

4. Assessment

4.1) What strikes you as surprising and remarkable with regard to the Lisbon Treaty's first 18 months? This may also pertain to the academic debate in your country.

4.2) Anything else you might want to add.

Austria (Universität Salzburg)

The first 18 months of the Lisbon Treaty have renewed the discussion about European forms of democracy, legitimacy and solidarity. Still there is a discrepancy between market and monetary integration, and democratic quality of decision-making on the other hand, which is a major source of dissent. The discussion of supranationalism vs. intergovernmentalism is still going on, and the complaints before national constitutional courts clearly highlight that the member states are struggling to define their position within the Union. Citizens' loyalties remain fixed to the national state. The financial crisis has put a finger on the weaknesses of the Union's structures and procedures; it has triggered intensive debates about European economic governance and better modes of co-ordination of economic policy, mutual surveillance and sanctions.

Although solidarity is one of the key-words of the Treaty of Lisbon, and was especially stressed during the financial crises, it remains a fragile concept. As a community transcending an economic minimal consensus the EU has to define further commonalities, besides plain economic interdependence. But is this "solidarity" mainly a political guiding principle and moral reminder or holds enough legal substance in order to impose legal obligations on Member states? The problem of solidarity as principle for the European Integration is thus clearly connected to questions of legitimacy. But deliberation about solidarity is mainly limited to the national level, and it is this national arena that sets and restrains the content of solidarity within Europe. An important question thus is how this solidarity concept of the Lisbon Treaty can be connected to European democracy concepts and to pluralism.

Austria (Diplomatische Akademie Wien)

Before its entry into force, the Lisbon Treaty was heralded, not only among practitioners but also in the scholarly community, as a major step forward in terms of policy making, perhaps especially in the field of foreign policy. Much of this initial enthusiasm seems to have evaporated, however, giving way to an increasing Euroscepticism.

Belgium (Ghent University)

A core objective of the Treaty of Lisbon is to increase the coherence and consistency of the EU's external action. In this respect, the Treaty introduced institutional innovations such as the High Representative for Foreign Affairs and Security and a European External Action Service. Moreover, the formal abolition of the pillar structure, the express attribution of a single legal personality to the Union and the reshuffling of the EU's external competences all aim to create the impression of a fully integrated EU external action. In practice, however, the Common Foreign and Security Policy (CFSP) remains subject to specific rules and procedures. In this area, the member states remain in the driving seat. This has been clearly illustrated in the wake of the revolutions in the Arab world. The Member states, France in particular, rather than the EU and its High Representative, played a crucial role in responding to those events. It is perhaps too early for a final judgment but at first sight it seems that this first test case for the EU's post-Lisbon external action was not very successful. Moreover, it also became evident that the Treaty of Lisbon did not reduce the potential for inter-institutional conflicts.

This is clearly illustrated with the discussions surrounding the adoption of amendments to Regulation 881/2001 imposing restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban. The dispute between the European Parliament and the Council regarding the appropriate legal basis of those amendments, either Art. 215 (2) TFEU on CFSP or Art. 75 TFEU on the EU's counter-terrorism policy, resulted in a pending case before the European Court of Justice (Case C-130/10).

Bulgaria (Plovdiv University)

There is still a deficit of democracy, for example the unclear dimension of the dialogue with the civil society and institutional limitations to the procedures of public referendum.

Another point that is worth mentioning are the implications for more active and responsible EU external policy (including the urgently provided action plan towards Arab countries and the quest for democratization).

Croatia (Institute for International Relations)

The increased role of the national parliaments within the political system of the EU is one of the most important innovations introduced by the Lisbon Treaty. It will soon become particularly relevant for Croatia. Apart from some exceptions, the academic community has not analysed much in depth how this increased role has been implemented in practice. In the upcoming period such research would be very useful and welcomed.

