

3. Current Debates on the Treaty of Lisbon in European Countries

3.1) In your country, what issues in relation to the Lisbon Treaty and its innovations have shaped the political debate since its coming into force? Which have been the primary opponents/proponents of the Treaty? Have there been major rulings by (constitutional) courts with a view to the Lisbon Treaty and/or its implementation?

3.2) Would there be examples of topical policy issues (for example the financial and economic crisis) discussed in your country where important cross-linkages to the Lisbon Treaty have emerged?

3.3) Have other academics/institutions in your country produced research results on the Lisbon Treaty? Please give a short description or cite publications you consider important.

Austria (Universität Salzburg)

Although the decision to ratify the Treaty of Lisbon was taken with a clear majority in the Austrian National Council (parliament) (151 – 27 votes), the preceding political debates highlighted the deep cleavages between parties concerning the reform treaty. While SPÖ (Social-democratic party), ÖVP (Austrian people's party) and the green party clearly favoured the ratification, the Treaty was opposed by the FPÖ (Austrian Liberal Party) and the BZÖ (Union for the Future of Austria). The FPÖ demanded for a referendum on the Treaty (as did the BZÖ). In their opinion, the Treaty brought major changes to the Austrian constitutional system by hollowing out Austrian neutrality through the solidarity clause and doing away with national sovereignty through the principle of primacy of EU law. The extension of qualified majority voting made it especially difficult for smaller states like Austria to oppose the centralist tendencies of the Union.

Since 2008, several complaints (also on behalf of the FPÖ) have been filed against the Treaty of Lisbon at the Austrian Constitutional Court. The main issues of these complaints were: 1) no referendum has taken place, although envisaged by Art. 44 para. 3 B-VG (Austrian Constitutional Law) for an overall revision of the constitution; 2) limitation of competencies of representative function as member of parliament as the EU develops into a federal state, but without democratic legitimacy. All complaints were rejected by the Court as the plaintiffs were not infringed in their rights. Although the right to take part in a referendum exists, there is no individual right for a referendum to be held. What concerns the position as a member of parliament, the Court held that members of parliament act within a legally protected area, which shall guarantee that they can fulfil their duties without external influence. But this protection of the legal position of members of parliament does not guarantee a certain protected area of legislative competence for the national council itself, but only protects the participation of individual members of parliament in the legislative process as such.

During the debates in the Austrian parliament, FPÖ and BZÖ also criticized the subsidiarity complaint as ineffective and as a means of creating additional work for national parliaments as the threshold for a mandatory reaction of the Commission is unlikely to be met. The passerelle clause was also regarded as additional means to undermine national sovereignty.

Three issues came up since the entering into force of the Treaty of Lisbon, where cross-linkages were made in the political debate to the provisions in the Treaty: the rescue package for Greece and the following agreements on the financial stability facility, plans to exit EURATOM and the reform of the Austrian armed forces.

Especially BZÖ and FPÖ opposed the financial packages as this induced heavy burdens on the Austrian tax payer. One proposal by the BZÖ was that instead of installing a rescue package, a

European core of net-payers had to be created with adjusted steps of integration for net-receivers. The FPÖ also brought up the issue of the “no bail-out clause” in the National Council. Again there was the demand that Austria could only give any guarantees after a referendum has taken place. The establishment of a permanent financial stability facility was qualified as a major change of the Lisbon Treaty leading to a major revision of the Austrian constitution, therefore a referendum was regarded as mandatory.

Another issue which popped up during the discussions on a financial transaction tax was a proposal by the SPÖ to start a European citizen’s initiative on the introduction of such a tax.

As Austria has no nuclear power plant, a political debate started whether it made sense to stay within Euratom (and finance its structures). One question raised during these discussions was if Art. 49a also covers a single exit from Euratom, without leaving the Union as such.

Basing on the budgetary constraints a political debate started on possible reforms of the Austrian armed forces (“Army light”) and on a possible abolition of the compulsory military service. The BZÖ argued that the solidarity clause of the Treaty of Lisbon (Art. 42 para.7) created a security alliance, where Austria had to contribute in an adequate way, which would only be possible if a professional army was created.

Further literature

- Pfefferle, Roman/Schmidt, Nadja/Valchars, Gerd, “Europa als Prozess. 15 Jahre EU-Mitgliedschaft Österreichs. Festschrift für Peter Gerlich“, Wien: Lit Verlag, 2010.
- Fischer, Klemens H. , “Der Vertrag von Lissabon. Text und Kommentar zum Europäischen Reformvertrag“, Baden-Baden, Wien, Bern: Nomos Verlag, 2007.
- Hilpold, Peter, “Solidarität und Neutralität im Vertrag von Lissabon – unter besonderer Berücksichtigung der Situation Österreichs“, Wien: Facultas, 2010.

Austria (Diplomatische Akademie Wien)

The DA is a major forum for debates on the EU and Lisbon in Austria: among faculty and practitioners, including the diplomatic community in Vienna. Here are some highlights of our public lectures and events:

- Inauguration of the Academy Year by Johannes Hahn, Commissioner for Region Policy, European Commission, 8th October 2010;
- “Schwerpunkte der sozial-wirtschaftlichen Regierungspolitik der Ukraine sowie Regierungstätigkeit im Rahmen der EU-Strategie für den Donauraum“, by Andrii Berezný (Ukrainian Embassy), 12th October 2010;
- “The Liberty of the Postmoderns – Market and Civic Citizenship with the EU”, by Richard Bellamy (University College London), 29th November 2010;
- Panel discussion “Eastern Partnership – A Contribution to the Modernisation of the Eastern Neighbourhood of the EU“ with Andreas Breinbauer (University of Applied Sciences bfi Vienna), Marie-Lena May (German Council on Foreign Relations, Berlin), Katarzyna Pelcznska-Nalecz (Centre for Eastern Studies, Warsaw), Nicu Popescu (Prime Minister’s Office, Moldova), Walter Siegl (Institute for the Danube Region and Central Europe), Elisa Vass (Austrian Broadcasting Corporation), 1st December 2010;

- “Warum soll Mazedonien EU-Mitglied werden?“, Gjorgij Filipov (Embassy, Macedonia), 12th January 2011;
- “Morocco-EU Strategic Relations: Perspectives of a Global and Strategic Partnership“ with Abdesslam Aboudrar (Central Authority for the Prevention of Corruption, Morocco), Ahmed Herzeni (Advisory Council of Human Rights, Morocco), Laris Erik Lundin (EU Delegation to International Organisations in Vienna), Abdelhay Moudden (Faculty of Law, Morocco), Hans Winkler (Diplomatic Academy of Vienna), 26th January 2011;
- “Bilan des la présidence belge du Conseil : Situation de l’Union européenne et nouvelle gouvernance européenne”, Xavier Demoulin (Foreign Affairs, Belgium), Elisabeth Bertagnoli (Diplomatic Academy of Vienna), Christian Franck (Diplomatic Academy of Vienna), 22nd February 2011;
- “Frankreich, Österreich und die Zukunft der EU-Integration: Warum Österreichs Rolle für uns wichtig ist“, Philippe Carré (Botschaft Frankreich), Walter Siegl (Institut für den Donauraum und Mitteleuropa), Hans Winkler (Diplomatische Akademie Wien), 21st March 2011;
- “Albania’s Priorities on its way towards EU integration“, Vili Minarolli (Embassy, Republic of Albania); Elisabeth Bertagnoli (Diplomatic Academy of Vienna), Andreas Brandstätter (Uniqa Versicherungen AG), Friedhelm Frischenschlager (Institute for the Danube Region and Central Europa), 4th April 2011;
- “Migrant Integration Policy Index III“, Julia Bock-Schappelwein (Österreichisches Institut für Wirtschaftsforschung), Michel Cullin (Diplomatic Academy of Vienna), Martin Gilbert (British Council Austria), Simon Ionu (M-Media), Johannes Kopf (Arbeitsmarktservice Österreich), Elin Landell (Swedish Ministry of Labour, Stockholm), Jan Niessen (Migration Policy Group), Nurten Yilmaz (City of Vienna), 13th April 2011;
- “Der Integrationsweg der Republik Kosovo in die EU“, Sabri Kiqmari (Embassy of the Republic of Kosovo), Elisabeth Bertagnoli (Diplomatic Academy of Vienna), 14th April 2011;
- Europe Day: “Fragen und Antworten zur aktuellen Europapolitik“, Werner Fasslabend (Politische Akademie), Elisabeth Köstinger (MEP), Werner Mück (journalist), Michael Spindelegger (Federal Minister for European and Foreign Affairs), Wolfgang Waldner (Undersecretary at the Federal Ministry for European and Foreign Affairs), Hans Winkler (Diplomatic Academy of Vienna), 9th May 2011;
- “EU-Bosnia and Herzegovina: Mutual Challenges“, Igor Davidović (Permanent Representative of Bosnia and Herzegovina to the International Organisations in Vienna);
- “Territorial Pacts to make the ‘Europe 2020’-Strategy a Success“, Elisabeth Bertagnoli (Diplomatic Academy of Vienna), Kristijan Schellander (Steiermärkische Bank und Sparkassen AG), Walter Siegl (Institute for the Danube Region and Central Europe), 11th May 2011; Markus Kornprobst (Diplomatic Academy of Vienna), Brigitte Marcher (Renner Institute), Mercedes Bresso (Committee of Regions); Comments: Petra Draxl (Austrian Federal Ministry for European and International Affairs), Thomas Weninger (Austrian Association of Cities and Towns), Elisabeth Vitouch (Vienna City Council, Committee of Regions), 18th May 2011;

- “20 Jahre Unabhängigkeit Kroatiens: Ausblick in die Zukunft in der EU“, Gordan Bakota (Embassy of the Federal Republic of Croatia in Austria), Elisabeth Bertagnoli (Diplomatic Academy of Vienna), Gabriele Matzner-Holzer (Institute for the Danube Region and Central Europe), Kristijan Schellander (Steiermärkische Bank und Sparkassen AG), 26th May 2011.

Belgium (Ghent University)

Belgium took on the six-month rotating Presidency of the European Union on 1st July 2010 with a caretaker government in charge. Despite the difficult internal situation and the complications of the Lisbon reforms, the Belgian EU Presidency was widely considered to have been a success. According to Foreign Affairs Minister Steven van Ackere “it was of great importance to ensure that the innovations of the Treaty of Lisbon were subject to full implementation and compliance and would be put to maximum use. The Presidency therefore functioned completely within the framework of the Treaty and the changes that it brought to the exercise of the rotating presidency, particularly at the level of the European Council, which has become a fully fledged institution with a permanent president, as well as at the level of the Council for Foreign Affairs which is now chaired by the High Representative”.¹ Following this logic, the Belgian Presidency adopted a pragmatic, low-profile approach and played its role as mediator between the Commission, the European Parliament and the Council. The main achievements of the Presidency concerned the adoption of a range of measures for better supervision and regulation of the banking sector, the agreement on the EU budget, progress on the introduction of an EU-wide patent and the establishment of the European External Action Service.

Contrary to expectations abroad, the domestic political situation had little impact on the Belgian EU Presidency. This can be explained by a number of factors such as the new role of the rotating presidency under the Treaty of Lisbon, the experience of Belgian civil servants and diplomats, and the active involvement of the regional governments in the implementation of the EU agenda. Notwithstanding the numerous internal political cleavages, there is a general pro-European consensus within the Belgian political landscape. As observed by Edith Drieskens, Steven van Hecke and Peter Bursens, “The EU is hardly an issue among the larger public, the mass media seldom report on substantive EU issues, and political parties scarcely lay out their positions on the EU in party platforms, during electoral campaigns or through parliamentary activity”.² Reflecting this so-called “permissive consensus”, there has never been a genuine public debate about the Treaty of Lisbon or the policy choices of the Belgian EU Presidency.

Bulgaria (Plovdiv University)

Most recent implications are coming with the current crisis in the Maghreb countries. The Bulgarian Foreign Ministry initiated in early May 2011 the Sofia Platform – an on-going process of discussion and policy making with approximately 30 invited Arab representatives from the media, universities and NGOs. This initiative will be developed further regularly.

In view of endangering economic and financial crisis (including neighbouring Greece), regular debates in the press and government interventions have taken place since 2010 in order to analyse the crisis implication to Bulgaria and possible measures to be taken. The Lisbon perspective has been one of the key points in these debates.

¹ Steven van Ackere, An Assessment of the Belgian Presidency of the Council of the European Union, available at: http://www.eutrio.be/files/bveu/media/documents/Press_release/Bilan_EN.pdf.

² E. Drieskens, S. van Hecke and P. Bursens, The 2010 Belgian Presidency: Driving in the EU’s Back Seat, Swedish Institute for European Policy Studies (SIEPS), 2010: 2op, available at: http://www.sieps.se/sites/default/files/2010_2op.pdf.

