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Creation date: 23-02-2020
Adapting legal acts to Articles 290 and 291 TFEU

Publication type At a Glance
Date 10-04-2019
Author Laura TILINDYTE-HUMBURG
Policy area EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts
Keyword power of implementation | EU act | legal basis | Treaty of Lisbon
Summary By introducing delegated and implementing acts, the Lisbon Treaty (2007) reformed the system of conferring upon the Commission the power to adopt non-legislative measures. However, a certain category of pre-Lisbon acts, referred to as 'regulatory procedure with scrutiny' (RPS) measures, remained unaligned to the new system. Following Commission proposals of December 2016, a number of acts referring to RPS are now to be aligned with the Lisbon Treaty, while others remain to be negotiated. Having reached an agreement with the Council on 64 acts, the Parliament is expected to vote on the proposals during its April II plenary session.

At a Glance ES, DE, EN, FR, IT, PL

Election of the President of the European Commission: Understanding the Spitzenkandidaten process

Publication type Briefing
Date 05-04-2019
Author Laura TILINDYTE-HUMBURG
Policy area EU Law: Legal System and Acts
Keyword European Council | European election | President of the Commission | transparency in decision-making | turnout of voters | Treaty of Lisbon | European Parliament | interinstitutional agreement
Summary The European Parliament has long sought to ensure that, by voting in European elections, European citizens not only elect the Parliament itself, but also have a say over who would head the EU executive – the European Commission. What became known as the 'Spitzenkandidaten process' is a procedure whereby European political parties, ahead of European elections, appoint lead candidates for the role of Commission President, with the presidency of the Commission then going to the candidate of the political party capable of marshalling sufficient parliamentary support. The Parliament remains firmly committed to repeating the process in 2019 and, with EP elections now only weeks away, attention has shifted to the European political parties. A number of parties have nominated lead candidates, and this briefing gives an overview of their nominees, as well as looking more broadly at the process. This is a revised and further updated edition of an earlier briefing; previous edition from February 2019.

Briefing EN
Multimedia EN

The Scope and Mandate of EU Special Representatives (EUSRs)

Publication type Study
Date 24-01-2019
External author Francisca COSTA REIS, Researcher, Leuven Centre for Global Governance Studies, Belgium; Sharon LECOCQ, Researcher, Leuven Centre for Global Governance Studies, Belgium; Dr. Guillaume VAN DER LOO, Senior Researcher, Leuven Centre for Global Governance Studies, Belgium; Prof. Dr. Kolja RAUBE, Senior Researcher, Leuven Centre for Global Governance Studies, Belgium; Prof. Dr. Jan WOUTERS, Director, Leuven Centre for Global Governance Studies, Belgium.
Policy area Security and Defence
Keyword European External Action Service | the EU's international role | information analysis | operation of the Institutions | common foreign and security policy | Treaty of Lisbon | diplomatic profession
Summary The present study aims to assess the scope and mandate of EU Special Representatives (EUSRs) in an attempt to explore and provide an analysis on the role of this diplomatic instrument of the European Union, especially in light of the changes to the conduct of EU external action brought about by the Treaty of Lisbon, reflected in the creation of the European External Action Service and European Union Delegations. By doing so this study not only provides an update on the role of EU Special Representatives in the EU’s external action, but also looks forward by assessing their added value and the potential of their further institutional integration.

Study EN
Action for damages against the EU

Most legal systems, both of states and of international organisations, provide for the liability of public administrations for damage done to individuals. This area of the law, known as 'public tort law', varies considerably from country to country, even within the European Union (EU). The EU Treaties have, from the outset, provided for liability of the EU for public torts (wrongs), in the form of action for damages against the EU, now codified in the second and third paragraphs of Article 340 of the Treaty on the Functioning of the European Union (TFEU). However, these rules are notoriously vague and brief, and refer to the 'general principles common to the laws of the Member States' as the source for the rules of EU public tort law. Since the laws of the Member States on public torts differ significantly, the reference has been treated by the Court of Justice of the European Union (CJEU) as empowerment to develop EU public tort law in its own case law. The rules developed by the CJEU have been criticised by some academics as being very complex, non-transparent and unpredictable. Experts have also pointed out that the threshold of liability is set so high that actions for damages prove successful in very few cases only. According to the data available, from the establishment of the EU until 2014, the Court only actually granted compensation to applicants in 39 cases. As a result, some scholars have even pointed out that the principle of EU liability for public torts is 'illusory' and that action for damages is not an effective means of protecting fundamental rights. Other academics add that the question of establishing the principles of EU public tort law is not merely a technical issue, but a political one, as it touches upon fundamental questions of distributive justice and the form of government in the Union, and therefore should be the subject of democratic debate. This Briefing is one in a series aimed at explaining the activities of the CJEU.

Briefing EN

The citizens of the Union and their rights

Individual citizens' rights and European citizenship are enshrined in the Charter of Fundamental Rights of the European Union (EUCFR), the Treaty on the Functioning of the European Union (TFEU) and Article 9 of the Treaty on European Union (TEU). They are essential factors in the formation of a European identity. In the event of a serious breach of basic values of the Union, a Member State can be sanctioned.

EU Fact Sheets BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, HR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV

Working with national parliaments on EU affairs

National parliaments possess certain democratic qualities and responsibilities, such as popular legitimacy or scrutiny of the executive power. However, for decades the European Treaties have neither regulated nor envisaged any substantive relations between national parliaments and the European institutions – the role of national parliaments was marginal or overlooked. The situation began to change slowly with the adoption of the Treaty of Maastricht (1992). However, the real change in national parliaments' status in the EU is connected with the adoption of the Treaty of Lisbon (2007), which has enabled national parliaments' active involvement in EU affairs and enhanced the dialogue between national parliaments and the EU institutions. Today, national parliaments actively participate in the scrutiny of subsidiarity principles in draft EU legislative acts; they are engaged in a political dialogue with the European Commission; and they are involved in interparliamentary cooperation with the European Parliament. National parliaments strive to become an active and appreciated player at EU level. Against this background, this European Implementation Assessment seeks to provide an overview and analysis of the body of research carried out with regard to the position of national parliaments in the EU.

Study EN
Outlook for Brexit negotiations
Publication type At a Glance
Date 04-05-2017
Author Carmen-Cristina CIRLIG
Policy area EU Democracy, Institutional and Parliamentary Law
Keyword negotiation of an agreement (EU) | United Kingdom | withdrawal from the EU | Treaty of Lisbon
Summary On 29 March 2017, Theresa May, the UK Prime Minister, officially notified the United Kingdom’s intention to withdraw from the European Union (EU), following the previous year’s referendum which resulted in a narrow vote to leave the EU (by 51.9 % to 48.1 %). Despite the EU and the UK being about to start negotiations, with a common aim of delivering an orderly withdrawal and minimising the negative impact on citizens and businesses, many issues remain far from clear.

The Brexit Negotiations: An Assessment of the Legal, Political and Institutional Situation in the UK
Publication type In-Depth Analysis
Date 16-03-2017
External author Charles GRANT
Policy area EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts
Keyword European Union membership | United States | European security | financial market | United Kingdom | free-trade agreement | national parliament | government | transitional period (EU) | Court of Justice of the European Union | economic analysis | EU national | Community migration | withdrawal from the EU | Scotland | Treaty of Lisbon | deepening of the European Union | national economy
Summary Upon request by the AFCO Committee, the Policy Department for Citizens’ Rights and Constitutional Affairs commissioned an in-depth analysis on the political and institutional situation in the United Kingdom following the referendum on the UK’s withdrawal from the EU. The research analyses the post-Brexit political developments in the UK, the various parameters that should be taken into account, by both the UK government and the 27, in view of the Article 50 negotiations and the possible shape of the final deal and the future economic relationship, taking into account the EU obligations and the constraints of Theresa May’s government.

Europe of Defence? Views on the future of defence cooperation
Publication type Briefing
Date 07-07-2016
Author Eleni LAZAROU
Policy area Security and Defence
Keyword United States | European arms policy | powers of the EP | EU Member State | European Defence Agency | EU-NATO cooperation | European defence policy | defence budget | defence expenditure | military cooperation | NATO | deepening of the European Union | Treaty of Lisbon
Summary Against the backdrop of growing security challenges, the debate regarding the future of European defence cooperation has grown in relevance. While the Lisbon Treaty introduced significant possibilities with regard to the future of EU defence policy, and while there has been consistent EU Member State public support for further cooperation in this area, progress has been slow. The impact of the economic crisis on defence budgets, fears concerning the effects of more integration on national defence industries and various political considerations are some of the reasons that have been given to explain the reluctance to move towards closer cooperation in defence until now. In early 2015, comments by European Commission President Jean-Claude Juncker regarding the possibility for the creation of an EU army sparked a wide debate among experts and political elites. In June 2015, the European Council concluded that work would continue on a more effective Common Security and Defence Policy (CSDP), on the further development of civilian and military capabilities, and on the strengthening of Europe’s defence industry. A revamped role for the EU in defence is an important part of the EU Global Strategy presented to Member States at the European Council in June 2016. Individual Member States have also taken the lead in the proposals on how to move ahead, suggesting that the momentum is there on many fronts. The European Parliament has been a longstanding advocate of a stronger and more effective CSDP. This briefing complements an earlier briefing, European defence cooperation: State of play and thoughts on an EU army, published in March 2016.
UK withdrawal from the EU – Next steps
Publication type: At a Glance
Date: 28-06-2016
Author: Eva-Maria Alexandrova POPTCHEVA
Policy area: EU Democracy, Institutional and Parliamentary Law
Keyword: Referendums on EU issues | EU Member State | political involvement | European integration | association agreement (EU) | Treaty of Lisbon
Summary: The referendum held in the United Kingdom on 23 June on the question of whether to remain in, or leave, the European Union resulted in 51.9% of those voting (on a 71.8% turn-out) supporting withdrawal from the Union. Although, formally speaking, the referendum was consultative, the British Prime Minister, David Cameron, and his government had indicated clearly in advance that the outcome would be considered binding. In announcing his resignation, Cameron said that the UK would activate the procedure set out in Article 50 of the Treaty on European Union (TEU) enabling a Member State to withdraw, but that this process would wait until his successor had been chosen (by October). In a resolution adopted at the conclusion of a special plenary session on 28 June, MEPs called on the UK government to instigate ‘a swift and coherent implementation of the withdrawal procedure’, to prevent ‘damaging uncertainty for everyone and to protect the Union’s integrity’.

Implementation of the Lisbon Treaty – Improving Functioning of the EU: Economic and Monetary Policy
Publication type: Study
Date: 16-06-2016
External author: René REPASI (European Research Centre for Economic and Financial Governance - EURO-CEFG, Erasmus University Rotterdam, the Netherlands)
Policy area: EU Democracy, Institutional and Parliamentary Law | Forward Planning | European Semester | Economics and Monetary Issues
Keyword: Economic and Monetary Union | EMU | convergence | EMU Stability Mechanism | European Union membership | direct democracy | European Council | powers of the EP | enhanced cooperation | EU budget | Eurogroup (euro area) | legal basis | European Stability Mechanism | deepening of the European Union | Treaty of Lisbon
Summary: The Treaty chapter on Economic and Monetary Union became after the entry into force of the Lisbon Treaty one of the most disputed chapters of the Treaties. The economic and financial crisis revealed the shortcomings of the asymmetric EMU. The present study assesses the unused potential of the existing Treaty chapter in order to improve the functioning of the EMU. In order to do so, the study suggests to switch the perspective on the Treaty potential from competences to compliance. By identifying the lack of mechanisms in the existing economic policy coordination framework aiming at addressing non-compliance because of a Member State’s incapacity to comply, the study suggests the introduction of an incentive-based enforcement mechanism (for the short term) and of a fiscal capacity (for the medium term) within the existing Treaties. Furthermore, the establishment of the Eurozone budget, of a Redemption Fund or the adoption of a convergence code is discussed. By the same token, the legal inclusion of the Fiscal Compact and the ESM-Treaty is examined and concrete proposals are developed. Finally, the study addresses ways of increasing the accountability and legitimacy in EMU affairs.