Denmark (Danish Institute for International Studies)

The first 18 months after the Lisbon Treaty entered into force should have been, if not a victory for EU foreign policy, then at least indications of what impact the new foreign policy tools could have in the future. This has, however, not been the case. The establishing of the European External Action Service was subject to a fierce power struggle between the different institutions which delayed the launching of the service considerably. The HP has been criticised for lacking experience in the foreign policy field and for being too passive in formulating new policy initiatives.

The revolutions in the Arab world have been the most challenging foreign policy event since the entry into force of the Lisbon Treaty. Unfortunately, the EU has been divided, slow and not very responsive. Most initiatives have been driven by head of member states – not Catherine Ashton. If the Arab revolutions have been a test case for post-Lisbon EU foreign policy, the result has not been very convincing.

Opt-out debate and the forthcoming presidency

The forthcoming Danish EU-presidency in the first half of 2012 is once again bringing up the debate on the Danish opt-outs. The notion of a weaker Danish presidency due to the opt-outs is stirring speculations on a referendum before the end of 2011. The Euro pact has also had implications on this debate – would Denmark be able to retain its influence in the Euro pact while still being restricted from joining the Euro?

With general elections coming up – November 2011 at the latest – much speculation has taken place on whether a referendum would be held right before or after the elections. At the moment of writing, there is no clarification on this issue.

Another issue which has attracted some media attention in the past year is the decrease in EU coverage in the Danish media. Only 13 Danish journalists are permanently accredited to the institutions in Brussels. A part of the explanation is a lack of resources and different editorial

priorities. Another argument is that the news stories that have to cover the complex EU-structure are not easy to transfer to the modern media, where most stories are written in headlines and few words.

However, Danish politicians also refrain from debating EU-issues despite the fact that an increasing amount of legislation adopted in Denmark derives from the EU.¹ Concerns over this development have been raised and have partly resulted in the addition of EU-coverage in the public service contract of the Danish National Broadcasting.

Estonia (University of Tartu)

The personal assessment is that not enough attention is brought to the Lisbon Treaty and the changes it brought to the EU's functioning.

The financial crisis and the establishment of the EFSF and the ESM are topics under discussion but more in relation with the Euro-zone rules and activities rather than in connection with the Lisbon Treaty.

Not enough discussion is held how much the Lisbon Treaty changed the balance between member states' and EU's common interest.

There were courses to the public servants that involved changes brought by the Lisbon Treaty, but they were not open to wider public. The wider public as well as the academia has not been involved neither in the communication nor the analysis of policy or institutional change that came along with the enforcement of the Lisbon Treaty.

Upcoming topics related to the Lisbon Treaty are: the involvement of the national parliaments and the opportunities achieving the aims and protecting the interests of small states:

- the role of the national parliament in the EU decision-making process will probably be a topic of the coming couple of months as the new members of the Estonian Parliament elected in March need to get acquainted with policies of the EU and the Lisbon Treaty;
- during 2011, a new Estonian EU strategy for the period of 2012-2016 will be developed and consulted with the public, which involves explanation of the Lisbon Treaty.

Finland (University of Tampere)

In my personal view, there is not much that is particularly surprising or remarkable in the Lisbon Treaty nor in its first 18 months – given the much more dramatic history of the Union before that. It largely represents an incremental reform at the face of the 2004 and 2007 enlargements of the EU, and the changes it ultimately introduces are relatively minuscule and technical compared to the Maastricht Treaty (or the single European act), and have for long been coming or have been possible to foresee. This fairly technical nature of this treaty has also prevented it from becoming a major item in the more popular debate – unlike the process of drafting the Constitutional Treaty which prompted a much more values-based discussion on the purpose, destiny and polity of the Union.

