

## OVERVIEW: SUBSTANTIAL INSTITUTIONAL CHANGES ENTAILED BY THE TREATY OF LISBON

Scope	Existing legal status	Treaty of Lisbon
<b>Designation and structure of the treaty</b>	2 parts: - EU Treaty - EC Treaty	2 parts: - Treaty on the European Union, TEU - Treaty on the Functioning of the Union (corresponds to Treaty establishing the European Community)
<b>Legal personality</b>	The EU has no legal personality.	The EU has a legal personality.
<b>Objectives of the EU</b>	The "activities" include an "internal market" and a "system ensuring that competition within the internal market is not distorted".	Objectives include the "internal market".
<b>European Council</b>	The European Council is headed by the President. That person is the head of state or government of the member state which holds the presidency of the Council. The period of office is six months.	The European Council is headed by a chairman (President of the European Council), who has a term of two and a half years, renewable once. The President of the European Council shall not hold a national office.
<b>European Parliament</b>	Right of co-decision only in selected areas of policymaking.	Co-decision as the norm. There are exceptions inter alia in the areas of foreign and security policy, police and judicial cooperation and intellectual property.
<b>European Parliament – composition and weighting of votes</b>	The number of members of the European Parliament must not exceed 732. Due to the entry of Romania and Bulgaria in 2007 the present number equals 785.  Citizens are represented in a declining proportional manner in the European Parliament, yet by at least 5 members per member state. The number of 99 seats per member state must not be exceeded.  Disproportionality factor of 10,4: Germany with 82 million residents has 99 representatives; Malta with 400.000 has five. Hence a German representative represents 830.000 residents, a Malta representative 80.000.	The number of members of the European Parliament must not exceed 750, plus President.  Citizens are represented in a declining proportional manner in the European Parliament, yet by at least 6 members per member state. The number of 96 seats per member state must not be exceeded.  Disproportionality factor of 12,8: Germany has 96 representatives and Malta six.
<b>European Commission</b>	The number of Commission members equals the number of member states (currently 27).	The number of Commission members as from 2014 will be two-thirds of the number of member states (current status: 18).

\* Print in italics shows equivalent passages in regard of the EU Reform Treaty and the current legal situation. The links refer to background documents in German language.

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<b>Decision-making process</b>	<p>Essentially there are 4 types of legislative procedure:</p> <ul style="list-style-type: none"> <li>-co-decision procedure (European Council and European Parliament jointly and equally adopt provisions)</li> <li>-cooperation</li> <li>-consultation procedure or hearing procedure</li> <li>-cooperation procedure (only in the area of economic and monetary union).</li> </ul>	<p>2 Legislative procedures:</p> <ul style="list-style-type: none"> <li>- “Ordinary legislative procedure” as the norm; corresponds to the current co-decision.</li> <li>- Special legislative procedure. The adoption of provisions by any legislative organ (either European Parliament or Council); whereas the participation of the respective other legislative organ is stipulated by the respective provisions of the Treaty of Lisbon (as provided for in the areas of social policy, environment and family law).</li> </ul>
<b>Extension of decision-making in the Council with qualified majority</b>	Decisions with qualified majority in 137 policy areas.	<p>Decisions with qualified majority in 181 policy areas.</p> <p>New fields are police and judicial cooperation, joint transport policy, asylum, assumption and pursuing of self-employment, controls an external borders and diplomatic and consular protection.</p>
<b>Transition from unanimous to majority voting in the Council of Ministers</b>	<p>The Council of Ministers can decide such transition to majority voting for</p> <ul style="list-style-type: none"> <li>- certain parts of social policy</li> <li>- aspects of environmental policy</li> <li>- visa, asylum and immigration policy</li> <li>- police and judicial cooperation in criminal matters.</li> </ul> <p>The involvement of national parliaments is not provided for.</p>	<p>The Council of Ministers can decide such transition to majority voting for</p> <ul style="list-style-type: none"> <li>- certain parts of social policy</li> <li>- aspects of environmental policy</li> <li>- aspects of family law with cross-border relevance</li> </ul> <p>In the last-named case, each national parliament possesses a 6-month right of objection against such transition, otherwise not.</p> <p>The European Council can decide such transition for all other policy areas of the Union, except for those of military or defence relevance.</p> <p>Every national parliament has a right to object within 6 months. For the Common Foreign and Security Policy, such transition is not subject to a right of objection by national parliaments.</p>