Referendums on EU issues
Publication type: Briefing
Date: 18-05-2016
Author: Laura TILINDYTE-HUMBURG
Policy area: EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts
Keyword: Referendums on EU issues | EU Member State | political involvement | European integration | association agreement (EU) | Treaty of Lisbon
Summary: Referendums give citizens a direct say over matters which would otherwise be decided by elected (or non-elected) representatives. Thus, as instruments of direct democracy, they may foster citizens’ involvement and legitimise important decisions. In fact, referendums have been on the rise in Europe and elsewhere in the world in recent decades, and have become a recurrent feature of European politics. Since 1972, Europe has seen 54 referendums on EU matters, concerning membership, treaty ratification or specific policy issues (e.g. adoption of the euro); further referendums are to follow in 2016. At the same time, the degree to which EU countries make use of referendums differs significantly: while the majority of Member States have held one referendum on European integration, mostly relating to membership, a handful resort to referendums more frequently. Despite the increased interest in some states, referendums remain controversial. On the one hand, advocates of direct democracy stress that referendums can, inter alia, foster citizens’ engagement and thereby improve legitimacy and governance. Critics, on the other hand, highlight the pitfalls of referendums. Especially in the aftermath of the French and Dutch rejection of the Constitutional Treaty in 2005, they suggest, inter alia, that in referendums voters tend to answer questions other than those on the ballot paper. Some critics, more generally, question the suitability of a ‘yes’ or ‘no’ vote to decide on complex, multidimensional matters within the European setting. Looking at a sample of past EU referendums, the following pages provide an overview of these conflicting views, as expressed in (academic) commentary.
On the Way towards a European Defence Union - A White Book as a First Step

Publication type: Study
Date: 18-04-2016

External author: Javier SOLANA (ESADE Center for Global Economy and Geopolitics, Spain), Angel SAZ-CARRANZA (ESADE Center for Global Economy and Geopolitics, Spain), Maria GARCÍA CASAS (ESADE Center for Global Economy and Geopolitics, Spain) and Jose Francisco ESTÉBANEZ GÓMEZ (ESADE Center for Global Economy and Geopolitics, Spain)

Policy area: Area of Freedom, Security and Justice | European Added Value | Foreign Affairs | Security and Defence | Industry

Keyword: United States | European security | EU publication | EU Member State | powers of the institutions (EU) | Council of the European Union | European Commission | common security and defence policy | European Council | EU relations | intra-EU relations | European defence policy | NATO | interinstitutional cooperation (EU) | intergovernmental cooperation (EU) | Treaty of Lisbon | High Representative of the Union for Foreign Affairs and Security Policy | European Parliament

Summary: This study proposes a process, framed in the Lisbon Treaty, for the EU to produce a White Book (WB) on European defence. Based on document reviews and expert interviewing, this study details the core elements of a future EU Defence White Book: strategic objectives, necessary capabilities development, specific programs and measures aimed at achieving the improved capabilities, and the process and drafting team of a future European WB. The study synthesizes concrete proposals for each European institution, chief among which is calling on the European Council to entrust the High Representative with the drafting of the White Book.

Study DE, EN, FR

Common Foreign and Security Policy

Publication type: Briefing
Date: 02-03-2016

Author: Alina DOBREVA | Carmen-Cristina CIRLIG

Policy area: Budget | Budgetary Control | Security and Defence

Keyword: European External Action Service | international security | the EU's international role | EU expenditure | EU financial instrument | powers of the EP | Treaty on European Union | EU budget | common foreign and security policy | Treaty of Lisbon | interinstitutional relations (EU)

Summary: The EU's Common Foreign and Security Policy (CFSP) is designed to preserve peace, prevent conflicts, strengthen international security and ensure the visibility and effectiveness of EU foreign policy. Spending under the CFSP covers only some EU foreign policy measures, namely civilian missions, EU Special Representatives and measures supporting non-proliferation and disarmament.

Briefing EN

European Council Briefing

Publication type: Briefing
Date: 25-02-2016

Author: Izabela Cristina BACIAN | Suzana Elena ANGHEL

Policy area: Security and Defence | Adoption of Legislation by EP and Council

Keyword: European Council | European defence policy | powers of the EP | Treaty on European Union | mutual assistance | EU Member State | enhanced cooperation | military cooperation | Treaty of Lisbon | common security and defence policy

Summary: The Lisbon Treaty introduced new mechanisms, including a mutual assistance clause, permanent structured cooperation and enhanced cooperation, with the aim of allowing for more flexibility in applying the Common Security and Defence Policy. With the exception of the mutual assistance (defence) clause, which was invoked for the first time in November 2015, the other new mechanisms have not yet been implemented, notwithstanding 20 resolutions of the European Parliament calling for the implementation of the Lisbon Treaty provisions on the Common Security and Defence Policy. Please click here for the full publication in PDF format. Available language versions:

Briefing ES, DE, EN, FR
**Article 50 TEU: Withdrawal of a Member State from the EU**

**Publication type** Briefing  
**Date** 18-02-2016  
**Author** Eva-Maria Alexandrova POPTCHEVA  
**Policy area** EU Democracy, Institutional and Parliamentary Law  
**Keyword** European Union membership | EU Member State | powers of the institutions (EU) | EU law | EU legal system | Treaty of Lisbon | EU law - international law  

Summary  

The right of a Member State to withdraw from the European Union was introduced for the first time with the Lisbon Treaty; the possibility of withdrawal was highly controversial before that. Article 50 TEU does not set down any substantive conditions for a Member State to be able to exercise its right to withdraw, rather it includes only procedural requirements. It provides for the negotiation of a withdrawal agreement between the EU and the withdrawing state, defining in particular the latter's future relationship with the Union. If no agreement is concluded within two years, that state's membership ends automatically, unless the European Council and the Member State concerned decide jointly to extend this period. The legal consequence of a withdrawal from the EU is the end of the application of the EU Treaties (and the Protocols thereto) in the state concerned from that point on. EU law ceases to apply in the withdrawing state, although any national acts adopted in implementation or transposition of EU law would remain valid until the national authorities decide to amend or repeal them. A withdrawal agreement would need to address the phasing-out of EU financial programmes and other EU norms. Experts agree that in order to replace EU law specifically in any field of exclusive EU competence, the withdrawing state would need to enact substantial new legislation and that, in any case, complete isolation of the withdrawing state from the effects of the EU acquis would be impossible if there is to be a future relationship between former Member State and the EU. Furthermore, a withdrawal agreement could contain provisions on the transitional application of EU rules, in particular with regard to rights deriving from EU citizenship and to other rights deriving from EU law, which would otherwise extinguish with the withdrawal.

**Briefing DE, EN, FR**

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**United Kingdom's Renegotiation of Its Constitutional Relationship with the EU: Agenda, Priorities and Risks**

**Publication type** Study  
**Date** 15-12-2015  
**External author** Bruno DE WITTE, Jean-Claude PIRIS and Charles GRANT  
**Policy area** EU Law: Legal System and Acts  
**Keyword** single market | revision of the Treaty (EU) | European Union membership | principle of subsidiarity | United Kingdom | Treaty on European Union | Treaty of Lisbon | free movement of persons  

Summary  

This paper contains three contributions which are intended to feed into the discussion in the AFCO committee about the UK government's renegotiation of its constitutional relationships with the EU. First paper by Charles Grant looks at the UK agenda in the renegotiation process and analyses its historical and political context, the focal points of the UK government's demands and possible pitfalls in the negotiation process. Jean-Claude Piris explores the variety of legal solutions to accommodate such demands both inside and outside current EU treaty framework. In the last contribution, Bruno de Witte discusses the options of new form of constitutional association laying down a legal framework for a "partial membership" for the UK.

**Study EN**

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**Will CSDP Enjoy 'Collateral Gains' from France's Invocation of the EU's 'Mutual Defence Clause'?**

**Publication type** In-Depth Analysis  
**Date** 14-12-2015  
**Author** Jérôme LEGRAND  
**Policy area** Foreign Affairs | Security and Defence  
**Keyword** mutual assistance | EU Member State | competence of the institution | terrorism | NATO | military cooperation | Treaty of Lisbon | European Parliament | geopolitics | common security and defence policy | Treaty on the Functioning of the EU | intergovernmental legal instrument  

Summary  

Following the terrorist attacks of 13 November 2015 in Paris, the 'mutual defence/assistance clause' of the Treaty of Lisbon (article 42.7 TEU) was invoked for the first time by an EU Member State. This tool is a 'reactive', intergovernmental instrument. Devoid of specific implementation arrangements, the text foresees no explicit role for EU institutions. As a result, any Member State invoking the clause maintains a wide margin of manoeuvre for pursuing bilateral discussions with partners, who are at once bound to assist and free to decide the type and scope of their assistance; Article 42.7 was not the only clause France could have invoked to ask for assistance, but it was the least constraining. At a time when the country's financial and military capabilities are increasingly stretched, the simpler clause was a logical choice Beyond the immediate consequences – Member States' unanimous political support and bilateral discussions on assistance – the act is likely to affect the wider debate about the EU's Common Security and Defence Policy (CSDP). The Union's strategic thinking (including on the future 'EU global Strategy for Foreign and Security Policy') and developments may be influenced by the inauguration, with a renewed focus on preparedness, pooling and sharing of capabilities, and the EU's 'comprehensive approach' to crises. The European Parliament has long supported mutual assistance in cases of crises. With its oversight role (in particular based on Article 36 TEU) and role in coordinating with national parliaments, the Parliament could stimulate and take part in debates on the EU's role in multidimensional and transnational crises. Such debates can contribute to an evaluation of Article 42.7 and potentially improve the EU's security 'toolbox'.

**In-Depth Analysis DE, EN, FR**
Implementation of the Lisbon Treaty - Improving Functioning of the EU: Foreign Affairs

Publication type: In-Depth Analysis
Date: 10-11-2015
External author: Professor Marise CREMONA
Policy area: EU Democracy, Institutional and Parliamentary Law | Foreign Affairs | EU Law: Legal System and Acts
Keyword: humanitarian aid | common commercial policy | opt-out clause | institutional reform | development aid | powers of the institutions (EU) | enhanced cooperation | common foreign and security policy | Treaty of Lisbon | agreement (EU) | Court of Justice of the European Union
Summary: Foreign Affairs as field of EU action has very distinctive constitutional qualities. Its external powers are broad, encompassing not only traditional foreign policy, but also development cooperation and a number of sectoral policies such as trade, transport and environment. The report provides an analysis of the changes in the constitutional and institutional framework brought about by the Lisbon Treaty and assesses the implementation of those changes including obstacles to further improvement of its implementation.

Implementing the Lisbon Treaty Improving the Functioning of the EU on Justice and Home Affairs

Publication type: Study
Date: 06-11-2015
External author: Dr. Sergio Carrera and Prof. Elspeth Guild, Centre for European Policy Studies
Keyword: opt-out clause | United Kingdom | citizens' Europe | application of EU law | area of freedom, security and justice | Community method | enhanced cooperation | rights of the individual | Treaty of Lisbon | rule of law | Ireland
Summary: This Study examines the functioning of EU Justice and Home Affairs (JHA) cooperation in light of the reforms and innovations introduced by the Lisbon Treaty since the end of 2009. It identifies the main challenges and deficits characterising the practical and effective implementation of these transformations and suggests specific ways for the European Parliament to address them. The Study recommends that any future legislative reform or Treaty change should not promote or enable further differentiation in the next generations of EU AFSJ cooperation. It should neither allow for restricting or ‘lowering down’ existing EU rights and freedoms enjoyed by European citizens and residents in EU JHA law. The Parliament should give priority to devising a mutual trust-building agenda for EU AFSJ cooperation based on three main policy actions focused on improving and strengthening: First, implementation and evaluation; Second, accountability, transparency and fundamental rights; and third, the rule of law and fundamental rights.

