of the High Representative of the Union for Foreign Affairs and Security Policy.

Qualified majority voting in the Council

2a|16

The Lisbon Treaty introduces a new system of qualified majority voting in the Council. It abandons the system of weighted votes.

Secondary measures (or legal acts) of the European Union

2a|17

Secondary measures are taken by the European Union's institutions towards the fulfilment of their tasks under Union law. In essence, secondary measures aim to facilitate the attainment of the primary goals of the Treaties. The Lisbon Treaty provides for a distinction between legislative and non-legislative acts of the Union.

Legislative procedures

2a|18

The Lisbon Treaty introduces a distinction between the ordinary legislative procedure (i.e. the codecision procedure) and special legislative procedures.

Specialised legislative procedures

2a|19

The Treaty on the Functioning European Union provides for many different specialised legislative procedures.

Lisbon renumbering

2a|20

The Lisbon Treaty provides for the renumbering of the articles, sections, chapters and parts of the Treaties. After the Amsterdam renumbering, this is the second comprehensive renumbering of the Treaty provisions.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Background: important Treaty revisions

Chart 2a | 1

Topic:

Over the decades, the EC Treaty (and subsequently also the EU Treaty) was repeatedly revised. The most recent revision dates of 2007 (Lisbon revision).

Important revisions of the E(E)C Treaty

Founding Treaty

EEC Treaty Signed 1957, entry into force 1 January 1958

Important Treaty revisions

Name of Treaty	Year of signature / entry into force	Main issues
Merger Treaty	1965 / 1 July 1967	Introduction of a single institutional framework for the three Communities. (Note: the Communities as such were not merged.)
Act concerning the direct election of representatives of the European Parliament	1976 / first applied in 1979	Establishment of direct elections to the European Parliament
Single European Act	1986 / 1 July 1987	A new timetable for the internal (common) market, institutional reform
Maastricht Treaty	1992 / 1 November 1993	Revision of the three Communities, setting up of the EU
Amsterdam Treaty	1997 / 1 May 1999	Revision of the EU and of the Communities
Nice Treaty	2001 / 1 February 2003	Revision of the EU and of the Communities, Amsterdam 'left-overs', enlargement
Constitutional Treaty	2004 (not in force)	Abolition of the EC, reform of the EU; see Chart 2/17
Lisbon Treaty	<...> (signed on 13 December 2007 / ratification ongoing)	Saving parts of the Constitutional Treaty; see Chart 2/18

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

The Intergovernmental Conference 2007

Chart 2a | 2

Topic:

In October 2007, the Intergovernmental Conference (IGC 2007) agreed on a Reform Treaty, which was formally signed on 13 December 2007 in Lisbon ('Lisbon Treaty'). In terms of content, the Lisbon Treaty is largely based on the Constitutional Treaty.

The Intergovernmental Conference 2007

In its meeting of 21 and 22 June 2007 in Brussels, the European Council gave the Portuguese Presidency of the European Union the mandate to convene an Intergovernmental Conference (IGC) before the end of July 2007, with the task of drafting a so-called 'Reform Treaty'.

Most important aspects of the mandate for the IGC 2007

Modified structure of the EU:

- The EU is based on two treaties: the Treaty on European Union and the 'Treaty on the Functioning of the European Union' (new name for the EC Treaty). The EU replaces and succeeds the EC;
- Euratom remains.

Institutional reform:

Based on the Constitutional Treaty (see **Chart 2/17**), with certain modifications, including in particular:

- Qualified majority voting within the Council: no weighting of votes in principle as of 1 November 2014;
- New High Representative for Foreign Affairs and Security Policy (rather than a 'Minister').

Content:

Based on the Constitutional Treaty (see **Chart 2/17**), with the modifications specified in the Draft Mandate for the IGC 2007. Important: there will not be any references to 'Constitution'.

Towards the Reform Treaty / Lisbon Treaty

- Based on the Draft Mandate, the IGC 2007 discussed a draft Reform Treaty drawn up by the Portuguese Council Presidency. Political agreement was reached on 18 October 2007.
- The Reform Treaty was signed on 13 December 2007 in Lisbon (hence: 'Lisbon Treaty').

National referenda?

Whether ratification requires national popular votes (referenda) depends upon the respective national law of, and/or the political decisions in, the various Member States.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

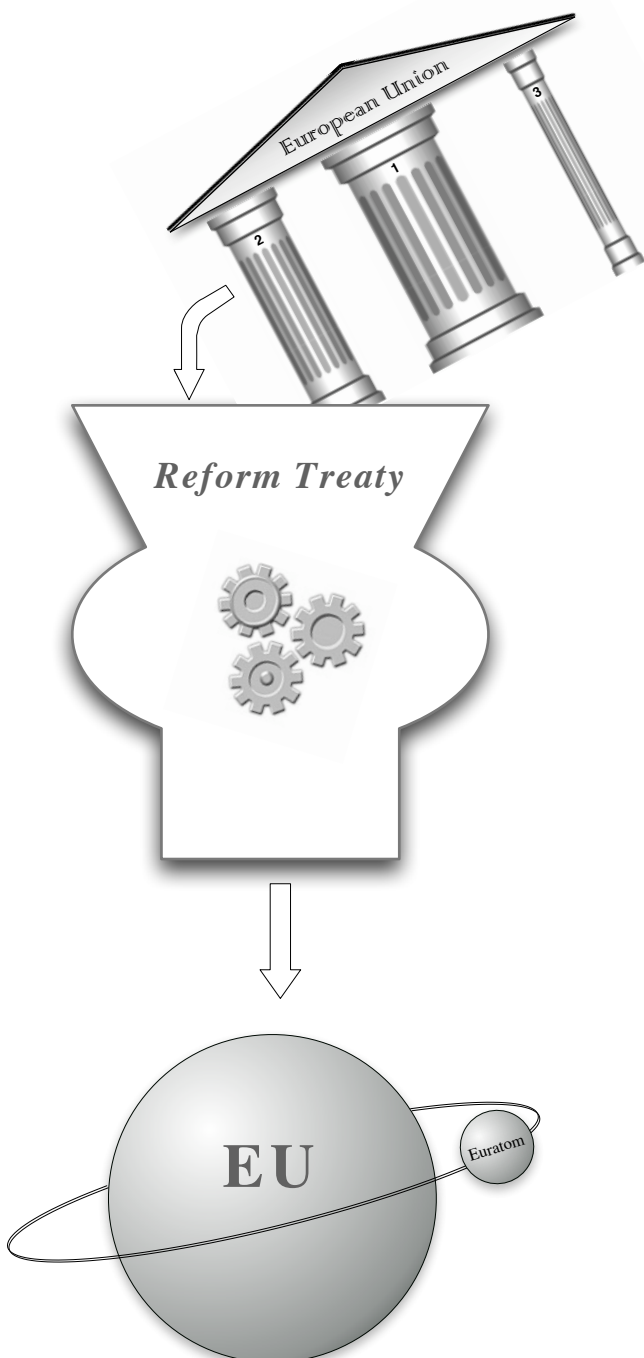
The European Union before and after the Lisbon Treaty