More events could be listed which dedicated partially or full time to Lisbon Treaty deliberations – Euro-clubs of high schools, youth seminars about the implications of migration, for example. Besides, the EU representation in Bulgaria was also very active with different activities.

Croatia (Institute for International Relations)

The Lisbon Treaty itself is not a highly debated issue in Croatia at the moment. The focus of academic and wider public interest is directed to finalization of negotiations between Croatia and the EU, and to future ratification of the accession treaty. In this context, the eventual impacts of the close timing between the ratification of the Protocol on Decision on Irish guarantees to be attached to the Lisbon Treaty and the ratification of Croatian Accession Treaty is being discussed. The same applies to the need for ratification of minor changes in the Lisbon Treaty regarding the European stability mechanism for the countries of the Euro zone. Namely, when at the end of October 2010 the EU member states agreed some minor changes to the Lisbon Treaty, the Croatian media reported about the possibility that these changes could be ratified in parallel with the Croatian Accession Treaty.

However, there were some events where the Lisbon Treaty was discussed. On 21st February 2011 at a round table organised in Rijeka, the president of the association Volim Hrvatsku (I love Croatia) Mr. Roko Sikic criticised the fact that the official translation of the Lisbon Treaty to Croatian does not exist yet.³ However, the Croatian Academy of Sciences published the translation of the Lisbon Treaty already in 2009.⁴

On 29th September 2010, the Ministry of Foreign Affairs and European Integration held a two day seminar on “Changes introduced by the Lisbon Treaty with special overview on the areas of CFSP and cooperation in penal matters”. The seminar was organised in cooperation with the European Institute for Public Administration and formed part of the technical support of the Luxemburg government to the Republic of Croatia.

In the period 10th-16th April 2011, the Department for the European Public Law of the Faculty of Law, University of Zagreb, organised the 9th session of its yearly “Advanced Issues of European Law” seminar. This year’s seminar held in Dubrovnik was entitled “The First Year of the Treaty of Lisbon – Consolidation and Enlargement”. The seminar dealt with some highly relevant topics such as: the absorption capacity of the EU after the Lisbon Treaty, the principle of solidarity after the Lisbon Treaty, European citizenship and the Lisbon Treaty, national parliaments after the Lisbon Treaty, EEAS, European Court of Justice and the Lisbon Treaty, etc.

Research results of other institutions in Croatia which partly cover the Lisbon Treaty were published in a book “The Final Step for Croatia – How to Function Successfully in the European Union” (December 2010).⁵ The book was published by the Croatian Government, supported by the British Council and the Ministry for Foreign Affairs of Denmark. Two articles are relevant for the analyses of the Lisbon Treaty – “The legacy of the National Committee’s Experience in the Context of European Union Membership”, written by Dr. Vesna Pusic, Head of National Committee for Monitoring EU Accession. She analyses the political role and competences of the Croatian Parliament to perform the

³ See: <http://www.volim-hrvatsku.hr/najave-i-dogadanja/1-najave-i-dogadanja/154-odrzana-informativna-tribina-udruga-volim-hrvatsku-u-rijeci>, last accessed on 5th April 2011.

⁴ Lisabonski ugovor Europske unije. Konsolidirani tekst. Adrias. Croatian Academy of Sciences and Arts. Institute for Scientific and Artistic Work in Split. Volume 16. Zagreb and Split 2009.

⁵ Vlašić Feketija, Mirna/Goran, Petar (eds.), 2010: The Final Step for Croatia – How to Function Successfully in the European Union, Government of the Republic of Croatia, Zagreb. Full text available at: <http://www.britishcouncil.org/croatia-projects-ntc-brosura.pdf> (last accessed on 5th April 2011).

task of monitoring the activities of Government in the Council of the EU (scrutiny procedure) and the subsidiarity check procedure. The other article was written by Professor Sinisa Rodin from the Faculty of Law, University of Zagreb, entitled “The Constitutional Role of the Parliament”, in which he discusses the competences of the Croatian Parliament in the context of the national EU coordination mechanism and the Lisbon Treaty.

Denmark (Danish Institute for International Studies)

Debates in Danish media directly relating to the adoption of the Lisbon Treaty have been scarce. In general, the Danish EU-debate is limited to participation of the political extremes of the hardcore opponents or the federalists. The general public rarely debates EU-related issues.

One issue which has generated some debate is the European Civic Initiative. The new initiative has been criticised for being too complex and having too high standards, which will demand an amount of resources that is only available to larger cooperations. The initial idea of creating a democratic instrument which was accessible to all European citizens seems hard to spot.⁶

Both the new President of the European Council and the High Representative are also a topic of discussion. Recently, a Danish director, Christoffer Guldbrandsen, has made a documentary movie about the process that led to the appointment of Herman van Rompuy as the President of the Council. The movie shows how van Rompuy was not interested in the job but ended up accepting the post after heavy pressure from all EU member states.⁷ Even though the Guldbrandsen-movie is a rather unique case, it shows that topics covering the EU can indeed generate interest and debate if presented in an untraditional manner.

As a result of the uprisings in the Arab world, the role of the EU in North Africa has been subject to debate. The general opinion is that the EU has supported stability over democracy – a position which has left the EU with a damaged credibility vis-à-vis the North African countries. The EU has been criticised for missing out on the opportunity of playing an important role as a strong regional actor – a role that it should have the best possibility to pursue after the Lisbon Treaty.

During the summer of 2010, the French expulsion of 93 Roma people and the Danish expulsion of 23 was a much debated topic in the EU and in Denmark. Several Commissioners and Members of the European Parliament (MEPs) have expressed their concern and dissatisfaction with the expulsions, claiming that the French and Danish governments have forgotten that the Romas are EU citizens, too – with the same rights to move and reside freely within union borders.

A related issue also generated debate recently with the Toprak and Zambrano cases. The ruling of the European Court of Justice is undermining the Danish policies on immigration, which have turned increasingly strictly during the past decade. This has sparked critique of the ECJ from researchers as well as from members of the ruling parties that the court is going beyond its competences.⁸

The DIIS considers the following recent Danish publications on the EU and the Lisbon Treaty important:

⁶ Søren Søndergaard: Keep it Simple, Stupid. Available at http://www.folkebevaegelsen.dk/spip.php?page=soren-aktuelt&id_article=3255, last accessed on 10th April 2011.

⁷ EUObserver: New TV documentary: How Europe got its first president, available at <http://euobserver.com/9/32147>, last accessed on 8th April 2011.

⁸ Berlingske Tidende, Venstrefolk i intern splid om EU-domstolen, available at: <http://www.b.dk/nationalt/venstrefolk-i-intern-splid-om-eu-domstolen> last accessed on 13th April 2011.

University of Copenhagen

- Adler-Nissen, Rebecca: "EU's Diplomatic Service: State Nobility, Supranational Bureaucracy and Symbolic Power", in: Kauppi/Niilo, Madsen, Mikael Rask (eds), *Global Power Elites*, London: Routledge, forthcoming.
- Adler-Nissen, Rebecca, "European Diplomats: Inventing a New Foreign Policy Elite", in: Kauppi, Niilo/Madsen, Mikael Rask (eds.), *Transnational Power Elites: The New Professionals of Governance, Law and Security*, London: Routledge, forthcoming.
- Nedergaard, Peter, "Lissabontraktaten - en politologisk analyse", København: Djøf Jurist- og Økonomforbundet.

Århus University

- Christensen, JG 2010, "EU Legislation and National Regulation: Uncertain Steps towards A European Public Policy", in: *Public Administration*, vol. 88, nr. 1, 3-17.
- Knudsen, TB & Nielsen, CA 2010, "International Trusteeship and Democratic Peacebuilding: The EU in the Balkans", in: Blockmans/Wouters/Ruys (eds.), *The European Union and Peacebuilding: Policy and Legal Aspects*, T.M.C. Asser Press, Den Haag, 407-438.
- Christensen, JG 2010: "Keeping in Control: The Modest Impact of the EU on Danish Legislation", in: *Public Administration*, vol. 88, nr. 1, 18-35.

Roskilde University

- Manners, Ian: "As you like it: European Union Normative Power in the European Neighbourhood Policy", in: Whitman, Richard/Wolff, Stefan, *The European Neighbourhood Policy in Perspective: Context, Implementation and Impact. Red*, Basingstoke: Palgrave Macmillan, 2010.

Estonia (University of Tartu)

The debate about the Lisbon Treaty has been very weak in Estonia both before and after the introduction of the Lisbon Treaty. The most debated change in academic circles has been the selection process of the President of the European Council, the changes in the seating of the European Parliament and the role of the High Representative on Foreign Relations. The biggest concern in Estonia related to the Lisbon Treaty has been the possibility of small nations being left out of the list of countries having a commissioner (with the rule of the number of commissioners in the European Commission being 2/3 of the number of member states in the EU).

Policy issues related to the Lisbon Treaty discussed in the academic circles involve the changes and limits in the competences of the EU – it is debated that in the light of the Lisbon Treaty and deeper integration there is a tendency that small states give in on common or influential member states' pressure on change even though that might not be the competence of the union.

Finland (University of Tampere)

In Finland, in a small country where supporting the Commission has been important, and where EU membership has been seen as a security measure, the creation of the post of the Permanent President of the European Council, the external action service and the new position of the Union's High Representative have attracted attention, just as has the "solidarity clause" of the Lisbon Treaty. Finnish foreign policy is in many fields equivalent or close to EU foreign policy and, therefore, expectations regarding the service and High Representative are relatively high for lifting the EU's foreign policy profile (in the absence of NATO membership). The Treaty was passed in the Finnish

Parliament by votes 157-21. Part of the socialist wing (the Left Alliance), the populist party True Finns, that has since then approached the 20% mark in support levels just prior to the April 2011 parliamentary elections, and Christian democrats opposed the treaty.

The financial crisis and debate on the temporary and permanent stabilisation fund have prompted references to the Lisbon Treaty in Finland. Finland has been hesitant to tie itself to increasing financial commitments to southern European member states which are seen to have messed their economies and be unwilling to reform their “corrupt”/“non-transparent” economies and societies as profoundly as Finland itself did during its severe financial crisis of the early 1990s. A small thread in the debate taken up by the True Finns in the April 2011 election debate has concerned the legal justification (or lack thereof) of the stabilisation mechanisms vis-à-vis the Lisbon Treaty. The opposition forces, including the True Finns and the leftist parties (Left Alliance and the Social Democrats), have argued against the EU’s financial aid packages to its member states.

Other research institutions of note in Finland regarding the Lisbon Treaty include the Finnish Institute of International Affairs (FIIA; www.fia.fi). The FIIA publications of relevance include mostly short policy briefs and commentaries.

France (CERI, Sciences Po)

During the last year in France, the European issues have regularly been raised in public debates. Indeed, last summer the French government set up a policy relating to Romas, which was severely criticized by the European institutions. The EU Commissioner Viviane Reding’s awkward declarations created a polemic and a sharp tension between Paris, Brussels and Bucharest.

Revolutionary movements in Maghreb also raised some issues related to the EU. On the one side, France and the United Kingdom decided to intervene militarily in Libya without the implication of the European Union as such, which questioned the reality of EU foreign policy and defence. On the other side, the migratory movements generated by the revolutions, in particular from Tunisia, pushed the French government to require a transformation of the Schengen system.

Lastly, the last aspect of the debate in France turns around the creation of an economic government for the EU. The Treaty of Lisbon is considered to be insufficient in this field. It does not set up the institutions, which would allow tackling more efficiently the Euro crisis.

On these three questions, the Treaty of Lisbon is not in the heart of the debate, but many commentators note that it does not provide all the necessary tools.

Other institutions work on European questions in France. For the university level, one should acknowledge the work of the Centre of European Studies of Sciences Po:

- Dehousse, R., “European governorship after Lisbon”, *International Questions*, n°45, 2010
- Laidi, Z., “Europe as a risk averse power”, *Garnet Policy Brief*, n°11, 2010

In addition, Notre Europe and the Robert Schuman Foundation also regularly publish on EU affairs, EU institutional system and EU policies.

Germany (Trier University)

After the entry into force of the Lisbon Treaty, the political debate in Germany has been shaped by an evaluation of its advantages and shortcomings in practical use. The German government consistently

stressed the necessity of the institutional reforms especially for a better and streamlined functioning in the enlarged EU-27+.

A recurring topic became the potential decrease of Germany's influence in the European Council or the European Union in general. Furthermore, efficiency and efficacy aspects were discussed frequently in the public discourse. Especially the new balance of institutional power between Commission, Council and Parliament received a lot of attention by the media and the public.