Supporting European Security and Defence with Existing EU Measures and Procedures

Publication type: Study
Date: 30-10-2015
External author: Kolja RAUBE (University of Leuven, Belgium), Jan WOUTERS (University of Leuven, Belgium), Federica BICCHI (London School of Economics, United Kingdom), Philip DE MAN (University of Leuven, Belgium), Daniel FIOTT (Free University of Brussels, Belgium), Damien HELLY (European Centre for Development Policy Management, the Netherlands), Christian KAUNERT (University of Dundee, United Kingdom), Jocelyn MAWDSLEY (University of Nottingham, United Kingdom) and Licinia SIMAO (University of Coimbra, Portugal)
Policy area: International Trade | Foreign Affairs | Security and Defence
Keyword: European neighbourhood policy | common commercial policy | export monitoring | arms industry | EU financing | EU industrial policy | conflict prevention | common security and defence policy | European defence policy | development aid | Mediterranean third countries | arms trade | militarisation of space | trade agreement (EU) | Treaty of Lisbon | decision-making
Summary: Focusing on the support of non-CSDP policies for CSDP measures, both in the field of crisis management and defence, this study submits that CSDP cannot effectively contribute to EU external action by itself, but only in coherence with other EU policies and instruments. The study focuses on nine different issue areas of the EU which are of particular interest in the context of CSDP: European Neighbourhood Policy, development cooperation, internal policies and financing instruments in the context of the EU's international crisis management, as well as innovation policies, industrial policies, regional policy, trade policy and space policy in the context of the EU's defence policy. The study builds on existing evidence of synergising effects of CSDP and other non-CSDP policies and points to the potential impact which the closer interplay of CSDP and non-CSDP policies could have. Focusing on policy adaptation as well as institutional cooperation of EU actors in each of the policy relationships, the study provides a comprehensive overview of the linkages between CSDP and each of the respective policies and draws a large set of tailor-made recommendations in the field.
The Lisbon Treaty's Provisions on CFSP/CSDP - State of Implementation
Publication type: In-Depth Analysis
Date: 02-10-2015
Author: Wanda TROSZCZYNSKA VAN GENDEREN
Policy area: Foreign Affairs | Security and Defence
Keyword: the EU's international role | powers of the EP | Treaty on European Union | EU Member State | mutual assistance | common foreign and security policy | agreement (EU) | external competence (EU) | European External Action Service | military cooperation | enhanced cooperation | EU competence | interinstitutional cooperation (EU) | Treaty of Lisbon
Summary: Since the Treaty of Lisbon entered into force in December 2009, major efforts have been made to implement the new institutional set-up it created: the EU has acquired legal personality, the post of Vice-President of the Commission / High Representative for Foreign Affairs and Security Policy has been created, the European External Action Service has been operationalised, and the EU Delegations around the world have boosted the EU's presence and increased diplomatic and policy outreach. The European Parliament has also acquired a greater role thanks to the Lisbon Treaty, particularly in the fields of foreign policy oversight and budgetary scrutiny. Nevertheless, many provisions of the Lisbon Treaty, designed to provide a boost to foreign, security and defence policies, remain non-implemented owing to a lack of political support stemming from the fears of some EU Member States of the creation of a 'two-speed Europe' and loss of control over these fields in favour of the EU institutions.

In-Depth Analysis

Tourism and the European Union: Recent trends and policy developments
Publication type: In-Depth Analysis
Date: 25-09-2015
Author: Maria Niestadt
Policy area: Tourism
Keyword: travel | consumer protection | EU regional policy | economic statistics | admission of aliens | small and medium-sized enterprises | electronic commerce | economic consequence | tourist exchange | consumer behaviour | tourism policy | common transport policy | EU competence | Treaty of Lisbon
Summary: Tourism is the third largest socio-economic activity in the European Union, making an important contribution to the EU economy and to job creation. Europe is the most visited region in the world. However, tourism in other regions is growing faster and Europe's market share, in terms of international tourist arrivals and receipts, is shrinking. Tourism businesses in the EU are confronted with a number of changes in tourist profile and behaviour, for example in terms of age, country of origin, how they plan and buy their travel, or which mode of transport they use. Tourism policy remains a competence of the Member States. As the Treaties allow the EU only to support, coordinate or supplement the actions of the Member States, EU tourism policy has been rather limited, consisting mainly in providing financial support or legislating through other EU policies. The current framework for tourism policy is based upon a 2010 Communication; a revised strategy is expected to be adopted by the European Commission later in 2015.

In-Depth Analysis

EU Social and Labour Rights and EU Internal Market Law
Publication type: Study
Date: 24-09-2015
External author: Dagmar SCHIEK (Queen’s University Belfast, the UK) ; Liz Oliver, Christopher Forde and Gabriella Alberti (University of Leeds, the UK) ; Michael Doherty (University of Maynooth, Ireland) ; Joanna Unterschütz (University of Business Administration, Gdynia, Poland) ; Consuelo Chacartegui Jávega and Julia Lopez Lopez (University Pompeu Fabra, Barcelona, Spain) ; Kerstin Ahlberg and Niklas Bruun (University of Stockholm, Sweden)
Keyword: single market | collective bargaining | freedom to provide services | labour law | right of establishment | competition law | working conditions | case law (EU) | free movement of workers | Ireland | social security | Spain | Poland | equal treatment | labour mobility | EU Charter of Fundamental Rights | Sweden | Treaty of Lisbon
Summary: EU Social and Labour Rights have developed incrementally, originally through a set of legislative initiatives creating selective employment rights, followed by a non-binding Charter of Social Rights. Only in 2009, social and labour rights became legally binding through the Charter of Fundamental Rights for the European Union (CFREU). By contrast, the EU Internal Market - an area without frontiers where goods, persons, services and capital can circulate freely – has been enshrined in legally enforceable Treaty provisions from 1958. These comprise the economic freedoms guaranteeing said free circulation and a system ensuring that competition is not distorted within the Internal Market (Protocol 27 to the Treaty of Lisbon). Tensions between Internal Market law and social and labour rights have been observed in analyses of EU case law and legislation. This report, provided by Policy Department A to the Committee on Employment and Social Affairs, explores responses by socio-economic and political actors at national and EU levels to such tensions. On the basis of the current Treaties and the CFREU, the constitutionally conditioned Internal Market emerges as a way to overcome the perception that social and labour rights limit Internal Market law. On this basis, alternative responses to perceived tensions are proposed, focused on posting of workers, furthering fair employment conditions through public procurement and enabling effective collective bargaining and industrial action in the Internal Market.
Study

Executive summary

Source: © European Union, 2020 - EP
**Flexibility Mechanisms in the Lisbon Treaty**

**Publication type** Study  
**Date** 31-07-2015  
**External author** Professor Carlos Closa Montero, Institute for Public Goods and Policies (CSIC)  
**Keyword** governance | single market | institutional structure | area of freedom, security and justice | European integration | derogation from EU law | common foreign and security policy | legal basis | opt-out clause | enhanced cooperation | Schengen Agreement | euro area | Treaty of Lisbon  
**Summary** Against any superficial impression of uniformity, the Treaty of Lisbon offers a significant number of mechanisms for flexibility (i.e. establishing different obligations and/or with different deadlines for accomplishment for different member states). External treaties complete the vast array for flexibility in European integration. Their full deployment depends on political opportunity and they may offer some opportunities to develop some policy areas. However, they are not panacea to face EU’s biggest challenges.


**Publication type** Study  
**Date** 09-06-2015  
**External author** Ian ANTHONY (Stockholm International Peace Research Institute, Sweden), Camille GRAND (Fondation pour la Recherche Stratégique, France) and Patricia LEWIS (Chatham House, United Kingdom)  
**Policy area** Foreign Affairs | Security and Defence  
**Keyword** European neighbourhood policy | third country | institutional structure | European security | common security and defence policy | defence policy | religious conflict | impact of information technology | military equipment | institutional reform | terrorism | Treaty of Lisbon | geopolitics | accession to the European Union  
**Summary** As work on a new European Security Strategy begins, this briefing examines the impact of changes in the security environment of Europe. It argues in favour of an ambitious new security strategy which, twelve years after the adoption of the 2003 European Security Strategy, is most needed in a degraded security environment. It looks back at the process and content of that document and identifies its successes environment since 2003. Mapping those changes, the report points at new threats and challenges and the changing nature of conflict. It also focuses on the and North Africa, which have challenged the assessment that Europe is not facing threats on its borders. The briefing presents an assessment of the changes in the institutional and political architecture of the EU in the post-Lisbon context, which is significantly different from the 2003 institutional environment. It emphasises the multiple tools the EU is using to develop its security policy. Finally, the briefing provides some recommendations for the process and the substance of the starting strategic review and future strategy.

**Shaping and Controlling Foreign Policy - Parliamentary Diplomacy and Oversight, and the Role of the European Parliament**

**Publication type** Study  
**Date** 04-06-2015  
**Author** PETER BAJTAY  
**Policy area** Development and Humanitarian Aid | Foreign Affairs | Security and Defence  
**Keyword** parliamentary diplomacy | United States | parliamentary scrutiny | France | United Kingdom | presidential régime | national parliament | powers of the EP | representative democracy | parliamentary assembly | European integration | common foreign and security policy | foreign policy | international relations | European External Action Service | Germany | parliamentary system | inter-parliamentary cooperation | Treaty of Lisbon | European Parliament  
**Summary** In the post-Cold War international system, new actors, including parliaments, emerge and they challenge the traditional dominance by governments of international relations and foreign policy. In democratic societie}s it is increasingly difficult to sustain the traditional notion that foreign policy is incompatible with democratic decision-making and scrutiny and that state sovereignty in this domain is the exclusive, unquestionable competence of governments, as the perceived sole representative of the state. As the core institution of democracy and elected representatives, parliaments are increasingly expected to contribute to resolving complex foreign policy and international issues which are impacting more and more directly on citizens’ lives by discussing diverse views on strategic direction and policy priorities, by legitimising complex policies and initiatives and by building up public trust (and support) on complex issues in a way that is comprehensible to citizens. The paper examines the role and functions of parliaments in shaping and controlling foreign policy, also by discussing some case studies (US, German, British and French). It reflects particularly on the gradual parliamentarisation of Member State-dominated EU foreign policy. It analyses the nature of the European Parliament’s actorhood in international relations, the EP’s emerging role in EU foreign policy as well as the tools and powers available to exert influence on the Union’s decisions and relations. It finally concludes that EU foreign policy can become efficient and democratic at the same time in the process of building an EU ‘representative democracy’.
Policy Coherence for Development: still some way to go

Publication type: Briefing
Date: 11-05-2015
Author: Marta LATEK
Policy area: Development and Humanitarian Aid
Keyword: common commercial policy | parliamentary scrutiny | generalised preferences | EU relations | aid policy | energy policy | EU migration policy | common fisheries policy | common foreign and security policy | Treaty of Lisbon | common agricultural policy

Summary: Policy Coherence for Development (PCD) has become an EU legal obligation, after years of slow progress. PCD aims to incorporate development concerns in non-aid policies in order to minimise contradictions, and if possible, create synergies between policies. However, despite a reiterated political commitment and reinforcement of the institutional framework to follow up on PCD, scepticism prevails outside the Commission on the feasibility of achieving PCD. Difficult-to-reconcile objectives, and the differing values and institutional cultures underpinning development policy and other policies, make PCD a challenge. Particular questioning surrounds EU trade policy, where PCD-related measures in favour of developing countries look marginal in an overall EU strategy prioritising its economic and security interests. In food-security related agricultural and fisheries policies, criticism is less strong, taking into account the gradual elimination of export subsidies that have long been the focus of criticism by some NGOs, and the recent reform of fisheries agreements. In the migration and climate change policy areas, ambiguities in EU policies remain in spite of development-friendly rhetoric. As for the security and development nexus, inter-institutional tensions add to the overall difficulties in coordinating these legally heterogeneous fields, making the achievement of PCD a minor issue compared to overall problems of coherence and coordination. The question some raise is whether this quest for PCD will not, in the end, result mostly in the instrumentalisation of development policy, which would be used to compensate for EU hard economic and security goals rather than to alter them. The European Parliament's pragmatic approach aims to strengthen PCD implementation tools, in particular by proposing an EU arbitration mechanism and a complaints system, in order to remedy possible inconsistencies between policies.

Trade and Investments in Energy in the Context of the EU Common Commercial Policy

Publication type: Study
Date: 11-05-2015
External author: Matteo VERDA, Antonino ALÍ, Marco PERTILE, Nicolò ROSSETTO, Chiara SISLER and Paolo TURRINI
Policy area: International Trade | Energy
Keyword: energy supply | energy cooperation | free-trade agreement | energy law | investment protection | Ukraine | Western Balkans | discriminatory price | anti-dumping legislation | World Trade Organisation | security of supply | Georgia | Moldova | EU competence | international trade law | Treaty of Lisbon

Summary: The aim of this study is to provide a preliminary assessment of the EU legal framework for trade and investment in energy. The European economy is expected to increase its reliance on international supplies, enhancing the importance of stable and open international markets and trade relationships for its energy security. The study investigates the differences between energy policy and trade policy, the energy policy of EU and those WTO+ provisions that may help EU energy interests, the role of export duties and those WTO+ provisions that affect EU energy related business. The study also analyses the relevance of bilateral trade treaties signed by the EU, with particular reference to the protection of investment following the Lisbon treaty. Finally, the study reviews the comprehensive agreements, which have been signed with the Republic of Moldova, Georgia and Ukraine.