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<p><b>Decision-making in the Council with a qualified majority</b></p>	<p>The qualified majority is defined as the majority of member states (currently 14 of 27), and 255 of 345 votes (= 73, 91%); the votes are distributed across member states according to a fixed key.</p> <p>A further precondition for decisions, which must be met upon request by a member state: 62% of the EU population.</p>	<p>As from November 2014, the qualified majority is defined as 55% of member states and 65% of the EU population. Blocking minority: 4 member states.</p> <p>From November 2014 until March 2017, a member state may on a case-by-case basis apply for a vote under the current procedure.</p> <p>From November 2014 until March 2017, initiation of a review procedure under the Ioannina clause by 10 member states or 26,3% of the EU population.</p> <p>As from April 2017, initiation of a simplified review procedure under the Ioannina clause by 8 member states or 19,3 % of the EU population.</p>
<p><b>Extension of EU competencies</b></p>	<p>-</p>	<p>Extension of competencies, especially into the areas of</p> <ul style="list-style-type: none"> <li>- Energy policy</li> <li>- Space</li> <li>- Tourism</li> <li>- Sport</li> <li>- Civil Protection</li> </ul>
<p><b>Excessive Deficit Procedure/ Stability and Growth Pact</b></p>	<p>If the Commission considers that an excessive deficit in a Member State exists or may occur, the Commission shall address an opinion to the Council.</p> <p>The Council shall, acting by a qualified majority (existing weighting of votes) on a recommendation from the Commission, decide after an overall assessment whether an excessive deficit exists.</p> <p>Any subsequent measure against the member state concerned to eliminate such an excessive deficit is adopted by the Council on a recommendation of the Commission by a 2/3 majority. The member state concerned has no voting right in such case.</p>	<p>If the Commission considers that an excessive deficit in a Member State exists or may occur, it shall address an opinion to the Member State concerned and shall inform the Council accordingly.</p> <p>The Council shall, acting by a qualified majority (new definition as of November 2014, s.a.) on a proposal from the Commission, decide after an overall assessment whether an excessive deficit exists. The member state concerned has no voting right in such case.</p> <p>Any subsequent measure against the member state concerned to eliminate such an excessive deficit is adopted by the Council on a recommendation of the Commission by a qualified majority (as of November 2014 in new definition, s.a.). The member state concerned has no voting right in such case.</p>

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<b>Budget</b>	<p>The adoption of the budget is the responsibility of the Council of Ministers and the Parliament, who together constitute the Union's budgetary authority.</p> <p>The EP may reject the draft budget in its entirety.</p> <p>Distinction between obligatory and non-obligatory expenditures.</p> <p>The Council of Ministers decides with legal force upon obligatory expenditures, the EP upon non-obligatory ones.</p>	<p>The adoption of the budget is the responsibility of the Council of Ministers and the Parliament, who together constitute the Union's budgetary authority.</p> <p>Both the EP and the Council of Ministers may reject the draft budget.</p> <p>No distinction between obligatory and non-obligatory expenditures.</p>
<b>Common Foreign and Security Policy (CFSP)</b>	<p>In principle unanimous decision-making by the Council of Ministers.</p>	<p>In principle unanimous decision-making of resolutions by the Council of Ministers.</p> <p>The European Council can unanimously decide upon the move from unanimous to majority decision-making (French: „passerelle“, or bridge procedure). There is no provision for notification of or veto right by the national parliaments.</p> <p>This does not apply to decision-making of military or defence relevance.</p>

