

A Theoretical Understanding of the Treaty of Lisbon

Neo-functionalism and liberal intergovernmentalist approaches

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Abstract

The Treaty of Lisbon entered into force December 1 2009, but the road to get there was long and bumpy. For years this Reform Treaty of the EU has been subject of debate and conflict. This paper aims at giving a theoretical understanding of this last amending treaty of the EU, using and comparing two widely recognised approaches in the study of European integration: neo-functionalism and liberal intergovernmentalism. Which of these readings is most accurate to understand the Treaty of Lisbon?

The establishments of two new posts with significant, although confusing, competences clearly strengthens the symbols of EU leadership. The new institutional balance with a stronger European Parliament and revised decision-making procedure and a reduction of veto possibilities reduces the power of national governments. The communitarisation of police and judicial cooperation in criminal matters also enhances the power of the Union. These features of the Treaty of Lisbon are difficult to explain out of a liberal intergovernmentalist perspective.

On the other hand, a liberal intergovernmentalist reading suggests that the upgrading for the European Council to official institution, the confusing and overlapping competences of the new posts and the intergovernmental features of foreign policies and other *high politics* areas show that cooperation and transfer of competences only occur where the member states have common interests.

Neo-functionalism is a relevant tool to explain the Treaty of Lisbon, which has obvious tendencies of a development towards supranationalism. Although these features to a certain extent in liberal intergovernmentalist arguments can be explained by a common interest of the member states, and hence being a rational choice, some of them rather seem to be a result of a spill-over process, which is hard for national governments to control.

Key words: The EU, liberal intergovernmentalism, neo-functionalism, Treaty of Lisbon.

List of acronyms

AFSJ	Area of Freedom, Security and Justice
CFSP	Common Foreign and Security Policy
EU	European Union
TEU	Treaty of the European Union
TFEU	Treaty of the Functioning of the European Union

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1 Introduction

After several years of discussions, compromises and referenda, which have implied modifications and delays, the Reform Treaty, now known as the Treaty of Lisbon, entered into force the 1st of December 2009. The core of the discussion about this Treaty has been whether it is taking a path towards a federal Europe or if an intergovernmental character is to remain. Critics underline that it might mean that a democratic deficit will occur as national governments give up power to the EU level. This was one major reason why the Constitutional Treaty, signed by the heads of government in 2004 and designed to replace the former treaties, not was ratified by all states and finally was abandoned. The Treaty of Lisbon has been included in nearly all debates concerning the EU and its future during recent years. Now the Treaty has finally entered into force and the intellectual debate can focus on the actual legislative texts and its political implications, rather than a possible constitutional impasse resulting from a failure of ratification.

1.1 Statement of purpose

The amendments included in the Treaty of Lisbon can be interpreted differently. Are the changes pushing for a development towards a federal state with significant supranational power or should the Treaty rather be described as a rational deepening of an intergovernmental cooperation? The study uses two different theoretical perspectives to these questions: neo-functionalism and liberal intergovernmentalism. The two approaches are compared and discussed in order to understand how we theoretically can explain and interpret the Treaty of Lisbon.

1.2 Organisation of the paper

The paper is organised as follows: Chapter two briefly discusses methodology and material used in the study. Furthermore, the theories used, neo-functionalism and liberal intergovernmentalism, and their assumptions and ideas about European integration are discussed. Chapter three describes the background of the Treaty of Lisbon and its amendments changing the workings of the EU, divided into the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), respectively. Chapter four analyses the Treaty of Lisbon from the two theoretical perspectives. Chapter five discusses and compares the results of the analysis, aiming at an understanding of the Treaty. In addition, this

final chapter discusses which of the integration theories used in the study that is best suited to explain and describe the Treaty of Lisbon.

2 Method and theory

2.1 Methodological discussion

How should the European integration process be explained and which are the driving forces behind it? How can we theoretically approach questions like these? There is a smorgasbord of possible methodological strategies and theoretical perspectives to address these questions at issue.

A quantitative study of European integration may for example be based on legislative statistics. How many new legislative acts are enacted every year by the EU? What percentage of national legislation origin from the EU regulations and directives? A variant would be to look at the EU integration process as a series of legal steps on the one hand and a non-legal development on the other. The latter is more of a progressive nature and more difficult to measure. A hypothesis could be that the treaty amendments historically not only have been pushing the integration process towards supranationalism and enhanced cooperation, but that these amendments to a certain extent have been an adaptation to actual circumstances, i.e. that the *de facto* integration progressively increases and is followed as well as pushed by the *de jure* integration. An analysis of this mutual reinforcement is one of several accurate approaches.

It all boils down to the time perspective. European integration has been a fact for thousands of years, even though it neither has followed a certain path nor been constant. The development of contemporary European politics can be looked upon from (at least) three perspectives. A *long-range perspective* having the Peace of Westphalia 1648, often referred to as the inception of the sovereign state, as point of departure. A *middle-range* perspective focusing on the development of the EU we know today from the initial incentives taken in the 1950s. Finally, a *short-range* perspective investigating the step-by-step amendments to the existing treaties and how they affect the integration process and can be explained (Wessels et al. 2007:6-7).

This is the predominant viewpoint set forward by federalists, albeit being subject of debate. The long history of European integration is often underlined by pro-integration analysts and institutions, such as the European Commission, in order to show that integration is the ‘natural’ development. Some scholars, on the other hand, emphasise that Europe in several aspects has experienced disintegration, both historically and recently. Among these recent examples, the ‘empty chair crisis’ (1965-66), de Gaulle’s veto on British membership

(1963/1967), disagreement on enlargement in general and Turkey in particular, opt-outs of different kinds and the on-going financial crisis are worth mentioning.

This study takes place in the short-term time horizon and concentrates on the most recent legal amendments that after years of negotiations have been carried through as the Treaty of Lisbon has been ratified. Why is this Treaty interesting and what can we learn from analysing it? First, it has been a long journey from the European Convention, chaired by Valéry Giscard d'Estaing, was formed in 2001 in order to draft a constitution for the European Union and that the Treaty of Lisbon was ratified eight years later. Second, this bumpy journey included by heavy debates, several national referenda, and massive media coverage. These were all characterised by important discussions about the direction and goal of the integration process, the supranationalist features, democracy, and how the taken path could be explained. Third, while there has been significant coverage of describing the Treaty of Lisbon and the debate surrounding it there has been less effort devoted to explain the Treaty, the negotiations behind it, and how it can be perceived as a step in the wider perspective in the European integration process. Hence, an academic attempt to theoretically understand and explain this reformation of the EU's constitutional framework is of great interest.