Chart 2a | 3

Topic:

The Lisbon Treaty does away with the European Union's traditional pillar structure.

The effect of the Lisbon Treaty on the structure of the EU



The EU before the Lisbon Treaty:

Three Treaties (Nice versions):

- The EU Treaty (overall structure);
- The EC Treaty (first pillar);
- The Euratom Treaty (first pillar).

See **Chart 2/8**, **Chart 2/11**

The Lisbon Treaty (Reform Treaty) contains the changes to the present Treaties.

The Lisbon Treaty does away with the EU's traditional pillar structure. The Union will no longer be based on the European Communities. The EC will be replaced and succeeded by the EU. Euratom will exist outside the framework of the EU Treaty.

See **Chart 2a/4**

The EU and Euratom following the Lisbon Treaty):

Three Treaties (Lisbon versions):

- Two Treaties on the EU: the EU Treaty and the Treaty on the Functioning of the European Union (former EC Treaty);
- One Treaty on the Atomic Energy Community: the Euratom Treaty.

See **Chart 2a/4**, **Chart 2a/5**

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

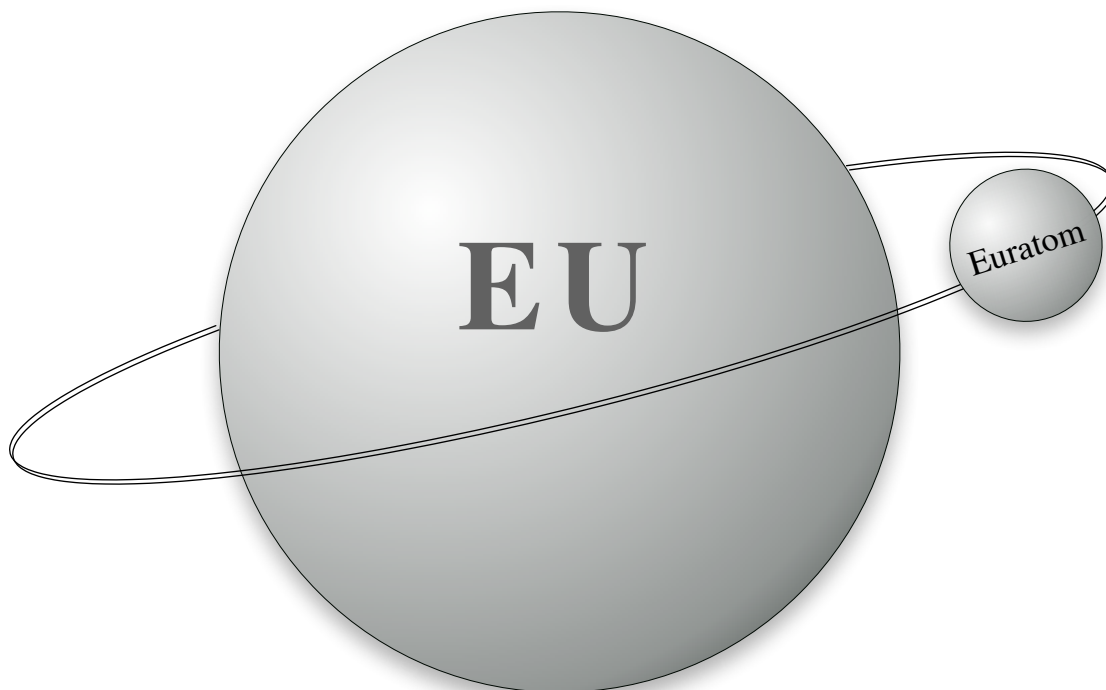
Structure of the EU following the Lisbon Treaty

Chart 2a | 4

Topic:

In the future, the European Union may perhaps be compared to a large planet around which Euratom circulates like a satellite.

Structure of the EU following the Lisbon Treaty



The European Union

The European Union of 1992, though now based on two Treaties; see **Chart 2a/5**:

- The Treaty on European Union (TEU);
- The Treaty on the Functioning of the European Union (TFEU, i.e. the former EC Treaty, as amended through the Lisbon Treaty).

Art. 1(3) TEU:
'[...] The Union shall replace and succeed the European Community.'

Art. 47 TEU:
'The Union shall have legal personality.' [New, compare **Chart 2/7**]

Euratom

The Atomic Energy Community of 1957, based on the Euratom Treaty.

Art. 1(21) of the Lisbon Treaty:
The provisions of Title IV of the present EU Treaty (previous changes to the Euratom Treaty) are incorporated into the Euratom Treaty.