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<p><b>Police and judicial cooperation in criminal matters (PJCCM)</b></p>	<p>The aim is the joint combatting of especially serious cases of cross-border criminality, especially through the fostering of operative and non-operative cooperation between national authorities.</p> <p>Enhanced cooperation is possible given a qualified majority in the Council of Ministers.</p> <p>The competency of the European Court of Justice in the area of PJCCM rests on the acknowledgement of competency by a given member state.</p>	<p>The aim is the joint combatting of especially serious cases of cross-border criminality, especially through the fostering of operative and non-operative cooperation between national authorities.</p> <p>The PJCCM is based upon the mutual recognition of court and out-of-court decisions.</p> <p>Enhanced cooperation is possible given a qualified majority in the Council of Ministers.</p> <p>If there is disagreement in the Council of Ministers, at least one-third of member states may commence enhanced cooperation in certain circumstances without the European Council having to take a decision on it.</p> <p>PJCCM is within the competence of the Union's jurisdiction.</p> <p>Optional establishment of an EU public prosecutor's office.</p>
<p><b>External relations</b></p>	<p>Simultaneously, there is</p> <ul style="list-style-type: none"> <li>- a "High Representative of the Union for Foreign Affairs and Security Policy", which is no member of the European Commission.</li> <li>- a member of the European Commission responsible for foreign affairs.</li> </ul>	<p>There is a "High Representative of the Union for Foreign Affairs and Security Policy".</p> <p>That person also chairs the EU Council of Foreign Ministers and is vice-president of the Commission.</p> <p>That person has the right of initiative.</p> <p>A European External Action Service will be established.</p>
<p><b>Enhanced cooperation between member states</b></p>	<p>Enhanced cooperation is possible in all areas given a qualified majority in the Council of Ministers.</p>	<p>In the CFSP area, this is possible given unanimous voting in the Council of Ministers; in all other areas, contingent upon a qualified majority.</p> <p>If there is disagreement in the Council of Ministers, at least nine member states may commence enhanced cooperation in certain circumstances without the European Council having to take a decision on it.</p>

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<b>Charter of Fundamental Rights</b>	Not legally binding.	<p>Legally binding.</p> <p>Legally binding effect is achieved by means of a specific article in the EU Treaty.</p> <p>The Charter is valid for the Union and all its member states except the United Kingdom.</p> <p>A declaration by the IGC will establish that the Charter neither extends the field of application of EU law beyond the competencies of the Union nor does it establish any new power or task for the Union or does it modify powers and tasks as defined by the Treaties.</p>
<b>Early warning system for national parliaments to monitor compliance with subsidiarity principle</b>	No right of scrutiny provided for.	<p>The majority of national parliaments can require the European legislature, i.e.: the Council of Ministers and the Parliament, to “review” a legislative proposal within eight weeks of it being forwarded to them.</p> <p>The Commission may retain, amend or withdraw its proposal.</p> <p>If it retains its proposal, it must submit a reasoned opinion to the Council of Ministers and the EP. It must withdraw the proposal if 55% of Council of Ministers members or the majority of votes cast in the EP request this.</p>
<b>Treaty amendment</b>	The government of any member state or the Commission can submit draft Treaty amendments to the Council of Ministers.	The government of any member state, the European Parliament or the Commission can submit draft Treaty amendments to the Council of Ministers.
<b>Reassignment of competencies to the member states</b>	-	There is an explicit provision that the Treaty may be amended in order to “increase or reduce” the competencies conferred to the Union.
<b>Repeal of provisions</b>	-	On an initiative of one or several of its members the Council may request the Commission to make proposals regarding the repeal of provisions.
<b>Withdrawal from the EU</b>	There is no provision for withdrawal from the EU.	Withdrawal from the EU is possible.