

EGP Committee position on the Lisbon Treaty

During the Second Congress of the EGP that took place in Geneva in October 2006, we affirmed the following: “We Greens are convinced that the European Union needs more than ever a constitutional settlement which strengthens parliamentary democracy, transparency and the rule of law, anchors fundamental rights, develops citizenship and enhances the capacity of the Union to act effectively at home and abroad.”

At the same time we stated that we would “reject any attempt to resume negotiations concerning a new treaty developed from scratch” in order to overcome the deadlock created by the Dutch and the French “NO”. For us a solution had to be built on the foundations laid by the Constitutional Convention.

Here the EGP Committee will look at the Lisbon Treaty and the Treaty on the Functioning of the European Union from three perspectives:

- a) the positive and negative aspects (always comparing it with the Nice Treaty and the Laeken mandate);
- b) our evaluation;
- c) our recommendation to the EGP member parties in relation to the ratification (national Parliaments, Europe-wide vs. national popular consultation/referendum);

a) Positive and negative aspects

The positive aspects or achievements compared to the Nice Treaty:

- i) Values of the Union have been clarified and reference to a “free and undistorted competition”, as was written in the draft Constitution, has been removed;
- ii) Charter of Fundamental Rights becomes legally binding;
- iii) The legal personality of the EU , which allows it to sign the European Convention on Human Rights and other treaties has been recognized;
- iv) Formal recognition of citizenship of the EU (in addition to that of member states);
- v) Citizens' initiative that enhances participatory democracy (Petition with 1 million signatures);
- vi) Co-decision substantially expanded, giving new powers to the European Parliament, including budget;
- vii) National Parliaments will be better involved in the EU decision making process (subsidiarity principle), giving them the right to show the Commission the “Orange Card”;
- viii) Qualified Majority voting becomes the general rule in the Council
- ix) The third pillar has been abolished;
- x) New possibilities are to be opened for enhanced cooperation;
- xi) New President of European Council (for 2.5 years), even if election procedure is seriously flawed (elected just by Heads of State);
- xii) Stronger role for European Parliament in election of the President of the Commission ;

- xiii) Increased efficiency of Commission by reduction of number of Commissioners;
- xiv) Expansion of competencies of High Representative on Foreign Affairs as foreseen in first draft of constitutional convention;
- xvi) Further development of structured cooperation in the area of defense while maintaining member states' autonomy according to their constitutional status, allowing neutral countries to preserve their neutrality;
- xvii) Expansion of the jurisdiction of the /court of Justice to include all activities of the Union (except common foreign and security policy);
- xviii) Increased competencies for EU including energy policy and climate change;
- xix) Social market economy and full employment become Union objectives;
- xx) New protocol recognizing general economic interest services;
- xxi) Increased role for EP in Treaty Revisions and inclusion of convention method when reforming treaties;
- xxii) Exit clause is included so that any country can leave the EU when it decides to do so.

The negative aspects:

- i) Lisbon treaty is not a result of a democratic and transparent process;
- ii) We regret the term constitutional treaty has disappeared;
- iii) Removal of European symbols: flag, anthem and motto , preventing closer emotional attachment of citizens to EU;
- iv) Charter of Fundamental Rights, even if it has a binding character, is not given prominence and is mentioned in passing. National opt-outs should not have been allowed;
- v) Primacy of European law over National law no longer mentioned in the text;
- vi) New Voting system is to be postponed until 2014, with transitional process (Ioannina) in place until 2017;
- vii) Disappointing that there is no agreement on a stronger EU-wide coordination of tax policy.

b) Evaluation

Following the Geneva perspective, we can already say that from the point of view of the EGP, the new Lisbon Treaty or Treaties, are neither a kind of Nice-plus nor just a mini-Treaty or a completely new Treaty. The draft for a Constitutional Treaty prepared at the time by the Constitutional Convention has been neither ignored nor forgotten.

On the other hand, as many have said in their first reaction after the Lisbon Summit, even if the text reflects the draft Constitution it does not – as some described it – reflect the soul of the draft Constitution: the song uses most of the same words, but the music has been lost.

The new Treaty offers the Union the possibility to enhance its capacity to act by increasing the efficiency and effectiveness of the institutions and decision-making mechanisms, especially in view of new global challenges- and issues which matter to citizens – such as climate change, energy, security, international terrorism, immigration, further enlargement and strengthening of the role of the EU at an international level, for example with a stronger focus on conflict prevention etc.

The powers of the European Parliament have been substantially increased. At the same time serious steps have been taken to improve the democratic functioning of the EU, including more involvement of national parliaments. The capacity of the EU to take initiatives has been strengthened.

c) About the ratification process

Following this analysis, we think that Greens should vote in favor of the Lisbon Treaty wherever their vote is required. Furthermore, we Greens should push in order that the ratification process is completed as soon as possible.

There were four years during which the EU was not able to work at full speed. It is time to put an end to this situation. Of course there are a lot of improvements that are still required. We should be ready to use all the means available to us through the Lisbon Treaty that will help us to introduce the reforms we believe the EU is still in need of, in particular further democratization of the Union.

After what has been said however there is still a question to be resolved: should we Greens be in favour of ratifications via national Referenda or not? In Geneva we stated that a genuine Constitution should be ratified in a pan-EU referendum by a dual majority. The argument behind this is clear: national referenda tend to give too much weight to national agendas rather than to the European issues at stake. Why should national referenda on the Lisbon Treaty follow a different pattern?

That is the reason why we as the EGP Committee recommend to our member parties to support a pan-EU consultation instead of national referenda. We urge the European Council to adopt a procedure to hold a Europe-wide popular consultation.

Apart from that we urge national governments and parliaments to hold citizens' fora at national and regional levels in order to enter into a real dialogue with citizens. The Greens in the European Parliament have already done that by calling for an “Agora” Meeting in November 2007, at which hundreds of representatives of civil society organizations participated in a debate on the Lisbon Treaty and the Future of Europe. This can serve as a positive example for national and regional levels.

Committee of the EGP
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