Protocol No. 2 to be annexed to the Lisbon Treaty:

- Contains new changes to the present Euratom Treaty.
- Certain provisions of the TEU and TFEU apply to the Euratom Treaty; compare **Chart 2a/13**.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

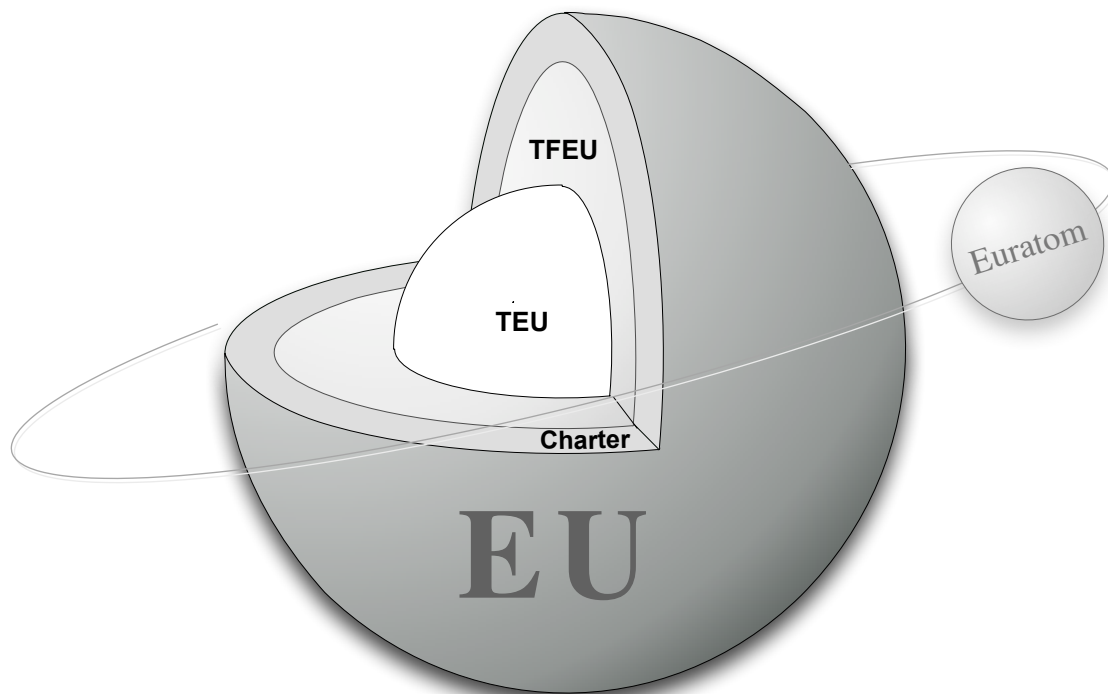
Three fundamental texts of equal value

Chart 2a | 5

Topic:

Under the Lisbon Treaty, there are three fundamental EU texts of equal value, namely two Treaties (the EU Treaty and the Treaty on the Functioning of the European Union) and one Charter (the Charter of Fundamental Rights). In the picture of a planet, they represent the core, the mantle and the crust of the planet.

Three texts of equal value: the core, the mantle and the crust of the planet



TEU
Treaty on the European Union

TFEU
Treaty on the Functioning of the European Union

Charter
Charter of Fundamental Rights

Art. 1(3) TEU:
'The Union shall be founded on the present Treaty and on the Treaty on the Functioning of the European Union [...]. Those two Treaties shall have the same legal value.'

Art. 6(1) TEU:
The Charter of Fundamental Rights of 7 December 2000, as adapted on 12 December 2007, 'shall have the same legal value as the Treaties'.

Note:
The Charter itself is not a Treaty, as it needed no ratification.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Structure of the EU Treaty following the Lisbon Treaty

Chart 2a | 6

Topic:

The Lisbon Treaty radically alters the structure of the EU Treaty.

Structure of the EU Treaty after the Lisbon Treaty

Title I	Common provisions
Title II	Provisions on democratic principles
Title III	Provisions on the institutions
Title IV	Provisions on enhanced cooperation
Title V	General provisions on the Union's external action and specific provisions on the Common Foreign and Security Policy
Title VI	Final provisions

Notes:

- The 'Treaty of Lisbon' as well as the 'Final Act of the Intergovernmental Conference' are officially published in the Official Journal on 17 Dec 2007 ('Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007', OJ 2007 C 306/01, and 'Final Act of the Intergovernmental Conference', OJ 2007 C 306/231).
- Consolidated versions of the Lisbon Treaty in all official languages have been published in the OJ: <http://eur-lex.europa.eu/JOhtml.do?uri=OJ:C:2008:115:SOM:EN:HTML>

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Structure of the Treaty on the Functioning of the EU following the Lisbon Treaty

Chart 2a | 7

Topic:

The Lisbon Treaty radically alters the structure of what used to be the EC Treaty, now called Treaty on the Functioning of the European Union.

Structure of the Treaty on the Functioning of the European Union (former EC Treaty) after the Lisbon Treaty

Part One	Principles <i>Deals with categories and areas of Union competence and provisions having general application.</i>
Part Two	Non-discrimination and citizenship of the Union <i>Includes the present Arts. 12 and 13 EC and the provisions on EU citizenship.</i>
Part Three	Union policies and internal actions (see Chart 2a/8) <i>Includes in particular:</i> <ul style="list-style-type: none">• <i>The present Title X on customs cooperation;</i>• <i>The present third pillar of the EU on police and judicial cooperation in criminal matters.</i>
Part Four	Association of the overseas countries and territories
Part Five	External action by the Union (see Chart 2a/8) <i>New part. Includes in particular:</i> <ul style="list-style-type: none">• <i>The present Title IX on Common Commercial Policy;</i>• <i>The present Title XX on Development cooperation;</i>• <i>The present Title XXI on Economic, financial and technical cooperation with third countries.</i>
Part Six	Institutional and budgetary provisions
Part Seven	Final provisions

Note:

According to Art. 1(11) of the Lisbon Treaty, the provisions of Title II of the present EU Treaty (previous changes to the EC Treaty) are incorporated into the Treaty on the Functioning of the European Union.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Functioning of the European Union: internal and external action

Chart 2a | 8

Topic:

Within the Treaty on the Functioning of the European Union, an important distinction is made between internal and external action of the Union.