In some sense, the treaty is an effort to make the EU function better institutionally, and many of its clauses only make sense or are of interest to those inside the machine. Thus it is a vehicle for policy-makers and politicians themselves to be able to go about their business and make decisions on matters for which they have been given public licence. To ensure that these people are able to perform their

¹ ”Medier svigter EU-dækning”. Politiken, 1st April 2011.

jobs properly and deliver to the tax payers should not concern much the average citizen as for them that is a basic thing to expect. The remarkable thing is the somewhat surprising expectations within the EU, or at least signs of such, that the Treaty should matter much to the citizens in general. The EU is not yet very strong in all areas of direct concern to daily life – or at least it is not visible (tax policy, education, employment, social policy).

One further remarkable thing is how the current continuing financial crisis in the EU is something to which the present Lisbon Treaty and its mechanism are not ideally suited vis-à-vis resolving the situation, and that this type of crisis was not foreseen when the Treaty was drafted.

I regard this Lisbon project as a useful exercise of which the result can be a cold shower of sorts to the Union. Namely, I would expect that the majority of teaching and scholarship will concentrate on analytical themes of European integration, not on individual treaties such as the Lisbon Treaty. The treaties are relevant for most important areas of research but cannot be the centre piece of research aggregates or otherwise academics are taking their agenda directly from policy-makers (as has happened, admittedly, in part of the EU studies and the terminology used).

Germany (Trier University)

What is most striking is the gap between the place of debates on improving the cohesion and coherence of the EU's foreign and security policy by creating new Brussels-based institutions during the entire treaty reform process of the last decade, on the one hand, and the choice of candidate as well as the quite limited added value of these new institutions in the conception and conduct of foreign and security policy since the Lisbon Treaty entered into force. This process of "institutionalizing" the European foreign and security policy seems to be another example of widening the expectations-capability gap in EU foreign policy.

Germany (University Duisburg Essen)

It is remarkable (while not surprising) that the debate on the Lisbon Treaty was overshadowed by a partly hysteric and mostly superficial debate on the so-called "Euro-crisis". The debate on achievements and limits of the Lisbon Treaty remains restrained on a minority even among academics.

Germany (University of Cologne)

There are several remarkable points with regard to the Lisbon Treaty:

First, the primary feature of the Treaty of Lisbon is its complexity, intended to allow for compromise and consensus. The Treaty was meant to increase the institutions' capacity to act and to improve democratic participation and control. During the first 18 months after its coming into force, it remains to be seen if the aims will be achieved and whether as a whole they will reinforce themselves or lead to mutual obstruction.

Second, given the fact that almost a decade was needed to complete this latest EU treaty revision, it is disturbing that changes to the Treaty are already imminent.

Thirdly, the Lisbon Treaty has not been present in the public discourse, up to a point where it could be regarded as almost "irrelevant". Its coming into force was overshadowed by the global financial crisis and the Euro crisis. Journalists as well as academics have been primarily dealing with these crises. The academic debate surrounding the Lisbon Treaty has focused on the European External Action Service and, more recently, on the role of national parliaments and the citizens' initiative. The speech by Angela Merkel at the College of Europe in Brussel in October 2010 where she first mentions the

“union method” as an alternative to the “Gemeinschaftsmethode” was discussed in Germany neither in the public nor in the academic debates while it received broad interest in Brussels.

Finally, there were high expectations regarding the institutionalisation of the Common Foreign and Defence Policy, but the turn of events in North Africa and the incoherence of the Union and its member state’s policy towards this regard made the existing shortcomings within this policy field once more apparent.

Greece (University of Athens)

The first 18 months of life of the Lisbon Treaty can be characterized as an implementation period. The development of the dynamic offered by the Lisbon Treaty depends on the way the main actors will implement the provisions included in this legislative document and on the way the public opinion will actually interpret them. Due to the geographic position of Greece, normally, discussion should have focused on the development of the European External Action Service, on the establishment of the criteria for activating the “mutual assistance clause”, the “solidarity clause” as well as the “structured cooperation” in European defence policy. In addition, the enhancement of the role of the European Parliament, the most democratic and federal EU institution and the extension of its budgetary powers to all expenditure (compulsory and non-compulsory) should normally have dominated the debate in Greece, a small/medium EU member-state. However, as it is mentioned above, the public opinion in Greece is disorientated due to the emergence of the economic crisis. For example, the European Citizens Initiative (Art. 11, TEU), whose implementation rules are now formulated and which is about to get launched in 2012, would be of great interest of the Greek public otherwise. The new instrument allows more than one million citizens from at least seven member states to demand from the European Commission to submit a legislative proposal for the implementation of the Lisbon Treaty. However, it seems that this is not given as much attention as it could. Thus, the dynamic offered by the Lisbon Treaty is not widely comprehensible to the Greek public.

