

A BRIEF OVERVIEW ON EU INSTITUTIONAL CHANGE FROM FOUNDATION TO LISBON

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Abstract

This article aims to examine EU institutional change focusing on four main political institutions (the European Commission, the European Parliament, the Council of the EU and the European Council) and three EU Treaties (Treaties of Amsterdam, Nice and Lisbon). In this respect, firstly, it gives information briefly on EU institutional structure existing from the EU's foundation to the acceptance of Treaty of Amsterdam(ToA). Secondly, it studies on the amendments and developments regarding the EU institutions in the ToA. Thirdly, it analyses the institutional reforms brought by the Treaty of Nice(ToN). Then, it evaluates what the Treaty of Lisbon brings for EU's institutional future. In the conclusion part, it summarizes the main points of its analysis.

Key Words: EU, Institutional Change, Political Institutions, EU Treaties.

Özet

Bu makale, AB kurumsal değişimini dört ana politik kurum (Avrupa Komisyonu, Avrupa Parlamentosu, AB Konseyi ve Avrupa Konseyi) ve üç AB Antlaşması'na odaklanarak incelemeyi amaçlamaktadır. Bu bağlamda, ilk olarak, AB'nin kuruluşundan Amsterdam Antlaşması'nın kabulüne kadar varolan AB kurumsal yapısı üzerine kısaca bilgi vermektedir. İkinci olarak, Amsterdam Antlaşmasındaki AB kurumları ile ilgili değişiklikler ve gelişmeler üzerinde çalışmaktadır. Üçüncü olarak, Nice Antlaşması ile getirilen kurumsal reformları analiz etmektedir. Daha sonra, Lizbon Antlaşmasının AB'nin kurumsal geleceği için ne getirdiğini değerlendirmektedir. Sonuç bölümünde ise, analizin ana noktalarını özetlemektedir.

Anahtar Kelimeler: AB, Kurumsal Değişim, Politik Kurumlar, AB Antlaşmaları.

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Introduction

It is possible to see the signs of institutional change in the EU even in its very early years. Indeed, in 1965, through the Merger Treaty, a common structure for the hitherto separate Councils and Commissions was established for the three different Communities, namely, the ECSC, EEC and Euratom. This has been one of the main early institutional changes of the EU.

In the forthcoming years, as the need for institutional change has further increased in the EU with enlargement rounds, crucial reforms have been made in the EU institutional structure. Indeed, in the period from the EU's foundation to the Treaty of Amsterdam (ToA), the adoption of the Single European Act (SEA) in 1986 and then the Treaty on European Union (TEU) in 1992 have together provided crucial institutional innovations and also triggered the process of further innovations which would materialize in the future.

Thus, when it came to the 1990s, numerous important institutional changes had incorporated to the Treaties of the EU. Yet, at the same time, with the impact of the possibility of the EU's fifth enlargement round, the need for "a comprehensive reform" on the functioning of the EU institutions was also realized by the EU authorities. Therefore, before coming to the ToA, a wide range of institutional issues in various fields, such as the future size of the European Commission, the weighting of votes in the Council of the EU and the use of Qualified Majority Voting (QMV), were initiated to be discussed in the Ionnina Compromise and at the Corfu European Council (June, 1994).

The 1996-1997 IGC then focused on these areas to resolve them. Nevertheless, the ToA signed after the IGC could only provide temporary solutions to the first two issues in a Protocol on the Institutions with the Prospect of Enlargement of the European Union and could only set a timetable for designing a new IGC. In other words, it failed to bring into effect influential institutional reforms.

After the failure of the ToA, the European Council in Cologne (3-4 June 1999) set the agenda for future reforms and for the next IGC to prepare for enlargement. This IGC began in February 2000 and concluded in December, with the Treaty of Nice (ToN). The ToN introduced key institutional changes. Still, these were incapable of providing the requirements of an effective institutional operation.

After the rejection of the Constitutional Treaty on 29 May and 1 June 2005 respectively by national referendums of France and Netherlands and the conclusion of the fifth enlargement by the accession of Bulgaria and Romania to the EU in 2007, the EU has faced the challenges of the enlarged EU with 27 members and the slow progress of reform in itself. On 13 December 2007, European leaders signed a new treaty, the Treaty of Lisbon (ToL), which was approved by all EU states and entered into force on 1 December, 2009. This Treaty also has brought important institutional changes which should be analysed.