In fact, the first example for the expansion of co-decision rights and the veto powers of the European Parliament was its rejection of the so-called SWIFT agreement. The majority of MEPs denied their support so that the former accord between the Council of Ministers and the United States government could not be implemented as foreseen.⁹ In this case, the European Parliament strongly emphasised its role and self-conception as advocate of citizens' rights. Another example for its new self-confident behaviour in areas where the EP has veto powers was the failure of budgetary negotiations in November 2010 between the two branches of the budgetary authority.¹⁰ The new European posts which came into existence with the Lisbon Treaty also received a high amount of public interest. The designation of Catherine Ashton as High Representative and Herman van Rompuy as President of the European Council, however, had a rather sceptical reception in the German public due to both candidates' lack of notoriety.¹¹ Since their appointment, the performance especially of Catherine Ashton was considered as colourless and weak.¹² This can be seen as a symptom of a general problem of the European Union's foreign policy, which has not significantly been improved by the Lisbon Treaty.

Accordingly, the latest revolutionary events in North Africa demonstrated once more the EU's apparently lacking capacity to act swiftly and coherently in situations of international crisis. The difficulties lie in the horizontal coordination among the various responsible EU-level actors and institutions, and vertically between the levels of the EU and its 27 member states. Thus, the EU was not able to speak with one voice. The case of Egypt demonstrates that there have been significant but independent statements from at least three different EU institutions, namely the High Representative of the Union for Foreign Affairs and Security Policy, the European Council and the Foreign Affairs Council, and also from different subgroups of member states. Ultimately, it seems that the Lisbon Treaty's stipulations are still insufficient in streamlining the institutional efficiency by a clear separation of responsibilities in this policy area.

Primary opponents and proponents

As a matter of fact, the Lisbon Treaty became a frequently politicised topic in Germany. After the Irish rejection of the Treaty and the problems concerning the German ratification process, the public

⁹ Cf. Süddeutsche Zeitung, "Europas Parlament entdeckt seine Macht. Die EU-Abgeordneten bieten den USA im Bankdaten-Streit selbstbewusst Paroli", 11th February 2010, p. 8, "Im Zweifel für die Freiheit. Das Europäische Parlament zeigt seine Macht und achtet auf Datenschutz und Bürgerrechte", 12th February 2010, p. 4., and Frankfurter Allgemeine Zeitung, "Die Einladung nach Washington reichte nicht", 12th February 2010, p. 8.

¹⁰ Cf. Frankfurter Allgemeine Zeitung, "Keine Einigung auf EU-Haushalt für 2011", 17th November 2010, pp. 1f..

¹¹ Cf. Frankfurter Allgemeine Zeitung, "Die EU tastet sich ins Lissabon-Zeitalter. Mit Ashton und van Rompuy / Merkel: Geben Sie den Leuten eine Chance", 21st November 2009, p. 1, "Treuhänder mit Respekt für die Hackordnung", 21st November 2009, p. 4, "Die nette Labour-Baronin. Die erste Fast-Außenministerin der EU ist auch in ihrer Heimat keine Berühmtheit", 21st November 2009, p. 4 and "Ein Brüsseler für Brüssel", 21st November 2009, p. 5.

¹² Cf. Frankfurter Allgemeine Zeitung, "Geschäftig inmitten realpolitischer Zwänge", 4th February 2011, p. 4.

and media interest increased notably. In general, political parties as well as societal actors felt a strong need to take a clear stance either for or against this reform treaty. As a consequence, the Lisbon Treaty became a salient issue in the public discourse.

The group of proponents encompassed primarily the major political parties represented in the German Bundestag with the only exception of the Left Party (Die Linke).¹³ The public debate was significantly shaped by statements from these parties' leading politicians. In addition, industry associations, like the Bundesverband der Deutschen Industrie (BDI)¹⁴, and employer associations, namely the Bundesvereinigung der Deutschen Arbeitgeberverbände (BDA)¹⁵ have also been very supportive. Even the great religious denominations in Germany, the Protestant¹⁶ and Catholic Church¹⁷, both welcomed the entry into force of the Lisbon Treaty, although it lacks a reference to god.

The influential German trade unions, like the Deutsche Gewerkschaftsbund (DGB) or the Vereinte Dienstleistungsgewerkschaft (Ver.di), were not fundamentally opposed to the Lisbon Treaty but stressed its insufficient social component, especially with regard to employees rights in cross-border economic activities and in multi-national companies.¹⁸ Thus, the German unions can be described as rather critical proponents of the Lisbon Treaty.

However, anti-globalisation movements like attac, have to be mentioned in the first place on the opponents' side. Attac's criticism was of a fundamental kind: the member states blatant contempt of the Irish rejection and the on-going ratification process were harshly criticized. They asked for an open dialogue and the better opportunities for citizens' participation, for example by referenda.¹⁹ In addition, they called for a more democratic and social Europe.

The German ratification process

The parliamentary ratification process turned out to be more problematic than anticipated. Remarkably, five of the six parties in the 16th German Bundestag formed a broad majority supporting the Treaty. The governing parties CDU (Christlich Demokratische Union), CSU (Christlich-Soziale Union) and SPD (Sozialdemokratische Partei Deutschlands) strongly supported the Treaty and defended it against any kind of qualified or unqualified criticism. The CDU considered it to be a solid basis and an important step for the future of European integration.²⁰ Expectedly, the CSU followed a

¹³ For further details please notice the following section.

¹⁴ Cf. http://www.bdi.eu/Institutionelle-Ordnung_1397.htm, last accessed on 11th April 2011.

¹⁵ Cf. the press release: <http://www.bda-online.de/www/arbeitgeber.nsf/id/6504482D124FEA6BC12573B1004EF0A7?open&ccm=200050005>, last accessed on 11th April 2011.

¹⁶ Cf. the press release of the EKD: http://www.ekd.de/aktuell_presse/news_2009_11_05_1_felmborg_eu_vertrag.html, last accessed on 8th April 2011.

¹⁷ Cf. the press release of the Conference of Catholic Bishops: <http://www.dbk.de/presse/details/?presseid=456&cHash=afa4098df54019d871a5afadac9bfe44>, last accessed on 8th April 2011.

¹⁸ Cf. the press release of the DGB: http://www.dgb.de/presse/++co++73b32b8c-155f-11df-4ca9-00093d10fae2/@/@/index.html?tab=Pressemeldung&display_page=70&start_date=2011-11-01&end_date=2007-06-30 / Ver.di: http://fm1.apm.ag/verdi_news_wcms/pdf/news_10_2008.pdf [last accessed on 11th April 2011].

¹⁹ Cf. <http://www.attac.de/aktuell/lissabon/aktuelles>, last accessed on 9th April 2011.

²⁰ Cf. Angela Merkel (leader of the CDU) in the speech to the German Bundestag, 24th April 2008. Source: <http://dip21.bundestag.de/dip21/btp/16/16157.pdf>, last accessed on 9th April 2011.

similar rationale²¹ and, among other things, the SPD referred to the EU's improved capacity to act.²² Highly supportive was also the FDP (Freie Demokratische Partei) by speaking of an improved functioning of Europe due to the Lisbon Treaty.²³ Also the Green Party (Bündnis 90/Die Grünen) was supportive: it stressed democratisation effects, the strengthening of national parliaments and the extension of citizens' rights.²⁴ As already mentioned earlier, the Left Party was the only parliamentary group in the Bundestag that opposed the Lisbon Treaty on ideological grounds. First of all, it criticised the Treaty's lacking progress towards a "social Europe". Furthermore, it criticised the Treaty's far too neoliberal direction in a globalizing economy. Moreover, based on pacifist reasoning, they criticised the alleged tendency towards a militarization of the EU enshrined in the treaty.²⁵

On 24th April 2008, the Bundestag voted with a broad majority (515 yes votes, 58 no votes, 1 abstention) for the Lisbon Treaty.²⁶ The subject of voting consisted of three separated laws: the ratification act (Zustimmungsgesetz), an act changing the Basic Law (Grundgesetz-Änderungsgesetz) and an accompanying act strengthening the powers of the Bundestag and Bundesrat to control the European policy-making of the German executive (Begleitgesetz).²⁷ One month later, on 23th May, the German Bundesrat, the chamber of the German Bundesländer, accepted the acts unanimously. 15 of the 16 Bundesländer voted in favour of the Treaty²⁸, only Berlin abstained due to the participation of the Left Party in the government.²⁹

The Ruling of the Federal Constitutional Court

Immediately after the ratification in both parliamentary chambers, Peter Gauweiler (Member of the Bundestag; CSU) brought a complaint of unconstitutionality to the German Federal Constitutional Court in Karlsruhe.³⁰ The Left Party also joined the complaint.³¹ This was not Gauweiler's first legal action concerning European Treaties, he also filed a suit against the Constitutional Treaty in 2005. The attention of the German media was quite broad in both cases. Gauweiler attested the Lisbon Treaty democratic deficits. Furthermore, he argued that it would undermine the German Basic Law (Grundgesetz) as well as the sovereignty of the German state.³²

²¹ Cf. Günther Beckstein (CSU, then prime minister of Bavaria) in the speech to the German Bundestag, 24th April 2008. Source: *ibid*.

²² Cf. Kurt Beck (then leader of the SPD) in the speech to the German Bundestag, 24th April 2008. Source: *ibid*.

²³ Cf. Guido Westerwelle (then leader of the FDP) in the speech to the German Bundestag, 24th April 2008. Source: *ibid*.

²⁴ Cf. Jürgen Trittin (deputy chairman of the parliamentary group Bündnis 90/Die Grünen) in the speech to the German Bundestag, 24th April 2008. Source: *ibid*.

²⁵ Cf. Lothar Bisky (then leader of Die Linke) in the speech to the German Bundestag, 24th April 2008. Source: *ibid*.

²⁶ Vote results: http://webarchiv.bundestag.de/archive/2009/1022/bundestag/plenum/abstimmung/20080424_168300.pdf, last accessed on 9th April 2011.

²⁷ Cf. Frankfurter Allgemeine Zeitung, "Drei Bundesgesetze für den Lissabon-Vertrag – und nur ein Problemfall für Karlsruhe", 1st July 2009, p. 3.

²⁸ Vote results: http://www.bundesrat.de/cln_179/nn_992666/SharedDocs/Downloads/DE/Plenarprotokolle/2008/Plenarprotokoll-844.templateId=raw.property=publicationFile.pdf/Plenarprotokoll-844.pdf [last accessed on 9th April 2011].

²⁹ Cf. Frankfurter Allgemeine Zeitung, "SPD: Die Linkspartei ist nicht regierungsfähig. Wowereit muss sich bei Bundesratsabstimmung über Lissaboner Vertrag enthalten", 24th May 2008, pp. 1f.

³⁰ The legal opinion: <http://www.peter-gauweiler.de/pdf/Vertr%20Lissabon%20Gutachten.pdf>, last accessed on 25th March 2011.

³¹ Cf. Süddeutsche Zeitung, "Verfassungsklage gegen EU-Vertrag. Linke sieht Demokratiedefizit und Parlamentsrechte verletzt", 27th June 2008, p. 8.

³² Cf. Süddeutsche Zeitung, "Gauweiler klagt gegen EU-Vertrag. Wegen 'Demokratiedefiziten' soll Karlsruhe dem Bundespräsidenten untersagen, das Reformwerk zu unterzeichnen", 24th May 2008, p. 1.

On 30th June 2009, the German Constitutional Court delivered its ruling.³³ It considered only the “Act Extending and Strengthening the Rights of the Bundestag and the Bundesrat in European Union Matters” (Gesetz über die Ausweitung und Stärkung der Rechte des Bundestages und des Bundesrates in Angelegenheiten der Europäischen Union) to be incompatible with the German Basic Law.³⁴ Consequently, this law had to be changed in a way that the Bundestag and the Bundesrat were guaranteed further capabilities to control the government’s European policy-making.³⁵ The Federal Constitutional Court thus reaffirmed its critical attitude towards a transfer of powers to the EU-level without an explicit act of the German parliament and its role as a guardian of the substance of national-level democracy already known from its famous Maastricht decision.

With the acceptance of the modified accompanying law by the Bundestag (8th September 2009; 446 yes votes, 46 no votes, 2 abstentions)³⁶ and the Bundesrat (18th September 2009) the parliamentary ratification process was successfully finished. Officially, the ratification process was completed with the signing of the instrument of ratification by the then Federal President, Horst Köhler, on 25th September 2009.³⁷

The financial and economic crisis

The financial and economic crisis increased public attention for the European Union. In the aftermath of the sovereign debt crisis in Greece, the focus shifted towards the deficit and debt problems in the Euro zone. The €110 billion financial assistance for Greece and the €750 billion safety net for the rest of the Euro zone were received very critically by the media and the German public. The German Chancellor Angela Merkel justified these actions as being without any alternative (“ultima ratio”).³⁸ Although Art. 125 TFEU explicitly prohibits any kind of bail out policy, the safety net’s purpose is to guarantee the solvency of financially weakened states in the Euro zone. The emergency actions were heavily disputed in Germany, even in the academic debate. A remarkable amount of protest emerged. Shortly after the decision of the European Council, an application for a temporary injunction to prevent the Euro rescue package was brought to the German Federal Constitutional Court. On 10th June 2010, it was rejected.³⁹ Regardless of legal questions, concerns emerged that the EU is irreversibly turning into a “transfer union”, implying financial redistribution from rich to poor member states to stabilize the common currency and to level out the differences in economic performance among the member states. Moreover, the latest crisis of the Euro zone shows that important modifications of the Stability and Growth Pact become necessary. This must be accompanied, according to the German government, not only by a “pact for competitiveness”, but also by a minor treaty reform to establish a legal basis for a permanent European rescue fund (European Stability Mechanism). The major political actors in Germany are well aware that restarting

³³ Fulltext of the judgment: BVerfG, 2 BvE 2/08 vom 30.6.2009, Absatz-Nr. (1 - 421), http://www.bverfg.de/entscheidungen/es20090630_2bve000208en.html, last accessed on 6th April 2011.