Hungary (Institute for World Economics)

The most important change made by the Lisbon Treaty and directly felt by Hungary is of course the changed role of the Council presidency. Hungary is currently holding the presidency of nine Council formations and all working groups and COREPER meetings under those Council formations. But Hungary is presiding neither over the Foreign Affairs Council nor over the European Council as both have their permanent presidents thanks to the Lisbon Treaty. But it must be highlighted that according to the experience so far, the Hungarian presidency had an absolutely smooth and fruitful cooperation with both Herman van Rompuy and Catherine Ashton. Good examples for that are economic governance and the revolutionary events in North Africa. In both cases, competences to act belonged partly to Mr. van Rompuy and partly to Lady Ashton respectively, but partly also to the acting presidency. Within both broad and challenging policy areas, the Hungarian diplomacy worked very closely and efficiently with the European Council President and the High Representative for Foreign Affairs and Security Policy.

Iceland (University of Iceland)

According to Professor Bailes, the development has been slow and confused, and attention has focussed more on the construction of machinery than on substantive aspects. Analysts’ pessimism about, for instance, the EEAS has got in the way of exploring practical questions such as how well van Rompuy has performed on economic crisis-related business, whether the Commission has benefited from Ashton’s initial low profile, what if any impact she is having on CSDP, etc.

According to Professor Conrad, most striking is the way the Treaty has been received and misconstrued by the Icelandic no-movement – highly speculative, no connection to the actual experience of the first 18 months of the Treaty (and evidently a lack of knowledge thereof) and a lot of copy/paste from Eurosceptic arguments used in other states during the ratification period.

Italy (Istituto Affari Internazionali)

What strikes me is the gap between the expectations raised by the entry into force of the Treaty, especially in the realm of foreign, security and defence policy, and the poor results of its implementation so far. In particular, it seems that in the foreign, security and defence sectors, member states are not paying attention to the opportunities provided by the Lisbon Treaty innovations and prefer to focus on their national foreign policy. For example, the important provisions of the Lisbon Treaty on the permanent structured cooperation have not been implemented at all, and it seems that member states are not even taking into consideration such a move. On the contrary, some member states, such as France and the United Kingdom, are relaunching bilateral military cooperation. Also the choice by the European Council of a low-profile and inexperienced person like Mrs Catherine Ashton to hold the position of the EU's High Representative for Foreign Policy and Security Affairs is a clear sign that member states do not want strong common institutions in foreign policy, and this surely represents a step back from the time of the European Convention when bold, although not revolutionary, proposals for reform were tabled and the need for a stronger common foreign and security policy was shared by many member states.

The uncoordinated reaction of the EU to the democratic revolts in North Africa and the Middle East, and the decision by some EU member states to launch an operation in Libya against the regime of Muammar Gaddafi are a further sign of the weakness of European foreign policy and the temptation by some member states to privilege national and not European foreign policy.

On the other hand, it is interesting to note that when the crisis of the Economic and Monetary Union (EMU), following the global economic and financial crisis, put at risk the Euro and indirectly the EU itself, member states were capable, although with delay, to take bolder decisions to save some EU countries (Greece, Ireland and Portugal) from default, thereby saving the EMU. This is the only realm where member states, under huge pressure, have been able to make important, although not certainly historical, decisions that preserve and even advance European integration. However, as myself and other authors have pointed out², they have done so not out of a clearly-defined political project but out of an impelling necessity. Therefore, we can say that we have passed from a “Europe of choice” to a “Europe of necessity”³.