Enhancing Support for the European Security and Defence Research: Challenges and Prospects

Publication type: In-Depth Analysis
Date: 30-04-2015
Author: Wanda TROSZCZYNSKA VAN GENDEREN
Policy area: Foreign Affairs | Security and Defence
Keyword: military research | research expenditure (EU) | operation of the Institutions | EU Member State | research project | Framework Programme for Research and Development | defence expenditure | EU financing | Treaty of Lisbon | dual-use technology | common security and defence policy

Summary: In the real world, the notions of security and defence are often used interchangeably. One of the flagship external policies of the European Union – the Common Security and Defence Policy (CSDP) – also consists of both concepts. However, in the EU Treaty, these two elements have distinct funding bases. External security funding remains firmly anchored in the EU’s budget, while the defence/military component is controlled and funded almost exclusively intergovernmentally. This division is also reflected in the research domain, leading to a paradoxical situation: while the EU’s research budget (channelled through its current multi-annual framework programme, Horizon 2020) is arguably the largest research budget in the world (reaching around EUR 70 billion), defence research in Europe remains underfunded, to the detriment of European defence capabilities and economic interests. While the European Defence Agency (EDA) has successfully initiated some small-scale defence research pooling initiatives (reaching around EUR 350 million since its creation), it remains a drop in the ocean of needs. This paper analyses the current state of play, and some actions proposed to foster synergies between security- and defence-related research, focusing on a preparatory action (PA) and a pilot project in support of CSDP-related research.
Activity of the European Council
Publication type At a Glance
Date 29-04-2015
Author Giulio SABBATI
Policy area EU Democracy, Institutional and Parliamentary Law | Adoption of Legislation by EP and Council
Keyword European Council | EU policy | operation of the Institutions | Treaty of Lisbon | institutional activity | summit meeting | EU statistics
Summary This infographic aims to present the work of the European Council, based on an analysis of the conclusions of its meetings. It focuses on the period under its first permanent President, Herman Van Rompuy, from December 2009 to November 2014, since the Lisbon Treaty entered into force, but also goes back to its first meeting in 1975.

EU Administrative Law
Publication type At a Glance
Date 29-04-2015
Author Roberta PANIZZA
Policy area EU Law: Legal System and Acts
Keyword access to information | rights of the defence | case law (EU) | administration of the Institutions | legislative initiative | EU law | Treaty of Lisbon | data protection | citizen-authority relations | administrative procedure
Summary Over the last decades, the European Union has developed a series of ad hoc administrative procedures for the direct implementation of its rules in a number of areas - such as competition policy, trade policy, state aids, access to EU documents, the EU civil service - which resulted in a fragmented body of rules, whether in the form of law or soft law. The need to depart from this sector-specific approach to ensure consistent EU administrative procedures has therefore started to be debated in the academic sector as well as within the EU institutions. In this respect, following the entry into force of a new legal basis on administrative law introduced by the Lisbon Treaty the European Parliament has called for the adoption of a single European Administrative Procedure binding on its institutions, bodies, agency and offices including enforceable procedural rights for citizens when dealing with the Union's direct administration.

Publication type Study
Date 29-04-2015
External author This study has been written by Dr. Petya Alexandrova Petrova (Leibniz University of Hannover), at the request of the European Council Oversight Unit of the Directorate for Impact Assessment and European Added Value, within the Directorate General for Parliamentary Research Services (DG EPRS) of the General Secretariat of the European Parliament.
Policy area Area of Freedom, Security and Justice | Economics and Monetary Issues | Financial and Banking Issues | Adoption of Legislation by EP and Council
Keyword European Council | coordination of EMU policies | powers of the institutions (EU) | monetary crisis | common foreign and security policy | Treaty of Lisbon | interinstitutional relations (EU) | summit meeting
Summary The Treaty of Lisbon made the European Council an EU institution in legal terms, while its tasks remained unchanged. It also introduced the function of a permanent President, a position which was occupied by Herman Van Rompuy for two consecutive terms until December 2014.

This study presents an analysis of the European Council’s agenda in the five-year period under Herman Van Rompuy’s Presidency. The analysis of the agenda of the European Council in the period December 2009 – November 2014 was based primarily on the text of the European Council Conclusions, the only written evidence of the output of the European Council’s agenda.

Study EN
Fundamental Rights in the European Union: The role of the Charter after the Lisbon Treaty

Publication type: In-Depth Analysis
Date: 27-03-2015
Author: Jesus CARMONA NUNEZ | Francesca FERRARO

Summary: The European Union, like its Member States, has to comply with the principle of the rule of law and respect for fundamental rights when fulfilling the tasks set out in the Treaties. These legal obligations have been framed progressively by the case law of the European Court of Justice. The Court filled the gaps in the original Treaties, thus simultaneously ensuring the autonomy and consistency of the EU legal order and its relation with national constitutional orders.

Since the entry into force of the Lisbon Treaty, these principles have also been expressly laid down in the Treaties and in the Charter of Fundamental Rights. Being part of the body of EU constitutional rules and principles, the Charter is binding upon the EU institutions when adopting new measures, as well as for Member States during implementation.

The Charter is the point of reference, not only for the Court of Justice, but also for the EU legislature, especially when EU legislation gives specific expression to fundamental rights. Moreover, fundamental rights are also of relevance for EU legislation covering all the other areas of Union competence.

The EU institutions and inter-religious dialogue

Publication type: At a Glance
Date: 19-03-2015
Author: Magdalena PASIKOWSKA-SCHNASS
Policy area: Culture
Keyword: church-State relations | European integration | Council of the European Union | interinstitutional relations | legal basis | Treaty of Lisbon | European Parliament

Summary: Dialogue between the EU institutions and European churches and religious organisations has evolved from earlier informal contacts to a more structured system of regular meetings, underpinned by a solid legal basis.

EU legal framework on asylum and irregular immigration 'on arrival'

Publication type: Briefing
Date: 18-03-2015
Author: Eva-Maria Alexandrova POPTCHEVA
Keyword: removal | maritime surveillance | EU migration policy | application of EU law | trafficking in human beings | Treaty of Lisbon | admission of aliens | maritime safety | illegal migration | external border of the EU | Frontex

Summary: With asylum-seekers and immigrants still dying off the shores of European Union Member States, EU asylum and migration policies are high on the political agenda. The newly completed Common European Asylum System and the many pieces of legislation on irregular immigration at EU level have not succeeded in stopping further tragedies in the Mediterranean. Calls are therefore increasingly being voiced for a 'holistic' approach to asylum and irregular immigration. However, the concrete design of this holistic approach is the subject of difficult policy choices, seeking to strike the right balance between humanitarian aspects and security concerns. According to many stakeholders and experts the way forward in EU asylum and migration policy should necessarily pass through a new legal reform taking the approach of better burden-sharing between Member States. Others plead for the operational instruments of the newly adopted legislation to be fully exhausted first before embarking on further reforms. The European Commission has launched work on a comprehensive European Agenda on Migration, to be presented in May, and stated already that the focus will be placed on securing effective implementation of the existing legislation rather than proposing any further modifications. This briefing takes stock of the existing legislative and policy framework in the field of asylum and irregular immigration and highlights the causes of friction.

In-Depth Analysis DE, EN, FR

At a Glance EN

Briefing EN
In the aftermath of the "LuxLeaks" scandal relating to tax evasion by multinational companies through Luxembourg, Ireland, Belgium and the Netherlands, Parliament decided to set up a "special committee" to look into unfair tax practices in the EU. 188 MEPs had originally requested a committee of inquiry be established, but the Conference of Presidents found that the legal conditions to set up a committee of inquiry would not be met in this case. Parliament's right of inquiry is an important instrument for the exercise of its control functions. Parliament's investigative powers, however, fall short of the powers of committees of inquiry in national parliaments, which have quasi-judicial investigative tools at their disposal. Committees of inquiry are limited to examinations of alleged contraventions and maladministration in the implementation of EU law, thus excluding evidence-gathering about general subjects and inquiries into actions by third-country authorities. "Special committees", on the other hand, can be set up for any parliamentary inquiry and have thus been used more often by Parliament. Although they are not equipped with formal powers, special committees conduct their inquiries using the same investigative mechanisms as committees of inquiry. The Lisbon Treaty conferred on Parliament the power to propose and adopt a binding regulation on the inquiry rules. A proposal put forward by Parliament during the last parliamentary term met with opposition from both Council and Commission, which claimed that Parliament sought to extend its right of inquiry excessively. The Committee on Constitutional Affairs has appointed a rapporteur to continue the trilogue negotiations in a bid to obtain the consent of the Council and the Commission.

Evaluating EU Economic Governance - Elements for the debate on the "Six-Pack" and "Two-Pack":

The European Commission evaluation report is the first step in building a deeper and fairer Economic and Monetary Union (EMU). Democratic accountability, Member States’ compliance with country specific recommendations, coordination in the European Semester and macroeconomic surveillance are some of the issues which require further attention.

The European Council and the Council: Perspectives on New Dynamics in EU Governance

The European Council and the Council play a central role in policy-making within those new areas of EU activity within which intergovernmental policy coordination prevails over legislative decision-making such economic governance and foreign affairs. The emphasis on decentralised governance implies important changes to institutional design and the practice of inter-institutional relations.

Trends in Differentiation of EU Law and Lessons for the Future

This analysis examines the development of differentiated integration connected to the EU legal order, and raises questions for the future.
The European Council and its President

Publication type Briefing
Date 09-01-2015
Author Eva-Maria Alexandrova POPTCHEVA | Josephine MOERMAN | Stanislas DE FINANCE
Policy area EU Democracy, Institutional and Parliamentary Law | Adoption of Legislation by EP and Council
Keyword economic stabilisation | President of the European Council | EU Member State | coordination of EMU policies | Council of the European Union | European Commission | interinstitutional cooperation (EU) | common foreign and security policy | Treaty of Lisbon | European Parliament | summit meeting | history of Europe
Summary The European Council has brought together EU Heads of State or Government in regular summit meetings since March 1975. An initiative of the then French President, Valéry Giscard d’Estaing, who sought to convert the periodic holding of occasional Community summit meetings into a more formalised system, the existence of the European Council was first recognised in law in the Single European Act (1986) and its role was reinforced by the Maastricht Treaty (1992). Since the entry into force of the Lisbon Treaty in December 2009, the European Council has enjoyed the status of an EU institution in its own right, with a full-time or ‘permanent’ (non-rotating) President, appointed for a 30-month term, which is renewable once. The President is elected on the basis of qualified majority voting in the European Council; he or she can be dismissed on the same basis (Article 15(5) TEU). The Treaties establish no eligibility conditions for the President (such as nationality, residence or age), stipulating only that the President cannot hold any national office at the same time (Article 15(6) TEU). Herman Van Rompuy was the first President of the European Council, serving two 30-month terms, from 1 December 2009 to 30 November 2014. On 30 August 2014, the European Council elected the serving Polish Prime Minister, Donald Tusk, as his successor; Mr Tusk’s mandate began on 1 December 2014. In addition to its President, the members of the institution are the Heads of State or Government of the 28 EU Member States and the President of the European Commission. The High Representative of the Union for Foreign Affairs and Security Policy also ‘takes part’ in its work, but is not a member in his or her own right.

Parliament and High Representative: a new partnership?

Publication type At a Glance
Date 05-01-2015
Author Carmen-Cristina CIRLIG
Policy area EU Democracy, Institutional and Parliamentary Law
Keyword powers of the EP | European Commission | interinstitutional cooperation (EU) | common foreign and security policy | Treaty of Lisbon | High Representative of the Union for Foreign Affairs and Security Policy | European Parliament | interinstitutional agreement
Summary With growing powers of oversight of EU foreign policy, the European Parliament has aimed to establish a cooperative relationship with the High Representative/Vice-President and the European External Action Service, with a view to increasing both the democratic accountability and the transparency of foreign and security policy.

Changed rules for qualified majority voting in the Council of the EU

Publication type At a Glance
Date 08-12-2014
Author Eva-Maria Alexandrova POPTCHEVA
Policy area EU Democracy, Institutional and Parliamentary Law
Keyword qualified majority | operation of the Institutions | EU Member State | institutional reform | Council of the European Union | Treaty of Lisbon
Summary From 1 November 2014, decisions in the Council of the EU (Council of Ministers) requiring a ‘qualified majority’ are adopted by means of the new ‘double majority’. The change lowers the threshold required for adoption by Council, and is intended to increase the speed and efficiency of Council decision-making and to make it more transparent and legitimate.
The End of the Transitional Period for Police and Criminal Justice Measures Adopted before the Lisbon Treaty. Who Monitors Trust in the European Justice Area?