³⁴ Federal Constitutional Court: press release no. 72/2009 of 30th June 2009. <http://www.bundesverfassungsgericht.de/en/press/bvg09-072en.html>, last accessed: 6th April 2011.

³⁵ Cf. Frankfurter Allgemeine Zeitung, “Ein arbeitsreicher Sommer in Berlin. Ein neues Begleitgesetz zum Lissabon-Vertrag muss geschrieben werden – und zwar bis Ende August”, 1st July 2009, p. 3.

³⁶ http://webarchiv.bundestag.de/archive/2009/1022/bundestag/plenum/abstimmung/20090908_lissabon.pdf, last accessed on 9th April 2011.

³⁷ For an overview see Müller-Graff, Peter-Christian, “Das Lissabon-Urteil: Implikationen für die Europapolitik“, in: *Aus Politik und Zeitgeschichte*, 18/2010.

³⁸ Cf. Angela Merkel in the speech to the German Bundestag, 19th May 2010. Source: http://www.bundesregierung.de/nn_1502/Content/DE/Regierungserklaerung/2010/2010-05-19-merkel-erklaerung-eu-stabilisierungsmassnahmen.html [last accessed on 9th April 2011].

³⁹ Cf. the press release: <http://www.bundesverfassungsgericht.de/en/press/bvg10-038.html> [last accessed on 9th April 2011].

treaty reforms is a difficult endeavour for the European Union, based on the experiences of the Lisbon Treaty's problematic ratification process. But it was seen to be without a real alternative because of the danger that a successful complaint be filed at the German Constitutional Court objecting to Germany's participation in the European rescue packages due to the lack of a proper legal base in the Lisbon Treaty.⁴⁰

Academic research results

- The University of Cologne (Lisboan Project with Lisbon Watch).
- The Institut für Europäische Politik: widely published on the Lisbon Treaty and its application, especially in its quarterly journal *integration*.
- The Stiftung Wissenschaft und Politik (dossier: "The EU after Lisbon" [Die EU nach Lissabon]).
- The Walter Hallstein-Institut für Europäisches Verfassungsrecht at the Humboldt University in Berlin widely published on the Lisbon Treaty and its impact.

Important publications

- Bundeszentrale für politische Bildung (ed.), "Aus Politik und Zeitgeschichte – Europa nach Lissabon" (APuZ 18/2010), URL: <http://www.bpb.de/files/JWF71E.pdf> [last accessed: 4th April 2011].
- Lieb, Julia/Maurer, Andreas, "Der Vertrag von Lissabon", Stiftung Wissenschaft und Politik, Berlin, 2010.
- Lieb, Julia/Ondarza, Nicolai von, "Der Vertrag von Lissabon und seine Umsetzung. Zusammenfassung des ehemaligen Onlinedossiers der Stiftung Wissenschaft und Politik. Stand vom April 2010", Berlin.
- Pernice, Ingolf, "Does Europe Need A Constitution? Achievements And Challenges After Lisbon", 2010, URL: <http://www.whi-berlin.de/documents/whi-paper0210.pdf> [last accessed on 10th April 2011].
- Wessels, Wolfgang/Traguth, Thomas, "Der hauptamtliche Präsident des Europäischen Rates: ‚Herr‘ oder ‚Diener‘ im Haus Europa?", in: *Integration 4/2010*, 2010, 297-311.

Germany (University Duisburg Essen)

In Germany, the political debate around the Lisbon Treaty was focused on the judgment by the Federal Constitutional Court of 30th June 2009, stating that further transfer of competences on the EU would not be possible without a revision of the German constitution. This judgment was and continues to be criticised by lawyers, politicians, political scientists and historians as based on an oversimplified dichotomy between national democracy and supra-national non-state. The current state of this debate can be seen at a discussion on "Europe and the new German question", organised by the European Council on Foreign Relations (ECFR) and the Mercator-Stiftung which took place in Berlin on 6th April 2011. The keynote speech held by Jürgen Habermas on this occasion was published in

⁴⁰ Cf. Nicolaus Heinen, Constitutional Complaints. Germany's Rejection of rescue packages unlikely, Deutsche Bank Research, Research Briefing Economics & Politics, 17th March 2011. Source: http://www.dbresearch.de/PROD/DBR_INTERNET_DE-PROD/PROD000000000271154.pdf.

Süddeutsche Zeitung on 7th April 2011. Parts of the discussion are published in *Blätter für deutsche und international Politik*, May 2011, 45-66.

Germany (University of Cologne)

The German political debate with regard to the main Lisbon Treaty innovations – namely, the High Representative Catherine Ashton and the European External Action Service; the permanent President of the Council Herman van Rompuy; the enhanced roles of the European Parliament and of national parliaments as well as the introduction of a citizens initiative – has been shaped by three external factors: 1) proceedings before the German constitutional court 2) the financial and sovereign debt crises and 3) the EU's performance in dealing with external challenges.

Several complaints to the German constitutional court with direct or indirect bearing on the Lisbon Treaty have received considerable news coverage and thus influenced the German political discourse. The first was filed on 23rd May 2008 on behalf of Peter Gauweiler, member of the German Bundestag, and questioned the compatibility of the new EU treaty with German constitutional law. The two other complaints (the first one was filed on May 7, 2010 by a group around law Professor Eberhard Schachtschneider, the second one on 1st June 2010 on behalf of a group referred to as 'Europolis') claimed that the financial rescue schemes introduced in response to the sovereign debt crises violate the no-bail-out clause (Art. 125 TFEU) and the German constitution.

The Gauweiler complaint was partly successful insofar as the Constitutional court ruled on 30th June 2009⁴¹ that the German bill ratifying the Treaty required modification before entering into force. The swift revision of the law and subsequent German ratification of the Lisbon Treaty notwithstanding, the judgement illustrates basic lines of argument in the German debate, closely related to Germany's key role in the process of European integration. The judgement's main implication was that the German parliament must exert more control on decision-making in Brussels. Despite criticisms that this might reduce the effectiveness of the EU political system,⁴² commentators also expressed the hope that an intensified domestic debate on EU issues would result.⁴³ However, at the present juncture it remains doubtful whether this has indeed materialised. While a few topical issues at the EU level (in particular the financial bail-outs) have elicited a strong media response, the (fairly arcane) legislative process itself remains separated from the national public.

A ruling on both complaints against the rescue schemes is still pending but is expected for 2011. Although it is unlikely that the Court will overturn German participation in the financial rescue schemes, the complaints reflect the salience of the topic for the German debate. Following a deep recession caused by the financial crises (August 2007 – September 2009), Germany has enjoyed a period of economic prosperity ever since. With growth in the rest of Europe remaining lacklustre, and with public finances in a number of southern Member States in turmoil, the debate in Germany centred on the need for solidarity within the EU and particularly the Eurozone. Fears that a de-facto

⁴¹ Cf. Müller-Graf, "Das Karlsruher Lissabon-Urteil: Bedingungen, Grenzen, Orakel und integrative Optionen", in: *integration*, 4/09, 331-360, 2009.

⁴² Die Zeit, "Neue Barrieren für die Einigung. Das deutsche Bundesverfassungsgericht hat ein zwiespältiges Urteil über den Vertrag von Lissabon gefällt", 6th October 2009, p. 12.

⁴³ Financial Times Deutschland, "Ein wertvolles "Ja, aber"", 30th June 2009, p. 1.

'transfer union' is being established – with Germany perceived as a “paymaster”⁴⁴ – have elicited much discussion.⁴⁵

Institutional changes introduced by Lisbon also received a lot of attention, albeit more so in academic circles than in the public debate. Through an increased use of the co-decision procedure, the treaty has altered the institutional balance between European Commission, Council of the EU and European Parliament in favour of the latter.⁴⁶ This development has been met with approval by most German commentators in terms of a more democratic union. However, with the European Council underlining its claim to leadership, the parliament cannot take its position in the institutional architecture after Lisbon for granted.⁴⁷

The public discourse on the position of the High Representative corresponded to some extent with the incumbent's low profile. As a relatively unknown politician, at least in European circles, Catherine Ashton's ratings remained rather ambivalent.⁴⁸ The same holds true for the Permanent President of the European Council, Herman van Rompuy. 18 months after the Lisbon treaty has entered into force, one may conclude that instead of increasing its capacity to act, leadership in the European Union has become more complex instead.⁴⁹ The EU's incoherent reactions to the events in Egypt, Tunisia and Libya have been taken as a case in point to illustrate that political reality may differ markedly from the Lisbon Treaty's words.

Greece (University of Athens)

The political and academic debate in Greece is dominated by the bad domestic economic situation. Therefore, academic and political discourse includes the items relating to economic governance of the EMU, the institutional set up governing the single currency (Euro) and, more generally, the instruments or lack thereof in the Lisbon Treaty for handling the economic crisis. To a lesser extent, the “no bail-out” clause included in the Lisbon Treaty (TFEU, Art. 125⁵⁰) and the article of withdrawal from the European Union (TEU Art. 50⁵¹) are also discussed.

It could be argued that due to the economic crisis, most conferences and public discussions deal with the economic crisis and the challenges of the public sector in Greece. However, apart from the IEIP and the Department of International and European Studies, the Hellenic Foundation for European &

⁴⁴ Frankfurter Allgemeine Zeitung, “In Haftung”, 7th May 2010, p. 13.

⁴⁵ Süddeutsche Zeitung, “Verwirrend klar”. 17th March 2010, p. 4; Süddeutsche Zeitung, “Regierung streitet über Hilfe für die Griechen”, 26th April 2010, p. 1; Frankfurter Allgemeine Zeitung, “Europa in der Bewährung”, 14th December 2010, p. 10.

⁴⁶ Kietz/von Ondarza, “Das neue Selbstbewusstsein des Europäischen Parlaments“, SWP-Aktuell 57, July, Stiftung Wissenschaft und Politik, 2010.

⁴⁷ Financial Times Deutschland, „Europäisches Parlament probt den Aufstand“, 16th June 2010, p. 9.

⁴⁸ Süddeutsche Zeitung, “Auf Bewährung“ (19th February 2011, p. 8).

⁴⁹ Von Ondarza, “Koordinatoren an der Spitze. Politische Führung in den reformierten Strukturen der Europäischen Union“, SWP-Studie S 8, April, Stiftung Wissenschaft und Politik, 2011.

⁵⁰ “1. The Union shall not be liable for or assume the commitments of central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of any Member State, without prejudice to mutual financial guarantees for the joint execution of a specific project. A Member State shall not be liable for or assume the commitments of central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of another Member State, without prejudice to mutual financial guarantees for the joint execution of a specific project.

2. The Council, on a proposal from the Commission and after consulting the European Parliament, may, as required, specify definitions for the application of the prohibitions referred to in articles 123 and 124 and in this Article”.

⁵¹ “1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.” (Art. 50).

Foreign Policy (ELIAMEP) has some research projects on the Lisbon institutional reforms (European Seminars, Think Global Act European project, “An EU ‘fit for purpose’ in a global age”, etc.)⁵².

Two and a half years after the ratification of the Lisbon Treaty by Greece⁵³, the main opponents and proponents of the Lisbon Treaty remain the same. The ruling party PASOK (Panhellenic Socialist Movement) and the main opposition party New Democracy (ND) are in favour of the Treaty of Lisbon. The left parties KKE (the Greek Communist party) and Syriza (Coalition of the Radical), and the populist, radical right party of LAOS (Popular Orthodox Rally) are against the new treaty. The main argument of the KKE and Syriza is that the Treaty of Lisbon demolishes the social state and prioritise the rules of the free market. The main argument of LAOS is that the new Treaty restricts the powers of the national parliaments and creates a European super state.

Hungary (Institute for World Economics)

The Lisbon Treaty was first ratified by Hungary – the parliament fully backed the Treaty in December 2009. Since the 2010 elections, there is a radical and eurosceptic (oppositional) party in the parliament which is criticising the Treaty (and Hungary’s EU-membership in general) from time to time. But in Hungarian politics, the Lisbon Treaty is usually not in the centre of attention, let alone in public discourse. However, recently light was shed on the Lisbon Treaty as the parliament adopted the new Hungarian constitution. In the new basic law of Hungary, the catalogue of fundamental rights was actually designed according to the EU Charter of Fundamental Rights which is an integral part of the Lisbon Treaty.