This is a qualitative and theory testing analysis; a case study on the Treaty of Lisbon. By applying two grand theories it aims at providing a better understanding of this development of the European Union as well as the testing the accuracy of the theories to explain the Treaty (cf. Van Evera 1997:50). Case studies can be criticised to lack significance and be 'free-form'-research (Gerring 2007:6-8). The main implication of the chosen path is that even though the result may be characterised by validity and reliability this is valid just in this specific case and hence it is difficult to draw conclusions and generalise from the study. This is always a problem with case studies if not a significant number of them have been carried through (Gomm 2000:3).

Thus, the conclusions drawn from a theoretical understanding of the Treaty of Lisbon may not be valid for the entire European integration process since the 1950s. This is rather obvious, and since neither Europe and its institutionalised cooperation framework nor the integration development have been constant. No theory can alone explain the entire process. A Union of 27 member states in a globalised world where Europe's role on the international arena according to many is fading away has little to do with the Coal and Steel Union and the Europe it was operating in back in the 1950s. There is also no possibility to draw conclusions that could be valid in other regional integration processes, partly because of the *sui generis* character of the EU stating that it differs significantly from all other international organisations. Hence, there are almost no generalisations that can be made to other treaties or integration processes, which reduces the methodological problems of using a case study.

Nevertheless, the Treaty of Lisbon is the most recent step in the integration process and an analysis of it can give valuable insights about where Europe and the EU is going. If it is viewed in a wider perspective it can furthermore promote the understanding of the driving process behind EU integration as such and how this has developed.

2.2 Collection of material

The basis of the analysis is the Treaty of Lisbon and its antecedents that it amends, i.e. the Treaty on European Union (TEU, also known as the Maastricht Treaty, from 1992) and the Treaty establishing the European Community (TEC, also known as the Rome Treaty, from 1957). Although the ambition is to cover the entire Treaty, the analysis will focus on a few features of special interests. In order to do so, analyses and interpretations in media and academia have been studied.

The paper is based on two widely recognised European integration theories: neo-functionalism and liberal intergovernmentalism. Information concerning these theories is taken from secondary sources from prominent scholars of the discipline. In addition, secondary sources are also used for methodological guidance.

2.3 Theories of European integration

The EU is neither a state nor an ordinary international organisation. Its *sui generis* character has since it was founded forced scholars of social science to adapt or even create new theories in order to understand and explain the development of European integration.

This study applies theory in order to explain the case, i.e. the Treaty of Lisbon. It does not seek to test or develop the theories as such. Two widely recognised theories on European integration are used: neo-functionalism and liberal intergovernmentalism. Both are adapted to the *sui generis* nature of the EU although they have different views on the driving force behind the European integration. An important difference is the view on the agency dilemma. Is the EU just an agent to the national governments or are the supranational institutions strong enough to pursue their own agendas without direct control of the national governments? The issue is closely connected to the question on which institutions that are most powerful in the EU. Is it the intergovernmental European Council and Council of Ministers or rather the supranational Commission and Court of Justice? And what about the European Parliament whose members are directly elected by the European citizens?

The theories aim at explaining the dynamics of European integration and why a political community in Europe has developed, as well as to predict the future course of the integration process.

2.3.1 Neo-functionalism

Functionalism is based on the notion of human nature being cooperative and rational. It rejects the assumption of states and their quest for security and power being the main factor on the international arena. Functionalism instead underlines a rational interest in jointly solving common problems. The theory can hence be seen as describing peace and why increased international cooperation occurs. Functionalism is not as state focused as realism and instead pays more attention to non-state actors such as supranational organisations as well as interest groups (Nugent 2006:563).

Ernst B. Haas refined these ideas by studying the Coal and Steel Community as an example of regional, functional cooperation. The thesis reads that a step-by-step integration implies a gradual transfer of competences to supranational institutions pushed by a spill-over effect. This means that the creation of integration within one economic or political sector automatically creates pressure for integration within other sectors (ibid). The theory became known as neo-functionalism and has been approaching federalism since a federation has been seen as a final step of the integration process. The guiding question is:

“how and why states cease to be wholly sovereign, how and why they voluntarily mingle, merge and mix with their neighbours so as to lose the factual attributes of sovereignty while acquiring new techniques for resolving conflict between themselves” (Haas 1971:6).

Initially, Haas based the theories around three ideas: *political community* defined by loyalty by groups and individuals towards central political institutions (i.e. the European institutions); *political integration* as a process or persuasion to shift loyalties, and the concept of *spill-over*. The main political actors are the governments of the member states, the supranational institutions, the interest groups, and the political, economic and social elites. Basic assumptions include a pluralistic understanding of European societies (societal heterogeneity), technical/functional understanding of the state where interest groups play a role. Focus is put on welfare rather than ‘high politics’ such as security, and a the theory has a rational view of political actors (Jensen 2007:89).

Spill-over can be *functional* (cooperation in one sector creates pressure for integration in a related sector for practical reasons), *political* (spill-over for political reasons, such as negotiations and ‘package-deals’), or *geographical* (pushing for enlargement). The development of the European cooperation within economic issues and trade to at later stage also include highly sensitive political issues illustrates this spill-over. The aim of an integration process pushes integration in other areas in order to secure the achievement of the initial goal. Once integration starts it is hence difficult to draw back, and it might spread to sectors not initially meant to be included (ibid). In *The Uniting of Europe* (1958) Haas concluded that ‘group pressure will spill-over into the federal sphere and thereby add to the integrative impulse’ (Haas 1958:xiii).

The socialisation of the elites is an important ingredient of the neo-functionalism theory. Civil servants and officials develop a loyalty towards the supranational level in the decision-making process. European loyalty and preferences emerge, and amongst people living in Brussels for a long time the European identity might become stronger than the national one. The European elite develops a pan-European norm, and tries to spread these ideas to the elites on the national level (Jensen 2007:91-92).

Supranational interest groups emerge as business groups form their transnational interests and address them on the supranational level where more and more power is located. According to neo-functionalists, these groups put pressure on the national governments to speed up the integration process since they have economical interests in such a development. Hence, they ally with the supranationalist institutions pushing for more integration (Jensen 2007:92).

Neo-functionalism emphasises that organisations often develop their own agenda and tend to increase its power. After the initial phase of cooperation, the integration becomes self-enforcing, pushed by the supranational institutions and out of the control of the nation states. A pressure on the national governments from lobby organisations and the EU institutions results in a transfer of competences to the supranational level (Schmitter 2004:46). Neo-functionalism predicts the decision-making to be more technocratic and less politicised, exemplified by a powerful bureaucratic Commission (Jensen 2007:92).

