

OPEN FORUM**The Lisbon Treaty: Simplification or institutional chaos?**

By Daniel Guéguen, president of the European Training Institute (ETI)

The Lisbon Treaty is an unfinished text, comprising serious omissions and revealing deep divides between the member states. Even worse, it places a big question mark over the separation of powers between the European Commission, independent by nature, and the Council of Ministers.

THREE SIMULTANEOUS PRESIDENTS

The nomination of a permanent president of the European Council, considered as one of the main breakthroughs, raises several questions. All realise that this permanent president concerns the European Council of heads of state and government, but not the Council of Ministers, which shall remain under the rotating Presidency.

In this context, what will the relationship be between the permanent president of the European Council and the president of the country in charge of the rotating Presidency? And what kind of relations will there be between the permanent president, the presidents of the thematic Councils of Ministers, and the Council working groups? These questions have been avoided.

The competences of this permanent president, which are not specified in the treaty, are also leading to battles. Will he be a 'chairman', a mere book-keeper; or will he be a genuine executive president, personifying and giving impulse to Europe? Nothing in the treaty settles this question of fundamental importance.

The same applies to the new 'high representative for the Common Foreign and Security Policy'. Holding the post of vice-president of the Commission, he is nominated by qualified majority by the European Council according to a derogatory procedure similar to the one used for his 26 other colleagues.

As for his powers, the uncertainty gets even worse: will the high representative have the upper hand for trade and development? Will he organise the common resources of the Commission delegations and the member state embassies across the world as provided by Article 13a in the new

treaty? The ideal profile for the high representative varies from one member state to the other: from a high-ranking diplomat for the British to a European minister of foreign affairs for the Belgians.



Guéguen: "Opaque circumstances"

Once the Lisbon Treaty is ratified, the Presidency of the EU will comprise three posts: the permanent president of the European Council; the presidents of the thematic Councils under the rotating Presidency; and the high representative presiding over the General Affairs Council, running a mandate as vice-president of the Commission at the same time.

Empowered to adopt Commission proposals as a member of the College and simultaneously presiding over the General Affairs Council, the high representative flouts the principle of separation of powers between the Commission, independent by nature, and the Council of Ministers.

REFORM OF COMITOLGY REFORM

To put it simply, the European Union 'produces' every year more or less 40 directives adopted through co-decision. These directives imply the adoption of technical measures through comitology (ie implementing measures), which number around 3,000 per year. In other words, acts adopted by the EU under comitology are fifty-fold more numerous than co-decision acts.

The dominant power behind comitology is the Commission, which has, as for any legislative act, the single-handed power for taking initiatives and drafting, under the scrutiny of committees composed of one national civil servant per member state. Given that comitology measures usually follow acts adopted under co-decision, the European Parliament has been battling for

years to be involved in execution measures.

After an initial and superficial reform in 1999, the Parliament had reason for satisfaction with the Constitutional Treaty project, which awarded it with the power to veto a large number of execution measures (quasi-legislative measures). With the rejection of the Constitutional Treaty, the comitology reform was decoupled from the treaty, re-examined and adopted in July 2006 under the most obscure circumstances by a Council decision.

Eighteen months later, one learns that the Lisbon Treaty will impose a new comitology reform. Reforming the reform. According to our information, the authors of the Treaty of Lisbon did not inscribe in the reform treaty the procedures adopted in July 2006, but the measures included in the old Constitutional Treaty project.

The differences between the July 2006 reform and the elements of the Constitutional Treaty repeated by the Lisbon Treaty are considerable. The Lisbon Treaty makes it possible for the Parliament or the Council to revoke, on a case-by-case basis, the Commission's executive powers, and tentatively hints towards the suppression of the regulatory and management committees composed of national civil servants to scrutinise the Commission.

To put it briefly, the super-complex and super-important domain of comitology is once again revolutionised in the most opaque circumstances and without any valid reason whatsoever.

The most disturbing thing in this affair is its opacity and the absence of any dialogue with civil society. And, more generally, a total lack of respect for the citizen, even a sort of democratic contempt, consisting of ratifying a Lisbon Treaty in which an essential part has simply not been agreed upon between the member states or the institutions.

The primary objective of the revision of the Nice Treaty was the simplification of the institutions and the definition of a common European project; one can only note with great sadness how the final result is diametrically opposite to the initial objective. ■