

The Lisbon Treaty

The new EU Treaty entered into force on 1 December 2009. The aim of the new rules was to make the EU more democratic, more efficient and transparent.

This briefing aims to present the most important elements that can influence the work of an NGO like Eurogroup and its network. For some more general information you can consult [Your guide to the Lisbon Treaty](#) (or the [text](#) of the Lisbon Treaty).

The Animal Welfare article

In strict legal terms there has been little change to the provisions for animal welfare. The Protocol on the protection and welfare of animals annexed to the Amsterdam Treaty (1997) has been changed and integrated in the Treaty as Article 13 of the Treaty on the Functioning of the European Union, under Title II "provisions having general application". This means that the obligations related to animal welfare now also apply to policies on fisheries, technological developments and space policies, for example. The change in terms, from Protocol to an Article, only has a symbolic value as Protocols have the same legal value as articles and both are legally binding.

Article 13: "In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, **pay full regard to the requirements of animal welfare**, while respecting the legislative or administrative provisions and customs of Member States relating in particular to religious rites, cultural traditions and regional heritage."

Although this does not provide a guarantee that animal welfare will be systematically taken into account by the EU (only in the policy areas specifically mentioned), nor does it provide a legal basis for animal welfare measures (because it is just a "provision having general application"). The article will, however, increase the importance of animal welfare. It requires the EU institutions and Member States to integrate animal welfare considerations in their policy-making. For the Commission, it means that an "animal welfare impact assessment" is to be a compulsory part of the impact assessments which are required to be carried out before adopting any new policies. Eurogroup and its members have not yet investigated what would the obligations of Member States would be to implement this article.

Parliament and Council: Consequences for lobbying

The European Parliament's increased powers

Under the Lisbon Treaty, the power of co-decision (which gives nearly as much power to the European Parliament as to the Council of the EU) will now become the "ordinary legislative procedure" extended to most areas of EU policy-making. The reform Treaty states this procedure will concern "the common organisation of agricultural markets" and "the other provisions necessary for the pursuit of the objectives of the common agricultural policy and the common fisheries policy".

This means that a large majority of decisions relating to agriculture will now fall under the co-decision procedure. Only “measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities” will be decided under the consultation procedure (which only gives the Parliament the “right” to give its non-binding opinion).

Concerning the EU budget, the Parliament is now on the same footing as the Council for all budget headings (the difference between “compulsory” and “non-compulsory” spending is no more). The Parliament will also retain its vote on the appointment of the President of the European Commission. Lobbying of MEPs will now be even more important, as they will have considerably more power in a large majority of agriculture dossiers (around 95%) and on budgets, including the ones relating to agriculture.

The Council's reorganised powers

The Presidency of the EU Council

[Similar to the Constitutional project]

The Council now has a full-time president, who is elected for two years and a half by EU Member States. He or she will chair the European Council meetings and have a predominantly administrative role. However, the system of rotating presidencies will not be entirely replaced as this system will remain in place for the preparation and chairing of most Council of Ministers meetings (including Agriculture and Environment). The Council's Presidency will be managed by predetermined groups of three Member States sharing a common 18 months programme. Each Member State will still assume the presidency for six months.

Voting procedure

From 1 November 2014, Qualified Majority Voting (QMV), which applies to most dossiers (including most agricultural issues) will prevail. This means that texts can be adopted or agreements reached when at least 55 % of the members of the Council approve, whilst also comprising representatives of at least fifteen Member States. This group must also represent Member States which when totalled represent at least 65 % of the population of the Union. This “double majority system” is clearer than the current system (requiring approval by 50% or 67% of Member States, 74% Member States yes votes in the Council and representing 62% of their population).

Blocking minority

A blocking minority must include at least four Council Members, who represent over 35 % of the population of the participating Member States. This rule was created as a result of a concern formulated by the EU's “smaller” Member States, to ensure that the bigger Member States cannot form a block to secure a QMV decision on their own.

In addition, the “Ioannina Compromise” will allow Member States that are able to form a 75% blocking minority (i.e. three Member states representing 26.25% of the population) to ask the Council to delay the vote and try to find broader support for a decision, within a reasonable time within the decision-making deadlines. After 2017, this delaying veto will be even easier to use.

More power for citizens: Consequences for EU-wide campaigning

National Parliaments

The new reform Treaty gives national parliaments a direct say in the law-making process of the EU. Within eight weeks after the launch of a draft legislative act, one third to half of national parliaments (depending on the procedure under which the draft legislation is presented) can present a reasoned opinion asking for a review of

the proposal, if they believe the proposal threatens the subsidiary¹ principle. Under the ordinary legislative procedure (co-decision), this reasoned opinion also needs to carry the support of 55% of Member States and/or a majority of MEPs to ask for a review.

Greater openness and transparency

In their efforts to bring the EU closer to the citizens and to ensure citizens' views are integrated in policy-making, the Lisbon Treaty has included the principle of dialogue with civil society as part of the provisions on democratic principles (Article 11). Therefore, the institutions are duly bound to "give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action" and maintain an "open, transparent and regular dialogue with representative associations and civil society".

The Commission is obliged to carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

The Lisbon Treaty also states that "the Council shall meet in public when it deliberates and votes on a draft legislative act". All meetings of the Council of Ministers on legislative acts will from here on out be taken in public session. To watch the ministers at work, visit <http://video.consilium.europa.eu>

Petition power for Citizens

Although the European Commission keeps the monopoly for initiating legislative proposals, citizens' petitions are officially recognised. A petition signed by more than one million citizens coming from a significant number of Member States may invite the Commission to submit an "appropriate proposal", provided this is "required for the purpose of implementing the treaties". Therefore, petitions can only be on issues which are included in the list of competences of the EU.

The details of organising such a petition still need to be discussed. A public consultation has been organised to determine the procedures and conditions. For more information, click here:

http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/index_en.htm

¹ The Subsidiarity principle requires that individual Member States are to be allowed to legislate in areas that affect their citizens. This follows that principle that action is to be taken as close to the citizens as possible (national level) unless the topics requiring legislation falls under (exclusive) EU competences and if community action would be more effective than national action.