Neo-functionalism has been very influential and has sometimes been referred to as the *Monnet-method*. Since its creation, neo-functionalism has been the driving agenda of the Commission, struggling for being more than merely an agent to the national governments. Also the Court of Justice is expected to rule in favour of political integration, and is also characterised by non-political technocracy. These institutions have close links to interest groups display the power of the European bureaucrats. The Council of Ministers on the other hand is defending the national interests. Neo-functionalism is often regarded as an elite approach to European integration (Wessels 2007:69).

Most of the prominent and influential scholars on European integration were Americans, as the US developed into an innovative academic superpower. Haas, himself fleeing Nazi Germany with his family as a child, early had an interest of the political experiment of European integration and tried to find out how the state system could change through sovereignty-sharing and transnational community-building. In the late 1960s and early 1970s, neo-functionalism became problematic to use in order to explain the development of the European integration, and other theoretical approaches gained influence. Since the late 1980s the theory has however experienced a revival and gained some influence, especially certain elements (Jensen 2007:88).

2.3.2 Liberal intergovernmentalism

Based on realist assumptions of an egoistic human nature, intergovernmentalism defines states as the main actor on the international arena. Being rational actors

searching for security, cooperation between states occurs where common interests exist. This can develop through alliance-building, bandwagoning, balance of power etc. (Schimmelfennig & Rittberger 2006:78).

In the 1960s, Stanley Hoffmann presented ideas of intergovernmentalism in order to explain the interstate government on the EU level within a realist framework. Hence, the rational egoist nature of the states was still assumed. The main new feature was the differentiation between *high* and *low* politics where the former refers to foreign policy and national security while the latter relates to 'softer' issues such as trade and agriculture. Cooperation within the 'low' political sectors would not be a threat to the national states since these areas are not characterised by a zero-sum game. On the contrary, 'high' politics, where the national governments would retain their sovereignty, would not be subject of cooperation. This view was widely respected and gained influence as the Union experienced the 'empty chair crises' (1965-66) as well as de Gaulle's veto on British membership (1963/1967).

Nonetheless, the European integration has during last decades deepened also within 'high' politics, and the development was hence difficult to explain by an intergovernmentalist reading. In 1993, Andrew Moravcsik presented a softer variant of the intergovernmentalist framework. This *liberal intergovernmentalist* approach was further developed in his book *The Choice for Europe* (1998), and is also based on the assumption of states being rational actors. Two features are identified and emphasised: the importance of economic interests and the 'opening of the black box' of internal policy preparations.

"EU integration can best be understood as a series of rational choices made by national leaders. These choices responded to constraints and opportunities stemming from the economic interests of powerful domestic constituents, the relative power of each state in the international system, and the role of institutions in bolstering the credibility of interstate commitments" (Moravcsik 1998:18).

Thus, Moravcsik has realist assumptions as a point of departure but combines them with liberal theory and rational analysis of international institutions (Schimmelfennig & Rittberger 2006:81). Deepened integration is a result of increased complexity of common problems where cooperation implies welfare gains. The domestic material utility interest is pronounced by dominant interest groups (Schimmelfennig & Rittberger 2006:83-84).

The outcome of these decisions depends on the power and bargaining position of the national governments. The main function of the supranational institutions is to implement those decisions (George & Bache, 2001:14). Hence, Moravcsik pays more attention to the national economic balance and development as a driving force to integration as well as the role of national interest organisations. Liberal intergovernmentalism underlines that national governments are playing on the national as well as international arena and that both of them have implications on the decision-making (ibid).

3 The Treaty of Lisbon

On 1 December 2009, the Treaty of Lisbon entered into force after eight years of preparation, discussions, referenda and compromises. For some time the alternative to just close the institutional dossier was tempting since there was an abundance of obstacles on the way, and the process has taken much focus from ordinary policy issues.

Already when it was signed in February 2001, the Nice Treaty was among many seen as a lowest common denominator that needed further treaty reforms in order to have a functioning EU as it enlarged (Kurpas 2007:2). In December 2001 the European Commission decided to let a *Convention on the Future of Europe*, led by former French President Valéry Giscard d'Estaing, started the preparation of the next treaty reform. In June 2003 this Convention presented a draft version of the Constitutional Treaty (CT) in Thessaloniki, and in October an Intergovernmental Conference started to work on it. After some changes the text was signed by the Heads of State in Rome in October 2004. In May and June 2005 the citizens of France and the Netherlands, respectively, voted no, which implied a 'period of reflection'. In 2007 a new Intergovernmental Conference was opened to negotiate a *Reform Treaty*, which was signed in Lisbon in December. The referendum in Ireland in June 2008 rejected ratification. The Irish electorate reversed the outcome in a second referendum held in October 2009, and in November 2009 also Czech Republic ratified the Treaty of Lisbon as the last country to do so.

The purpose of a new treaty has been to improve the efficiency of the EU's institutions and make them more democratic. A reform has been needed in order to be able to receive new member states (Robert Schuman Foundation 2007:3).

The Treaty of Lisbon is a lighter version of the Constitutional Treaty, and has been criticised for being way too similar. Valéry Giscard d'Estaing said that "The Treaty of Lisbon is the same as the rejected constitution. Only the format has been changed to avoid referendums" (The Guardian, 27 October 2007). Scrutinising the differences between the Treaty of Lisbon and the Constitutional Treaty as well as the undeniable strive to avoid further referenda is however out of the scope of this paper.

Except the flags, mottos and anthems the two treaties might be fundamentally similar. Nevertheless, it should be underlined that the Treaty of Lisbon, unlike the Constitutional Treaty, is another amending treaty. One of the initial key aims with the Constitutional Treaty was to enhance the coherence and transparency of EU's legal framework through replacing the existing complicated treaty structure with one single constitution (Kurpas 2007:1). Downgrading the ambition to another amending treaty, just like the Treaty of Nice, was thereby a disappointment to CT-advocates.

3.1 The Treaty on European Union

The preamble, setting the framework and scope of the Treaty, has been subject of massive debate and has been changed during the process. The preamble refers to the “cultural, religious and humanist inheritance of Europe” as well as common EU values and objectives.