Latvia (Riga Stradins University)

The European Studies Faculty is very interested in numerous Lisbon project guidelines, in particular, the concept of the PhD Schools and Lecture series. As to the latter, the RSU's staff made several lectures within the “European Public Space Program” in the European Commission Representation in Latvia, Riga. The reaction was quite positive with a lot of participants present.

Another Lisbon project idea for “Schools and for Lectures” seems highly reliable and positive.

² Merlini, C., “Europe on the International Scene: A Union of Necessity after a Union of Choice?”, in: Micossi, S./Tosato G.L., *The European Union in the 21st Century*, Centre for European Policy Studies, Brussels, 2009, 120-141; Comelli, M., “From a Union of Choice to a Europe of Necessity?”, in: *The International Spectator*, Vol. 45, No. 3, September 2010, 151-153.

³ Ibidem.

There are some worries, however. The Project's subtitle is "teaching & researching the LT". To our opinion, the project contents lack adequate and sufficient attention to the issue. Would not it be appropriate to arrange at least a small working group on that theme? For example, the European universities' exchange of Syllabus on the EU economics, law, politics, etc. would be a good idea with "an award" for a best one to follow.

The following could be some priority directions:

- The idea to prepare PhD students within the kind of "Baltic Studies Academy/Summer University" sounds great; it could be coped with the Baltic Sea Strategy, 2009;
- Information materials preparation, with the adoption of an ultimate "model syllabus" for EU Economic Policy courses (for master students) and EU Law courses (for master students);
- Of special interest is the idea (both research and academic) of following "integration" within the interconnections of an economic policy sector, politics, decision-making and resulting regulatory instruments.

Among other spheres, the following are of interest to our team:

- exchange of teaching and syllabus in European integration studies;
- participation in annual conferences;
- research papers within the study sectors, for example sectoral EU policies.

Netherlands (University of Twente)

All debates are not so much related to the Lisbon Treaty, but rather to European integration and its possible boundaries. In that respect, the Lisbon Treaty did not occupy a special position in the debate, apart from perhaps the changes it brought about in relation to certain policy areas (CFSP/CSDP, the AFSJ). Although the term Lisbon Treaty is still used once in a while, most academics (in EU law in particular) use the correct terms Treaty of the European Union (TEU) and Treaty on the Functioning of the European Union (TFEU).

Poland (Foundation for European Studies/European Institute Lodz)

Taking into account the fact that, under the Lisbon Treaty arrangements, the EU has been functioning for only 18 months, it's difficult to assess clearly its consequences in the context of improved Union's efficiency. Nevertheless, it's worth pointing out some doubts regarding the EU position – or rather the lack of it – for example towards the situation in Libya or the EU reaction vis-à-vis Haiti earthquake.

During discussions and meetings with students of European Studies at the University of Lodz, serious hopes regarding the possibility of the Union "speaking in one voice" and taking more active stance in current international issues of key importance were expressed. Most of the youth expected the EU to add more dynamics to its activities vis-à-vis globalization challenges and hoped that the Lisbon Treaty should clearly contribute to improvement of the EU standing in the world. An important, positively assessed element was the creation of the EEAS. Similarly, the chance of the Union of becoming more transparent and closer to the citizen was welcomed alongside the vital interest in the forthcoming first presidency under the new post-Lisbon rules.

