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THE TREATY OF LISBON - STEPS TOWARDS A FUTURE POLITICAL EUROPEAN UNION

Book Review: Luzarraga, F. A.& M. G. Llorente, *Europa Viitorului: Tratatul de la Lisabona*, Polirom, Iași, 2011.

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The book named “Europe of the Future: Treaty of Lisbon” represents the elaborated work of two Spanish academics: Prof. Francisco Aldecoa Luzarraga – the head of International Relations Department of the Faculty of Political Science, Complutense University from Madrid, and specialist in European Integration Theory, Federalism and Europeanism; and Mrs. Mercedes Guinea Llorente – teacher of International Relations at the same University.

The focus of the book, as it results from the title, is on the Treaty of Lisbon (2007, 2009) of the European Union, a treaty that proposes a more profound change than the previous treaties, because of its endeavour towards “more Europe” and, especially, “more political Europe”.

The in-depth analysis of the Treaty of Lisbon is done in the broader context of its temporal political developments represented, on one hand, by the acceleration of the European integration from the ‘90s on (through the Treaties of Maastricht, Amsterdam and Nice; and through the increasing of the number of the member states from 12 to 27), and by the 9 years road towards the entry into force of the Treaty of Lisbon (2001 - 2009), on the other hand, as answers to the changes and challenges taking place in Europe and in the world, after the fall of communism. In this regard, it is examined the evolution of the political process of the European Union, from the convening of the Intergovernmental Conference of 1991 - dedicated to the creation of the Political Union; the Laeken Declaration (2001) – aiming at bringing the Union **much closer** to its citizens and the strengthening of the European political area’s “spine”; to the predictions and perspectives concerning the accomplishment of **an** “un-veiled” federal Union, as a next step following the adoption of the Treaty of Lisbon.

* Luzarraga, F. A.& M. G. Llorente, *Europa Viitorului: Tratatul de la Lisabona*, Polirom, Iași, 2011, p.15.

As the authors **have stated**, the Treaty of Lisbon is a “return to the future”. Initially aimed at being a European Constitution (elaborated by a European Convention between 2002 and 2003) – an unprecedented text in the history of the European Union that represented an explicit option for a federal EU and that could have brought the EU closer to its citizens; shaken on its constitutional way by the negative referendums from France and Netherlands (2005); the Treaty of Lisbon finally came into force in 2009, two years after its signing and as a result of 26 parliamentary ratifications and one referendum ratification (Ireland). As a classical reform treaty (modification / completion) and in a “veiled” form (with the consequence of important losses as: the name of the Constitutional Treaty was changed, the idea that the EU is a union to which the Member States and its citizens **participate** was suppressed, the abandonment of the structural simplification and clarity, the loss of the constitutional unity, the exclusion of the text of the Chart of Fundamental Rights or the disappearance of the Union’s symbols), remote from its citizens but, most important, saving 95% of the reforms and new instruments brought by the European Constitution. And, therefore, a Treaty that addresses, with ambition, issues concerning the democratization of the political system and the functioning of the institutions, the strengthening of the citizen’s place in the system, the efficiency of the EU’s performing and decision making process, the considering of the European social model as a unique model specific to the EU, or the strengthening of the EU’s security and defense domains.

The authors’ fundamental thesis is that the Treaty of Lisbon represents a return to the Constitutional text (metaphorically seen as a “return to the future”), having as aim the creation of a union able to face the internal and international challenges. As a consequence, the two directions of analysis are: the Treaty of Lisbon is the result of a political process (divided in three parts: the proposals and agreements – the Convention and the Constitution; the blockage – the constitutional crisis; and a final one - the Treaty of Lisbon) during which a double innovation was accomplished – of method (the constitutional process of the Convention) and of model (the political explanation); and a short and rigorous analysis, from a political science perspective, of the Treaty of Lisbon in order to explain and highlight the EU’s progress by comparison **with** the situation prior to the Treaty’s application, its fields of application and their content and its future impact on the European political system.

The book is structured in 8 parts and 14 chapters, covering: the presentation of the Treaty of Lisbon; the relation between it and the European Constitution; the novelties that the Treaty brings to the process of European integration (first part); the political process that led to the drafting of the Treaty of Lisbon (second part); the analysis of the Treaty of Lisbon’s content – by explaining its contribution to the Union’s political model and to its economic and social model (third part); the examination of the fundamental rights contained in the Treaty of Lisbon (fourth part); the functioning of the Union – institutions and competences (fifth part); the analysis of two of the main sectors in which the deepening is stronger - the area

of justice, freedom and security policy and the foreign, security and defense policy (sixth and seventh parts); and Europe of the future (eighth part).