A few details on common EU symbols of huge symbolic importance, which had significant impact in the referenda campaigns in Ireland etc., was taken away from the CT in order to create an unemotional and technical treaty that does not disturb national feelings. Some would argue that the differences between the Treaty of Lisbon and the Constitutional Treaty to a high extent lies in these symbols of minor importance, whereas some rather point out that the common provisions and the preamble of the Treaty of Lisbon actually do not differ significantly from prior amending treaties. From a legal point of view, the fact that the symbolic provisions in the end were played down have no major importance, and the EU flag and “EU anthem” surely still exist. The emotional attachment to the EU as something more than an economic and technocratic project have nevertheless lost a fight versus those advocating the EU to be merely a tool for nation states to cooperate in fields where common interest exist.

Title I TEU: Common Provisions

Article 4(2) underlines that the EU shall respect the member states and their essential state functions. But what does it actually mean? The fact that ‘essential state functions’ are not defined clearly creates room for interpretation. In case of dispute, this can be a way for the member states to claim their sovereignty in a range of issues.

Article 6 refers to the *Charter of Fundamental Rights*, stating that it should have the same legal value as the treaties as such. Hence, the Charter of Fundamental Rights is legally binding. However, the Czech Republic, Poland, and the UK have negotiated opt-outs in this field in order to not make it contradict national laws and practices.

Title II TEU: Democratic principles

A new feature of interest taken the democratic deficit of the EU into account is the so-called citizens’ initiative (TEU art. 11(4)). It is a participatory democracy provision stating that “one million citizens who are nationals of a significant number of member states” can call for a proposal by the European Commission. This does not provide any binding measures for the European Commission to do so, but it would be a delicate political issue not taking notice, should the proposal be realistic and fall within the competences of the European Commission. Thus, it is not unlikely that this principle will be used, taken into consideration that the EU

has more than 500 million inhabitants. It is however unclear what a significant number of member states means.

Referring to the *Protocol of the application of the principles of subsidiarity and proportionality*, article 12 underlines the role of national parliaments in EU policy making. It includes the power to launch a subsidiarity check. If one third of the national parliaments oppose an initiative of the Commission by referring to the principle of subsidiarity, the Commission can be asked to abandon the project within eight weeks. If the Commission still continues, the initiative can be stopped by either 55 percent of the Member States in the Council, or 50 percent of the European Parliament (Kurpas 2007:4).

Title III TEU: Institutions

Several of the greater innovations of the Lisbon Treaty are concentrated to Title 3 TEU. The institutional set-up, with the hope of making the EU decision-making more coherent and efficient, also have major importance on how the EU is perceived on the international arena. Furthermore, it has consequences on future enlargement of the EU.

The Treaty of Lisbon creates new EU institutions. By article 13, the European Council and the European Central Bank are granted the status of EU institutions, which before was not the case. This implies that “the institutions shall practice mutual sincere cooperation” (TEU art. 13(2)).

Article 15 establishes a permanent full time President of the European Council. The President is nominated for two and a half years (renewable once) and the position cannot be combined with a national mandate (such as head of government). The European Council nominates the President by qualified majority. The formal power of the President is limited and the symbolic and actual power of the post will settle through practice with time, depending on personalities and practice. The rotating presidency of the Council of Ministers remains, although its importance is weakened by the creation of this new post. The competences are not clearly set up, and conflicts of interest may occur between the different missions.

Article 17(5) points that as of November 1 2014 the College of Commissioners will be reduced to two thirds of the number of member states. The reduction will be based on a system of strictly equal rotation, where no country, no matter of size or population, have permanent representation in the College of Commissioners. This however has to be implemented by an unanimous Council decision before 2014 (Fondation Robert Schuman 2009:6), which possibly can be problematic due to reluctance from big member states to lose their influence in the European Commission.

The President of the European Commission is nominated by the European Council by qualified majority voting, “taking into account the elections to the European Parliament”. The election of the candidate is taken by the members of the European Parliament (article 17(7)), implying increased power to the Parliament. There are no important new provisions in the Treaty of Lisbon in this procedure, although the importance of the European election and its outcome is more directly stressed.

Another new position responsible for foreign relations is created. It is a 'double-hat' post as High Representative and Vice President of the Commission. In the Constitutional Treaty it was called a Foreign Minister, and in order to calm down some national governments, the name changed to *High Representative of the Union for Foreign Affairs and Security Policy*, i.e. very close to the one used in the preceding treaty (article 18 TEU). The 'double-hat' feature is an outcome of a merger between the former High Representative and the Commissioner for External Relations, and the new position is Vice President of the Commission and chairs the Foreign Affairs Council. Thus, she/he has one foot at the Council and one foot in the Commission. However, the new position does no more include responsibilities as Secretary-General of the Council (which Solana used to have). The structure of the new position is meant to give a stronger and more visible post, included both in the Council and the Commission, in order to enhance the coherence to EU's external affairs. There are unclear delimitations of competences in terms of representation between the President of the European Council and the new High Representative for Foreign Affairs.

A double majority voting system has been subject of much negotiation, criticism and changes. It has been a delicate issue since it has included a reformation of the voting values of the different countries in the Council of Ministers. No national government wants to lose influence, no matter if there is logic behind the system or not. The new rules aims at creating a clearer and more transparent system of voting in the Council. Article 16(4) implies that the weight of each national vote is based on the equally weighted parameters. First, every country is counted as one, no matter its size or population, and second, each country is counted according to its population. A majority is reached if 55 percent of the Member States representing 65 percent of the EU's population vote in favour.

Due to compromises and complicated negotiations, the system will not enter into force until in 2014. Till then, the rules lined out in Nice in 2001 are used, and in case a country demands for it, they can apply the Nice rules until 2017. Furthermore, the so-called Ioannina formula, named after a town in north-western Greece, is included, stipulating that if there are not sufficient votes to constitute a blocking minority, the issue will anyway be referred back to the Council in case 75 percent of the number of countries or 75 percent of the population (from 2007 55 percent is enough) necessary to constitute a blocking minority wants to do so (Fondation Robert Schuman 2009:10).

The size of the European Parliament will be limited to 750 members plus its President. This implies that a new weighting of every country's places in the parliament will be negotiated every time a new member arrives (TEU art. 14(2)). Article 14(1) stipulated that the Parliament "jointly with the Council, exercise[s] legislative and budgetary functions", which means that the Parliament gains power, because of the increase of policy areas falling under co-decision, which becomes the new ordinary procedure.

Title IV TEU: Enhanced cooperation

The Treaty of Lisbon gives the possibility for some states to develop enhanced cooperation. This ‘avant-garde’ or ‘A and B team of the EU’, is slightly easier than before to set up, requiring at least nine Member States (TEU art. 20(2)).