Commitments Made at the Hearing of Federica Mogherini - High Representative of the Union for Foreign Affairs and Security Policy

Violence towards children in the EU
European Citizens' Initiative – First Lessons of Implementation

Publication type: Study
Date: 15-05-2014
External author: Marta Ballesteros, Emanuela Canetta and Alexandru Zaciu
Keyword: electronic signature | regulation (EU) | citizens' Europe | participatory democracy | application of EU law | transparency in decision-making | data processing | principle of legal certainty | administrative procedure | interpretation of the law | petition | administrative formalities | Treaty of Lisbon
Summary: Upon request of the AFCO and PETI Committees, this study identifies difficulties faced by organisers when setting up and running a European Citizens' Initiative (ECI). It analyses possible solutions and proposes recommendations to improve the ECI as an effective tool for participatory democracy in the EU. The aim is to propose measures to ensure a straightforward ECI process with less costs and burdens for EU citizens. The ultimate goal is to define concrete actions to empower EU citizens to actively participate in shaping the future of Europe.
Study: DA, EN, FR

The Role of the EP in Shaping the EU’s Trade Policy after the Entry into Force of the Treaty of Lisbon

Publication type: In-Depth Analysis
Date: 09-07-2014
Author: Roberto BENDINI | Marika ARMANOVICA
Policy area: EU Democracy, Institutional and Parliamentary Law | International Trade | Foreign Affairs
Keyword: common commercial policy | free-trade agreement | powers of the EP | transparency in decision-making | drafting of an agreement (EU) | trade agreement (EU) | Treaty of Lisbon | interinstitutional relations (EU) | intellectual property
Summary: In the few years that have passed since the Treaty of Lisbon amplified the European Parliament’s authority, the institution has reshaped the EU’s trade policy – a domain that has become the exclusive competence of the EU. Parliament has not, as some feared it would, compromised the Union’s technical approach. Rather, it has given the EU’s Common Commercial Policy (CCP) democratic legitimacy and emphasised human rights and environmental concerns. While the Treaty of Lisbon made this change possible, it did not make it inevitable; Parliament has exercised creativity in interpreting its co-legislative powers and modelling a significant role for itself. As the fifth anniversary in December 2014 of the entry of the Treaty of Lisbon approaches, Parliament is further consolidating its powers of oversight and decision. The moment is ripe to survey the lessons of the past four-and-a-half years and to buttress the institution for the challenges to come.
In-Depth Analysis: DE, EN, FR

The Growing Role of the EU’s Delegations Post-Lisbon

Publication type: In-Depth Analysis
Date: 25-08-2014
Author: Wanda TROŚCZYŃSKA VAN GENDEREN
Policy area: Global Governance | Foreign Affairs
Summary: Since the Lisbon Treaty entered into force, EU delegations have expanded the scope of their activities, playing a wide variety of roles, including coordination, representation and reporting. They have provided important policy-making contributions to different actors within the EU, helping to inform and shape policy responses. EU delegations have also forged productive relations with the European Parliament (EP), assisting parliamentary structures logistically and substantively during their third country visits. The European Parliament has been a staunch supporter of the European External Action Service (EEAS) and has advocated that the delegations play a robust role and enjoy adequate resources. The EP also contributed recommendations to further improve the Service during the 2013-14 EEAS review. During the last legislature, the EP demonstrated particular interest in the delegations’ contributions in the fields of democracy support, human rights, mediation and security, and encouraged greater engagement in these areas.
In-Depth Analysis: EN
100 steps forward the European Parliament and the upgrading of European democracy since the Lisbon treaty

**Publication type** Study  
**Date** 01-04-2014  
**Keyword** budgetary discipline (EU) | parliamentary scrutiny | EU activity | citizens' Europe | powers of the EP | transparency in decision-making | EU relations | European election | EU budget | inter-parliamentary cooperation | interinstitutional cooperation (EU) | Treaty of Lisbon | European Parliament | parliamentary procedure  
**Study** EN

Discharge procedure for the EU budget: Political scrutiny of budget implementation

**Publication type** Briefing  
**Date** 18-03-2014  
**Author** Alessandro D'ALFONSO  
**Policy area** Budget | Budgetary Control  
**Keyword** parliamentary scrutiny | budgetary control | powers of the EP | EU budget | legal basis | audit | Treaty of Lisbon | interinstitutional relations (EU) | budgetary discharge  
**Summary** The European Commission is ultimately responsible for the execution of the European Union's budget. However, this involves a range of actors, including Member States, to which the Commission delegates implementing tasks related to a significant share of the budget. Each year, the discharge procedure ensures ex-post democratic oversight at political level of how the EU's annual budget has been used. It aims to verify whether implementation was in accordance with relevant rules (compliance), including the principles of sound financial management (performance).  
**Briefing** EN

Personal data protection package

**Publication type** At a Glance  
**Date** 06-03-2014  
**Author** Rafał MAŃKO  
**Policy area** Area of Freedom, Security and Justice | Consumer Protection  
**Keyword** electronic commerce | protection of privacy | supervisory body | cross-border data flow | personal data | delegated legislation | Treaty of Lisbon | data protection | proposal (EU)  
**Summary** The existing directive on personal data protection was enacted almost two decades ago, at the dawn of the digital era. The Commission proposes to replace that directive with a regulation, thereby not only updating the legal framework, but also ending its fragmentation.  
**At a Glance** EN

The European Union’s Trade Policy, Five Years After the Lisbon Treaty

**Publication type** In-Depth Analysis  
**Date** 03-03-2014  
**Author** Roberto BENDINI  
**Policy area** International Trade  
**Keyword** common commercial policy | investment policy | public contract | generalised preferences | liberalisation of trade | transparency in decision-making | tariff negotiations | trade relations | Treaty of Lisbon | agreement (EU) | market access  
**Summary** Despite the global economic crisis of 2008 and the spectacular rise of new emerging powers, the European Union (EU) remains one of the world's leading economies. The EU's trade policy has fundamentally changed in recent years. One of the founding and most influential members of the World Trade Organisation (WTO), the EU has been compelled to acknowledge that the multilateral approach that it had adopted for many years has not yielded genuine progress. In response, the EU launched a new strategy to combine its multilateral approach with renewed efforts to forge bilateral trade deals. The traditionally technocratic approach of the EU's trade policy was radically changed by the entry into force of the Lisbon Treaty in 2009; with this treaty, the Commission lost its unilateral control in the domain, while the European Parliament gained an important voice.  
**In-Depth Analysis** EN
Space, Sovereignty and European Security - Building European Capabilities in an Advanced Institutional Framework

Publication type: Study
Date: 29-01-2014

External author: Anna C. VECLANI (Istituto Affari Internazionali - IAI, ITALY), Nicolò SARTORI (Istituto Affari Internazionali - IAI, ITALY), Emiliano Jr. BATTISTI (Istituto Affari Internazionali - IAI, ITALY), Jean Pierre DARNIS (Scientific Supervisor, Istituto Affari Internazionali - IAI, ITALY) and Elena CESCA (Research Support, Istituto Affari Internazionali - IAI, ITALY)

Policy area: Research Policy | Security and Defence
Keyword: aerospace industry | institutional structure | European Space Agency | European security | satellite communications | satellite navigation | space policy | militarisation of space | European GNSS Agency | common foreign and security policy | Treaty of Lisbon | remote sensing

Summary: The study aims to offer a comprehensive analysis of the role of space-based capabilities in supporting the security and defence policies of the European Union and of its Member States. Moving from the description of the current and future space-based systems developed at the national, intergovernmental and European level, the study tries in first place to point out the contribution of these assets to the security initiatives undertaken in Europe. Second, it describes the roles of the actors and the functioning of the institutional framework through which these capabilities are developed and exploited for Europe's security purposes. Finally, it provides options regarding the development of space capabilities for European security which could be implemented under the current treaties and within the scope of the forthcoming Multiannual Financial Framework (MFF) of the Union.

Study EN

European Common Security and Defence Policy: Cost of Non-Europe Report

Publication type: Study
Date: 15-11-2013

Author: Maria Blanca BALLESTER MARTINEZ
Policy area: European Added Value | Security and Defence
Keyword: public contract | European arms policy | military research | arms industry | military cooperation | Treaty of Lisbon | small and medium-sized enterprises | settlement of disputes | common security and defence policy

Summary: The report 'Preparing for Complexity - The European Parliament in 2025', presented by the Secretary General of the European Parliament in January 2013, identified the core set of problematic issues in defence policy as a) duplication, b) lack of a common strategic view and c) lack of a clear vision for the future. The purpose of this paper is to develop these considerations and to focus on the benefits of greater cooperation at European level. Setting out the economic argument of the added value of Europe in defence, and the current cost to the Member States of 'non-Europe', can highlight the need to build on the structures, systems and under-utilised legal bases that have been put in place in recent years. Cost of Non-Europe reports examine policy areas or sectors of strategic importance where the possibilities for greater efficiency or the realisation of a 'public good' through common action at EU level are potentially significant. The case for more Europe is perhaps more compelling than in almost any other policy area, given that no single Member State can achieve an optimal level of security without cooperation. The costs involved go beyond the purely economic, and include political and opportunity costs.

Study EN

Parliament's legislative initiative

Publication type: Briefing
Date: 24-10-2013

Author: Eva-Maria Alexandrova POPTCHEVA
Policy area: EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts

Summary: The European Commission has a near monopoly on legislative initiative in the European Union (EU), with special initiative rights for other institutions applying only in certain specific cases. However, the European Parliament (EP) has the right to invite the Commission to present legislative proposals. Many see the EP's increasing participation in overall political planning, particularly through negotiations on the Commission's Annual Work Programme, as a further channel for Parliament's influence on EU legislation.

Briefing EN, PL
The Triangular Relationship between Fundamental Rights, Democracy and Rule of Law in the EU - Towards an EU Copenhagen Mechanism

Publication type: Study
Date: 15-10-2013
External author: Sergio Carrera (Centre for European Policy Studies - CEPS, Brussels, Belgium), Elspeth Guild (CEPS, Radboud University Nijmegen, the Netherlands, Queen Mary University of London, the UK) and Nicholas Hernanz (CEPS), Thematic contributions by: Cinzia Alcidi (CEPS), Matthias Busse (CEPS), Roger Errera (former member of the Conseil d’Etat in France, Central European University, Budapest, Hungary), Ivanka Ivanova (Open Society Institute – OSI, Sofia, Bulgaria), Jeffrey Jowell (University College London, Bingham Centre for the Rule of Law, London, the UK) and Nikolaus Marsch (University of Freiburg, Breisgau, Germany)

Policy area: EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts
Keyword: primacy of EU law | EU control | area of freedom, security and justice | European Convention on Human Rights | democracy | protection of freedoms | EU competence | EU Charter of Fundamental Rights | Treaty of Lisbon | rule of law

Summary: This study examines the triangular relationship between fundamental rights, democracy and the rule of law in the EU and the challenges that arise in reflecting on ways to strengthen EU competences in these terrains. It analyses the current 'state of play' and provides a map of EU-level mechanisms assessing respect for rule of law, democracy and fundamental rights, and Article 2 TEU general principles, by EU Member States. Special attention is paid to crosscutting dilemmas affecting the operability and effective implementation of these principles. The study thinks ahead and offers possible 'ways forward' in EU policy-making for ensuring a more optimal respect, protection and promotion of the Union’s principles by Member States and the EU. It proposes the creation of a new supervisory mechanism – the Copenhagen mechanism – to effectively address the current rule of law deficits facing the concept of 'democratic rule of law with fundamental rights' in the Union.

Study EN

The EU response to organised crime

Publication type: Briefing
Date: 06-09-2013
Author: Piotr BAKOWSKI

Policy area: Area of Freedom, Security and Justice
Keyword: organised crime | police cooperation | money laundering | EU police cooperation | fight against crime | EP Committee | judicial cooperation in criminal matters in the EU | Treaty of Lisbon | witness protection

Summary: The EU has been tackling organised crime for more than 30 years. With the end of the mandate of Parliament's CRIM Committee, a new chapter is being written in the history of the EU's fight against organised crime.

Briefing EN

Strasbourg-Lisbon-Chicago: NATO Quo Vadis?