Internal and external action of the Union

Part Three: Union policies and internal actions	Title I:	The internal market <i>[includes the present Title X on Customs cooperation]</i>
	Title II:	Agriculture and fisheries
	Title III:	Free movement of persons, services and capital
	Title IV:	Area of freedom, security and justice <i>[includes the present third pillar of the EU]</i>
	Title V:	Transport
	Title VI:	Common rules on competition, taxation and approximation of laws
	Title VII:	Economic and monetary policy
	Title VIII:	Employment
	Title IX:	Social policy
	Title X:	The European Social Fund
	Title XI:	Education, vocational training, youth and sport
	Title XII:	Culture
	Title XIII:	Public health
	Title XIV:	Consumer protection
	Title XV:	Trans-European networks
	Title XVI:	Industry
	Title XVII:	Economic, social and territorial cohesion
	Title XVIII:	Research and technological development and space
	Title XIX:	Environment
	Title XX:	Development cooperation
	Title XXI:	Tourism <i>[new title]</i>
	Title XXII:	Civil protection <i>[new title]</i>
	Title XXIII:	Administrative cooperation <i>[new title]</i>

Part Five: External action by the Union	Title I:	General provisions on the Union's external action <i>[new title]</i>
	Title II:	Common Commercial Policy
	Title III:	Cooperation with third countries and humanitarian aid
	Title IV:	Restrictive measures <i>[instead of the present Art. 301 EC]</i>
	Title V:	International agreements <i>[includes the present Art. 24 EU]</i>
	Title VI:	The Union's relations with international organisations and third countries and Union delegations
	Title VII:	Solidarity clause <i>[new Title]</i>

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Fundamental values

Chart 2a | 9

Topic:

Under the Lisbon Treaty, the European Union is based on a number of fundamental values, some of which are not explicitly mentioned in the present EU Treaty.

Art. 2 TEU (new version of the present Art. 6(1) EU)

'The Union is founded on the values of...'

Respect for human dignity

[new;
compare
Chart 1/13]

Freedom

[formerly
'liberty';
compare
Chart 1/13]

Democracy

Equality

[new;
compare
Chart 1/13]

The rule of law

The ECJ in relation to the EC: the Community is 'a Community based on the rule of law'; *Les Verts* (1986).

Respect for human rights, including the rights of persons belonging to minorities

Art. 2 TEU (continued):

'These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.'

Specifically: human rights

Under the present Treaties, there is a non-binding Charter of Fundamental Rights. However, the ECJ long ago recognised respect for fundamental rights as an integral part of the general principles of the (then) European Economic Community; see **Chart 1/13**.

Under the Lisbon Treaty, there are two distinct sources of human rights:

- According to Art. 6(1) TEU, the Charter of Fundamental Rights has the same value as the Treaties (i.e. it is binding on the Member States); see **Chart 2a/5**;
- According to Art. 6(3) TEU, the fundamental rights guaranteed by the European Convention on Human Rights constitute general principles of the Union's law; see **Chart 2a/11**. According to Art. 6(2) TEU, the Union shall accede to the Convention; see Protocol relating to Art. 6(2) TEU to be annexed to the Treaties.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Aims of the European Union

Chart 2a | 10

Topic:

The European Union's overarching aim is to promote peace, its values and the well-being of its peoples. In order to achieve this aim, the EU Treaty defines a number of specific objectives of the Union.

Overarching aim of the Union

Art. 3(1) TEU: to promote peace, the Union's values and well-being of its peoples

Specific objectives

(as defined in the Lisbon Treaty; compare **Chart 1/10**)

Area of freedom, security and justice

Art. 3(2) TEU:
'The Union shall offer its citizens an area of freedom, security and justice, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.'

Internal market

Art. 3(3) TEU:
'The Union shall establish an internal market.'

In doing so, the EU shall work for:

- The sustainable development of Europe;
- A highly competitive social market economy;
- A high level of protection and improvement of the quality of the environment;
- Scientific and technological advance.

Note:
Throughout the Treaties, the term 'common market' is replaced by the term 'internal market'.

Economic and Monetary Union

Art. 3(4) TEU:
'The Union shall establish an economic and monetary union whose currency is the euro.'

Union values and interests in the wider world

Art. 3(5) TEU:
'In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens.'

In doing so, the EU shall contribute to:

- Peace;
- Security;
- The sustainable development of the Earth;
- Solidarity and mutual respect among peoples;
- Free and fair trade;
- Eradication of poverty;
- The protection of human rights;
- Strict observance and development of international law.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

'Overarching' substantive law

Chart 2a | 11

Topic:

In all its areas of activities, the European Union and its Member States must observe the general principles of Union law. Further, the European Union must fulfil certain overarching tasks.

'Overarching' substantive law

Certain rules have to be observed, and certain tasks have to be pursued, in all areas of Union law.

Overarching rules

General principles of Union law (part Treaty-enshrined, part case law-based)

See **Chart 7/5**

Prohibition of discrimination on grounds of nationality, Art. 18 TFEU (formerly Art. 12 EC)

See **Chart 7/9**

EU citizenship for natural persons, in particular Art. 21(1) TFEU on movement and residence (formerly Art. 18(1) EC)

See **Chart 7/12**

Overarching tasks

Equality of EU citizens, Art. 8 TEU [*new*]

Observing the principle of equality of EU citizens

Sex equality, Art. 8 TFEU (formerly Art. 3(2) EC)

Elimination of inequalities, and promotion of equality, between men and women; see **Chart 10/6**

Employment and other social aims, Art. 9 TFEU

Promoting a high level of employment, the guarantee of social protection, the fight against social exclusion, and a high level of education, training and protection of human health (regarding human health, formerly Art. 152(1) EC)

Combating discrimination, Art. 10 TFEU

Combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation

Environmental protection, Art. 11 TFEU (formerly Art. 6 EC)

Integration of environmental protection requirements, in particular with a view to promoting sustainable development

Consumer protection, Art. 12 TFEU (formerly Art. 153(2) EC)

Taking into account consumer protection requirements

Animal welfare, Art. 13 TFEU (formerly Protocol on animal welfare)