Title V TEU: External action

The former second pillar has been assimilated into TFEU. Common Foreign and Security Policy (CFSP) is excluded from the general new ordinary legislative procedure and unanimity is still the general decision-making procedure (TEU art. 24).

The external action of the EU is still a matter of specific rules where the national governments have maintained influence. The introduction of the new High Representative strengthens the personal character of external representation and also links the Commission and the Council closer together. She/he has the *European External Action Service* at her disposal, in cooperation with the member states’ diplomatic services. It comprises officials from the Commission, the General Secretariat of the Council, and national diplomatic services (TEU art. 27(3)).

Article 42(7) calls for a mutual defence provision in case of armed aggression and terror attacks, and is called the “solidarity clause”.

Title VI TEU: Final provisions

The Treaty of Lisbon introduces a single legal personality for the European Union (TEU art. 47). According to article 50 it is now possible for member states to withdraw their membership in the European Union, which have not been legally possible until now.

The Treaty of Lisbon anticipates further revision of the treaties. According to article 48(2-5) these should start with a Convention and an Intergovernmental Congress. The process is slightly simplified and the European Parliament has gained importance in future treaty revisions.

3.2 The Treaty on the Functioning of the European Union

The European Union replaces and succeeds the European Community. The Treaty establishing the European Community is renamed *Treaty on the Functioning of the European Union* (TFEU). TEU is more general while TFEU to a higher extent deals with details in how the EU works. The treaties have the same legal value (TEU art. 1, TFEU art. 1).

Qualified majority voting and co-decision

Qualified majority voting and co-decision are extended to a wide range of new areas and become the ordinary legislative procedure (TFEU art. 289). This implies

more power to the European Parliament at the expense of the Council. The most delicate area is Area of Security, Freedom and Justice (ASFJ), which has been subject to great debate. Also energy, civil protection, structural funds and incentive measures to protect human health are shifted to fully or partly be under the new ordinary legislative procedure. Another important point is that the entire annual budget is under the ordinary procedure, which gives more power to the European Parliament on financial issues. It is however still limited by the multi-annual financial framework that determinate the annual ceilings (Kurpas 2007:7).

Categories and areas of competences

The provisions on categories and areas of competences specify what the EU may do. Article 2(a-e) lists the categories and policy areas into exclusive competence, shared competence, competence to coordinate, support or supplement actions of member states. This was not as clear in earlier treaties.

Abolition of the third pillar

Police and judicial cooperation on criminal matter, which used to constitute the third pillar, is integrated into title IV. Hence the pillar structure does not exist anymore. The UK and Ireland however have opt-outs within the field.

3.3 Summary

Although being an amending treaty, the Treaty of Lisbon is a major step in the European integration and it is to a high extent based on the abandoned Constitutional Treaty. Major novelties of the Treaty of Lisbon include the double majority rule, co-decision as the ordinary legislative procedure, changes within AFSJ, enhanced democratic participation, and the creation of a permanent President of the European Council and a new High Representative for Foreign Affairs position.

4 Analysis: Spill-over effects and rational cooperation

The analysis will focus on a few features of the Treaty of Lisbon. How these can be understood from the two different perspectives and to which extent the two theories, respectively, can explain the development of the European Union set by this latest legal step will be scrutinised. In the end, the Treaty of Lisbon became yet another amending treaty instead of a single new constitution. The European Union is a political cooperation “on which the Member States confer competences to attain objectives they have in common” (TEU art. 1). This goes well along with a liberal intergovernmentalist assumption that deeper integration is a result of member states having common interest in conferring competences to the EU level.

4.1 New posts

The permanent President of the European Council

The establishment of a permanent President of the European Council is one of the most important institutional innovations of the Treaty of Lisbon. Since it was proposed in the Convention on the Future of Europe in 2003, it has been opposed by some smaller member states, as well as by the European Commission and the European Parliament (Werts 2008:152). The proposal came from the “Franco-German axis” and was also supported by the UK and Spain, which made the proposal look like a shift in the institutional balance in favour of the large member states. The Commission feared reduced influence as the European Council becomes an official institution with a permanent President, and some have argued that this set-up would boost intergovernmentalism. The Commission is representing the Union and is independent from the national governments, so therefore the supranational features could be played down (Werts 2008:153). Is this a threat to the Community Method and supranational institutions? Does the permanent President represent a step towards intergovernmentalism where member states control the cooperation on matters of common interest without directly delegating sovereignty, or will the supranational character of the EU be enhanced?

The question boils down to whether the new President acts as an agent to the member states with the mission to assert more control over the Commission or rather will work for the EU, and thereby be closer to the Commission and the Parliament.

The agenda of the EU widens and deepens, which demands more leadership to successfully deal with internal and external negotiations and representation. The new position as President was created to this background (Blavoukos et al. 2007:234-237). The President has a coordinating role with agenda-shaping responsibilities and will work as a mediator between the heads of government (Blavoukos et al. 2007:239). The Council Secretariat supports him.

From a liberal intergovernmentalist point of view, the introduction of a permanent President is a sign of the fact that the member states want to strengthen the intergovernmental European Council at the expense of the supranational institutions. This gives the national heads of state better control of the development of the EU and greater possibilities to pursue their political interests by cooperating with them. The member states are not willing to delegate power to the EU on issues that are of uttermost national importance (Eistrup-Sangiovanni 2006:186). By applying a principle-agent model on the new permanent President, the President's (the agent's) power has constraints in order not to escape the control of the member states (the principals). The unanimity principle is retained in the European Council, and the member states control the election of the President. These features display the significant control the heads of state have on the President (Blavoukos et al. 2007:239-241). Thus, a liberal intergovernmentalist reading suggests that the President ensures that the supranational institutions, which also work as agents for the member states, do not go beyond their mission and the will of the nation states. The President should control that the agenda goes in line with the directives of the European Council. Since some of the responsibilities of the President in agenda-setting, initiative, coordination, and representation overlaps with the President of the Commission, the latter will lose influence as the former is established.

On the other hand, the President has to coordinate many of his functions with the supranational institutions. As far as agenda-setting is concerned, the formal power of the President is limited. The President cannot initiate proposals but has to coordinate his work with other institutions (Blavoukos et al. 2007:240). After all, the President represents the EU and not a member state, and these tend to push for further integration. The possibility that she/he will be perceived as an "honest-broker" is surely enhanced (ibid). She/he can use his position and in cooperation with other institutions promote a deepening and widening of integration. He has massive administrative help and the allocated competences and resources might make it difficult for the member states to control that their agent does not go beyond his mission with an pro-integration agenda of his own. She/he is subject of continuous visibility and identification with the EU in the public eye as she/he takes on the appearance of the European Union's superior authority (Werts 2008:207). The privileged position of the President makes it possible for him to find cross-disciplinary package agreements and to control the horse-trading. She/he will be well informed and can hence mediate through the different national positions in order to go beyond a solution based on the lowest common denominator. This can be seen as a kind of cultivated spill-over.

