

Interview with António Vitorino: the differences between the Constitutional Treaty and the amending Treaty (Lisbon, 24 October 2007)

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[Miriam Mateus] As regards the new Treaty in particular, you took part as a Commission representative in the European Convention and the Intergovernmental Conference. So you can identify the changes from the initial text, so to speak. You're also a lawyer who specialises in Community law. In your opinion, has the text been weakened in any way, or has it retained the essential aspects of the reforms?

[António Vitorino] There's a significant difference between the nature of the Lisbon Treaty and the Constitutional Treaty, which is that the constitutional ambition has been abandoned. The constitutional ambition of the previous text, which was rejected in the French and Dutch referendums, desperately wanted to recast the EU project, as it were, in that it involved drafting a single text of a Constitutional Treaty which included many of the rules that were already in force in the current Treaties but which also introduced new features. Now, the major difference between the Lisbon Treaty and the Constitutional Treaty is that the former is simpler and focuses only on the new features, does not include the constitutional dimension and does not seek to reshape, and in that sense does not reproduce, all the rules of the Treaties in force, which remain as they are now. However, I don't think that it can be said that the substance of the innovations has been weakened, because, in the areas in which the Constitutional Treaty was innovative, the institutions, common foreign and security policy, structured cooperation in the area of defence, the legal bases in the area of justice and internal affairs, the essential aspect of those changes — making the Charter of Fundamental Rights legally binding, let's not forget — was retained in the Treaty of Lisbon.

[Miriam Mateus] And do you really believe that it is a simplified Treaty?

[António Vitorino] Well, Europe will always be complex. No one should have the slightest illusion about that, because that's the price of diversity. We are now 27 States — tomorrow, who knows? — which are diverse and which are not going to remain equal just by waving a magic wand. Europe will always be complex, and the Treaties reflect that complexity. When people talk of a simpler Treaty, they mean a Treaty that focuses primarily on the innovative issues alone and, therefore, does not include the vast range of articles already in force. Even a simple Treaty, however, is still complex, and it must be acknowledged that this Treaty is more difficult to understand than the previous one.