Paying full regard to the welfare requirements of animals

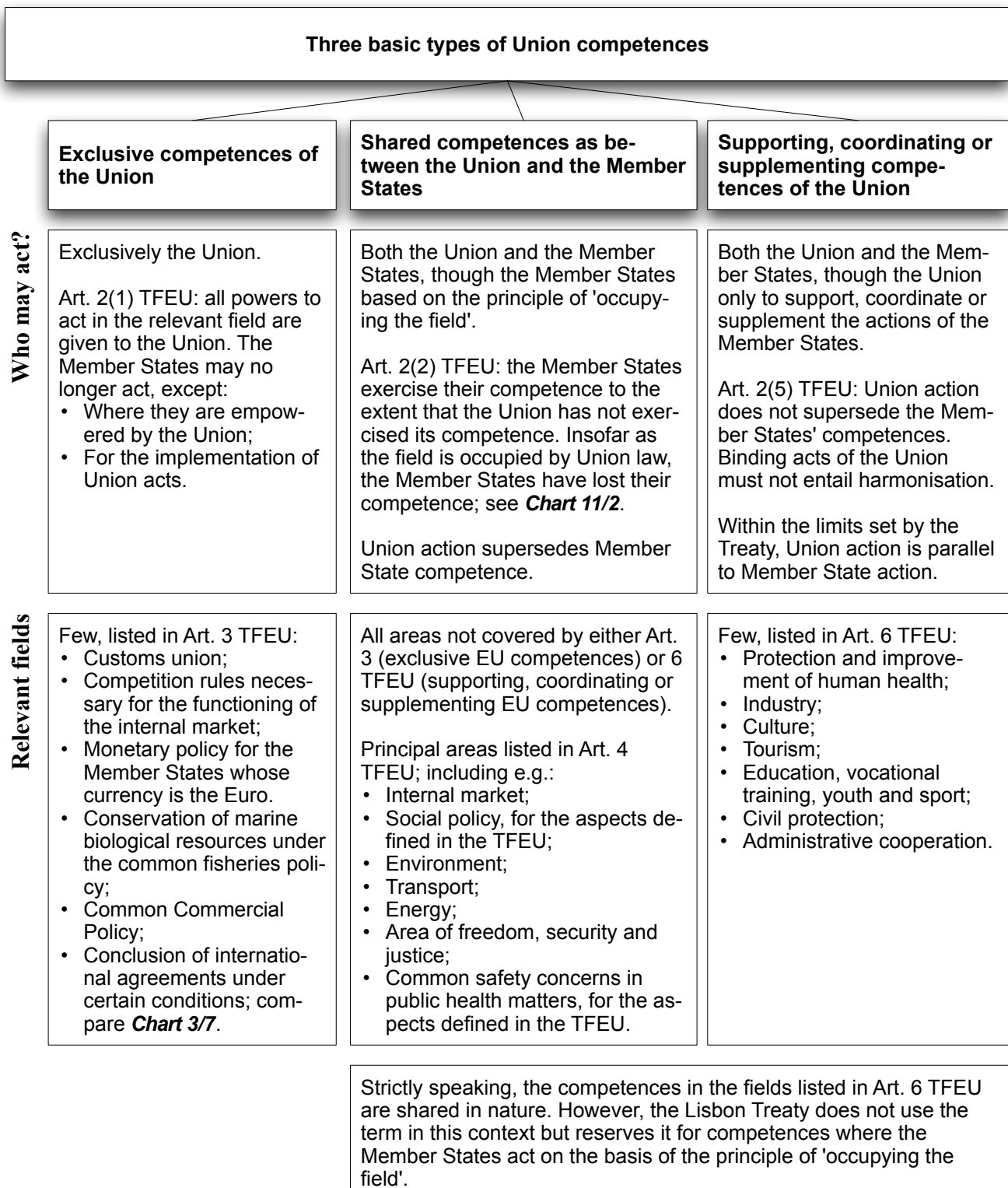
Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Division of competences between the European Union and its Member States

Chart 2a | 12

Topic:

There are different categories of Union competences. The Treaty on the Functioning of the European Union lists the relevant (principal) fields.



Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

The Union's institutional framework

Chart 2a | 13

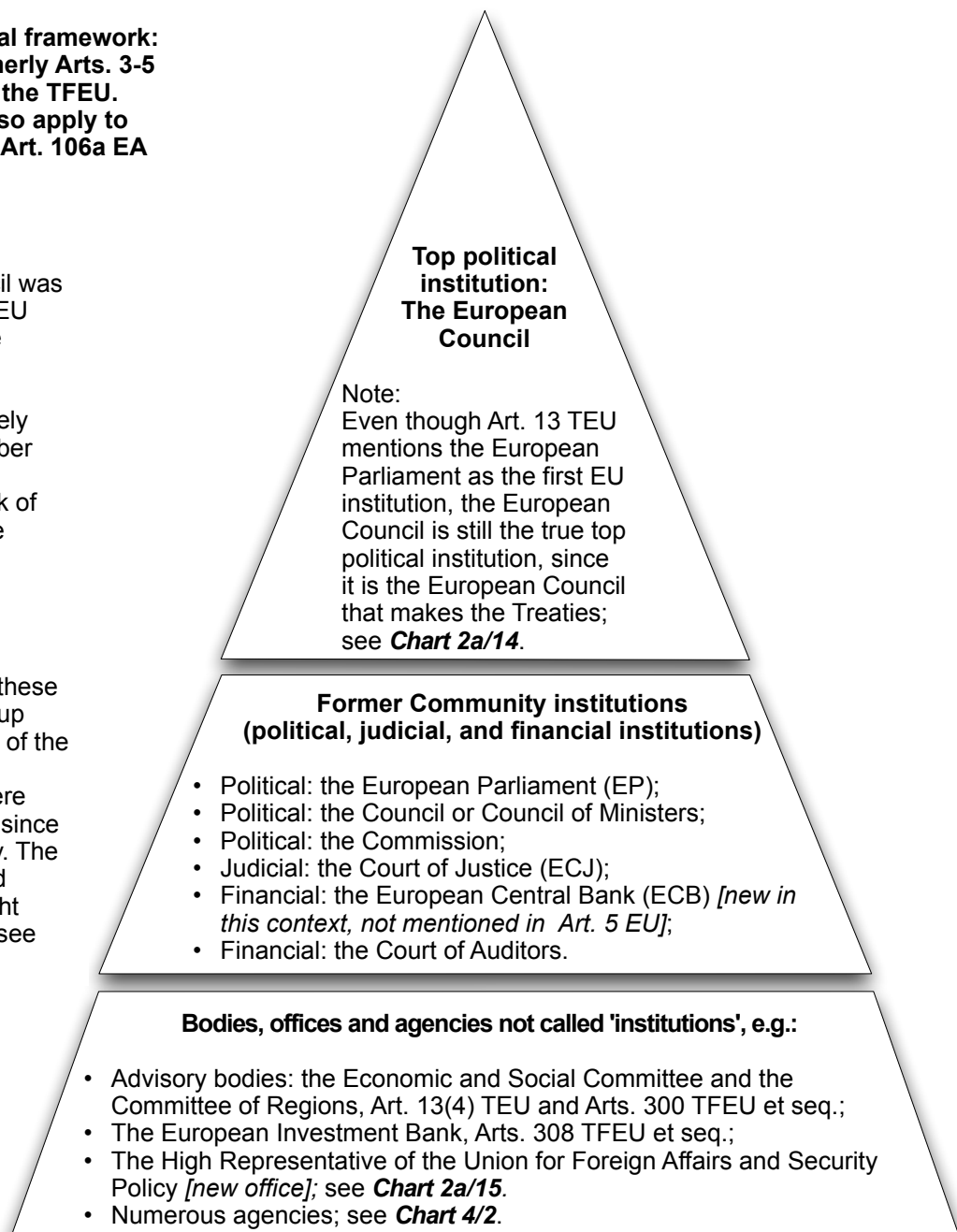
Topic:

The European Union and Euratom are served by an institutional framework, in which the European Council works together with a number of institutions that were originally set up within the framework of the European Communities.

**The EU's institutional framework:
Art. 13-19 TEU (formerly Arts. 3-5
EU) plus Part Six of the TFEU.
These provisions also apply to
the Euratom Treaty, Art. 106a EA
[new provision].**

The European Council was set up as an original EU institution through the Maastricht Treaty (1992/1993). It had informal origins (namely meetings of the Member States' governments outside the framework of the Communities; see **Chart 2/16**).

Except for the ECB, these institutions were set up within the framework of the original European Communities and were also used by the EU since the Maastricht Treaty. The ECB was established through the Maastricht Treaty (1992/1993); see **Chart 2/16**.



Notes:

- The European Council and the Council of Ministers are not to be confused with the Council of Europe, which is an international organisation distinct from the European Union; see **Chart 2/3**.
- Originally, the European Communities had only the EP and the ECJ in common; a single institutional framework was created through the Merger Treaty (1965/1967); see **Chart 2/16**.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

The European Council following the Lisbon Treaty

Chart 2a | 14

Topic:

The European Council is the European Union's top political institution. The Lisbon Treaty provides for a presidency lasting 2.5 years.

The European Council

President

Determined by the European Council, for the duration of 2.5 years, Art. 15(5) TEU *[new]*.

Other members of the European Council

Art. 15(2) TEU:

- The Heads of State or Government of the Member States.
- The President of the Commission.

Participating or assisting in the work

- End of Art. 15(2) TEU: the High Representative of the Union for Foreign Affairs and Security Policy (see **Chart 2a/15**) takes part in the work of the European Council.
- Art. 15(3) TEU: when the agenda so requires, the members of the European Council may decide to be assisted by a minister (in the case of the President of the Commission: a Commission member).

Task

Art. 15(1) TEU:

Discussion of the EU's development and decision making as to its general political guidelines.

Note:

- This includes in particular the making and revising of the Treaties, following Art. 48 TEU (ordinary or simplified revision procedure *[new distinction]*).
- Conversely, it does not include the making of secondary legislation (see Art. 15(1) TEU: 'It shall not exercise legislative functions.'). Secondary law is made by the other political institutions; see **Chapter 5**.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Important changes regarding the structure of other institutions

Chart 2a | 15

Topic:

The Lisbon Treaty brings about important institutional changes, concerning in particular the size of the European Parliament, the size of the Commission, and the structure of the Court of Justice. It also introduces the new office of the High Representative of the Union for Foreign Affairs and Security Policy.

Structural changes concerning the EP, the Commission and the Court of Justice

Smaller European Parliament

Change in the size of the EP:

In the future, no more than 750 Members plus the President, Art. 14(2) TEU.

Italy gets one additional MEP; Declaration No. 4 to be annexed to the Final Act on the Lisbon Treaty.

Smaller Commission

Change in the size of the Commission:

Reduction to 2/3 of the number of the Member States, Art. 17(5) TEU:

'As of 1 November 2014, the Commission shall consist of a number of members, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number. [...].'

Commission seats are attributed based on a system of strictly equal rotation between the Member States, to be established by the European Council.

New structure of the Court of Justice, possibly more AGs

Change in the structure of the ECJ and in the names of the different component parts of the Court, Art. 19(1) TEU:

- The Court of Justice;
- The General Court [*i.e. the present Court of First Instance*];
- Specialised courts [*including the Civil Service Tribunal, which at present is a mere panel attached to the CFI*; see **Chart 4/7**].

More Advocates-General:

If the ECJ requests an increase by three AGs (from eight to eleven), the Council will, acting unanimously, agree on such an increase; Declaration No. 38 to be annexed to the Final Act on the Lisbon Treaty.

The High Representative of the Union for Foreign Affairs and Security Policy (HR CFSP)

New office, instead of the Foreign Policy Minister foreseen by the Constitutional Treaty (see **Chart 2/17**). The HR CFSP is one of the Commission's Vice-Presidents, Arts. 17(4) and 18(4) TEU. Task: the HR CFSP conducts the CFSP, Art. 18(2) TEU.