No other academic institutions in Hungary have had research projects on the Lisbon Treaty to our knowledge although the Institute of Legal Sciences of the Hungarian Academy of Sciences had a project on the Constitutional Treaty concluded in 2007.

The most important comprehensive book on the topic in Hungary is:

- Horváth, Z./Ódor, B., “Az Európai Unió Szerződéses reformja, az Unió Lisszabon után” [Treaty reform of the European Union, the Union after Lisbon], 2nd ed., Budapest: HVG-ORAC, 2010.

Further important analyses on the innovations of the Lisbon Treaty include articles in the journal of the Ministry of Foreign Affairs, “Európai tükör” [Europe mirror] in their numbers of November and December 2009 and April 2010 on issues of EU close to the citizens, security and defence policy and energy policy. These publications in Hungarian language can be found and freely downloaded here: <http://www.mfa.gov.hu/kum/hu/bal/Kulugyminiszterium/Kiadvanyaink/Eur%C3%B3pai+T%C3%BCk%C3%B6r/>.

Iceland (University of Iceland)

There has been very little discussion about the Lisbon Treaty in Iceland. The public is badly informed about the Treaty and the EU in general. Despite Iceland’s on-going negotiations talks with the EU, the Icelandic government and the EU have done very little, so far, to inform the public about the EU. This has given the No-Movement in Iceland an opportunity to misinterpret the Lisbon Treaty and put

⁵² See: <http://www.eliamep.gr/en/?cat=4>.

⁵³ The Lisbon Treaty was ratified by the Greek Parliament on 11th June 2008 with 250 votes in favor and 42 against. Deputies from both ruling New Democracy (ND) and main opposition party PASOK (Panhellenic Socialist Movement) are in favor of the Treaty of Lisbon, while (KKE), Syriza (Coalition of the Radical Left) and LAOS (Popular Orthodox Rally) outvoted the Treaty of Lisbon.

forward all kinds of nonsense about it. For instance, the Icelandic No-Movement continues to argue that since the Lisbon Treaty no EU member state can leave the Union, small states have no influence in the EU, Icelanders will have to join the European army if they join the Union and that the EU is less democratic. The IIA/ESS and associated academics have tried to do their best in informing the public objectively and encouraging serious debate, but with no funds yet received for EU information work from the Icelandic government or the EU the resources are very limited. Also, the Yes-Movement and the Social Democrats have made a modest attempt to correct these fabrications about the Treaty. However, they are on the defensive and the No-Movement – which has supporters in all other major political parties and various sectoral lobbies – has had the upper hand in interpreting the Treaty so far.

Ireland (University College Dublin)

The financial and economic crisis in Ireland provides the context within which the Lisbon Treaty is being discussed. Having secured a yes vote in the referendum in October 2009, public debate in Ireland on the EU has hardened. This has a number of dimensions. First, there is considerable opposition to the terms of the EU/IMF bailout, particularly to the high interest rates that are being charged which make it more difficult for Ireland to remain solvent and to return to the financial markets. Second, there is deep anger at the issue linkage that is taking place between the bailout and pressure to change Ireland's corporate tax rate. Third, there is considerable uncertainty about the future of the Euro Zone area. In many ways the Lisbon Treaty has been overtaken by events in the economy with a result that Lisbon is seen neither as the cause nor the solution to the multiple crises facing the EU and Ireland.

Italy (Istituto Affari Internazionali)

Despite the unanimous parliamentary support for the Lisbon Treaty, its ratification did not trigger a public debate in the country⁵⁴. As rightly lamented by the commentator Andrea Romano⁵⁵, at a time when both the European project and the Italian political landscape are undergoing deep change and crisis, such a debate is badly needed. The national media did not really cover the ratification of the Lisbon Treaty in Italy while wider coverage was instead given to the first Irish referendum in June 2008 and to the appointments of the President of the European Council and of the High Representative for Foreign Affairs and Security Policy in November 2009. In particular, the fact that an Italian politician, Massimo D'Alema, was a candidate for the latter post, aroused some interest among the broad public. However, even on this occasion, a public debate on Italy's role in Europe did not take place. Similarly, the first appointments of senior ambassador at the EEAS received some coverage from the press, highlighting that Italy did obtain many senior positions for its candidates.

Besides that, only the following two EU-related issues, although only indirectly connected with the topic of the Lisbon Treaty, made the headlines in Italy:

- Immigration: the expectations for a stronger EU role in this issue following the entry into force of the Lisbon Treaty and the conflict between Italy, France and the EU over the management of massive migratory flows from North Africa as a result of the Arab spring and the war in Libya; the proposals for a change of the Treaty of Schengen;

⁵⁴ Comelli, M., "Italy's Love Affair with the EU: Between Continuity and Change", IAI WORKING PAPERS 11 | 08th April 2011, <http://www.iai.it/pdf/DocIAI/iaiw1108.pdf>.

⁵⁵ Romano, Andrea, "L'Italia si guarda nello specchio rotto del sogno europeo", *Il Sole-24 Ore* 7th June 2009.

- The impacts of the economic and financial crisis on the Euro and the reform of the Economic and Monetary Union (EMU).

A hot debate has taken place in Italy about the cooperation (or, better, the lack of it) between EU member states and between the latter and the EU on how to manage the wave of immigrants fleeing from North Africa in early 2011. The coverage of the debate by the Italian media was mostly focused on the comments of the events by the politicians, rather than by an attempt to explain the issues.

After the fall of the North-African regimes, Italian politicians levelled many critiques to the action of the European Union, judged as not incisive at all.

Most of these critiques came from members of the governing coalition. In particular, according to the Italian Minister of Justice, Angelino Alfano, contrasts between different countries of the Union are implausible, as in the case of the block to immigrants by France. Such cases according undermine the credibility of the very values on which the European Union is founded.

On the other side, the EU blamed Italy for not having sent a concrete request of immediate help to Brussels, and at the same time it defended itself, claiming to have continuously been in touch with the Italian authorities and to have already activated (last February) the European Agency for the Management of external borders (Frontex) and the European Asylum Support Office. Nevertheless, the Italian government was disappointed by what it considered to be a slow and bureaucratic approach by the Union, which, according to the Italian Interior Minister, Roberto Maroni, had a very different attitude with respect to the Greek request of controlling the borders with Turkey.

According to the Italian Interior Minister Roberto Maroni, the “temporary travel permits” issued by the Italian authorities to migrants in order for them to freely circulate within the Schengen free area, should be obligatorily acknowledged by the other EU countries, which should not reject immigrants landed and passed through Italy for the first three months of their stay. However, it was clear from the beginning that the other member states would not easily accept what the Italian government considered to be a “redistribution” of the immigrants, while other countries, starting from France, considered to be a sort of device to deviate migrants from Italy to other countries. The EU declared that the temporary permits did not automatically allow migrants arrived in Italy to freely circulate inside the Schengen borders. Finally, in a Franco-Italian Summit Silvio Berlusconi and Nicolas Sarkozy agreed on the need to propose some modifications to the Treaty of Schengen, considered not to adequate to face the current situation.

Also the topic of the impact of the economic and financial crisis on the Euro and on the governance of the European Monetary Union (EMU) received a large coverage by Italian media and prompted a political debate. However, most of the political debate and news focused on the response to the situation of Greece and other EU countries in a difficult financial situation and the Italian contribution to the reform of the Growth and Stability Pact, rather than on the reform of the Treaty of Lisbon itself decided by the European Council in December 2010 to allow countries from the euro area to build a permanent mechanism aimed at safeguarding the financial stability of the euro area (Art. 136 of the Treaty on the Functioning of the European Union).

The reform of the Stability and Growth Pact (SGP) aimed at reinforcing the economic and monetary governance, as proposed in late September 2010, gave some worries to Italy. The Italian government official position on the reform of the SGP was that the EU should consider other relevant factors of the economic and financial situation, such as the low private debt of the Italian families, when deciding on a country’s compliance with the SGP criterion on the public debt. Many Italian

businessmen and experts supported this proposal, such as Giuseppe Mussari, President of the Italian Banks Association. Finally, Italian media gave much coverage to the acceptance by the EU Council of the proposal by the Italian Finance Minister Giulio Tremonti to take into consideration also the private debt.

Besides the consideration of the amount of the national private debt, the Italian Minister of Economy and Finance Giulio Tremonti also put forward the proposal for the so-called Eurobond in order to work against an excessive external debt. In the same direction goes the Budget Committee of the Italian Senate, declaring in a resolution that the conditions of the project for the reform of the Stability and Growth Pact are pointlessly too rigid and highly penalizing for Italy. The same committee also underlines the importance of considering more indicators than just the public debt of countries, as also of considering the opportunity of the Eurobonds.

Publications on the Lisbon Treaty by other academic and non-academic institutions in Italy:

- Briasco, Luca/Capuano, Davide, A./Gianniti, L. (a cura di), “Il Trattato di Lisbona: nota introduttiva e testo a fronte con le disposizioni dei Trattati vigenti”, Roma: Senato, 2007.
- Cangelosi, Rocco Antonio, “Il ventennio costituzionale dell’Unione europea. Testimonianze di un Diplomatico al servizio della causa europea”, Venezia: Marsilio (collana Idee d’Europa), 2009.
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Latvia (Riga Stradins University)

Generally, the Lisbon Treaty issues are discussed in Latvian academic community alongside important economic sectors for Latvian and Baltic States development. With this in mind, the RSU's

European Studies Faculty actively participated in the national conferences, round-tables and public lectures to deliver up-to-date knowledge on recent Lisbon Treaty's implementation.

Of extreme importance for Latvia (due to the EU-IMF support for the country) are the financial and economic issues, in particular those concerning European economic and Monetary Union.

These aspects of political debate have been covered by the Department's professors in a recent textbook financially supported by the European Commission (published in May 2011).

National Awards

The Latvian Journalist Union awarded a diploma and prize to Professor Eugene Eteris for the EU issues' extensive and productive coverage in mass-media (April 2011).

Malta (University of Malta)

The political debate on the Lisbon Treaty was perhaps the calmest of any EU-related debates in Malta in the last three decades. The Constitutional Treaty was ratified in Parliament with the governing Nationalist Party and the Opposition Labour Party both voting in favour in 2005.⁵⁶ Then when the Constitution was shelved, the Lisbon Treaty was ratified unanimously in 2008.⁵⁷ On both occasions the Labour Party, which had strongly opposed membership up to 2004, declared that when voting in favour of the treaty it was doing so under five main conditions: (1) that the treaty does not compromise Malta's Constitutionally enshrined neutrality; (2) that none of the Constitutional provisions requiring the approval of two thirds of the members of parliament to amend, are compromised; (3) the right to grant state aid for social purposes; (4) Malta's social policy is not threatened; (5) the situation of the island of Gozo is not prejudiced.⁵⁸ These conditions were originally articulated with respect to the European Constitution but were re-invoked in the 2008 Parliamentary debate on the Lisbon Treaty.

Following the approval of the Treaty in the Maltese House of Representatives, the political debate disappeared from the radar screen. Media interest shifted to the second Irish referendum and most references to the Treaty tended to be made in that context.

After the Treaty came into effect, Dr Simon Busuttill Member of the European Parliament (EPP), ran a series of weekly articles in the Maltese language daily *In-Nazzjon*, in all some sixty articles were published in this newspaper. These articles consisted of an informative expose of different parts of the Treaty in a style that made its contents accessible to readers and to a wider public.

Luxembourg (Robert Schuman Centre for European Studies and Research)

The financial and economic crisis which turned also into a crisis of the Eurozone stood in the center of the public debate. However, in opposition to the Euro-skeptical discourse which gained ground in a series of EU member states, solidarity with Greece, Ireland and Portugal was never at stake. At the same time, the notion of a 'transfer union' is avoided by the main political actors dealing with EU affairs and being present in Luxembourgish mass media.

Yet, the Luxembourgish Prime Minister and President of the Eurogroup, Jean-Claude Juncker, and the Foreign Minister, Jean Asselborn, advocated very early the issue of Eurobonds. Therefore, German

⁵⁶ Debates of the House of Representatives, Sitting 288, Wednesday 6th July 2005.

⁵⁷ Debates of the House of Representatives, Sitting 613, Tuesday 29th January 2008.