Publication type: In-Depth Analysis
Date: 19-08-2013
Author: Ulrich KAROCK

Policy area: Security and Defence
Keyword: European security | United States | European defence policy | defence budget | defence expenditure | strategic defence | NATO | military cooperation | Treaty of Lisbon | common security and defence policy

Summary: The past three summits of NATO in Strasbourg / Kehl (2009), Lisbon (2010) and Chicago (2012) have addressed rather turbulent developments in the alliance's strategic environment, requiring it to adapt to new situations faster than ever before. NATO's structures have been revised several times, and from the 16 headquarters with 20 000 staff in the 1990s only 7 will survive, with less than 9 000 staff. Territorial defence, once key element of NATO's defence posture, will mainly consist of missile and cyber defence, and - perhaps - critical infrastructure protection. So far, NATO has become much more focused on sustainable high-end operations abroad, but the perspective of more such action is rather unlikely. With the financial crisis and the concentration of the US on its security interests on their pacific coast, the European allies are required to do more for European security. Previous such attempts in the 1990s 'drowned' during the war on terror; NATO and the EU now need to emerge in a true and mutually benefiting cooperation. With the arrival of the Lisbon treaty abolishing the pillar divides between the security and defence policy and the other Union policies, the EU can play its security role thoroughly. The Treaty on European Union requires the 'progressive framing of common Union defence policy'. This process, however, is all but well underway. It is unclear if the forthcoming European Council on defence matters in December 2013 will put this issue on its strategic agenda. The model of NATO, on which the EU treaties are based since Maastricht and Amsterdam, refers to a NATO that has significantly changed since. This is why reflecting on this matter becomes more important than ever before.

In-Depth Analysis EN
The Role of EU Delegations in EU Human Rights Policy

Publication type: In-Depth Analysis
Date: 10-07-2013
External author: Rosa BALFOUR (European Policy Centre, Belgium)
Policy area: Human Rights
Keyword: third country | the EU's international role | aid policy | EU Member State | diplomatic relations | common foreign and security policy | Treaty of Lisbon | High Representative of the Union for Foreign Affairs and Security Policy | Union delegation | human rights

Summary: The EU Delegations are playing a more important role in political analysis and policy shaping, thanks to their leadership in drafting the new Human Rights Country Strategies, are better able to carry out human rights diplomacy, thanks to their improved standing through the Lisbon Treaty changes, are strengthening the Delegations’ structures to deal with human rights in third countries, and are improving their outreach and contacts on the ground. However, there is space for improvements by making the Delegations’ performance less varied and dependent on the good will of individuals, by revising cooperation mechanisms between the diverse institutional actors involved in human rights, both in Brussels and on the ground, by integrating human rights in general EU policy, and by giving the Delegations more powers to carry out policy and diplomacy with greater autonomy.

In-Depth Analysis EN


Publication type: Study
Date: 09-07-2013
External author: Sergio Carrera (Justice and Home Affairs Section at the Centre for European Policy Studies - CEPS), Nicholas Hernanz (Justice and Home Affairs Section, CEPS) and Joanna Parkin (Justice and Home Affairs Section, CEPS)
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword: ordinary legislative procedure | EP Committee | powers of the EP | area of freedom, security and justice | power of decision | Treaty of Lisbon | interinstitutional relations (EU)

Summary: This study examines the performance of the European Parliament (EP) in EU area of freedom, security and justice (AFSJ) law and policy-making from the entry into force of the Lisbon Treaty until the end of the first half of 2013. The study places the EP in the new post-Lisbon institutional setting, documenting its transition to ‘AFSJ decision-maker’, and its new powers to shape and make policy, covering the EU’s internal and external security agenda. While the study finds that the EP has become an active co-owner of the EU AFSJ post-Lisbon, demonstrating a dynamic adjustment to its new post-Lisbon role and powers, the authors identify a set of new developments and challenges which have arisen in the exercise of democratic accountability by the EP in the AFSJ since 2009. These developments and challenges call for critical reflection ahead of the new parliamentary term 2014-2019 and the post-2014 (post-Stockholm Programme) phase of the EU’s AFSJ.

Study EN

Executive summary ES, DE, FR, IT, PL

Report on protection of EU’s financial interests

Publication type: At a Glance
Date: 27-06-2013
Author: Alessandro D’ALFONSO
Policy area: Budget | Budgetary Control
Keyword: judicial proceedings | European Anti-fraud Office | institutional reform | financial control | EU budget | legal basis | Treaty of Lisbon | fraud against the EU

Summary: In 2011, Member States reported fraudulent irregularities against the EU budget with a financial impact of €404 million. A number of legislative initiatives are currently under way to strengthen the fight against fraud and other illegal activities affecting the EU’s financial interests. This is in part due to the Lisbon Treaty, which reinforced the EU's legal options in this field.

At a Glance EN

The European Parliament's Right to Grant Discharge to the Council

Publication type: Study
Date: 15-03-2013
External author: Academic editor: Carlino Antpöhler (Max Planck Institute for Public Law, Heidelberg, Germany), Contributing experts: Matthias Rossi (University Augsburg, Germany), Florence Chaltiel Terral (University Grenoble, France), Carlino Antpöhler (Max Planck Institute for Public Law, Heidelberg, Germany) and Ricardo Passos (European Parliament)
Policy area: Budget | Budgetary Control
Keyword: budgetary control | powers of the EP | transparency in decision-making | Council of the European Union | interinstitutional cooperation (EU) | Treaty of Lisbon | budgetary discharge | institutional balance (EU)

Summary: This document contains the presentations by the three experts invited and the subsequent discussion with Members of the Committee on Budgetary Control and the representative of the European Parliament's Legal Service, as taken from the recording of the English interpretation.

Study DE, EN, FR
Assessing fundamental rights in the European Union

Publication type  At a Glance
Date  06-12-2012
Author  Francesca FERRARO
Policy area  Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword  area of freedom, security and justice | rights of the individual | EU Charter of Fundamental Rights | European citizenship | Treaty of Lisbon | human rights
Summary  Since 1993, the European Parliament has held regular debates on the situation of fundamental rights in the EU Member States (MS). In the context of the Charter of Fundamental Rights, these debates frame democratic and political dialogue on the initiatives taken by EU institutions, agencies and Member States in domains of EU competence.

At a Glance  EN

Main Trends in the Recent Case Law of the EU Court of Justice and the European Court of Human Rights in the Field of Fundamental Rights

Publication type  Study
Date  16-04-2012
External author  Alejandro Saiz Arnaiz and Aida Torres Pérez (Universitat Pompeu Fabra)
Keyword  case-law | the EU's international role | jurisdiction | European Court of Human Rights | European Convention on Human Rights | case law (EU) | EU Charter of Fundamental Rights | Treaty of Lisbon | human rights
Summary  The goal of this study is to offer an overview of the case law from the Luxembourg and Strasbourg Courts regarding fundamental rights over 2010 and 2011. This study identifies the main trends and fields of conflict and focuses on the role played by the Charter of Fundamental Rights of the European Union after the entry into force of the Lisbon Treaty. Furthermore, the study examines the nature and intensity of crossreferences between both Courts.

Study  EN

The Future of Eurojust

Publication type  Study
Date  16-04-2012
External author  Petra Jeney (European Centre for Judges and Lawyers, European Institute of Public Administration - EIPA, Luxembourg)
Policy area  Area of Freedom, Security and Justice | Budgetary Control
Keyword  project evaluation | public prosecutor's department | European arrest warrant | Eurojust | financial control | interinstitutional cooperation (EU) | legal basis | Treaty of Lisbon | data protection | EU body for police and judicial cooperation
Summary  This study focuses on the key issues related to the future of Eurojust in the light of the new framework established by the Treaty of Lisbon. The study evaluates the current structure and functions of Eurojust and on that basis describes the three main paths that Eurojust’s future can take: (1) gradually building on the current legislative framework; (2) invoking the new treaty base; and (3) co-existing with the European Public Prosecutor’s Office.

Study  EN

Executive summary  BG, ES, CS, DA, DE, ET, EL, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV

EU Framework of Law for Children’s Rights

Publication type  Study
Date  11-04-2012
External author  Emanuela Canetta, Nathalie Meurens, Paul McDonough and Roberta Ruggiero
Keyword  child protection | international convention | EU competence | Treaty of Lisbon | children’s rights
Summary  The briefing paper presents an overview of international and regional instruments for the rights of the child and of the European legal framework before and after the Lisbon Treaty. It provides an assessment of their impact for children’s rights and puts forward key recommendations to consolidate the EU legal framework in this field.

Study  EN
Developing an EU Internal Security Strategy, Fighting Terrorism and Organised Crime

Publication type  Study  
Date  15-11-2011  
External author  Amandine Scherrer (Centre d’Etudes sur les Conflits, Paris), Julien Jeandesboz (King’s College, London) and Emmanuel-Pierre Guittet (University of Manchester, UK)  
Home Affairs Section of the Centre for European Policy Studies (CEPS)

Policy area  Area of Freedom, Security and Justice  
Keyword  organised crime | European security | Europol | fight against crime | Eurojust | terrorism | rights of the individual | Treaty of Lisbon | data processing | Frontex

Summary  The present study examines the steps taken since the entry into force of the Lisbon Treaty in the field of internal security and assesses commitments made in the areas of fundamental rights and civil liberties. The study examines the development of the EU Internal Security Strategy, with special attention paid to fighting terrorism and organised crime. It also investigates the activities of the main EU agencies involved in internal security policies. The study finally sketches out the key challenges lying ahead for EU internal security policies, with particular consideration paid to the role that the European Parliament will be called upon to play.

Study  ES, DE, EN, FR, IT, PL

Access to documents after Lisbon

Publication type  Briefing  
Date  11-11-2011  
Author  Alec VUJILSTEKE

Keyword  right to information | administrative transparency | personal data | European citizenship | Treaty of Lisbon | interinstitutional relations (EU) | access to EU information | document

Summary  Citizens’ right to access documents of the EU institutions has been enshrined in EU Treaties and the Charter of Fundamental Rights. In 2008, the Commission proposed to change Regulation 1049/2001 which sets out the rules for access to such documents. The Council objects strongly to many of Parliament’s proposed amendments to the Commission proposal. This has led to an "institutional impasse", which continues with little sign of any breakthrough. Many MEPs feel that the proposal is a step backwards. For example, the current broad definition of "a document" would be changed in order to exclude preparatory and other draft documents, while the exceptions allowing the institutions to refuse access would be reconsidered. Balancing personal data protection, the distinction between access to documents and to information, or between legislative documents and administrative documents, and the treatment of classified documents are other points of contention.

Both Parliament and NGOs argue for user-friendly access to all documents related to the legislative process of each act, its "legislative footprint". Besides updating the Regulation, Parliament also wants to tackle the malfunctions of daily administrative practice, as well as non-compliance with case law, in institutions’ handling of access requests.

Briefing  EN

The Council presidency after Lisbon

Publication type  Briefing  
Date  15-09-2011  
Author  Nicholas COPELAND

Policy area  EU Democracy, Institutional and Parliamentary Law  
Keyword  Presidency trio | EU Council Presidency | Council configuration | Treaty of Lisbon | High Representative of the Union for Foreign Affairs and Security Policy | interinstitutional relations (EU)

Summary  The rotational system of Council presidencies has been in existence for over 50 years. Although the Treaty of Lisbon does not replace it, the Treaty’s modifications have reduced both the role and influence of the Member State holding the six-month title. The conclusion of the Hungarian presidency in June 2011 marked the end of the first “trio” of Member State presidencies. Whilst there are few definitive conclusions, these 18 months have seen the growing influence of the new semi-permanent European Council President, through adopting a "top-down" approach to policymaking, in contrast to the traditional, Council-led, "bottom-up" approach.

The coordination role of the General Affairs Council, both between Council configurations and with the European Council, remains a critical aspect of the Rotating presidency’s tasks. However, with its status reduced post-Lisbon, questions have been asked about its effectiveness.

The rotating presidency’s role in external relations is also greatly reduced with the appointment of a High Representative of Foreign Affairs to chair the Foreign Affairs Council. However, the Belgian and Hungarian presidencies, in Cancun and Libya respectively, have shown that the presidency can still play an important role.

Briefing  EN
Workshop Report on 'Health in All Policies (HiAP)' - Brussels, 25 May 2011

Publication type Study
Date 15-08-2011
Author Purificacion TEJEDOR DEL REAL | Marcelo SOSA IUDICISSA
Policy area Environment | Research Policy | Employment | Agriculture and Rural Development | Economics and Monetary Issues | Public Health
Keyword EU policy | research | economic and social cohesion | health policy | information system | innovation | Treaty of Lisbon | data processing | common agricultural policy | EU employment policy
Summary For many years the health consequences of new legislation have been taken into account during the policy formulation process in areas such as agriculture, environment, food and others. The inclusion of Health in All Policies is now enshrined in the Lisbon Treaty (Art. 168). The aim of the workshop was to present an update on how the system is actually functioning within the different Commission services. Several DGs representatives, led by DG SANCO, made contributions. The case of The Netherlands as an example of how it works in a Member State was also presented.