In brief, from its foundation up to the present, the institutional set up of the EU has undergone considerably important modifications through the EU Treaties. This article

aims to present a brief overview on this institutional change of the EU prevalent in more than fifty years. Nonetheless, it does not aim to provide a systematic analysis of the whole range of institutional changes that the EU Treaties brought about. It restricts its examination to four main political institutions (the European Commission, the European Parliament, the Council of the EU, and the European Council (as it is established as an EU institution for the first time by the ToL, it will be analysed in the fourth part) and with the amendments brought to these institutions by the Treaties of Amsterdam, Nice and Lisbon. In this respect, in order to clarify the EU's institutional structure before the Treaty of Amsterdam (ToA), it begins its analysis with the period before the ToA. Secondly, it studies on the amendments and developments with regard to the EU institutions in the ToA. Thirdly, it analyses the institutional reforms brought by the Treaty of Nice (ToN). Then, it evaluates what the ToL brings for EU's institutional structure. Finally, it presents a brief summary of its examination.

The EU Institutional Structure: From Foundation to the Treaty of Amsterdam

The European Union (EU)'s establishment began with the efforts of six founding states (the Benelux countries (Belgium, the Netherlands, and Luxembourg), France, Italy, and West Germany). Regarding this creation, firstly, the Treaty of Paris entered into force establishing the European Coal and Steel Community (ECSC) on 23 July 1952. Then, the Intergovernmental Conference (IGC) on the Common Market and European Atomic Energy Community (Euratom) led to the Treaties of Rome being signed in 1957. Treaties of Rome established the European Economic Community (EEC), which later became the European Community (EC), and the Euratom among the members. Thus, the two new communities were created separately from ECSC.

In the EU's history, one of the main early institutional reforms has been the establishment of a single institutional structure for these three distinct Communities, namely, the ECSC, EEC and Euratom. In 1965, an agreement was reached to merge the three communities under a single set of institutions, hence the Treaty Establishing a Single Council and a Single Commission of the European Communities, called as the Merger Treaty, which was repealed by art. 9(1) of the Treaty of Amsterdam- was signed in Brussels and came into force on 1 July 1967. This Treaty, thus, created the European Communities providing a common structure for the hitherto separate Councils and Commissions for the three Communities (it should be here also emphasized that the European Assembly (Parliament), Court of Justice and Economic and Social Committee were already common institutions by virtue of the 1957 Convention on Certain Institutions Common to the European Communities). So, institutional change has essentially been a "constant" in the EU, beginning its very early years.¹

In 1970s, with the first enlargement round (northern round) in which Denmark, Ireland, and the United Kingdom (UK) acceded to the EC, there have been crucial

¹ Geoffrey Edwards, 'Reforming the Union's Institutional Framework: A New EU Obligation?', Hillion, C.(ed) **EU Enlargement: A Legal Approach: Essays in European Law**, Oxford, Hart Publishing, 2004, p.23.

consequences for the EU's institutional change (or "deepening"),² although these first round countries regarded the EC primarily as an economic community. Indeed, after the first enlargement, the EU has gained a regional policy and a common fisheries policy. Also, the powers of EP were increased and the first direct elections to the EP was made. Finally, the Court of Auditors was established.³

When it came to the 1980s, the EU encountered with the challenges of including three more countries to the Community (Greece (1 January 1981), Spain and Portugal (1 January 1986),⁴ otherwise known as the southern (or Mediterranean) enlargement). "The need for change" was again on the table in the Community in this period. In order to deal with this problem, various attempts were launched during the early 1980s to discuss on institutional change like the Solemn Declaration and Spinelli Draft for a Treaty on EU.⁵ As a consequence of these attempts, the Single European Act (SEA) was adopted in 1987.⁶

The SEA introduced the cooperation procedure, the greater use of Qualified Majority Voting (QMV) and the reduction of unanimous voting in the Council of the EU.⁷ Increasing the number of cases in which the Council can take decisions by qualified majority voting, instead of unanimity, facilitated decision making and avoided

² To Schimmelfennig and Sedelmeier, the general term "deepening" can be defined as a process of 'gradual and formal vertical institutionalisation,' on the other hand, "widening" can be defined as a process of 'gradual and formal horizontal institutionalisation.' F.Schimmelfennig and U.Sedelmeier, "Theorizing EU Enlargement: Research, Focus, Hypotheses and the State of Research", *Journal of European Public Policy*, Vol.9, No.4, 2002, p.502. However, for Faber, the process of EI encompasses a multitude of different dimensions like historical, sociological, political, economic and judicial dimensions. Deepening and widening have distinct meanings within as well as for these different dimensions of EI, all of which are reflected in the diverse theoretical approaches. A.Faber, "Theoretical Approaches to EU deepening and Widening: A Multi-disciplinary Overview and Some Tentative (Hypo)theses", *EU-CONSENT Project Publications*, 2006, p.2.
<http://www.euconsent.net/library/brx061012/WP%20II%20III%20Paperredefiningconcepts.pdf>, (6 May 2009)

³ D.R.Cameron, *The Future of Europe, Integration and Enlargement*, London, Routledge Publications, 2004, p.3. N.Nugent, *European Union Enlargement*, Hampshire, Palgrave Publications, 2004, pp.65-69.

