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Working Paper 4

Summary on the Lisbon Treaty s short-comings, intentions vs. practice

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1 Major Criticisms & Structural Failings

1.1 The "Democratic Deficit"

The "Democratic Deficit" persists Despite Lisbon's promise to make the EU more democratic, critics argue the democratic deficit remains profound :

- **The Commission Problem:** The European Commission (the EU's executive) is still not directly elected by citizens Commissioners are appointed by national governments, not chosen through democratic competition The Commission retains exclusive right of legislative initiative, meaning that Parliament and Council can only react to Commission proposals, not initiate their own laws
- **Complexity & Distance:** EU decision-making remains opaque and complex for ordinary citizens. The "ordinary legislative procedure" involves multiple readings, trilogue negotiations behind closed doors, and technical compromises that are difficult to follow
- **Citizens still feel disconnected from Brussels:** The turnout in European Parliament elections remains low (around 50% in 2019, compared to 60-80% in national elections)
- **Quote from academic analysis:** *"The Lisbon Treaty has not brought a revolutionary reform. The democratic deficit, though slightly improved, still has a long way to go..."*

1.2 The European Citizens' Initiative (ECI)

The ECI has been a disappointment. The ECI was hailed as a breakthrough for participatory democracy but in practice it has been largely ineffective.

Barriers to Success:

- **Extremely high threshold:** Requires 1 million signatures from at least 7 member states within 12 months
- **Technical obstacles:** Complex registration procedures, legal admissibility requirements, and bureaucratic hurdles discourage organizers
- **No guarantee of action:** Even successful ECIs only "invite" the Commission to propose legislation — the Commission can (and often does) simply refuse
- **Track Record:** Between 2012-2020, only 6 out of 76 registered initiatives successfully collected 1 million signatures. Of those 6, the Commission rejected or ignored most offering only symbolic responses
- **Example:** The "Right2Water" initiative (2013) gathered 1.9 million signatures but resulted in minimal concrete EU legislation
- **Academic assessment:** *"The Citizens' Initiative fails to create sufficient public attention and has not significantly enhanced participatory democracy in the EU."*

1.3 Common Foreign and Security Policy (CFSP)

The CFSP remains weak despite creating the High Representative role and giving the EU a single legal personality. Foreign policy coordination remains fragmented and ineffective

- **Unanimity Requirement:** CFSP decisions still require unanimity among all 27 member states. A single country can veto any foreign policy position, paralyzing EU action. This resulted in repeated failures to present a unified stance on major crises
- **Real-World Failures:**
 - Libya (2011): EU member states split — France and UK intervened militarily, Germany abstained at the UN, others opposed Syria crisis (2011-present): No common EU position; member states pursued contradictory policies
 - Ukraine/Russia (2014-2022): Divisions over sanctions and energy dependence weakened EU leverage
 - Israel-Palestine: Repeated inability to agree on common positions or sanctions
 - China policy: Deep splits between "hawkish" (Eastern Europe, Nordic states) and "accommodationist" (Southern Europe) approaches
- **Expert assessment:** *"National interests continue to undermine the Lisbon Treaty's aspirations of enabling Europe to punch its collective weight on the global stage."*

1.4 Eurozone Crisis Exposed Fiscal Union Gap

The Treaty of Lisbon entered force in December 2009, just as the eurozone crisis was beginning. The crisis brutally exposed Lisbon's failure to address fiscal integration :

What Lisbon Didn't Fix:

- No fiscal union: Member states share a currency (euro) but retain separate national budgets, tax systems, and debt
- No banking union: (at the time) No common deposit insurance or bank resolution mechanism
- No transfer mechanism: No EU-level system to help struggling economies (unlike US federal transfers between states)
- Consequences:
 - Greece, Ireland, Portugal, Spain, and Cyprus required bailouts (2010-2013)
 - The EU had to create emergency mechanisms outside the treaty framework: European Financial Stability Facility (EFSF), European Stability Mechanism (ESM)
 - Deep political resentment — Northern European taxpayers felt exploited; Southern Europeans felt humiliated by austerity conditions

Academic verdict: *"While the Treaty did not address the concerns of negative fallout from one Eurozone member state to another, it is asserted that it also did not provide the institutional framework to prevent or manage such crises."*

1.5 National Parliaments' Role

The role of the national parliaments remains largely symbolic. Lisbon gave national parliaments new powers to monitor subsidiarity (the "yellow card" system), but this has proven ineffective in practice.