The High Representative of the Union for Foreign Affairs and Security Policy

The multiple functions, the probable clash of roles with other actors, and the relation to the EU institutions of the new High Representative of the Union for Foreign Affairs and Security Policy have consequences on the role of this new post. The CFSP shall be put into practice by the High Representative and the member states, and the High Representative has a certain power of initiative. As with the President of the European Council, the Treaty of Lisbon leaves ambiguities in the role and competences of the High Representative.

The High Representative personalises the foreign policies of the EU. She/he has mandate of initiative and is a strong agenda-setter. This is a clear step towards communitarisation and enhances the supranational features of the CFSP.

Together with the Council, the High Representative shall ensure the unity, consistency and efficiency of the EU's external action (TEU art. 26(2)). She/he has even the mandate to oversight the implementation of the member states (Wouters et al. 2008:153). Having the power of initiative, management, implementation, and representation means a strong position and that the foreign policies of the EU and its member states to a high degree will be associated with the High Representative. Hence, this is a development towards more power to the EU within the foreign policies.

Nevertheless, member states seem to be unwilling to take the High Representative into consideration in the CFSP area (Wouters et al. 2008:197) and it can be argued that that they have managed to retain control within the most crucial fields. Despite the fact that the High Representative has power of initiative, there is no monopoly of initiative, and the function is mainly to implement the CFSP according to the mandate from the Council.

Liberal intergovernmentalist would argue that the High Representative is limited to representation and to conduct political dialogue with third parties according to a fixed position determined by the member states and the intergovernmental institutions. There is no true competence of negotiation after own responsibility. The High Representative is more of a coordinator. The member states do not have to consult the High Representative but just keep her and the European Council informed about matters of common interests.

According to TEU article 31(2), the member states may declare their opposition to a decision, forcing the High Representative to search for a solution by consultation. If she/he fails, the question becomes a matter for the European Council and decision by unanimity. Thus, the national governments retain strong powers of opposing a decision that do not go in line with their preferences.

The confusing set up of competences between the President of the European Council and the High Representative can be interpreted as a way to not give too much power and representation tasks into one post, in order to give the heads of state a continued strong position. From a liberal intergovernmentalist reading this is a way to prevent supranational features of the representation power of foreign policies of the EU.

Coordination and coherence in external relations will continue to be a difficult task. As with the new post as President of the European Council, things are about to be clarified by practice. Some fear an intergovernmentalisation of the

Commission's external competences while some on the other hand fear a communitarisation of the CFSP. During the first mandate, some of these questions will possibly be answered by practice, which gives much power and room for interpretation to Lady Ashton.

4.2 Institutions and voting

European Council as EU institution

The European Council gains status as an official EU Institution through the Treaty of Lisbon. The role of the national governments in the EU can be discussed. The legitimacy of the heads of government has enabled the European Council to "become involved with every main issue and, where it wished, with each detail of European integration" (Tallberg 2008:696). From a liberal intergovernmentalist point of view, the member states are the main actors pushing for integration. The member states are formally equal but have different power capabilities (Rosamond 2000:134). The European Council "offers greater leeway for power politics" than other EU institutions, where the formal equality between the member states is merely a "procedural fiction" that legitimises the bargaining outcome (Tallberg 2008:703). The actual power depends on several parameters, such as economic, administrative, military and political capabilities, as well as population. This determines the positions of power in the negotiations (Tallberg 2008:687).

The European Council has paved way for enlargements and transition of power from the national level to the EU. This can to some extent be difficult to explain by liberal intergovernmentalism. Many would argue that the widening and deepening of the Union can be explained by functional and cultivated spill-over. Much of the deepening integration has not only been pushed by the supranational institutions, but starkly promoted by the intergovernmental European Council. Heads of government have strongly promoted Europeanisation. According to Werts, there has not been any development towards intergovernmentalism as the European Council has gained power. On the contrary, the European Council has become a valuable partner to the Commission and lending its authority and legitimacy to the Commission's proposals (Werts 2008:198).

Nonetheless, the European Council is intergovernmental by nature, and institutionalising it can become a way for member states to control the path and speed of EU evolution, in order to keep it on the track of their preferences. This would be the liberal intergovernmentalist explanation.

Election of the President of the European Commission

The President of the European Commission is nominated by the European Council by qualified majority voting, "taking into account the elections to the European Parliament". The formal election of the candidate is taken by the members of the European Parliament (TEU art. 9(d7)). Already after the election in 2004, the European People's Party (EPP) wanted the President of the

Commission from their group, since they were the strongest group in the Parliament, and José Manuel Barroso was nominated and elected. In the long run this could lead to a development where each political group of the European Parliament agrees on a candidate to be President for the European Commission prior to the elections, which starkly would personalise the campaigns. This goes well in line with the attempts of making the European elections, suffering from low and decreasing turnout, to become more interesting.

Would it be in the interest of the national governments to have a personalised election campaign? The strong governments have influence on the choice of candidate. However, until now, the nomination has been subject of massive horse-trading in terms of how portfolios of the coming Commission are distributed among the member states. Some heads of state probably prefer a weak and non-charismatic President of the Commission in order to not let him outshine national leaders on the European arena. A more personalised election campaign would probably increase the voter turnout and with time lead to a stronger politicisation of the European Commission. The rational interest from the member states to promote such a development is hard to find. Thus, such a development is difficult to understand from and liberal intergovernmentalist point of view.

Reduction of the Commissioners

As of 2014 the College of Commissioners will be reduced to a number equal to two thirds of the number of Member States. This not should change anything since the Commissioners work for the Commission and do not represent their home country in terms of policies, but there is a significant difference. Every time a new Commission is formed it is preceded by massive lobbying from the member states in order to get an important portfolio, which is crucial for the President candidate in order to get their support. The Commissioners are not supposed to represent their countries, but to a high extent they actually do. Nicolas Sarkozy raised concerns about the strictly equal rotation, suggesting that it should be up to the President to form its Commission as in a government on national level. The idea is that no President would under such circumstances be able to ignore French, British and German demands of being represented in the College of Commissioners. It is therefore difficult to foresee whether the College of Commissioners, as outlined in the Treaty of Lisbon, will be unanimous accepted in the Council before 2014.