⁵⁸ Sitting 288, 2005, p.31.

reluctance to the issue of common bonds provoked a rather harsh reaction of the Prime Minister, blaming his German counterparts for their anti-European attitude.⁵⁹

In line with the Luxembourgish stance to find a common European answer to the challenges of the Euro-crisis, the common statement of Chancellor Merkel and President Sarkozy, who urged at a bilateral summit in Deauville in October 2010 changes to the Lisbon Treaty in order to prevent future sovereign debt crisis, encountered little enthusiasm. However, severe criticism was rather directed against the open French-German claim to leadership than against the endeavor to stabilize the Eurozone. The proposal of political sanctions such as the withdrawal of voting rights in the Council for countries that do not respect their budgetary obligations under the Stability and Growth pact was rejected.⁶⁰ The need for the European Stability Mechanism (ESM), built on the existing European Financial Stability Mechanism (EFSM) was never called into question.

Apart the debate on the common currency, the issue of Justice, Fundamental Rights and Citizenship in the EU attracted considerable attention in the Luxembourgish media. Especially the row with the French government over the expulsion of Roma in autumn 2010 was covered by the press, which is partly due to the fact that the first Justice Commissioner Vivian Reding comes from the Grand-Duchy.⁶¹

Relevant publications include those of the University of Luxembourg, for example:

- Hofmann, Herwig, “Legislation, Delegation and Implementation under the Treaty of Lisbon: Typology Meets Reality,” *European Law Journal* 15 (2009): 482-505.

Netherlands (University of Twente)

Academic debates on European integration did not really change after the entry into force of the Lisbon Treaty. The political debates did change, but this already started at the time of the referendum on the European Constitution in 2005. Topics that were started then (for example on the influence of ‘Brussels’, the legitimacy of the decisions) continue today.

Norway (ARENA, University of Oslo)

Norway isn’t of course a member of the EU, and so the Lisbon Treaty itself has not been very important in political debate. However, as part of the European Economic Area and Schengen, Norway is necessarily affected by changes within the EU brought about by the Lisbon Treaty – most notably, the abolition of the “pillar” structure. Recognizing this, in January 2010 the Norwegian government established a committee of experts (including Professor Helene Sjørusen of ARENA) to “...undertake a broad and thorough assessment of the political, legal, administrative, economic and social impacts (including welfare and regional policy) of the EEA Agreement.” To this end, a number of external reports have been commissioned and public meetings held (many involving ARENA researchers), some of which have concerned changes brought about by the Lisbon Treaty.

Poland (Foundation for European Studies/European Institute Lodz)

The support for the Lisbon Treaty since its signature has largely followed the lines of division between major political forces in Poland, which was reflected, for example, in the Parliamentary

⁵⁹ Lëtzebuenger Journal, 9th December 2010

⁶⁰ L’essentiel, 30th October 2010; Luxemburger Wort, 30th October 2010.

⁶¹ Luxemburger Wort, 30th September 2010, 22nd October 2010, 28th October 2010; Tageblatt, 28th October 2010, 29th October 2010.

voting over the ratification of the Lisbon Treaty. With the majority of Civic Platform, Left Democratic Alliance and Polish People's Party voting in favour, a slight incoherence in the Law and Justice Party with divided voting could be observed.⁶² Still the opinions voiced by non-parliamentary parties after the voting confirmed their stance towards the Treaty (right-wing League of Polish Families and Real Politics Union voicing their clear anti-treaty standpoint). The developments in the reporting period presented below have their direct precedence in the period before December 2009. The successful ratification of the Lisbon Treaty in the Senate was followed by the signature of the President of the Republic, Lech Kaczynski, on 10th October 2009. Just a month later, a group of Law and Justice MPs (and a month later a group of Law and Justice Senators) brought two cases before the Constitutional Court related to the question of conformity of the Treaty with the Polish Constitution. The Senator's application was examined⁶³ and on 24th November 2010 the Court adjudicated on conformity with the Constitution of the questioned Art. 1(56) and Art. 2 of the Treaty⁶⁴. The representatives of Civic Platform, Left Democratic Alliance and Polish People's Party welcomed the ruling stressing the need for modern understanding of sovereignty while the representatives of Law and Justice announced the plan to bring the MPs case again to the Constitutional Court⁶⁵.

Most recently, on 13th February 2011 the new law on cooperation of the Council of Ministers with the Sejm and the Senate on issues related to Poland's membership in the European Union entered into force. The law is the result of the new role granted to national parliaments by the Lisbon Treaty. On 25th February 2011, the respective change in the Sejm rules of procedures followed.

Apart from the general issues related to the contents of the Treaty (including also the question of conformity of the Treaty with the Constitution of the Republic of Poland), recently the most important issue raised in the academic and political debate has been the linkage between the forthcoming Polish presidency and the Lisbon Treaty. The most important questions raised in relation to this problem concentrate upon 1) building up new practices in conducting the presidency in the context of the Lisbon Treaty institutional changes; 2) practical aspect of the Presidency in the EU-27, with particular importance attached to Polish Presidency priorities and 18-month-long functioning within the trio; 3) further implementation measures related to solutions introduced by the Lisbon Treaty as well as practices to be built up in the coming years by the new Presidencies and the role of Poland in this respect⁶⁶.

As regards the Lisbon Treaty results/debates, it is worth mentioning that all major publishing houses specialized in legal and EU literature⁶⁷ as well as the Bureau of Analysis of the Sejm have published

⁶² Results of the Sejm (Lower house of the Polish Parliament) voting on 1st April 2008 quoted after Gazeta Wyborcza daily, www.gazeta.pl, last accessed on 4th April 2011.

⁶³ The MPs application was turned down due to the absence of the applicant at the hearing causing inadmissibility of the judgment.

⁶⁴ Press release after the announcement of the judgment concerning the Treaty of Lisbon, www.trybunal.gov.pl, last accessed on 4th April 2011.

⁶⁵ Source: Gazeta Prawna: www.gazetaprawna.pl, last accessed on 4th April 2011.

⁶⁶ See for example Artur Niedzwiecki, *Przewodnictwo Polski w Radzie UE w 2011 r.* {Polish Presidency in the Council of the EU in 2011}, Warsaw, 7-11 Feb. 2011. Report prepared for the Amicus Europae Foundation (http://uniaeuropejska.org/unia/index.php?option=com_content&view=article&id=501%3Aa-niedzwiecki-przewodnictwo-polski-w-radzie-ue-w-2011-r&catid=104%3AAszuflada&Itemid=75 – last accessed on 11th April 2011); Jan Barcz, *Prezydencja w Radzie Unii Europejskiej* {Presidency in the Council of the European Union} [http://www.cie.gov.pl/HLP/files.nsf/0/F3B2783F3D881D02C125775F004C56D2/\\$file/Prezydencja_w_Radzie_UE_13.07.2010.pdf](http://www.cie.gov.pl/HLP/files.nsf/0/F3B2783F3D881D02C125775F004C56D2/$file/Prezydencja_w_Radzie_UE_13.07.2010.pdf) - last accessed on 11th April 2011. Publication prepared for the Ministry of Foreign Affairs Konstanty Adam Wojtaszczyk (Ed), *Prezydencja w Radzie Unii Europejskiej* {Presidency in the Council of the European Union}, Warsaw, 2010.

⁶⁷ For Example Wolters Kluwer, C.H Beck, Polish Scientific Publishers and others.

documents and commentaries related to changes introduced by the Lisbon Treaty (mostly on institutional, decision-making, constitutional and foreign policy issues, too numerous to be mentioned⁶⁸).

A number of conferences and seminars devoted to the Lisbon Treaty have been taking place before and since the entry into force of the Treaty. Most recent ones organised both by universities and major think-tanks (also the Sejm) concerned the question of the Polish Presidency under the Lisbon Treaty, for example:

- Foundation Institute of Public Affairs (IPA), Conference on "Parlament Europejski: rok po wyborach, rok przed polską prezydencją" [European Parliament: year after the elections, year before Polish Presidency], - Warsaw, 7th June 2010;
- Foundation Institute of Public Affairs (IPA), Conference on "Sejm i Senat w Unii Europejskiej: udział w procesie decyzyjnym i Prezydencji polskiej" [The Sejm and the Senate: participation in decision-making and the Polish Presidency], Warsaw, 13th December 2010;
- National School of Public Administration, Conference on "Europejskie standardy w administracji – wnioski dla Polski" [European standards in administration – lessons for Poland], Warsaw, 23rd February 2011;
- The Chancellery of the Sejm, Conference on "Polska Prezydencja w obszarze współpracy rozwojowej" [Polish Presidency in the area of development cooperation], Warsaw, 30th March 2011;
- The Polish Institute of International Affairs has inaugurated on 4th April 2011 a series of seminars devoted to Polish Presidency, with the first meeting devoted to the topic of "EU Presidency after the Lisbon Treaty".

The Sejm and the Senate opened a joint website (www.parl2011.pl) devoted to the parliamentary dimension of the Polish Presidency.

The Institute of Public Affairs implemented a project "Nowa rola parlamentów narodowych w UE po wejściu w życie traktatu lizbońskiego" [New role of national parliaments in the EU after entry into force of the Lisbon Treaty] between January and December 2010. Website: <http://www.isp.org.pl/projekty,nowa-rola-parlamentow-narodowych-po-wejsciu-w-zycie-traktatu-lizbonskiego,585.html> (last access on 11th April 2011). The same Institute has operated a website devoted to Presidency issues with collection of relevant publications: <http://www.isp.org.pl/obszary-tematyczne,polska-prezydencja-w-radzie-unii-europejskiej-w-2011-roku,246.html> (last access on 11th April 2011).

Selected publications (recent and related to post-Lisbon presidency)⁶⁹:

⁶⁸ Extensive list of LT-related publications including Polish ones accessible on the website of the Sejm Centre for European Information and Documentation: http://oide.sejm.gov.pl/oide/index.php?option=com_content&view=article&id=514&catid=14, last accessed on 12th April 2011.

⁶⁹ Ibid.

- Czachor, Zbigniew/Tomaszyk, Mikołaj (eds.), “Przewodnictwo państwa w Radzie Unii Europejskiej - doświadczenia partnerów, propozycje dla Polski” [Presidency in the Council of the European Union – experience of partners, proposals for Poland], Poznań, UAM, 2009.
- Barcz, J., “Prezydencja w Radzie UE - aspekty prawne i instytucjonalne” [Presidency in the Council of the EU – legal and institutional aspects], *Europejski Przegląd Sądowy*, no. 7, 2010.
- Barcz, J. “Prezydencja w Radzie Unii Europejskiej” [Presidency in the Council of the EU], Warsaw, 2010.
- Błaszczuk-Zawiła, M., “Przewodnictwo Polski w Radzie Unii Europejskiej - przygotowania i priorytety” [Polish Presidency in the Council of the EU – preparing and priorities], *Wspólnoty Europejskie*, no 4., 2010.
- Gromadzki, G., “Jaka Prezydencja? Uwagi po wejściu w życie traktatu lizbońskiego” [What presidency? Notes after entry into force of the Lisbon Treaty], *Analizy i Opinie*, no. 109, June 2010.
- Nowak-Far, A. (ed.), “Prezydencja w Unii Europejskiej. Instytucje, prawo i organizacja” [Presidency in the European Union, Institutions, law and organisation], Warsaw, 2010.
- Husak, T./F. Jasiński (eds.), “Prezydencja w Unii Europejskiej. Perspektywa praktyczna” [Presidency of the European Union. Practical aspects], Warsaw, 2010.
- Fuksiewicz, A./Szczepanik, M., “Parlament Europejski jako partner polskiej prezydencji” [European Parliament as the partner of Polish Presidency], *Analizy i Opinie ISP*, wrzesień, no. 112, 2010.
- Jesień, L./Kołatek, R., “Prezydencja grupowa UE: doświadczenia z lat 2007-2009” [Group presidency of the EU: experience from 2007-2009], *Polski Przegląd Dyplomatyczny*, t. 10, no. 3, 2010.
- Fuksiewicz, Aleksander, “Sejm i Senat rok po wejściu w życie Traktatu Lizbońskiego – dostosowanie do reformy instytucjonalnej” [The Sejm and the Senate after a year from entry into force of the Lisbon treaty – adjustments to the institutional reform], Warsaw: ISP, 2011.
- Jesień, Leszek, “The European Union Presidency”, A report for the Polish Institute of International Affairs, Warsaw, 2011.

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

Concerning the issues that have dominated the political debate in Portugal, regarding European integration and the Treaty of Lisbon, one must say that the Portuguese public sphere has been fully dominated by the so-called sovereign debt crisis in the Euro area, which took place since the advent of Greek crisis in May 2010.

It is well-known that Portugal was one of the Euro countries that were deeply affected by the contagion of the sovereign debt crisis to the periphery of the Euro area. As a consequence, Portugal had to adopt three economic and financial packages in order to speed up its plans to reduce the budget deficit.

Those economic and financial packages implied severe reductions on public expenditures – that affected the most vulnerable social groups in the country – and a strong raise on taxation. Despite the positive results achieved by these government measures in the meantime, they seemed not suffice to calm financial markets. As a result, Portugal went through all the year of 2010 facing very hard conditions to sell its sovereign bonds in international markets.

