

Implementation of the Treaty of Lisbon

The Treaty of Lisbon entered into force on 1 December 2009. Many reforms and institutional innovations have already been effected, but others have been included in the Treaties in principle, but have yet to be implemented in practice. The Belgian Presidency will take action to ensure that the reforms introduced by the Treaty of Lisbon are fully implemented and that, in cases where implementing legislation still needs to be drafted, proposals are adopted as quickly as possible.

The Treaty of Lisbon

Since the 1950s, Europe has been established on the basis of Treaties which allow new members to join the European Union and new European policies to be developed. Following the Laeken Declaration adopted in December 2001 under the previous Belgian Presidency of the Council of the EU, a Convention was set up to draft a Constitution for Europe. This Constitution, which was to replace the Treaties, was rejected by the citizens of two countries. However, a number of reforms to European construction were urgently required: having been designed for six countries and expanded to 27, the European Union needed to be made more democratic, transparent and efficient.

These crucial amendments to the existing Treaties were made in the Treaty of Lisbon, which entered into force on 1 December 2009. The citizens of Europe will certainly have noticed some of these innovations:

- The **European Council** composed of the heads of state or government of the Member States is now a separate institution responsible for determining the general political guidelines and priorities of the European Union. It has elected its **first permanent president**, the **Belgian national Herman Van Rompuy**.
- The **European Union High Representative for Foreign Affairs and Security Policy**, **British citizen Catherine Ashton**, chairs the Council of Foreign Ministers of the 27 Member States. She is also Vice-President of the European Commission in charge of external relations and will therefore act as the EU Minister for Foreign Affairs.

Many other reforms and institutional innovations, despite being of equal importance, have generated far less attention. For example:

- the **Charter of Fundamental Rights** of the European Union has the same legal value and must be respected by all the EU institutions and by the Member States when enforcing EU law;
- the **European Parliament** now legislates on an equal footing with the Council of Ministers on almost all EU policy. Most international agreements will have to be concluded with its assent;
- the Treaty encourages the **national parliaments** to become more involved in EU activities by making it easier for their point of view to be heard;

- **decision-taking within the Council** has been made more efficient, mainly by reducing the instances in which unanimity is still required;
- the **EU's capacity for action** has been strengthened in the domain of judicial and police cooperation;
- the Treaty recognises the **right of each country** to withdraw from the EU if it so chooses.

Both these reforms and all the others introduced under the Treaty of Lisbon must be implemented in full. Certain innovations still require legislative measures before they can take full effect. The Belgian Presidency will be focusing in particular on the issues detailed below.

Citizens' Initiative

The Treaty of Lisbon has introduced an extremely innovative form of participatory democracy into the way in which the European Union functions. **One million EU citizens**, from the many Member States, may take the initiative to submit a petition for the EU to adopt new EU legislation or amend existing legislation on an issue of European importance. It will then be up to the European Commission to start the legislative process.

In order to put this **right of collective petition** into practice, legislation setting out specific methods and procedures needs to be adopted. The European Commission tabled a legislative proposal to that effect which was discussed under the Spanish Presidency. The Council has reached a political agreement and this will be the subject of negotiation with the European Parliament. The objective of the Belgian Presidency is to ensure that citizens will be able to exercise this particular civil right at the earliest possible opportunity.

Accession to the European Convention on Human Rights

The Treaty of Lisbon makes provision for the EU to accede to the European Convention on Human Rights and thus to make the EU institutions answerable to the European Court of Human Rights in Strasbourg. The EU will have to sign an accession agreement to the Convention with all 47 Member States of the Council of Europe.

These negotiations will be conducted by the European Commission, as provided for in the Treaty. The Council of Ministers of the European Union adopted a mandate to conduct negotiations with the Council of Europe. These negotiations will follow during the Belgian Presidency.

More effective external action by the Union

In the past, the EU's action on the international stage was hampered by numerous successive stakeholders speaking on the EU's behalf, thereby detracting from the coherence of our message and the efficacy

of our interventions. The Treaty of Lisbon has sought to remedy this by making explicit provision for the EU to be represented by the European Commission, except on issues concerning common foreign and security policy (CFSP), on which the Union is represented by the High Representative. However, as she is also both Vice-President of the Commission in charge of external relations and President of the Foreign Affairs Council, she **alone fronts the external representation of the EU** and thus ensures that it continues to operate smoothly and effectively. The Belgian Presidency will make sure that she is able to perform this role in full.

In order to help her perform her duties, the Treaty makes provision for a new **European External Action Service**, a genuine European diplomatic service staffed by officials of the Council and Commission services previously in charge of external relations, and a large number of temporarily seconded national diplomats. Setting up this service will be a highly complex operation and will need to be completed as quickly as possible, in order to guarantee coherence in the EU's external action [for further details, see the factsheet on the European External Action Service].

Belgium will be holding the Presidency at a crucial time. The European External Action Service will be in the process of being set up and will probably not yet be fully operational. The Presidency will be at the service of the High Representative during this transitional phase and will take on, under her authority, the responsibilities that she and her administration are not yet able to assume. Belgium aims to see this transitional period through to completion, in close collaboration with Catherine Ashton, and ensure that the innovations introduced by the Treaty of Lisbon are in full force by the end of 2010.