Relationship with other institutions:

- European Council: the HR CFSP takes part in the work of the European Council, Art. 15(2) TEU;
- EP: the HR CFSP regularly consults and informs the EP, Art. 36(1) TEU;
- Council (of Ministers): the HR CFSP chairs the Foreign Affairs Council, Art. 18(3) TEU.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Qualified majority voting in the Council

Chart 2a | 16

Topic:

The Lisbon Treaty introduces a new system of qualified majority voting in the Council. It abandons the system of weighted votes.

Qualified majority voting in the Council

Art. 16(3)-(5) TEU, Art. 238 TFEU, Protocol relating to the implementation of Art. 9C(4) TEU (numbering of the Lisbon Treaty), to be annexed to the Treaties

Decisive change:
System no longer based on the weighting of votes (see **Chart 5/3**)

Requirements for a qualified majority under Art. 16(4) TEU

55% of the members of the Council

55% of the Member States must approve, in some cases 72%.

15 members of the Council

The Council members approving must represent at least 15 Member States.

65% of the EU population

The Council members approving must represent at least 65% of the total population of the Union.



Blocking minority: 4 members of the Council

A blocking minority must include at least 4 members, in some cases at least the minimum number of Council members representing more than 35% of the population, plus one member.

Application of the new system in terms of time:

- Art. 16(4) TEU: in principle as of 1 November 2014.
- Art. 16(5) TEU: transitional periods until 31 October 2014 and from 1 November 2014 to 31 March 2017.
- Transitional period 1 (until 31 October 2014): present system, based on the weighting of votes (see **Chart 5/3**), Art. 3(3) and (4) of the Protocol on transitional provisions to be annexed to the Treaties.
- Transitional period 2 (from 1 November 2014 to 31 March 2017): present system, if requested by a Member State, Art. 3(2) of the Protocol on transitional provisions to be annexed to the Treaties.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Secondary measures (or legal acts) of the Union

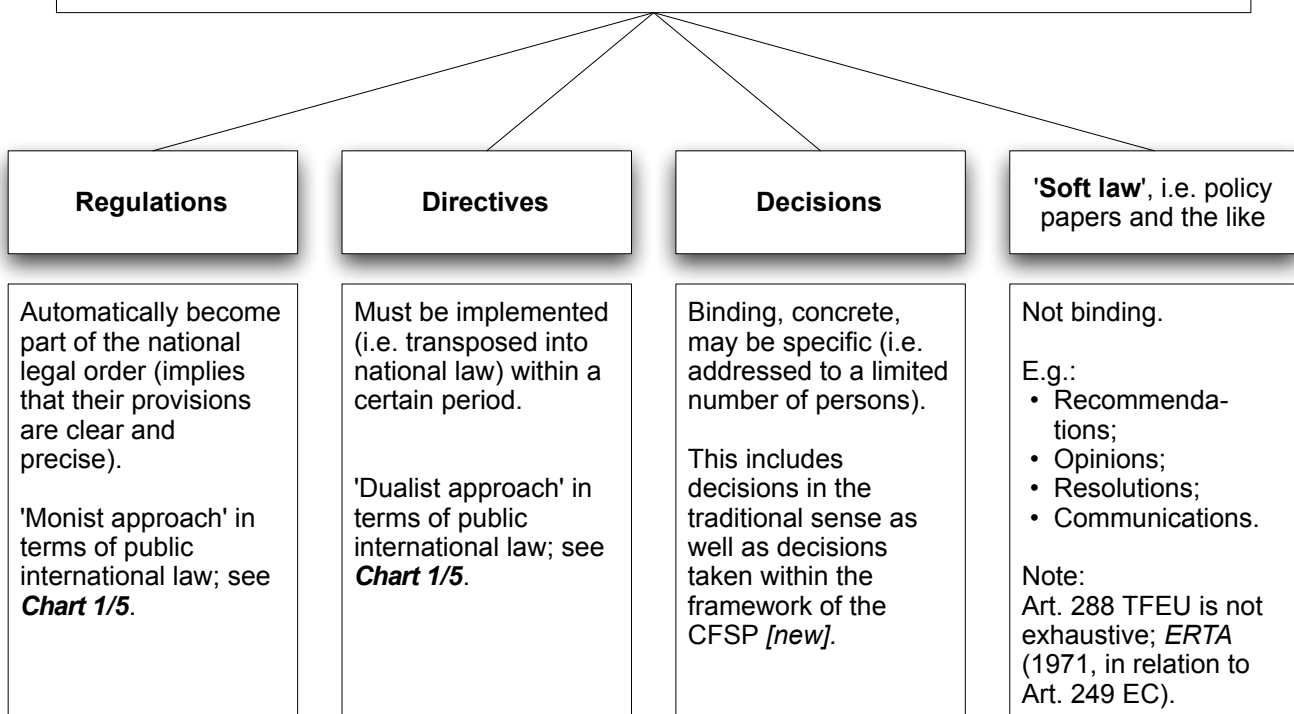
Chart 2a | 17

Topic:

Secondary measures are taken by the European Union's institutions towards the fulfilment of their tasks under Union law. In essence secondary measures aim to facilitate the attainment of the primary goals of the Treaties. The Lisbon Treaty provides for a distinction between legislative and non-legislative acts of the Union.

Legal acts of the Union

Art. 288 TFEU (formerly Art. 249 EC): 'To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.'



Art. 289(3) TFEU: measures adopted by legislative procedure are legislative acts; see **Chart 2a/18**.

Note:

Decisions in the traditional sense are concrete and specific; *Fruits et légumes* (1962). Conversely, decisions taken within the framework of the CFSP are not traditional decisions.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Legislative procedures

Chart 2a | 18

Topic:

The Lisbon Treaty introduces a distinction between the ordinary legislative procedure (i.e. the codecision procedure) and special legislative procedures.