At the same time, there is a widespread conviction throughout the country that the negative situation Portugal is facing in the international markets is not only due to domestic political mistakes related with fiscal measures taken in the aftermath of the 2008 financial crash, but it is also part of a systemic crisis that is affecting the whole Euro area.

The lack of action of the Euro countries in the first phase of the Euro sovereign debt crisis and the slow EU response that followed – in order to achieve a system of economic governance for the monetary union – end up weakening the level of support and trust of Portuguese people in European integration and in the Euro, and on the benefits the country could withdraw from its membership.

In fact, it is becoming harder to explain to the citizens that the Treaty of Lisbon was a step forward in European integration. In particular, the attitude of some EU member states and national leaders is perceived by the public opinion as an attempt to dictate guidelines to Portugal on fiscal and economic policies, whose implementations have a strong impact in sensitive sectors like the health system, education and welfare benefits.

During this period, Professor Antonio Goucha Soares often went to different Cable News and TV programs to comment on EU events related to European integration and to the EU area sovereign debt crisis.

Romania (Babes-Bolyai University)

The issues pertinent to the Lisbon Treaty chiefly discussed in Romania have been: reinforced cooperation possibilities, the expansion of the QMV and the attribution of more power to national parliaments. There have been no prominent opponents to the Treaty as support for it has gathered consensus in Parliament, the civil society and academic environments. There has been no ruling by the Romanian Constitutional Court on issues germane to the Lisbon Treaty since no incompatibilities have been noted between it and the national legal framework.

Topical policy issues discussed with reference to the Lisbon Treaty have included debates on the Neighbourhood Policy, the Schengen agreement and the energy sector. Another significant area discussed with regard to the Treaty is the future membership of Romania to the Eurozone.

Apart from the Faculty of European Studies of the Babes-Bolyai University, which has produced considerable research on the Lisbon Treaty and has held cultural and press events dedicated to this matter (see above), important endeavours have been conducted by the following institutions: The Universities of Iasi, Oradea and Targu-Mures (on matters related to cross-border cooperation, for instance) and the Academy of Economic Sciences from Bucharest (an economic perspective on the Lisbon Treaty).

Romania (European Institute of Romania)

The recent debates in Romania on topics derived from the Lisbon Treaty revolve around the shaping up of a cooperation mechanism between the executive and the legislative bodies in the field of European affairs, in the context of the new attributions given to the national parliaments. There is a general feeling that the national parliament should have more influence in the shaping up of draft laws

which are relevant for the sphere of European affairs. At the same time, the legislative body should put more effort into following the activity of the working groups in Brussels from an early stage of the elaboration of the relevant documents in order to be able to exert a certain influence on the process. This fact is likely to be increasingly more difficult to achieve since more and more decisions are taken with a qualified majority. In connection to this topic, independent experts and journalists involved in the analysis of European affairs are concerned about the evolution of the draft law aiming to formalize and render more transparent the relationship between the executive and the legislative, as institutions with attributions in the national decision-making process. This draft law is expected to be finalized somewhere in May. There are high expectations that the new parliamentary *modus operandi* with two distinct parliamentary commissions, instead of the current setting – with one common commission – will turn out to be much more efficient. Another major topic of concern for authorities and researchers involved in this field is the lack of sufficient domestic expertise at the level of the structures with attributions in this field.

A significant example in this case is the recently adopted Euro Plus pact, which has hardly benefited from a proper debate in Romania, and whose implications for the countries that are parties to it are significant.

Romania (University of Oradea)

Unfortunately, in Romania, there is a gap between the academic and political debates on the Lisbon Treaty. While the academics do focus on the Lisbon Treaty and its innovations, the large public and the politicians seem not to be so interested on this topic. As a consequence, only a few issues in relation to the Lisbon Treaty and its innovations have shaped the political debate since its coming into force, for example the strengthened role for the European Parliament and national parliaments.

Slovenia (University of Ljubljana)

During the reporting period there has been a debate about EU External Action Service in terms of its staffing from national diplomatic services. No rulings with regard to the Lisbon Treaty have occurred.

No cross-linkages between national political debates and the Lisbon Treaty have emerged.

Research results on the Lisbon Treaty produced in Slovenia include the following publications:

- Slovenian expert journal *Pravnik* (Lawyer), vol. 64, issue 11/12 (2009);
- Accetto, Matej et al. *Lizbonska pogodba: z uvodnimi pojasnili* (Lisbon Treaty with Introductory remarks). 2010. Ljubljana, GV Založba;
- Accetto, Matej, *Lizbonska pogodba med mistiko in pragmatizmom* (Lisbon Treaty between mystic and pragmatism). *Pravnik* Vol. 64, issue 11/12, 2009.

Spain (University of Malaga)

It has corresponded to Spain to initiate the changes introduced by the Treaty of Lisbon with the exercise of the Presidencies since 2010. In this respect, the concrete protocols on the new way of presiding the European Councils have been developed largely during the Spanish Presidency. On the other hand, Spain has also inaugurated the scheme of Trio Presidency, which involves a planning and coordination of three Presidency periods, in this case, together with Hungary and Belgium. Hereby, the principal aspects of the Treaty of Lisbon regarding to the political debate in Spain have been considered within the framework of the Presidency and have been concerning to: the start-up of the new institutions of the European Union (President of the Council, President of the Commission,

President of the Council of the European Union, the High Representative); the creation of the European External Action Service (EEAS or EAS), the European Popular Legislative Initiative, the Adhesion of the EU to the European Convention on Human Rights and the Solidarity Clause.

In addition, there are topics of special political and academic debate, in which the Treaty of Lisbon is always a reference: the EU 2020 Strategy for the reactivation of the economic sustainable growth and the creation of employment, the Treaty of Lisbon and the economic government (related to the European Mechanism of Stability in the Euro zone), the economic recovery and the solution to the crisis, the economy and knowledge society, the fight against the climate change and the European energy policy, the statute of the European citizens (Charter of Fundamental Rights, EU Social Policy Agenda, equality between women and men, the freedoms, Justice and Security, European policies on immigration and asylum) and the aspects of the European Union as global actor (Foreign Policy, Security and Cooperation, Euro-American policy, European Neighbourhood Policy, the Union for the Mediterranean and the enlargement of the Union).

Parallel, the academic and social debate has provided some critical lessons concerning the application of the Treaty of Lisbon, some of which remain summarized in the following phrases: "Inheritor of the old and unsuccessful Constitutional Treaty", "Old-fashioned on not having allowed a suitable democratic control of the finance", "deregulation ..." with reference to the Bolkestein directive or to the proposal of 65 hours labour week, "incapable facing the climate change and the answer to the crisis", "excesses of neoliberalism in the economic proposals for the rescues of countries with deficit"... Many of those can be accessed through the newscasts of the International Association attac-Spain.

Equally, different universities, public and private, have produced research results on the Treaty of Lisbon in the period of analysis; mentioning some work titles: "Estudios sobre el Tratado de Lisboa", "La Europea que viene. El Tratado de Lisboa", "Derecho Administrativo Europeo en el Tratado de Lisboa",... (consult www.librosaulamagna.com). "Tratado de Lisboa. Carta de los Derechos Humanos" by Enrique Barón Crespo, edited in 2010 and translated into several languages, is prominent.

Maybe one of the research results in the analysed period that, though it is not directly about the Treaty of Lisbon, really supposes a reference is: "La protección de la democracia y los derechos humanos en la acción exterior de la Unión Europea (un compromiso renovado tras la reforma de Lisboa)", the 4th Andalusian Prize of Research on European Integration of the European Information Network of Andalusia (Spain) (www.andaluciaeuropa.com).

Sweden (Karlstad University)

Sweden ratified the Lisbon Treaty on 20th November 2008, and the implementation of the Lisbon Treaty was finally secured at the end of the Swedish EU Presidency (see Miles, 2010), and thus to some degree, the implementation of the Lisbon Treaty was seen as being a success of the Swedish EU Council Presidency. It also represented to some extent the end of serious attempts by those in Sweden opposed to the Lisbon Treaty to link the discussion of a Lisbon Treaty renegotiation with the general unease over the future of Swedish collective agreements governing the labour market in Sweden after successive judgments of the European Court of Justice (Laval, Viking and Ruffert cases) that questioned their compatibility with EU law.

For the most part, specific discussion on the impact of the Lisbon Treaty has been muted with only limited intermittent discussions – most notably on Sweden's role in the evolving External Action Service (EAS) and the appointment of Swedish diplomat, Christian Leffler, to a senior post in the

EAS in 2010. For the most part, Swedish debates on the EU have focused on the aftermath of the 2008 financial crisis and Swedish responsibilities towards the instability of the Euro zone as a “euro-outsider” – although there have been few linkages to the Lisbon Treaty in these debates.

The autumn of 2010 was dominated by the September General Election that saw the return of the non-socialist Alliance government to power and the electoral rise of the populist, anti-immigration, Sweden Democrats – who secured parliamentary representation in the Swedish Riksdag for the first time. Indeed, the major on-going debate in Sweden in relation to the Lisbon Treaty has been in the content of debates on migration, including on its future, state control and the viability of border controls. In May 2011, this debate took the form of a discussion of Swedish responses to the Danish decision to re-impose border controls on the Danish-Swedish border.

With the onset of the Libyan crisis in Spring 2011, Lisbon Treaty profiles were also indirectly part of Swedish debates surrounding the government’s decision to make available Swedish military JAS-39 Gripen jets for NATO-led task of implementing a no-fly zone, which were seen by many of testimony of the flexibility of Swedish non-alignment and the growing integration of Sweden into Europe’s security architecture, affecting both future roles in NATO and to a lesser extent in the EU. This view was reinforced given the Reinfeldt government’s continuing commitment to maintain a small Swedish contribution to peace-keeping forces in Afghanistan.

Recent publications include the various works on Swedish public opinion published by the SOM Institutet at Göteborg University, a new yearbook by the Swedish Network of European Studies (SNES) on “Can the EMU Survive Without a Fiscal Union?” and various reports of the Swedish Institute of European Policy Studies (SIEPS) on EU economic governance (2011), the financial crisis (2011) and Swedish court attitudes to ECJ Rulings (2011) as well as two dedicated reports on national and regional political elites and the Lisbon Treaty (published under the auspices of EU-PO-LIS project from Karlstad University researchers).

Sweden (Swedish Institute of International Affairs)

In Sweden, issues in relation to the Lisbon Treaty and its innovations that have shaped the political debate since its coming into force are the disagreement between political leaders in Brussels, the possibilities of making development policy more efficient, migration, EU as a security actor and popular opposition as well as the outcome of the voting in Poland, the Czech Republic and on Island respectively. Other such topical policy issues discussed in Sweden have been the Swedish Presidency, EU-NATO relations, the Solidarity Clause and disaster management.

The Swedish government took pride in handing over the Presidency to Spain with the Lisbon Treaty having entered fully into force. Moreover, EU-NATO relations have long been an issue in Sweden. Moreover, in 2010, a vigorous debate took place in the Swedish government offices (centred in the Ministry of Defence) on the various security obligations posed by the Lisbon Treaty. Debate focused on (a) the Solidarity Clause, Art. 222 of the TFEU, and (b) the so-called mutual defence clause, Art. 42 of the TEU. Both clauses have the potential to interfere with Sweden’s historical non-alignment principles. In the end, it was concluded that both obligations do not fundamentally change Sweden’s stance but close observations of future developments of both clauses was recommended.

Since 2009, the Swedish Agency for Civil Contingencies (MSB) has focused strongly on the Lisbon Treaty and its implications for European cooperation on issues related to disasters. Part of the debate in the MSB examined how the Lisbon Treaty affected counter-terrorism policy, international disaster relief, critical infrastructure protection and research funding. The agency has entered into debate with

other government agencies, along with governmental ministries, on whether Sweden should accelerate EU attention on these issues.

List of other academics and publications on the Lisbon Treaty:

- Hillion, Christophe Professor of European Law, University of Leiden, visiting Professor at Stockholm University and Researcher at the Swedish Institute of European Policy Studies.
 - “The Post-Lisbon EU system of external relations: Implications for EU–Ukraine relations”, *Wider Europe Working Paper 5/2010*.
 - “The Creeping Nationalisation of the EU Enlargement Policy”, *SIEPS 6/2010*.
- Lysén, Göran, Professor Emeritus of Public International Law, Uppsala University. “Det nya EU efter Lissabonfördraget” [The New EU after the Lisbon Treaty], Stockholm: Iustus, 2010.
- Tallberg, Jonas, Professor at the Department of Political Science, Stockholm University, “Party politics in the European Council”, *Journal of European Public Policy*, 2008, Vol. 15 (8), 1222-1242.