Study EN Executive summary DE, FR

The Impact of the Financial Crisis on European Defence

Publication type Study
Date 23-05-2011
External author MÖLLING, Christian, Research Fellow, Stiftung Wissenschaft und Politik – German Institute for International and Security Affairs, GERMANY
BRUNE, Sophie-Charlotte, Research Associate, Stiftung Wissenschaft und Politik – German Institute for International and Security Affairs, GERMANY
Policy area Financial and Banking Issues | Security and Defence
Keyword European security | international cooperation | European defence policy | military equipment | defence budget | EU Member State | economic recession | EU industrial policy | Treaty of Lisbon | military personnel | common security and defence policy
Summary The financial crisis may pose a risk as well as offer an opportunity for the European defence sector: on the one hand, it sounds plausible that shrinking budgets increase the pressure on member states to cooperate and thus overcome the EU’s problems related to capability development and restructuring of the defence industries and markets. On the other hand, national prerogatives still dominate despite a decade of rhetoric and initiatives for more cooperation and a less state in EU defence. If this national focus continues to dominate under current financial circumstances, EU member states run the risk to implement cuts in their Armed Forces in an uncoordinated way. As a result, member states might end up with potentially even bigger capability gaps than they have today and hence even less opportunities to implement the Common Security and Defence Policy (CSDP). This study provides a comprehensive and detailed overview on the ongoing impact of the financial crisis on EU Member States defence spending. In addition, it examines the potential of overcoming the need to cut defence spending by greater cooperation in the framework of the European Union and by drawing upon the innovations in the Lisbon Treaty. The study highlights the need to address the challenges of the economic crisis, a growing number of initiatives by various EU countries as well as the opportunities the Lisbon Treaty offers for pursuing an effective defence sector strategy that goes beyond the current incremental approach. The study has been requested to provide Members of the European Parliament, broader defence policy community and European public a first comprehensive overview of the impact of the financial crisis on European defence and at the EU level, as well as its wider impact on the future of the Common Security and Defence Policy (CSDP). It includes recommendations to be developed by the European Parliament and decision makers at the national and EU level.

Study EN

Europol : linking law enforcement across Europe

Publication type Briefing
Date 27-04-2011
Author Piotr BAKOWSKI
Policy area Area of Freedom, Security and Justice
Keyword organised crime | police cooperation | Europol | fight against crime | EU office or agency | police | terrorism | exchange of information | judicial investigation | Treaty of Lisbon
Summary Europol's competencies have grown remarkably since it was created and now include combating organised crime, terrorism and numerous forms of serious crime. Although the Lisbon Treaty precludes the use of coercive measures by Europol, it is argued that the Office has already acquired some executive powers.

Briefing EN
The Implementation of Article 80 TFEU - on the Principle of Solidarity and Fair Sharing of Responsibility, Including its Financial Implications, between the Member States in the Field of Border Checks, Asylum and Immigration

Publication type: Study
Date: 15-04-2011

External author:
- Dirk Vanheule (Project Director), Joanne van Selm and Christina Boswell (Eurasylum Ltd.)
- Quality assurance: Solon Ardittis (Eurasylum Ltd.)

Policy area:
- Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law

Keyword:
- border control | migration control | joint competence | immigration | right of asylum | trafficking in human beings | refugee | Treaty of Lisbon

Summary: The study assesses the scope and implications of Article 80 TFEU, which relates to the principle of solidarity in the field of Border Checks, Asylum and Immigration. The study analyses primary and secondary sources of European law in order to identify the implications of Article 80 TFEU in terms of obligations and jurisdiction. It also discusses the results of a questionnaire that was administered to senior public officials in the EU, collecting their views on the scope and possible mode of implementation of Article 80 TFEU. The study's conclusions outline some practical solutions for the implementation of new solidarity mechanisms in the field of EU immigration and asylum policies.

Study ES, DE, EN, FR, IT

European Administrative Law in the Light of the Treaty of Lisbon: Introductory Remarks

Publication type: In-Depth Analysis
Date: 15-03-2011

External author:
- Juergen Schwarze (Albert-Ludwigs-Universitaet Freiburg, Institute for Public Law and Europa-Institut Freiburg E.V. Germany)

Policy area:
- EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts

Keyword:
- implementing Regulation | codification of EU law | administrative law | administrative cooperation | delegated legislation | Treaty of Lisbon | secondary legislation | judicial review | access to EU information | administrative procedure

Summary: This contribution covers the development of European administrative law, in particular the changes which the Treaty of Lisbon has brought about. Next to a growing amount of secondary law EU administrative law has been mainly shaped by the Court of Justice of the European Union. However, it still lacks a coherent structure. The author, thus, pleads for the codification of the major rules on administrative procedures in particular in the field of indirect implementation of European law – on a yet to be established legal basis in the Treaties which – in his view – the Lisbon Treaty still does not provide for.

In-Depth Analysis ES, EN

The EU as a Global Actor: Its Evolving Role in Multilateral Organizations

Publication type: Study
Date: 15-03-2011

External author:
- PALACIO Vicente (Fundación Alternativas), DE LA ROCHA V. Manuel (Fundación Alternativas), ESCARÍO José Luis (Fundación Alternativas) and RUIZ Doméneç (Fundación Alternativas)

Policy area:
- Global Governance

Keyword:
- World Trade Organisation | UN General Assembly | OECD | FAO | the EU's international role | OSCE | Council of Europe | multilateral relations | International Monetary Fund | Ecosoc | EU-NATO cooperation | Treaty of Lisbon

Summary: This study explores ways through which the EU could meet its full potential as a global actor and, specifically how it can act more effective in the multilateral organizations and forums. The main obstacle for the EU is the fragmented and divergent positions among the member states that occasionally arise over major international issues, and prevent the Union from acting with speed and determination required in international affairs. The departure point of this analysis is a thorough assessment of the Lisbon Treaty. The latter provides the EU with legal personality and with new tools and competences that, if there was enough political will, could enable it to maximize its current capacity to act. Assessed against the division of competences between the EU and its Member States enshrined in the Treaty, the study looks at the current status of the EU in the most important multilateral organizations that form the central nucleus of the world governance, both in the political, defense and economic realms. For each of those organizations, the report proposes ways and means to enhance the membership status and influence of the Union. At the same time, it is recognized that the international architecture is clearly imperfect and unsuitable for global governance, often reflecting the old order and powers that emerged from World War II. Therefore, this report also provides suggestions on how to reform the system for global governance if it is to be more representative and efficient while allowing a more adequate insertion of the EU.

Study ES, DE, EN, FR
Relevant provisions of the Lisbon Treaty on EU Administrative Law

Publication type: In-Depth Analysis  
Date: 01-12-2010  
External author: Professor Eva NIETO  
Keyword: codification of EU law | administrative law | personal data | EU Charter of Fundamental Rights | Treaty of Lisbon | data protection | access to EU information  
Summary: The aim of this paper is to contribute to the debate on whether EU law needs a regulation on a common administrative procedure and, if so, on what its content and scope could be. If an EU administrative procedure regulation is adopted under the legal basis contained by Article 298 (2) TFEU, it shall answer in the first place to the principles of Article 298 (1) TFEU: to an open, efficient and independent European administration. In doing so it will develop mainly the right to good administration but also the rights of access to documents and to protection of personal data. In my opinion procedural rules contained under the right to good administration and their development by the Code of Good Administrative Behaviour constitute grosso modo the guidelines for a future Regulation on Administrative Procedure.

The European’s Parliaments role after Lisbon

Publication type: Briefing  
Date: 25-10-2010  
Author: Nicholas COPELAND  
Policy area: Budget | EU Democracy, Institutional and Parliamentary Law | Education | EU Law: Legal System and Acts  
Keyword: ordinary legislative procedure | parliamentary scrutiny | comitology | budgetary control | powers of the EP | Treaty of Lisbon  
Summary: The Lisbon Treaty represents a significant step in the evolution of the EP. It brings the EP closer to more familiar national models and poten-tially enhances both its democratic legi-slacy and popular acceptance. The EP’s legislative power has risen appreciably and it is now an equal co-legislator with the Council over the vast majority of areas of EU internal policy. In addition it has already shown the willing-ness and ability to extend its new competences in external policy to the fullest extent of the Treaty provisions. The Treaty also provides for more Parliamentary oversight, particularly in regard to the Commission. Early indications suggest that the EP will seek to maximise and even extend these powers where possible. The budgetary procedure sees the EP become an equal partner with the Council, and with that it gains the final word on the whole budget’s adoption. Questions, however, remain as to the value of these changes in real terms. A truer picture may emerge on the completion of the first new budgetary cycle.

Towards an EU Regulation on Administrative Procedure?

Publication type: In-Depth Analysis  
Date: 22-10-2010  
External author: Professor Mario Pilade Chiti, Università degli Studi di Firenze  
Policy area: EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts  
Keyword: EU law - national law | legal system | administrative law | right of action | EU law | Treaty of Lisbon  
Summary: This paper will address four main issues in a concise manner:  
- The constitutional basis of the European Administrative Law now provided by the Lisbon Treaty, and their major consequences  
- The possibility of an European legislation framework of the administrative procedure  
- The limitations of the current European system of legal guarantees facing the development of European Administrative Law
The EU Approach to International Investment Policy after the Lisbon Treaty

Publication type: Study
Date: 21-10-2010

External author: WOOLCOCK Stephen (London School of Economics, UK and Overseas Development Institute, UK)

Policy area: EU Democracy, Institutional and Parliamentary Law | International Trade | Industry

Keyword: investment policy | foreign investment | investment protection | international negotiations | EU competence | Treaty of Lisbon

Summary
The Lisbon Treaty extends exclusive European Union competence to foreign direct investment (FDI). After a transition period this should enable the EU to conclude either international investment agreements or comprehensive trade and investment agreements with third parties. This extension of the EU’s competence offers the opportunity of promoting EU competitiveness in global markets through increased investment and better access to key third country markets. It also facilitates a greater European influence over international investment agreements a key instrument in any response to globalisation.

The EU will need to develop a coherent and balanced approach to investment if it is to make the most of these opportunities. In this the EU needs to address four major issues. First, the treaty provides no definition of FDI and thus the scope of EU exclusive competence. The EU institutions must therefore work towards a consensus on the scope of competence or how to manage mixed competence negotiations. Second, there is a need to define the main elements of an EU investment policy. This will involve agreement on standards for investment protection, dispute settlement and arbitral procedures as well as what the EU aims should be in terms of promoting ‘sustainable investment.’ Third, it will be necessary to decide on the basis of clear and objective criteria, which third countries should be given priority when it comes to negotiating EU level investment agreements. Finally, agreement must be found on how to manage the transition from member state bilateral investment treaties (BITs) to EU level investment agreements.

This study provides background on the nature of these challenges and discusses the options for EU policy.

Study DE, EN, FR

The Lisbon Treaty and EU Sports Policy

Publication type: Study
Date: 28-09-2010

External author: Prof. Dr. Richard Parrish (Edge Hill University, United Kingdom) ; Dr. Borja García García (Loughborough University, United Kingdom) ; Samuli Miettinen (Edge Hill University) ; Prof. Dr. Robert Siekmann (T.M.C. Asser Institute, The Netherlands) (project manager)


Keyword: professional sport | performance drugs | competition law | Treaty of Lisbon | foreign national | free movement of persons

Summary
A study providing a panorama of the possibilities of EU sports policy at a time when these are being reviewed after the approval of the Lisbon Treaty. In particular, the study assesses from a legal point of view, the potential of the new TFEU to enable the EU to attain the objectives of greater fairness and openness in sporting competitions and greater protection of the moral and physical integrity of sports practitioners whilst taking account of the specific nature of sport.

Study DE, EN, FR

The European Citizens' Initiative online? Some European and national experiences

Publication type: In-Depth Analysis
Date: 15-07-2010

Author: Wilhelm LEHMANN

Policy area: EU Democracy, Institutional and Parliamentary Law | Petitions to the European Parliament

Keyword: governance | Internet | citizens’ Europe | petition | participatory democracy | Council of Europe | EU Member State | Treaty of Lisbon | European Parliament

Summary
The inclusion of the European Citizens' Initiative (ECI) in the Lisbon Treaty is a recognition of earlier developments in many parts of the democratic world. The implementation of its practical parameters will be a crucial element for the acceptance of the ECI by EU citizens and will send an important message to other regions and countries. The purpose of this study is to provide background information on the present situation in the Member States of the EU, and on the European level, as far as the use of modern technical equipment such as online registration of popular initiatives, referendums or petitions is concerned. Since there is no direct equivalent to the new ECI at Member State level any comparisons are necessarily limited but nevertheless instructive.