The Yellow Card System:

- If one-third of national parliaments object to a proposed EU law on subsidiarity grounds, the Commission must review it
- If a simple majority objects (and the Commission proceeds anyway), the European Parliament or Council can block it
- Why It Doesn't Work:

- Extremely rare use: Only 3 yellow cards issued between 2010-2020 (out of thousands of EU proposals)
- Coordination challenge: National parliaments have only 8 weeks to review proposals and coordinate across countries
- No real teeth: Even when yellow cards are issued, the Commission usually just re-justifies the proposal and proceeds anyway
- Political will lacking: National parliaments are often too busy with domestic issues to scrutinize EU legislation systematically

1.6 Qualified Majority Voting (QMV) Expansion

- QMV has been blocked. While Lisbon expanded QMV to new areas, member states have found ways to preserve unanimity in practice.
- Sensitive Areas Still Require Unanimity:
 - Taxation (including corporate tax harmonization)
 - Social security Foreign policy (as discussed above)
 - Defence EU budget (multiannual financial framework)
 - Treaty amendments
 - Admission of new member states
 - "Emergency Brake" Mechanisms: Even in areas nominally under QMV, member states can invoke emergency brakes on grounds of "vital national interest," forcing issues back to unanimity
- Result:
 - Major reforms (tax harmonization, migration quotas, energy policy) remain blocked by small minorities.
 - The EU struggles to respond quickly to crises (COVID-19, migration, energy security, Ukrain-russia war)

1.7 Transparency Promises Unfulfilled

Lisbon promised greater transparency but significant opacity remains.

Persistent Problems:

- Trilogue negotiations: Most EU laws are finalized in secret "trilogue" meetings between Parliament, Council, and Commission representatives — no public minutes, no live streaming
- Council voting records: While Council legislative sessions are now public, many decisions are still made in preparatory bodies (COREPER, working groups) that operate behind closed doors
- Increasing problem due to lobbying: legislation is often prepared behind closed doors by lobby groups (industrial, NGOs,...) without possible control from parliament.
- Document access: Citizens have a theoretical right to access EU documents, but requests are often denied on vague grounds of "institutional interest" or "ongoing decision-making"

1.8 Gaps Between Treaty and Practice

1.8.1 Gap 1: The "Spitzenkandidaten" Process Collapsed

- What the treaty implied: Article 17(7) TEU states the European Council shall propose a Commission President "taking into account" European Parliament election results This was interpreted as requiring the lead candidate (Spitzenkandidat) of the winning party to become Commission President
- What happened:
 - 2014: Process worked — Jean-Claude Juncker (EPP lead candidate) became President 2019:
 - Process collapsed — Despite EPP winning again, European Council leaders rejected lead candidate Manfred Weber and instead chose Ursula von der Leyen (who wasn't a candidate) This revealed that national leaders, not voters still control the Commission presidency

1.8.2 Gap 2: Charter of Fundamental Rights

The Charter of Fundamental Rights is unevenly applied.

- What the treaty says: The Charter of Fundamental Rights is legally binding across the EU
- What happens in practice:
 - UK and Poland negotiated opt-outs (Protocol 30), claiming the Charter doesn't create new rights in their jurisdictions
 - Hungary and Poland have systematically violated Charter principles (judicial independence, media freedom, LGBTQ+ rights) with limited EU consequences Article 7 procedure (sanctions for rule of law violations) requires unanimity to impose penalties — meaning Hungary and Poland protect each other by mutual veto

1.8.3 Gap 3: Permanent European Council President

Permanent European Council President has limited impact.

- What was expected: A permanent President would provide strategic leadership and make the EU a more coherent actor
- What happened:
 - The role has been largely ceremonial and administrative Presidents (Herman Van Rompuy 2009-2014, Donald Tusk 2014-2019, Charles Michel 2019-2024) chair summits but have no executive power
 - Real power remains with the Commission President and powerful national leaders (especially Germany and France) The position has not significantly raised the EU's global profile

1.8.4 Gap 4: High Representative

The High Representative is not a single EU Voice.