Portugal (Instituto Superior de Economia e Gestão, Technical University of Lisbon)

Since the coming into force of the Treaty of Lisbon, Professor Antonio Goucha Soares delivered the following seminars and conferences on issues related with the Lisbon Treaty:

- Conference on “The Europeanization of Portugal and the EU Economic Crisis”, European Union Studies Center, City University of New York – Graduate Center, New York, November 2010;
- Communication on “Europe in a changing world”, Seminar on “Economic Diplomacy: From Domestic to International Politics”, Instituto Camões Centre at Oxford with the Department of Politics and International Relations, St John’s College, University of Oxford, May 2010;
- Communication on “Os cidadãos no quadro da democracia representativa: o papel dos Parlamentos nacionais” [the role of national parliaments], in the seminar “Os Cidadãos e o Tratado de Lisboa”, Assembleia da República (Portuguese Parliament), Lisbon, March 2010;
- Moderator of the panel “The Role of the European Parliament in Europe’s Foreign Policy and Bilateral Relations”, in the conference “The European Parliament and the Future of Democracy after the Treaty of Lisbon”, Instituto de Ciências Sociais da Universidade de Lisboa, March 2010;
- Communication on “O Tratado de Lisboa e a Política Externa e de Segurança Comum”, in the conference “O Tratado de Lisboa. Aspectos Centrais”, Faculdade de Direito da Universidade Nova de Lisboa, February 2010;
- Seminar on “Carta dos Direitos Fundamentais da União Europeia”, Centro de Direitos Humanos do Ius Gentium Conimbrigae, Faculdade de Direito da Universidade de Coimbra, February 2010;
- Communication on “The Treaty of Lisbon”, in the conference “Portugal, Southern Europe and the European Union in Perspective”, Instituto Camões Centre at Oxford with the Department of Politics and International Relations, St. John’s College, University of Oxford, autumn 2009.

Romania (Babes-Bolyai University)

The first 18 months of application of the Lisbon Treaty have considerably shaped the national agenda of Romania as young decision makers have proven to show significantly more interest towards institutional reform in Romania, within the context set by the Lisbon Treaty. For instance, the Neighbourhood Policy has fostered a series of major academic and public debates, as the thorny issues of energy efficiency and supplies of natural resources, for instance with reference to the Nabucco Project.

It is also striking to assess the level of preoccupation towards the stabilization of the Euro zone amid the economic downturn, even by furthering reforms provided by the Lisbon Treaty. Finally, it is equally useful to evaluate the positive effects, but also the shortcomings of the Common Foreign and Security Policy, as defined by the Lisbon Treaty, in connection to the troubling events that have occurred recently on an international scale.

The Lisbon Treaty has a prominent role in both the teaching and research preoccupation of the Faculty of European Studies. It is a topic of great interest to our students and a very suitable one for an interdisciplinary approach to education, which we have always favoured. Hence, the Treaty is analysed in depth by taking into account its various dimensions, ranging from the historical, institutional, policy and decision making to its impact on economic policies as well as on community law.

Romania (University of Oradea)

With regard to the Lisbon Treaty, we find remarkable the increasing power of the European Parliament and the European citizens. During the first months under Lisbon, we have noticed a shift in power and leadership from the Commission to the European Council with its new President and budget.

Spain (University of Malaga)

Although the Lisbon Treaty has introduced mechanisms intending to reinforce national democracy and the EU, to strengthen the role of the citizen, to legitimize political decisions, and to increase the effectiveness, uniformity and institutional coherence, in the opinion of the author, the running balance still remains negative. The following aspects support this view:

- Coincidence of the implementation of the Treaty with the outbreak of the crisis in Greece and its subsequent consequences for the financial system in the Eurozone: This has prevented an outburst that, maybe in other circumstances, would have had other results, but also has demonstrated the ability of the process itself to defend its currency. This means that the Treaty was already born with the deficiency of lacking the necessary tools to address such pressing problems.
- Lack of visibility of the European Union's presence abroad, a unique voice in its relations with the world and confusion of responsibilities among its representatives in a context of international crisis, not only economic, but also political (Arab States, Mediterranean...) when it involves some of the major objectives of the Treaty.
- This may have resulted in a lack of effective implementation of the new institutional system which, in the current crisis, is vital. In fact, I would say that they meet the appropriate circumstances to verify the feasibility and effectiveness of its operation.

Nonetheless, the period since the entry into force of the Lisbon Treaty is not yet enough to take conclusive assessment although it is sufficient to bring out lessons learned and to have a bearing, to correct and to reinforce those aspects already required.