In-Depth Analysis EN
European Democracy, Constitutional Identity and Sovereignty: Some Repercussions of the German Constitutional Court's Lisbon Judgment

Publication type: In-Depth Analysis
Date: 17-05-2010
Author: Wilhelm LEHMANN
Policy area: EU Democracy, Institutional and Parliamentary Law
Keyword: primacy of the law | Germany | European identity | constitutional court | democracy | Treaty of Lisbon
Summary: As was to be expected, the judgment of the German Federal Constitutional Court on the ratification of the Lisbon Treaty has engendered a lively debate both in the wider public and in academia. This study evaluates academic interpretations of the verdict. It focuses on the three constitutional issues raised by the Court: democracy at the European level, constitutional identity of the Member States and political sovereignty. Recent initiatives of the European Parliament and new provisions introduced by the Lisbon Treaty are assessed in view of the arguments raised in European constitutional scholarship.

In-Depth Analysis: EN, DE, EN, FR, IT, PL

Classified Information in light of the Lisbon Treaty

Publication type: In-Depth Analysis
Date: 14-05-2010
External author: Henri Labayle, Professeur à l'Université de Pau et des pays de l'Adour
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword: access to information | legal aid | interinstitutional relations | rights of the individual | foreign policy | Treaty of Lisbon
Summary: The revision of Regulation No 1049/2001 regarding public access to documents coincides with the entry into force of the Lisbon Treaty. It highlights the lack of general regulation of the classification of "sensitive" documents in the EU and the absence of transparency in that field. The needs of democratic governance call for a modification of this situation, in order to effectively protect citizens' rights of access to documents and to ensure a normal exercise of the Parliament's prerogatives.

In-Depth Analysis: EN, FR

Towards an EU Peacebuilding Strategy? EU Civilian Coordination in Peacebuilding and the Effects of the Lisbon Treaty

Publication type: In-Depth Analysis
Date: 15-04-2010
External author: Claudia MAJOR (German Institute for International and Security Affairs, SWP, Berlin, Germany and Christian MÖLLING (German Institute for International and Security Affairs, SWP, Berlin, Germany)
Policy area: EU Democracy, Institutional and Parliamentary Law
Keyword: establishment of peace | the EU's international role | operation of the Institutions | common foreign and security policy | Treaty of Lisbon
Summary: The Lisbon Treaty (LT) has been designed to improve the coherence of the Union's external action. Whilst peacebuilding, as HR Ashton has said in the European Parliament, is central to what the EU does externally, it is not spelled out in a clear policy statement what this means. The result is that the means that are principally available within the Union are not mainstreamed towards peacebuilding. If the EU is to play a role as an actor in international peacebuilding, a peacebuilding strategy should be set up. Such a strategy would seek to overcome both the conceptual diversity and the institutional fragmentation in view of coordinating the diverse instruments, providing for the appropriate resources and capabilities, and assuring their implementation.

In-Depth Analysis: EN

Consolidating the EU's Crisis Management Structures: Civil-Military Coordination and the Future of the EU OHQ

Publication type: In-Depth Analysis
Date: 13-04-2010
External author: Nik HYNIEK (Institute of International Relations, IIR, Prague, Czech Republic and Charles University and Metropolitan University, Prague, Czech Republic)
Policy area: Foreign Affairs | Security and Defence
Keyword: civil defence | EU relations | multinational force | Treaty of Lisbon | High Representative of the Union for Foreign Affairs and Security Policy | international conflict | common security and defence policy
Summary: The development from ESDP to CSDP in the Lisbon Treaty is desirable to increase coherence in the EU's external action, including its crisis management efforts. This study argues that the EU has been moving in the direction towards more complex and hybrid operations for which comprehensive planning needs to be used. The need for more intensive intra-EU coordination as well as external cooperation of the EU with other actors involved in crisis management is recognised. The creation of CMPD is a welcome step towards further integration of civilian and military approaches to crisis management, however there have also been important lines of criticism, particularly related to the complexity of the chain of command and to the possibility that either the military or the civilian side will dominate the strategic planning and conduct in the field of crisis management. As far as the EU OHQ is concerned, the analysis in this study paper suggests that none of the existing options is particularly well-suited for current and future EU operations in the field of crisis management. It is for this reason that a case for the establishment of a permanent strategic planning and conduct structure is made.

In-Depth Analysis: EN
<table>
<thead>
<tr>
<th>Title</th>
<th>Publication type</th>
<th>Date</th>
<th>Author</th>
<th>Policy area</th>
<th>Keyword</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Role of National Parliaments in Regional Policy under the Treaty of Lisbon</td>
<td>In-Depth Analysis</td>
<td>15-03-2010</td>
<td>Esther KRAMER</td>
<td>EU Democracy, Institutional and Parliamentary Law</td>
<td>State aid</td>
<td>EU regional policy</td>
</tr>
<tr>
<td>Harmonization of Criminal Law in the EU : A Special Focus on the US Judicial System</td>
<td>Study</td>
<td>15-03-2010</td>
<td>Nadja Long (European Centre for Judges and Lawyers, European Institute of Public Administration - EIPA, Luxembourg)</td>
<td>Area of Freedom, Security and Justice</td>
<td>United States</td>
<td>approximation of laws</td>
</tr>
<tr>
<td>Structural and Cohesion Policies Following the Treaty of Lisbon</td>
<td>Study</td>
<td>15-02-2010</td>
<td>Albert MASSOT MARTI</td>
<td>Ana Maria NOGUEIRA</td>
<td>Nils DANKLEFSEN</td>
<td>Esther KRAMER</td>
</tr>
<tr>
<td>The Impact of the Treaty of Lisbon on Regional Policy</td>
<td>In-Depth Analysis</td>
<td>15-01-2010</td>
<td>Esther KRAMER</td>
<td>EU Democracy, Institutional and Parliamentary Law</td>
<td>Regional Development</td>
<td>principle of subsidiarity</td>
</tr>
</tbody>
</table>
The Impact of the Lisbon Treaty in the Field of Public Procurement

Publication type: In-Depth Analysis
Date: 12-01-2010
External author: Annette Rösenkotter and Thorsten Wuerzig (FPS Rechtsanwälte & Notare)
Policy area: Environment | Contract Law, Commercial Law and Company Law
Keyword: public contract | environmental standard | environmental protection | administrative cooperation | regional and local authorities | EU competence | Treaty of Lisbon
Summary: The purpose of this briefing paper is to assess the impact of the new regulations of the Lisbon Treaty in the field of public procurement. The paper focuses on the principles of self-governance and subsidiarity and the consequences thereof for the possibilities for inter-communal/interstate cooperation. It also provides an evaluation of the role of environmental and social aspects in public procurement.

In-Depth Analysis DE, EN, FR

External Dimension of the Area of Freedom, Security and Justice

Publication type: In-Depth Analysis
Date: 16-03-2009
External author: Susie Alegre, Didier Bigo and Julien Jeandesboz
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword: external competence (EU) | international cooperation | area of freedom, security and justice | rights of the individual | Treaty of Lisbon | human rights
Summary: The “external dimension” of the area of freedom, security and justice (AFSJ) was formalised in the Hague Programme on “strengthening freedom, security and justice in the European Union”, approved by the European Council in its meeting of 4 November 2004. In 2005, the European Commission and Council published, at a few weeks’ interval, a Communication on “a strategy to the external dimension of the AFSJ” and a “strategy for the external dimension of JHA“ in an effort to develop further the guidelines established by the European Council. The present study provides an overview of the various activities undertaken under the umbrella of this so-called “external dimension” (Section 1). It does so by scrutinising the coherence between the stated objectives of the EU in this domain, and the actual developments that have taken place since the approval of the Hague Programme, paying specific attention in the process to the issue of fundamental rights and freedoms. In the light of this assessment, the study also envisages the future prospects of the “external dimension” (Section 2), which will feature in particular in the next EU multi-annual programme on the AFSJ to be adopted in 2009 (the “Stockholm Programme” in its current denomination). We will, in this perspective, take into consideration what the Lisbon Treaty, should it enter into force, has in stock as regards the legal basis and Parliament competences in the context of the "external dimension", and develop a set of recommendations for the LIBE Committee insofar as this domain is concerned.

In-Depth Analysis EN, FR

Practical Guide

Publication type: Study
Date: 16-03-2009
Author: Albert MASSOT MARTI
Policy area: Agriculture and Rural Development
Keyword: legislative procedure | food production | food safety | economic recovery | farming sector | general budget (EU) | Treaty of Lisbon | European Parliament | common agricultural policy | rural development
Summary: This practical guide provides an overview of the legal background to the respective policy, of its achievements during the 6th term and of the challenges that still remain to be tackled. Additionally, it contains concise information about the activities of Policy Department B and of the services it can provide.
Study BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV

The CAP and the Lisbon Treaty

Publication type: In-Depth Analysis
Date: 15-10-2008
External author: Claude Blumann (Université Panthéon-Assas, Paris II, France, Chaire Jean Monnet de droit européen)
Policy area: EU Democracy, Institutional and Parliamentary Law | Agriculture and Rural Development
Summary: The changes on the CAP made by the Treaty of Lisbon are therefore essentially institutional and procedural. The substantive changes concern the statement in Article 38 (1) and (4). The provisions in the Lisbon Treaty relating to the CAP should, on the whole, prove to be very positive for the European Parliament.

In-Depth Analysis EN, FR
Perspectives of the Development of Civil Society under the Lisbon Treaty : Reflections of a Sociologist

Publication type In-Depth Analysis
Date 15-05-2008
External author Kazimiera Wódz (University of Silesia, Poland)
Policy area EU Democracy, Institutional and Parliamentary Law | Social Policy
Keyword governance | Poland | participatory democracy | European integration | public consultation | social dialogue | Treaty of Lisbon | civil society
Summary This note explores options for the advancement of the political involvement of civic stakeholders in the deliberations leading to policy-making decisions. New provisions of the Lisbon Treaty are analysed in order to examine their impact for civil society.

In-Depth Analysis EN

The Impact of the Lisbon Treaty on ESDP

Publication type In-Depth Analysis
Date 26-02-2008
External author Joanna Popielawska and Jan Michael Deuter
Policy area EU Democracy, Institutional and Parliamentary Law | Foreign Affairs | Security and Defence
Keyword EU relations | powers of the EP | terrorism | Treaty of Lisbon | High Representative of the Union for Foreign Affairs and Security Policy | common security and defence policy
Summary On 11 February 2008 the Policy Department in DG EXPO organised a Workshop on behalf of the Subcommittee on Security and Defence (SEDE). This was the first Workshop of its kind for DG EXPO. The large participation and interest from within and outside the European Parliament made for a successful event. The substance of the Workshop provided an opportunity for key Members of the European Parliament to present their views on the innovations in the Lisbon Treaty in the area of External Relations as well as to look in more depth at specific proposals including the new High Representative for Foreign Affairs and Security Policy, the European External Action Service, Permanent Structured Cooperation and the mutual defence article. The second part of the seminar focussed on the role of national parliaments and the European Parliament in scrutinising ESDP and on how parliamentary oversight might be strengthened in the future. This Workshop Summary provides an overview on the issues raised during the Workshop. It is not intended as a verbatim reproduction of the event. The summary and programme is used as a means to disseminate the Workshop presentations which should be useful to those interested in the details of the presentations as well as those who were unable to attend.

In-Depth Analysis EN

The Lisbon Treaty and its implications for CFSP/ESDP

Publication type In-Depth Analysis
Date 04-02-2008
Author Gerrard QUILLE
Policy area EU Democracy, Institutional and Parliamentary Law | Security and Defence
Keyword European security | EU office or agency | European Defence Agency | terrorism | common foreign and security policy | Treaty of Lisbon | High Representative of the Union for Foreign Affairs and Security Policy

In-Depth Analysis EN

The Impact of the Lisbon Treaty on ESDP

Publication type In-Depth Analysis
Date 08-01-2008
External author Dr. ANTONIO MISSIROLI
Policy area EU Democracy, Institutional and Parliamentary Law | Security and Defence
Keyword defence policy | powers of the EP | Treaty of Lisbon | High Representative of the Union for Foreign Affairs and Security Policy | diplomatic representation | common security and defence policy

In-Depth Analysis EN