- What was intended: A single High Representative would give the EU one voice in foreign policy
- What actually happens:
 - The High Representative is often contradicted or ignored by major member states. France, Germany, and others continue to pursue independent foreign

- o policies (e.g., Macron's outreach to Russia, Germany's Nord Stream 2 pipeline).
 - o The High Representative has no control over member states' military forces or bilateral diplomacy
- Result: The EU still speaks with 28 voices (27 member states + the High Representative)

1.9 Overall Assessment

The Treaty of Lisbon achieved incremental improvements but fell far short of its transformative ambitions:

- Modest successes: Streamlined some decision-making, strengthened Parliament's role, created legal basis for climate action
- Major failures: Democratic deficit persists, foreign policy remains weak, eurozone crisis exposed fiscal gaps, citizens' initiative ineffective, transparency promises unfulfilled
- Theory-practice gaps: Spitzenkandidaten collapsed, Charter enforcement uneven, High Representative sidelined, national parliaments marginalized
- The fundamental problem: Lisbon tried to make the EU more efficient and democratic without resolving the core tension between supranational integration and national sovereignty.

Member states want EU action when it serves their interests but resist deeper integration that would constrain their autonomy.

The Lisbon Treaty is not a democratic reform — it is a power consolidation. It gave the EU more authority, less accountability, and more complexity — while pretending to respect subsidiarity and democracy.

As one scholar concluded: "*Lisbon was a difficult treaty to implement and is essentially the result of the failed process of establishing an EU constitution. It represents a compromise that satisfied no one fully and left many structural problems unresolved.*"

1.10 References

1. E-International Relations, The Treaty of Lisbon: An Analysis <https://www.e-ir.info/2011/02/22/the-treaty-of-lisbon-an-analysis/>
2. Wikipedia, Treaty of Lisbon https://en.wikipedia.org/wiki/Treaty_of_Lisbon
3. European Parliament Research Service, Implementing the Lisbon Treaty (PDF Study) [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/519225/IPOL_STU\(2015\)519225_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/519225/IPOL_STU(2015)519225_EN.pdf)
4. Chatham House, Implementing Lisbon: Narrowing the EU's 'Democratic Deficit'? (PDF) https://d1xp398qalq39s.cloudfront.net/content/PDF/2010/Implementing_Lisbon_-_narrowing_the_EU_democratic_deficit.pdf
5. European Parliament Research Service, Implementing the Lisbon Treaty (Full Study) [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/519225/IPOL_STU\(2015\)519225_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/519225/IPOL_STU(2015)519225_EN.pdf)

6. Estonian Think Tank, Revisiting the Lisbon Treaty Ten Years After Its Ratification <https://esthinktank.com/2020/02/14/revisiting-the-lisbon-treaty-ten-years-after-its-ratification/>
7. ECAS, A Solution to the Democratic Deficit? Successes and Failures of EU Citizen Consultations (PDF) <https://ecas.issuelab.org/resources/30527/30527.pdf>
8. College of Europe, Participatory Democracy in the EU: Obstinate or Obsolete? (PDF) https://www.coleurope.eu/sites/default/files/research-paper/bouza_cepob_9-16_0.pdf
9. European Ombudsman, Building Trust in Times of Crisis (Speech on ECI failures) <https://www.ombudsman.europa.eu/en/speech/en/11664>
10. European Commission, Explaining the Treaty of Lisbon https://europa.eu/rapid/press-release_MEMO-09-531_en.htm
11. Council on Foreign Relations, European Foreign Policy and the Euro Crisis <https://www.cfr.org/backgrounders/european-foreign-policy-and-euro-crisis>
12. Wikipedia, Euro Area Crisis https://en.wikipedia.org/wiki/Euro_area_crisis
13. Wikipedia, Common Foreign and Security Policy https://en.wikipedia.org/wiki/Common_Foreign_and_Security_Policy
14. Estonian Think Tank, Foreign Policy: A Challenge for European Governance? <https://esthinktank.com/2024/10/30/foreign-policy-a-challenge-for-european-governance/> — University of Pennsylvania, The Failure of the Lisbon Treaty to Mitigate the Eurozone Crisis (PDF) <https://repository.upenn.edu/bitstreams/c7cdb41b-10f1-46e8-a7d8-311beee87e85/download>
15. European Parliament, Improving Functioning of the EU: Foreign Affairs (CFSP Briefing, PDF) <https://www.europarl.europa.eu/cmsdata/92843/AFCO%20briefing%20Lisbon%20Treaty%20CFSP.PDF>
16. SWP Berlin, Taming National Interests within the CFSP <https://www.swp-berlin.org/10.18449/2024C19/>