If the rule will enter into force, it surely means a de-nationalisation of the Commission. It will to a higher extent work for the EU, also symbolically, than today. The supranational features are hence strengthened. This goes well in line with neo-functionalism assumptions, whereas a liberal intergovernmentalist approach is hard to apply on the issue.

Double majority voting

The redistribution of voting weights in the Council, phased in between 2014 and 2017 implies qualified majority based on a "double majority" of 55% of member states, accounting for 65% of the EU's population. There is a removal of national vetoes in a number of areas, including climate change policies, energy security

and emergency aid. Unanimity will still be required in the areas of tax, foreign policy, defence and social security. Liberal intergovernmentalist advocates would argue that the exceptions are good examples of *high politics* where there is no interest amongst the member states to transfer competences to the EU level, and that the member states have common interests within the other sectors, which makes cooperation rational and efficient. Neo-functionalist would instead emphasise that it is a typical example of that cooperation has started within one field and then spilled over to other areas. Liberal intergovernmentalist advocates would further underline that there is a transition process in the Ioannina formula, and that the member states will act in case they do not think that it is working according to their expectations.

The institutional balance

The Treaty of Lisbon gives a single legal personality to the EU. This is a functional development and a step towards supranationalism.

Qualified majority voting and co-decision are extended to a wide range of new areas and become the ordinary legislative procedure. The European Parliament hence gains power within several fields, including the sensitive AFSJ. This means a transfer of power from the Council to the Parliament. This is a step towards more power to Brussels and the Members of the European Parliament. Barlaymont (European Commission building) and Justus Lipsius (the Council building) are situated just across the street from each other in the Schuman area of Brussels, but there is a struggle for power between the two, as well as with the Parliament a few blocks away. These institutions have urged for increased influence for decades where every institution strive for more influence. Keeping a strong intergovernmental Council with the possibility of veto has been a way for the national governments to remain the leading figures on the arena, but they are about to loose this position.

From a liberal intergovernmentalist point of view it could be argued that the member states still are in power in the sensitive areas, or have chosen opt-outs, as Ireland and the UK in AFSJ. Nonetheless, the trend of spill-over from one area to others is obvious to discern, and hence further strengthens the neo-functionalist assumptions of European integration.

Small member states feared that the establishment of the Permanent President of the European Council, and the possible strengthening of this institution gaining official status, would strengthening the position of large member states (Tallberg 2008:703). Large Member States are generally favoured by an intergovernmental structure. Liberal intergovernmentalists would argue that the President will support a move from giving autonomous and direct competences to the supranational institutions to a system of more intergovernmental character, with more power to the European Council and the Council of Ministers (Werts 2008:195).

On the other hand, there is a novelty of the national parliaments, on which the national governments generally have significant influence. If one third of the national parliaments opposes an initiative of the Commission by referring to the principle of subsidiarity, the Commission can be asked to abandon the project

within eight weeks. Some would argue that this strengthens the role of the national parliaments, and will spur the cooperation between them and the European Parliament. It is however hard to foresee whether this theoretically strong tool will be used rather in order to stop proposals in a defensive manner, or to actively take part of the decision-making process. This has on a national level in practice generally been a monopoly for the national governments.

The citizens' initiative is another feature of the Treaty of Lisbon providing for more pan-European democratic direct link between the EU institutions and the citizens. As citizens feel a direct link to Brussels, the national governments loose their privileged monopoly of being intermediary.

4.3 Common foreign and security policies

The Treaty of Lisbon puts the foreign policy and security areas into a new phase in the European integration. There is no *status quo*; more competences to the EU within these policy fields can actually be discerned in the Treaty. It pushes for the EU to become a united voice and actor on the global arena. There is an expansion of the overall aims, including several approaches to address global challenges. This is a federalist victory and can easily be explained in neo-functional terms.

The mandate of the European Defence Agency has broadened (TEU art. 45(1)). An overarching objective of the EU's external action is "to foster the sustainable economic, social, and environmental development of developing countries, with the primary aim of eradicating poverty" (TEU art. 21(2d)). The aim is to cooperate more and to rationalise the EU development architecture. This is clearly a functionalist approach, where the aid cooperation touches economic cooperation, which is linked to external relations. More agenda-setting power in the field of development and foreign aid is given to the EU.

The fact that the EU is given a single legal personality has federalist characteristics and significantly changes its position on the world scene. The framework that already exists suggests that more cooperation within the field of foreign affairs will spill over from other policy areas at a later stage.

A liberal intergovernmentalist reading would suggest that although the pillar structure is abolished through the Treaty of Lisbon, CFSP remains to a high extent an intergovernmental matter. TEU article 4(2) emphasises that national security remains a national competence. The decision-making is predominantly unanimous. Within CFSP the jurisdiction from the European Court of Justice is limited, just like the power of the Commission and the Parliament. The member states are still the main actors. TEU article 25(c) underlines "strengthening systematic cooperation between Member States in the conduct of policy", but does not mention any supranational features. In the area of external relations, the EU can be seen as an agent merely working for the principals (the member states) (Wessels & Bopp 2008:4).

From a liberal intergovernmentalist point of view one can argue that *high politics*, such as foreign policy and security, is not a matter of big changes in

terms of competences since the nation states are not willing to transfer this power to the EU. There is no clear common interest within the policy area, and hence there are no incentives for the member states to give up their power within this field. The cooperation that exists can be explained by the will of nation states to have a stronger voice on the world arena. Thus, there is a rational interest for them to do so. The second pillar might be dissolved, but its content has to a high extent remained.

4.4 The Area of Freedom, Security and Justice

The transformation of police and judicial cooperation in criminal matters into the TFEU is a major change within the Treaty of Lisbon. This brings an end of the third pillar and united the treaty basis of the EU's Area of Freedom, Security and Justice into one single body of law. At first sight, this is a clear step towards supranationalism. Enhanced integration in this rather delicate area has spilled over from other policy areas, and has become necessary in order to preserve and develop the single market. However, this was possible only through introducing various exceptional rules into the new Title V on the AFSJ. These exceptions ensured the member states' continued control over the most sensitive and sovereign-related aspects of the AFSJ.

