

The Treaty of Lisbon

Source: CVCE. Laurence Maufort. Hervé Bribosia.

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The Treaty of Lisbon

The Treaty establishing a Constitution for Europe, prepared by the European Convention and signed in Rome on 29 October 2004, would never enter into force. In spring 2005, although it had already been ratified by eleven Member States, the failure of the referendums in France and the Netherlands led to the suspension of the ratification process. While seven Member States subsequently continued with their ratification procedure, seven others postponed it indefinitely. The European Union (EU) was plunged into an unprecedented crisis that would last for two years.

In 2007, the German Presidency stepped up consultations and managed to break the deadlock. On 23 June 2007, the Heads of State or Government meeting within the European Council agreed to convene a new Intergovernmental Conference (IGC) as soon as possible. In its mandate, the IGC was asked to draw up a ‘Reform Treaty’ amending the Treaties in force. The constitutional concept, which consisted in repealing all existing Treaties and replacing them by a single constitutional text, was abandoned.

The IGC began its work on 23 July 2007 and was concluded on 18 October 2007 with an informal meeting of the Heads of State or Government in Lisbon. During this meeting, a political agreement on the text of the new Treaty was finally secured. On 13 December 2007, the Heads of State or Government signed the *Treaty of Lisbon* and called for a swift completion of national ratification processes in the 27 Member States with a view to allowing entry into force of the Treaty on 1 January 2009.

The aim of the Treaty of Lisbon was to amend the Treaty on European Union and the Treaty establishing the European Community, which was renamed the ‘Treaty on the Functioning of the European Union’. All references to the notion of ‘Constitution’ were removed. Yet this new Treaty was largely based on the substance of the 2004 Constitutional Treaty. It merged the three pillars (the Community and two areas of intergovernmental cooperation); granted legal personality to the EU, which replaced the Communities; made the Charter of Fundamental Rights legally binding; and brought about several institutional reforms. The Treaty provided for a strengthening of the legislative and budgetary powers of the European Parliament; the redefinition and extension of qualified majority voting in the Council; the formal recognition of the European Council as an institution and the creation of the post of President of the Council; the creation of the post of High Representative of the Union for Foreign Affairs and Security Policy; a strengthening of the role of national parliaments; and the new Citizens’ Initiative.

Once the Treaty was signed by the Heads of State or Government on 13 December 2007, the ratification process could begin. On 12 June 2008, Ireland, the only country requiring ratification by referendum, rejected the Treaty. The solution recommended by the June 2008 European Council was to continue the ratification process that had been started. By this stage, the parliaments of 19 Member States had already approved the Treaty and a renegotiation of the text was inconceivable. After obtaining further guarantees from the European Council, Ireland held a second referendum on 2 October 2009. This time, the ‘yes’ vote won. On 3 November 2009, ratification of the Treaty by the Czech Republic brought the EU-wide ratification process to a close. The Treaty of Lisbon finally entered into force on 1 December 2009.