Different legislative procedures under EU law

Ordinary legislative procedure (codecision procedure)

Art. 289(1) TFEU:
Parliament and Council act as co-legislators on proposal from the Commission.

Definition in Art. 294 TFEU (formerly Art. 251 EC): three readings, conciliation committee (the term 'third reading' refers to the decision by the Council and the EP after approval of a joint text by the Conciliation Committee, see **Chart 5/6**), qualified majority voting in the Council; see **Chart 2a/16**. The procedure was originally introduced through the Maastricht Treaty (1992/1993); see **Chart 2/16**.

Specialised legislative procedures

Art. 289(2) TFEU:
Adoption of a legislative act by the Parliament with the participation of the Council, or by the Council with the participation of the Parliament.

See **Chart 2a/19**

Examples of specific legal basis provisions

- Art. 46 TFEU: free movement for workers (formerly Art. 40 EC);
- Art. 91(1) TFEU: rail, road and inland waterway transport (formerly Art. 71(1) EC; see Art. 100(1) TFEU);
- Art. 192(1) TFEU: environmental protection (formerly Art. 175(1) EC).

General legal basis provision

Art. 114 TFEU (formerly Art. 95 EC)

Note:

- Under the Lisbon Treaty, the order of Arts. 94 and 95 EC is reversed.
- Under the EC Treaty, Art. 95 EC is a derogation from Art. 94 EC. Under the Lisbon Treaty, Art. 115 TFEU (formerly Art. 94 EC) is made a derogation from Art. 114 TFEU (formerly Art. 95 EC).

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Specialised legislative procedures

Chart 2a | 19

Topic:

The Treaty on the Functioning of the European Union provides for many different specialised legislative procedures.

Different specialised legislative procedures under the TFEU

Helpful focus point: role of the Parliament (degree of influence).

Particularly important specialised legislative procedures:

Consultation procedure

Commission proposes, Parliament consults, Council disposes. Adoption of the act (usually) requires a unanimous vote; see **Chart 5/4**. Has been in existence since the beginning.

E.g.:

- Art. 103(1) TFEU (formerly Art. 83(1) EC): principles set out in Arts. 101 and 102 TFEU (competition law);
- Art. 115 TFEU (formerly Art. 94 EC): general legal basis provision derogating from Art. 114 TFEU (formerly Art. 95 EC).

Consent procedure *[new name]*

Role of Commission and Council depends on the legal basis provision; Parliament must give its consent.

E.g.:

- Art. 19(1) TFEU (formerly Art. 13 EC): combating discrimination (formerly consultation procedure);
- Art. 49 TEU: membership of the Union;
- Art. 50 TEU: agreement setting out the arrangements for withdrawal from the Union *[new]*;
- Art. 352 TFEU (formerly Art. 308 EC): subsidiary general legal basis provision (formerly consultation procedure).

Examples of other procedures, involving the following institutions:

Council and
Commission

E.g. Art. 31 TFEU (formerly Art. 26 EC): Common Customs Tariff

Commission

E.g. Art. 106(3) TFEU (formerly Art. 86(3) EC): undertakings with a special position.

Commission, Social
Partners, Council

Arts. 154 and 155 TFEU (formerly Arts. 138 and 139 EC); see **Chart 5/7**. Originally introduced through the Social Agreement, for the participating Member States; see **Chart 10/5**.

Note:

Under the Lisbon Treaty, the cooperation procedure (see **Chart 5/2** and **Chart 5/5**) is abolished.

Chapter 2a The EU following the Lisbon Treaty (Reform Treaty)

Lisbon renumbering

Chart 2a | 20

Topic:

The Lisbon Treaty provides for the renumbering of the articles, sections, chapters and parts of the Treaties. After the Amsterdam renumbering, this is the second comprehensive renumbering of the Treaty provisions.

Renumbering the Treaties

Art. 5 of the Lisbon Treaty:

'The articles, sections, chapters, titles and parts of the Treaty on European Union and of the Treaty establishing the European Community, as amended by this Treaty, shall be renumbered in accordance with the tables of equivalence set out in the Annex to this Treaty, and which form an integral part of this Treaty.'

Note:

Through the Lisbon Treaty, the 'Treaty establishing the European Community' is renamed 'Treaty on the Functioning of the European Union'.

Changes to particularly important articles

Subject matter	Before Lisbon	After Lisbon
Important general provision:		
Solidarity clause	Art. 10 EC	Art. 4 TEU
Secondary acts; important legal basis provisions:		
Secondary acts of the EC	Art. 249 EC	Art. 288 TFEU
Legal basis for combating discrimination	Art. 13 EC	Art. 19 TFEU
General legal basis provision	Art. 94 EC	Art. 115 TFEU
General legal basis provision	Art. 95 EC	Art. 114 TFEU
General legal basis provision	Art. 308 EC	Art. 352 TFEU
Important substantive provisions:		
Prohibition of discrimination on grounds of nationality	Art. 12 EC	Art. 18 TFEU
Movement and residence for EU citizens	Art. 18 EC	Art. 21 TFEU
Free movement of goods: customs duties	Art. 25 EC	Art. 30 TFEU
Prohibition of discriminatory or protective taxation of goods	Art. 90 EC	Art. 110 TFEU
Free movement of goods: quantitative restrictions	Arts. 28-30 EC	Arts. 34-36 TFEU
Free movement for workers	Art. 39 EC	Art. 45 TFEU
Freedom of establishment	Art. 43 EC	Art. 49 TFEU
Free movement of services	Arts. 49 and 50 EC	Arts. 56 and 57 TFEU
Free movement of capital	Art. 56 EC	Art. 63 TFEU
Competition law: collusive conduct of undertakings	Art. 81 EC	Art. 101 TFEU
Competition law: abuse of a dominant position	Art. 82 EC	Art. 102 TFEU
Competition law: state aid	Art. 87 EC	Art. 107 TFEU
Undertakings with a special position	Art. 86 EC	Art. 106 TFEU
Sex equality: equal pay, positive action, legal basis	Art. 141 EC	Art. 157 TFEU