Turkey (Middle East Technical University)

Informed opinion on the Lisbon Treaty saw it as a necessary step for an EU that is less introspective and closer to a political unity, with the warning that Turkey now needs a full-fledged accession strategy as the political identity of the Union is getting stronger.⁷⁰ However, the Treaty did not receive special attention or full coverage in the press or in the public debate. The failure of the former Constitutional Treaty and the perception that the Lisbon Treaty is a watered-down version of it, changes in Turkish foreign policy which shifted Turkey’s attention mainly to the Middle East and Asia, the frustration and disappointment with the EU as well as a general feeling of aloofness from the EU and Europe resulting from the problems in the Turkish accession process to the EU⁷¹ have all contributed to this result.

Analyses of the results of the Lisbon Treaty and their implications for Turkey came from research institutes and think tanks mostly focusing on its implications for future enlargements. The Turkish parliament’s external relations and protocol administration’s briefing report, for instance, drew attention to the system of enhanced cooperation as a potential tool in the hands of those who argue in favour of a privileged partnership with Turkey instead of full Turkish membership to the EU.⁷² Another report by the Economic Policy Research Foundation of Turkey (TEPAV) argued that the double majority voting system established by the treaty could alleviate some of the concerns regarding Turkey’s “potential weight” in the Council. In addition, increasing involvement of national parliaments in the EU’s decision-making received a positive note in the report as this would work towards calming down a segment of Turkish society which associates EU membership with loss of sovereignty.⁷³ Others, however, considered this as something that might obstruct Turkish accession to

⁷⁰ Bahadır Kaleağası (Coordinator of the Turkish Industrialists’ and Businessmen’s Association (TUSIAD) quoted in *Hürriyet Daily News*, 19 November 2009.

⁷¹ İKV’s Nas: EU Future with Lisbon Treaty Should Concern Turkey, Interview with Çiğdem Nas by Yasemin Poyraz Doğan, *Today’s Zaman*, 21 December 2009, available at: <http://www.todayszaman.com/tz-web/news-196138-8-ikvs-nas-eus-futurewith-lisbon-treaty-should-concern-turkey.html> (last accessed on 17th May 2010).

⁷² Sumru Bilcen: AB’de Önemli Bir Adım: Lisbon Antlaşması, TBMM Dış İlişkiler ve Protokol Müdürlüğü, 24 April 2010.

⁷³ Nilgün Arısan Eralp, “Lisbon Treaty and Turkey at a First Glance”, in: *TEPAV Evaluation Note*, December 2009.

the EU.⁷⁴ Yet, another commentary argued that this system would prevent the votes against Turkish EU membership by any three of the four larger EU member states (France, the United Kingdom, Germany and Italy) from prevailing.⁷⁵

It is interesting to see that even the nomination of Herman van Rompuy as the President of the European Council was evaluated with the idea of Turkish accession in mind. One commentary saw this as a victory of those in the Union who argue for a privileged partnership with Turkey due to his past statements against Turkish EU membership. His previous statement that Turkish membership to the EU would undermine current universal values in Europe, which are also fundamental Christian values, received major attention. For some commentators his appointment even confirmed the idea that the EU is a civilisation project, calling into question Turkey's belonging to the EU.⁷⁶

In addition to these, other participants of the debate on Lisbon Treaty focused on its implications for the Common Security and Defence Policy of the EU and drew attention to the possibility of conflict between the High Representative of the Union (due to the role within the European Commission) and the President of the European Council due to the blurred lines of authority in representing the Union.⁷⁷ Eventually however, attention was drawn by informed observers of the European integration to the possibility of resolution of Turkey-EU problems in the accession negotiation process - which is a result of the Cyprus conflict - since the Lisbon Treaty increases the European Parliament's voting power and, thus, provides the potential to circumvent (Southern) Cypriot vetoes (this will be explained later).

Overall, it can be concluded that public debate on the content of the Treaty and its implications for the subsequent working style and structure of the EU was limited as a result of the aforementioned factors. Therefore, the latter two questions cannot be considered relevant to the debate in Turkey, a candidate country whose accession prospect is problematic.⁷⁸

It is widely known that the Cypriot issue haunts not only the Turkish accession negotiations but also NATO-EU relations in international politics.⁷⁹ In Turkey, sensitivity on the Cyprus issue and the criticisms against the way the EU became a party in this problem make it hard for the government to officially extend the Customs Union fully vis-à-vis Cyprus as the EU demands. The majority in Turkey share the belief that the Turkish Cypriots proved their willingness for the resolution of the conflict by their vote in favour of the 2004 UN's Annan Plan while the Greek Cypriots proved their intransigence by voting against the Plan. For the Turks and Turkish Cypriots, the fact that the Greek Cypriots were rewarded by the EU membership whereas the pledge by the EU for direct trade with the Turkish Cypriots never materialised more than justifies Turkey's position on not extending the Customs Union towards Cyprus – even at the cost of being unable to open numerous chapters blocked by Cyprus and to close any chapter in the accession negotiations. Some segments of Turkish society may continue to criticise extending Customs Union towards Cyprus even if the EU Direct Trade Regulation with Turkish Cypriots becomes possible, arguing that the EU's double standards should be

⁷⁴ Bilcen, *op.cit.*

⁷⁵ Cuneyt Yuksel: Lisbon'dan Sonraki Birlik ve Türkiye, 16th October 2009, available at: <http://www.abhaber.com/ozelhaber.php?id=4457> (last accessed on 26 April 2010).

⁷⁶ Hilmi Yavuz: Avrupa Birliği Bir Medeniyet Projesidir, Zaman Online, 22nd November 2009, <http://www.zaman.com.tr/yazar.do?yazino=918811> (last accessed on 26th April 2010).

⁷⁷ Ömer Kurtbağ: ATAUM AB Analiz, 26 November 2009, available at: <http://www.ataum.tk> (last accessed on 26th April 2010).

⁷⁸ The answer presented above relies on the Center's contribution to EU-27 Watch mentioned before.

⁷⁹ The following answer draws upon the forthcoming contribution of Prof. Atilla Eralp and Dr. Zerrin Torun to the European Council on Foreign Relations publication on "What does Turkey think?"

rejected. Accordingly, in their view the EU's approach to interpret access of Cypriot transportation to Turkish ports as part of the Customs Union while holding Turkish transportation outside the realm of the Customs Union just goes to show the EU's consistent unfairness towards Turkey.

However, the Turkish proposal to open Turkish ports to Cyprus in return for the EU action to end the isolation of Turkish Cypriots is still at the table, and if the EU opens the way for direct trade, the Turkish government will be then be able to change its current position at a relatively low cost in terms of electoral support.

In other words, the final decision of the EU concerning the Direct Trade Regulation with northern Cyprus will be just as historical as the decision on Turkish candidacy since it holds the potential to undo the current deadlock in accession negotiations.

In this framework, analysts have drawn attention to the increasing role of the European Parliament as a result of the Lisbon Treaty and the potential that the Parliament may use this role to unblock the deadlock in Turkey-EU relations by putting an end to the isolation of Northern Cyprus and deciding in favour of direct trade between the EU and them.

Scholarly journals of the Turkish Universities, in particular, published numerous articles on the changes introduced by the Treaty. Scholars analysed these changes as they pertain to their respective fields of study, for instance, legislation, CFSP, budgetary procedures, local and regional government and protection of minorities. These examples are as follows:

- Topal, Emre, "Lizbon Antlaşması ile Avrupa Birliği'nde Yasama Niteliğindeki İşlemler ve Yasa Yapım Süreçlerine Getirilecek Değişikliklere Genel Bir Bakış", in: *Yasama Dergisi*, Sayı 9, Mayıs-Haziran-Temmuz-Ağustos 2008, 17-34.
- Zhussipbek, Galym, "2007 Lizbon Antlaşması, Avrupa Güvenlik ve Savunma Politikası'nın Tanımı ve Özellikleri, Güvenlik Aktörü Olarak AB'nin Nitelikleri", in: *Ankara Avrupa Çalışmaları Dergisi*, Cilt 8, No1, 2009, 139-164.
- Akar, Sevda, "Lizbon Antlaşmasının Avrupa Birliği Bütçe Sürecine Getirdiği Yenilikler ve 2010 Avrupa Birliği Bütçesi", in: *Marmara Üniversitesi İİBF Dergisi*, Cilt XXVIII, Sayı I, 2010, 161-170.
- Kerman, Uysal, "Avrupa Birliği: Yerel ve Bölgesel Yönetimler", in: *Süleyman Demirel Üniversitesi İİBF Dergisi*, C. 14, S 1, 2009, 273-286.
- Arsava, Füsun, "Avrupa Birincil Hukukunda Azınlıkların Korunmasının Hukuki Dayanağı", in: *Uluslararası Hukuk ve Politika*, Cilt 6, Sayı 23, 2010, 1-14.

Turkey (Sabanci University)

There are not many arenas of debate in Turkey on the Lisbon Treaty. Mostly, debate revolves around the EU itself and the Turkish accession negotiations. The Lisbon Treaty only receives academic attention. The outreach activities conducted at the Sabanci University aimed at informing the stakeholders on the implications of the Lisbon Treaty and the path of European integration after the Lisbon Treaty.

United Kingdom (University of Sheffield)

The political debate

The Lisbon Treaty has had some significant implications for British politics and these in turn might quite possibly impact on the EU as well. The impact on British politics can be traced back to the divisions within Parliament at the time of the Treaty's ratification. Specifically, there was significant criticism of the Treaty from within the Conservative Party, which has become a much more Euro-sceptic party than when it was last in power under Prime Minister John Major. Specifically, the Conservative Party in opposition had made a commitment to hold a referendum on the Lisbon Treaty. It paid particular attention to the Labour Government's commitment (under Tony Blair) to hold a referendum on the Constitutional Treaty, and what Euro-sceptic opinion regarded as its failure to honour this commitment during the ratification of the Lisbon Treaty. The long-standing British concern over national and parliamentary sovereignty had been re-activated during the decade-long constitutional 'episode'. Having been unable to force a referendum on the Lisbon Treaty, the party was keen to ensure that any future transfers of sovereignty would be subject to a 'referendum lock'.

The UK general election of May 2011 presented a new situation at Westminster: the crafting of a coalition agreement, namely between the Conservatives and the Liberal Democrats. These parties represent the most Euro-sceptic and most Euro-ophile of the British parties represented in Westminster.⁸⁰ In the ensuing coalition agreement the Conservatives had to abandon some potentially controversial plans to repatriate powers from the EU in favour of a promise to be a 'positive participant' in the EU. However, a commitment was made not to make any further transfer of sovereign powers during the current parliamentary term and, moreover, to establish a 'referendum lock' to cover any future treaty reform, while considering a UK Sovereignty Bill to make clear that sovereignty resides in Parliament. Influential in some of this thinking was the role that the German Federal Constitutional Court has been able to play in connection with EU treaty reform, notably in requiring explicit votes in the German Parliament, should there be transfers of sovereignty under the simplified procedures contained within the Lisbon Treaty.

The resultant European Union Bill was introduced in Parliament and by spring 2011 was at committee stage in the House of Lords (and en route to completing its passage into law). The Bill:

- Provides for a referendum throughout the United Kingdom on any proposed EU treaty or treaty change which would transfer powers from the UK to the EU,
- Ensures that an Act of Parliament would have to be passed before a 'ratchet clause' or a passerelle (bridging clause) could be used. In addition, if the passerelle involved a transfer of power or competence from the UK to the EU, this would also be subject to a referendum before the government could agree to its use,
- Enables the UK to ratify a Protocol to allow additional European Parliament seats for the UK and 11 other Member States during the current European Parliament term, and to legislate for the extra UK seat,

⁸⁰ The Euro-sceptic United Kingdom Independence Party (UKIP) is represented in the European Parliament but has failed to secure seats at Westminster under the first-past-the-post electoral system.

- Provides for a clause that affirms that EU law takes effect in the UK only because Parliament wills that it should. This confirms the principle that Parliament is sovereign.⁸¹

As can be seen, the legislation would come into play if the Lisbon Treaty's so-called ratchet clauses are put into effect. Although there is some limited scope for discretion on the part of the government—and this has been a matter of contention during its passage through Parliament—the potential is opened up for the UK's Euro-sceptic public opinion to prevent future EU institutional reform. The legislation has already had an impact upon the form that has to be taken for any treaty changes needed in connection with financial mechanisms necessary to support the euro-zone. In other words, it was necessary to ensure that there would be no applicability to the UK in order to avoid the risk that such reform needs approval through a referendum.

The academic debate

The principal academic venue in the UK for discussion of the Lisbon Treaty was a conference held on 31 January/1 February by the University Association for Contemporary European Studies. This conference comprised five thematic panel sessions, a keynote lecture by Helen Wallace and a round table session.⁸²

⁸¹ Sourced from Parliament's website: <http://services.parliament.uk/bills/2010-11/europeanunion.html>.

⁸² Many of the papers (and/or podcasts) are available online at:
<http://www.uaces.org/events/conferences/lisbon/programme/abstracts.php>.