Sweden (Swedish Institute of International Affairs)

Will the changes, including the new actors, introduced by the Lisbon Treaty truly make the EU more coherent and efficient?

Turkey (Middle East Technical University)

The possibility that Art. 207 of the Lisbon Treaty (which requires “co-decision” by the European Parliament and a qualified majority in the Council, and bypassing a possible Cypriot veto) offers on EU Direct Trade Regulation with Northern Cyprus and the fact that the European Commission tried to steer a way out of the impasse in Turkish accession negotiations by putting this article into practice have been remarkable.

Despite the fact that European Parliament's Legal Affairs Committee (JURI) voted against the interpretation of the European Commission in favour of making this route possible, there is still a chance that after the presidents of the Parliament's political groups decide to table the Direct Trade Regulation for a plenary vote, the European Parliament may unblock the deadlock in Turkey-EU relations by deciding in favour of the DTR.

Turkey (Sabanci University)

The EU's increased presence in international politics through the External Action Service and the foreign minister post are remarkable developments in the European Union and the first 18 months of the Lisbon Treaty. It has been unfortunate for the EU that there was an overlap between the financial crisis in the EU and the Lisbon Treaty's first years. Most of the attention – both scholarly and journalistic – that could have been paid to the institutional changes and breakthrough that the Lisbon Treaty brought was diverted to the economic problems and the financial instability in the European Union.

United Kingdom (University of Sheffield)

Three key observations emerge from evaluating the Lisbon Treaty. Essentially, these observations amount to a 'tale of three discrepancies'. First, the Treaty clearly enhanced supranational governance through making the Ordinary Legislative Procedure (co-decision between Council and EP and qualified majority voting in the former) the default position in the legislative process. However, in the wider public arena it has been the strengthening of the European Council, with the creation of the 'permanent' president, Herman Van Rompuy that has had the greatest resonance. The indications are that the European Council has been a big 'winner' from the Lisbon Treaty, although the need to contend with the euro-zone crisis as well as the 'Arab Spring' has doubtless pushed this institution to the fore. It has been meeting more often than in the past, and it has had some extremely tough issues to deal with, notably the euro-zone crisis, which is far from having been resolved.

Similarly, in the foreign policy domain the creation of the High Representative for Union Foreign and Security Policy (HRUFASP) suggested a new coherence in the EU's external role. The reality as revealed by the Arab Spring is that government heads wish to play a leading role, such as President Sarkozy and Prime Minister Cameron with the Libyan crisis. Strikingly, it was Germany that played the reluctant partner. In any event, the discrepancy with the greater coherence apparently promised by the Lisbon Treaty is particularly striking.

The third discrepancy lies with the Area of Freedom, Security and Justice (AFSJ). Here again the shift of police and judicial cooperation to the 'Union method' suggested a shift away from intergovernmentalism. However, the actions of the French, Italian and Danish governments has been to challenge the Schengen regime of open borders, one of the cornerstones of the EU's '*acquis*'.

Commentators have sometimes referred to the bicycle theory of European integration.⁴ This perspective holds that 'on a bicycle you must keep moving, or you fall off'.⁵ The decade-long constitutional debate culminating in the implementation of the Lisbon Treaty appears to have exhausted those with ideas for forward momentum in European integration, even in the historically most pro-integrationist member state, Germany.⁶ With the challenges facing the euro-zone and the

⁴ For instance, Emerson, M., "1992 and after: the bicycle theory rides again", in: *Political Quarterly*, 59/3, 1988, 289-299.

⁵ Emerson, 1992 and after, p. 289.

⁶ Bulmer, S./Paterson, W., "Germany and the European Union: from "tamed power" to normalized power?", in: *International Affairs*, 86/5, 2010, 1051-1073.

AFSJ the EU looks to be entering a phase of intergovernmentalism despite the achievements of the Lisbon Treaty.