

# The new European Union

Vaughne Miller

## Although the Treaty of Lisbon is now in force, several outstanding EU issues remain

### NEW POWERS AND INSTITUTIONS

The *Treaty of Lisbon* came into force on 1 December 2009, introducing a President of the European Council and a European High Representative for Foreign Affairs and Security Policy. The 27 EU Member States elected the little-known Belgian Prime Minister, Herman Van Rompuy, as European Council President to represent the EU in international fora. Catherine Ashton, the relatively inexperienced former EU Trade Commissioner, was appointed High Representative, to speak for the EU in trade and diplomatic matters.

*Although reputed to be skilful negotiators, are these low-profile appointments the answer to Henry Kissinger's question: "Who do I call when I want to speak to Europe?" Or could the EU become marginalised, as power is grasped by powerful national political figures, such as French President, Nicolas Sarkozy, and German Chancellor, Angela Merkel?*

In January 2010, under Lisbon provisions on the European External Action Service, 54 of the European Commission's 136 delegations abroad became EU embassies with new powers to co-ordinate the work of the Member States' bilateral missions and speak on behalf of the whole EU.

*Will the Foreign Office become redundant, since EU ambassadors will act on behalf of the EU as a whole, rather than bilaterally? Will the UK Government be overruled in diplomatic matters, such as how to respond to human rights abuses abroad, because there is no common national interest among the Member States?*

### EUROPEAN PARLIAMENT MEMBERS

The 2009 EP elections were held under old provisions and a Treaty amendment is needed for 18 observer Members to become full MEPs until 2014. This requires ratification of a transitional protocol. Although most qualifying States, including the UK, will use the 2009 election results, others cannot, and a Convention might be called in June/July to decide how these MEPs can be elected. Some fear that unless the agenda is focused, a Convention might re-open earlier disputes over institutional provisions.

*A bill will be needed to authorise ratification of the Treaty change and to provide for the UK's extra seat to be filled, based on the results of the 2009 EP elections.*

### GREECE, THE EU AND THE EURO

Greece faces enormous public finance difficulties and its 2009 budget deficit was 13.6% of GDP. Doubting its ability to meet loan payments, lenders have charged Greece high rates of interest, compounding these difficulties. The Greek Government enacted extensive austerity measures but this was not enough to reassure financial markets. On 2 May 2010 the EU and IMF loaned Greece €110bn over three years, subject to further public spending cuts.

There have been concerns, reflected in the value of the euro, that other fiscally-troubled eurozone countries such as Portugal and Spain could be similarly affected via a 'domino effect'. In response, a package of emergency EU and IMF measures worth up to €750bn was announced on 9 May 2010.

*The international co-operation is impressive and has so far reassured markets. However, is the turmoil the inevitable result of countries as diverse as Greece and Germany sharing a currency and interest rate? Is the UK, which retains its high credit rating, safe from the contagion?*

### EU ENLARGEMENT

Successive British governments have supported EU expansion in preference to further EU integration (the 'widening versus deepening' debate). There are presently three candidate countries (Turkey, Croatia and the Former Yugoslav Republic of Macedonia) and several others, including the Western Balkan states, seeking EU membership. Turkey, an associate member since 1963 and candidate for full membership since 1999, began accession negotiations in 2005, but progress since has been slow. With further progress on political and legal reforms and human rights, the Commission believes Ankara will fulfil the political and economic accession criteria.

However, Van Rompuy has in the past opposed Turkish membership, suggesting that the entry of a large Islamic State could dilute Europe's Christian heritage. Negative views from some European governments (e.g. French, Greek and Cypriot leaders) threaten to block Turkish membership and have contributed to an eastward turn both in Ankara's foreign policy and Turkish public opinion.

*Will Ankara, located in a strategically important area and a NATO ally, abandon a westward-looking foreign policy and look eastwards in search of allegiances? Might*

*those EU states wary of Turkey in the EU have more to fear from Turkey turning towards the east?*

### UK SCRUTINY OF THE EU

Under Lisbon national parliaments can submit "reasoned opinions" to European institutions on legislative proposals they believe breach the subsidiarity principle (which presumes action at national rather than EU level). In January 2010 The Commons European Scrutiny Committee proposed an amended Standing Order and scrutiny reserve resolution to implement the new power, and also a resolution on the scrutiny of 'opt-in' proposals for criminal justice matters (Britain can choose whether to participate in such commitments). During the passage of the 2008 European Union (Amendment) Bill the Government said Parliament would have eight weeks to scrutinise proposed criminal justice opt-ins. The Lords EU Committee proposed SO revisions in March 2010. The Government now informs the Committee of dossiers it wants to opt into.

Just before Lisbon came into force, the Government agreed to an interim agreement with the United States on data sharing before the ESC had cleared it. In a debate in February 2010 concerns were expressed that the Government's action might set a precedent for subsequent divergences from the 2008 assurance.

*Issues concerning the responsibility of Government towards Parliament in EU matters and the effectiveness of parliamentary scrutiny of EU business have yet to be fully resolved.*