The authors consider that the Treaty of Lisbon represents one of the most substantial European reforms, both in scale as in content, as it makes a big step towards the construction of the political Europe - through the description of this unique political system and through the increasing of EU's empowering in domains that, traditionally, belong to high politics. Accordingly, the Treaty explains its economic and social model; there are no new economic policies and no communization of the economic policies, but there are some improvements and changes. The Chart of Fundamental Rights – that aimed at correcting the democratic deficit, at including the European citizen in the European construction and at strengthening the political European construction - was excluded from the Treaty, but acquired a legal compulsoriness that offered it a legal dimension of the EU's commitment towards the fundamental rights. The innovations regarding the European institutions (European Parliament, European Council, Council, European Commission) represent the most important reform of the institutional architecture **since** the creation of the Communities; the European Parliament is the big winner of the Treaty – as it acquired increased powers, while the European Commission is the big loser of it; the setting of the High Representative position (assisted by the European Service for External Action), with its *double chapeau* and its actions and competences implemented through different methods, answers the federal intergovernmental model and brings coherence and efficiency to the EU's foreign action. The decision-making process has been profoundly reformed, following the road opened by the European Constitution – increased democracy and efficiency. The clarification of the system of competences and the elaboration of a “catalogue” of the EU's competences (exclusive, shared and of supporting, coordinating or supplementing the actions of the Member States) gives the European citizen an overview of “who does what” in the EU. The Treaty of Lisbon adopts, also, a novelty of the European Constitution – an extraordinary *ex ante* procedure of controlling the implementation of the principles of subsidiarity and proportionality, by the national parliaments (“the yellow card”); and the acknowledgment of the role of the regions and local collectivities in controlling the implementation of the subsidiarity principle. The area of justice, freedom and security is deepened by the Treaty of Lisbon, through a significant endowment with new competences or the disappearance of the intergovernmental model. The foreign common policy is considered as a unitary whole, even if the “veil” method has been used regarding the changing of the name of foreign minister with that of High Representative of the Union for Foreign Affairs and Security Policy; the changes regarding both the Common Foreign and Security Policy **are important and numerous** (endeavour towards a responsible foreign policy at the global level, a common conceptual framework of values and objectives, the “exportation” of the internal European stability model, the inclusion of the neighborhood policy, or more visibility and efficiency of the foreign policy) and the Common Security and Defence Policy (specific to a civilian power, the development and improvement of

the crisis management, new defense instruments, the strengthening of cooperation with regard to capabilities, the defensive alliance of the member states, the solidarity clause or the permanent structured cooperation or the European Defence Agency).

As a consequence, from Laeken (2001) to Lisbon (2009), the authors consider that the Union's evolution and development have undertaken mixed results. The Laeken Declaration aimed at bringing the European institutions closer to the citizen; in order to accomplish this target, **three types of changes are considered necessary**: the simplification of the EU, the democratization of structures and decisions and the EU endowment with the necessary instruments in order to answer the citizens' expectations. If the latter is harder to be evaluated (but possible through Eurobarometers and public debates); the changes brought by the Treaty of Lisbon – regarding the second point - produced more balanced effects; but the first point acquired – through the return to the classical logic of the treaties, the “veil” method, the loss of constitutional language and symbols - mostly deceiving effects, resulting in the loss of the EU's visibility and its distance from the citizens. Still, overall, the authors appreciate that the reform brought by the Treaty of Lisbon is a positive one. It contributed to the strengthening of its “model as a union” - a direct, explicit and asymmetric (exceptions undertaken by several member states) federal model. The political model is consolidated (intergovernmental federalism), by establishing the specific elements of a political entity (EU – acquires legal personality; its values, principles and objectives are explained), but without reaching a complete explanation because of its “veil”. Therefore, the authors affirm that the Treaty of Lisbon strengthens the EU's federal model as a federal model of supranational integration. It is a “constitution without a name”, but still a constitution from the material and functional points of view. Accordingly, EU's challenge for the future is the complete explanation of the EU's political nature, when the political circumstances will allow this, in order to reach the level of a “more Europe”, “more political and federal Europe” and last, but not least, “more social Europe”.

The book represents an exhaustive, argumentative and clearly structured analysis of the Treaty of Lisbon, approached through its evolutionary development, its main provisions and reform's novelties and its possible implications for the Europe of the future. The book is a useful tool for both students and practitioners and, not least, for any European citizen, so that to understand the road and perspectives of the European integration and the role it can play, now and in the future, in this process.