Nonetheless, the changes of the Treaty of Lisbon concerning AFSJ reveal a mixed theoretical picture. Although there are several supranationalist victories through the ordinary legislative procedure as general rule there are a high number of exceptions and restrictions. These lead to an interplay of supranationalist and intergovernmentalist dynamics as parallel tendencies (Kietz & Parkes 2008:2). From a liberal intergovernmentalist point of view, one can argue that as long as the nation states can opt-out from certain features where there is no common interest, further integration may evolve. The "high degree of 'exceptions' in the AFSJ" is an example of "consensus by complexity" (Carrera & Geyer 2007:7). Complexity is a precondition for consensus for the AFSJ legal framework. Its sensitive issues imply a constant tension between the sovereignty reflex of the member states and the efficiency.

5 Discussion: An ever closer Union or intergovernmental partnership?

This paper is devoted to give a theoretical understanding to the latest major step in European integration. The Treaty of Lisbon has been discussed and analysed through neo-functional theory and liberal intergovernmentalist theory, respectively.

These theories have different interpretations of the Treaty of Lisbon and give different explanations to its content. The paper seeks to make a qualitative valuation of these theories on the case at issue, and to find out which of these perspectives that is most accurate to explain the Treaty of Lisbon. How can the Treaty of Lisbon and the political process preceding it be explained and interpreted and what does it say about which path Europe and the EU are heading towards?

The Treaty of Lisbon is yet another amending treaty, but still a major legal step of the European integration, including the majority of the content of the Constitutional Treaty. Some of its features have been discerned and scrutinised in depth above. Based on this analysis, which of the used theories is to prefer in this case? Which holds the most relevant interpretation of the treaty text? By comparing the neo-functional and liberal intergovernmentalist approaches to different features of the Treaty of Lisbon in the analysis of chapter four, two different visions of European integration and the driving force behind it are projected. The two theories emphasise different aspects of the Treaty.

With the Treaty of Lisbon entering into force, the general debate interpreted it as a path towards an 'ever closer Union', which favourably could be discerned from a supranationalist interpretation of the documents. Introducing co-decision in several new domains, including sensitive issues such as agriculture and fishery policies, provides more power to the supranational institutions of the EU. The European Parliament has furthermore gained power in financial matters. The European Court of Justice has seen its jurisdiction getting extended and thereby grown in importance. Despite some traces of unanimity, the Treaty implies strong supranational victories in the development of the AFSJ. This development can through neo-functionalism be explained as a natural evolution: deepening of the integration in one sector pushes for integration in another, and this has become more obvious as the EU is growing with more members. In order to make a free mobility possible it is useful to have cooperation within the field of AFSJ. This neo-functional assumption seems to be useful in order to explain the deepening of integration that the Treaty of Lisbon implies.

Nonetheless, the supranationalism develops unevenly in different sectors. AFSJ, the former third sector, is subject of strong transfer of power to the

European level whereas CFSP to a high extent remains intergovernmental. How can this be explained? Using liberal intergovernmentalism, this can be seen as an example of rational cooperation within *low politics* while nation states are less willing to give up their sovereignty in *high politics*.

The transfer of new competences to the supranational level does not automatically lead to a loss of sovereignty for the member states. Regarding the aspect of integration of third-country nationals, the Treaty of Lisbon provides the legal basis for measures to provide incentives and support for the action of the member states, and the Treaty explicitly excludes any harmonisation of the law of the member states. This can from a liberal intergovernmentalist perspective be seen as a way for the member states to have safeguards on their national law. Furthermore, the upgrading of importance of national parliaments on the EU arena, where they can express reasoned opinion and early warnings, is a new way to express national power for the member states. From this perspective supranational institutions are mainly seen as agents of the member states with limited competences. The concept of intergovernmentalism is reflected in the intergovernmental method of cooperation, with decisions taken by unanimity and the member states' veto power as key instrument to safeguard national interest and preserve national sovereignty.

Taking the entire Treaty of Lisbon into consideration, it will probably be difficult to explain the rather radical step on the integration ladder purely by liberal intergovernmentalism. Furthermore, it has to be taken into consideration that the heads of government actually all signed the Constitutional Treaty in 2004, including even deeper integration as well as strong symbolical details. Hence, it was not the governments that were unwilling to give up their sovereignty, but the citizens.

It is a delicate task to differentiate which transfers of competences and power to the supranational level that are pushed by member states because of their common interest in the question at issue and which are not. The question is relevant, since it to a certain degree answers the question whether liberal intergovernmentalism is applicable or not. Although the member states have ratified the Treaty of Lisbon, it should be kept in mind that it was drafted mainly by pro-intergovernmentalists. Commission officials and other civil servants active in Brussels tend to become more federalists with time. Members of the European Parliament are eager to gain power. Many lobby groups find it easier to influence politicians on the European arena than on the national one, why they in many cases also are pushing for a federalist development. In neo-functionalist terms they are changing loyalties from the national level to the European. The EU is gaining power, and nobody seems to know where the driving force behind this development. Member states urging for national power are considered odd and as traitors.

The Treaty of Lisbon includes features that strongly pushes for more influence to the EU within several policy areas. The long process of ratification is of utter importance in the analysis. Once rejected by referenda, a slightly modified version is subject of referendum again. This displays a tendency that once something deepening integration has been proposed, it will with time be reality. It may take

time, and there might be opposition from national politicians as well as citizens, but often the integration is pushed forward anyway in the end. Maybe it is a way to adapt *de jure* to *de facto* integration, or possibly the other way round. Nevertheless, member states are not fully controlling this process. The integration starts to live its own life and is difficult to control.

What does the Treaty of Lisbon say about the future of European integration? As mentioned, the integration will continue to deepen. A further reformation will be needed in order to create a “more democratic, more transparent and more efficient” EU, which was the ambition with the Reform Treaty, but which was not satisfactorily fulfilled. The spill-over effect, mainly of functional and political kind, will continue to drive for a deepening, and probably also a widening, of the EU. Nonetheless, it is crucial to mention that the member states also in the foreseeable future will be important players on the European arena and in the shaping of EU policies, and the importance of internal policies is significant also on the European arena.

To conclude, both theoretical approaches provide relevant understanding of the Treaty of Lisbon, and are accurate for different features of the text. Nonetheless, the general conclusion is that neo-functionalism is a better tool to explain this last step of European integration. The significant transfer of competences to the EU level is difficult to explain through a purely liberal intergovernmentalist perspective, focusing on rational cooperation within areas of common interest. The long road to get an agreement and to ratify the Treaty of Lisbon has sometimes been seen as a triumph for liberal intergovernmentalist assumptions. With the Treaty ratified and put in place, it is however difficult to deny that it has paved way for a revival of neo-functionalism in the European integration study field. The Treaty of Lisbon, despite the long and bumpy road before it was ratified, clearly shows some issues of neo-functionalism, and its self-enforcement seems to continue.

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