

## The new EU Reform Treaty

### What was agreed at the European summit?

The European summit held in Brussels on 21-23 June 2007 has abandoned the idea of a European constitution and replaced it with a new Reform Treaty. The full details of the new treaty remain to be finalised in negotiations over the next few months, but the key decisions were as follows:

- No far-reaching European constitution – a modest Reform Treaty, with a few pragmatic, evolutionary changes instead
- British opt-out on justice and home affairs maintained
- National veto on taxation and foreign policy reaffirmed
- The designation “Foreign Minister”, which gave cause for concern or misunderstanding, has been dropped
- Confirmed that the Charter of Fundamental Rights applies to the EU institutions but does not apply to UK domestic law

The table attached to this briefing sets out what are the main changes since the constitutional treaty was agreed in 2004 and what has been maintained.

### What happens next?

The intricate final details of the next treaty have still to be agreed, but the outline will be as agreed at the summit in Brussels. There will be negotiations among the national governments of the member states, aiming to conclude by December 2007. The new treaty agreed will then have to be ratified in each of the 27 member states according to its own constitutional requirements in order to come into force.

What was in the Constitutional Treaty of 2004	What will be in the Reform Treaty of 2007
<b>A. Reforms to make the enlarged EU more efficient</b>	
1. The EU’s foreign policy High Representative and the Commissioner for External Relations—two posts causing duplication and confusion—would be merged into a single EU ‘Foreign Minister’, able to speak for the Union on those subjects where EU countries agree a common line.	<b>CHANGED.</b> The merger of the two posts is retained, but the job title “Foreign Minister” is sensibly changed to “High Representative of the Union for Foreign Affairs and Security Policy” to make clearer what is actually involved in the post.
2. There would be a new voting system in the Council of Ministers, with a qualified majority requiring the support of a “double majority” of at least 55 per cent of countries who must also represent at least 65 per cent of the EU’s population.	<b>CHANGED.</b> The double majority voting system has been retained, but will be phased in from 2014 to meet Polish objections.
3. More decisions in the Council of Ministers would be by Qualified Majority Voting. Exceptions include subjects that are sensitive for national sovereignty, such as tax, social security,	<b>UNCHANGED.</b>

foreign policy and defence. These will continue to require unanimity.	
4. More flexibility: where not all countries want to join in a new policy, arrangements can be made to allow groups of countries to do so and others not. Britain can opt-in or out of policies concerning frontiers, asylum and police and judicial cooperation.	<b>REINFORCED.</b> In fact, more flexibility/opt-out arrangements have now been introduced.
5. The European Commission will be reduced in size: fewer Commissioners, with member states taking it in turn to nominate Commissioners two times out of three.	<b>UNCHANGED.</b>
6. The European Council (the three-monthly meetings of prime ministers) would choose a president to chair their meetings for 2½ years, replacing the current 6-monthly rotation.	<b>UNCHANGED.</b>
7. The size of the European Parliament would be capped.	<b>UNCHANGED.</b>
<b>B. Reforms to increase accountability and parliamentary scrutiny</b>	
8. The adoption of all EU legislation would be subject to the prior scrutiny of national Parliaments and the double approval of both national governments (in the Council of Ministers) and directly elected MEPs – a level of scrutiny that exists in no other international structure.	<b>UNCHANGED.</b>
9. National parliaments would receive all EU proposals in good time to mandate their ministers before Council meetings and would also gain the right to object directly to draft legislation if they feel it goes beyond the EU's remit.	<b>CHANGED.</b> National parliaments will be given more time to review legislative proposals – 8 weeks rather than 6.
10. The European Parliament would elect the President of the Commission, on the basis of a proposal from the European Council.	<b>UNCHANGED.</b>
11. A new budget procedure would require the approval of all EU expenditure by both the Council of Ministers and the European Parliament.	<b>UNCHANGED.</b>
12. Any EU law or any action taken by EU institutions could be struck down by the courts if it fails to comply with the Charter of Fundamental Rights that was approved by all Member States in 2000.	<b>CLARIFIED.</b> The Charter of Fundamental Rights has been given legal force but will apply only to laws or actions by the EU institutions within the EU treaties. There is a specific exemption to say that it does not apply to the domestic law of the United Kingdom.
13. The exercise of delegated powers by the Commission would be brought under a new system of joint supervision by the European Parliament and the Council of Ministers, enabling either of them to overturn Commission measures to which they object.	<b>UNCHANGED.</b>
14. When acting on legislation, the Council of	<b>UNCHANGED.</b>

Ministers would meet in public.	
<b>C. Reforms to delimit EU competences and to clarify that it is not a “superstate”</b>	
15. It would guarantee that the Union will never be a centralised all-powerful ‘superstate’ by laying down: (a) the obligation to “respect the national identities of member states, inherent in their fundamental structures, political and constitutional”; (b) the principle of conferred powers (whereby the Union has only those competencies bestowed on it by the member states); (c) the principles of subsidiarity and proportionality, limiting EU action to the minimum necessary to achieve the objectives agreed by member states; (d) the participation of member states themselves in the decision taking system of the Union; (e) the principle of “unity with diversity”.	<b>CONFIRMED.</b>
16. It would merge the confusingly overlapping “European Community” and “European Union” into a single legal entity and structure.	<b>UNCHANGED.</b>
17. It would provide a clear definition of the field of competence of the EU, without conferring any new fields of responsibility upon it.	<b>REINFORCED.</b> In fact, an additional declaration has been added to emphasise the limitations on the EU’s competences.
18. It would replace the complex and overlapping set of EU treaties with a single document spelling out clearly the powers of the EU and their limits.	<b>CHANGED.</b> Scrapped in favour of an “amending treaty”, in the same format and style as previous treaties such as Maastricht, Amsterdam and Nice.
19. It would simplify EU instruments and their terminology, replacing jargon with more easily understandable terms (EU regulations become “EU laws”, EU directives become “EU framework laws”, and so on).	<b>CHANGED.</b> The old terminology is retained.
20. It would maintain the EU’s tough and effective powers over competition policy.	<b>UNCHANGED.</b> A new protocol to the treaty makes clear that the change in the wording of the preamble does not affect the existing policies, case law nor operational methods of EU competition policy.

**For more information:**

Constitutional treaty

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2004:310:SOM:EN:HTML>

Reform treaty:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/94932.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/94932.pdf)