⁴ For a detailed information on Spain and Greece cases, Piedrafita and Verney can be examined. S.Piedrafita, "In Spite of the Costs? Moral Constraints on Spain's Enlargement Policy", H.Sjursen(ed), *Questioning EU Enlargement: Europe in Search of Identity*, London, Routledge Publications, 2006. S.Verney, "Justifying the Second Enlargement, Promoting Interests, Consolidating Democracy or Returning to the Roots?", H.Sjursen, H. (ed), *Questioning EU Enlargement: Europe in Search of Identity*, London, Routledge Publications, 2006.

⁵ P.S. Christoffersen, "From Rome to Rome: Two Decades of Constitutional Change in the European Union", M.Herslund and R.Samson, *Unity in Diversity: Europe and the European Union: Enlargement and Constitutional Treaty*, Copenhagen, Copenhagen Business School Press, 2005, p.96.

⁶ Single European Act, Luxembourg, Office for Official Publications of the European Communities, 1986.

⁷ *Ibid.*, Cameron, 2004, p.4.

the frequent delays inherent to the search for a unanimous agreement among member states. Also, to facilitate the establishment of the internal market, voting rule for internal market provisions was amended from unanimity to QMV. This made the completion of the single market in 1992. If it did not involve these principles, because of the application of national vetoes, the completion of the single market might have been impossible or considerably delayed.

Other major reforms of the SEA concerned the role of the European Parliament (EP). First of all, it officially changed the Assembly's name to the European Parliament and increased its powers in legislative decision-making procedures. Indeed, through the establishment of the "cooperation procedure," EP was involved substantively in legislative decision-making procedures and gained opportunity to have two readings of the proposed legislation, even if the scope of application of this procedure remained limited to cases in which the Council acts by qualified majority, with the exception of environmental matters. In addition, Parliament's powers were enhanced by including the requirement of Parliament assent when concluding an association agreement. These reforms mainly aimed to remedy the "democratic deficit" in EU law-making procedures which started to be discussed intensively within the EU in that time period.

This increase in the powers of the EP continued also through TEU, signed in 1992.⁸ This is because further institutional reform was "already on the political agenda" of the TEU, five years before the signature of the Treaty of Amsterdam (ToA).⁹ In fact, with the adoption of the TEU, the scope of the cooperation procedure and the assent procedure was extended to new areas. Besides, the codecision procedure was introduced which gives the EP an ultimate right of veto in certain circumstances. Thus, this procedure has enabled the EP to adopt acts in conjunction with the Council. So, it has entailed strong contacts between the Parliament and the Council in order to reach agreement.

In addition to the increase in the powers of the EP, TEU also included provisions for Economic Monetary Union (EMU), EU citizenship, the establishment of a common foreign and security policy (CFSP), a closer co-operation on justice and home affairs (JHA), and a Committee of the Regions with advisory role.¹⁰ Also, like the SEA, it enlarged the area of QMV decisions in the Council to cover most decisions under the codecision procedure and all decisions under the cooperation procedure, including development policy, social policy, environment, economic and social cohesion, trans-European networks, education and professional training, research, health and consumer protection.¹¹

⁸ Treaty on European Union, **Official Journal C 191**, 1992.

<http://eur-lex.europa.eu/en/treaties/dat/11997E/htm/11997E.html#0001010001>, (8 May 2009).

⁹ *Ibid.*, Edwards, 2004, p.24.

¹⁰ *Ibid.*, Cameron, 2004, p.5.

¹¹ *Ibid.*, Christoffersen, 2005, p.99.

Summary Table 1. From Foundation to the ToA (1950s- 1997)
The Merger Treaty(1967): Merging the three communities under a single set of institutions
In 1970s: Establishment of a regional policy, a common fisheries policy, the Court of Auditors, increase in the powers of EP, the first direct elections to the EP
SEA(1987): Introduction of the cooperation procedure, the greater use of Qualified Majority Voting (QMV), the reduction of unanimous voting in the Council of the EU Change of the Assembly's name to the EP, increase in EP's powers in legislative decision-making through the cooperation procedure, requirement of EP assent when concluding an association agreement
TEU(1993): Extension of the scope of the cooperation procedure and the assent procedure to new areas, introduction of the codecision procedure, inclusion of provisions for EMU, EU citizenship, the establishment of a CFSP, closer co-operation on JHA, a Committee of the Regions with advisory role, enlargement of the area of QMV decisions in the Council

The Institutional Change made by the Treaty of Amsterdam

Before coming to the ToA, through the fourth enlargement (or EFTA round), which had further similar characteristics with past enlargements, as the “last classical enlargement” conforming to the traditional integration model,¹² Austria, Sweden and Finland acceded to the EU on 1 January 1995. Through this round, the number of EU members was increased from twelve to fifteen and resulted in “the delicate balance of power between large and small member states.”¹³ As a result of new division of votes, a blocking minority could no longer be provided by a coalition of two large states and one small.¹⁴ So, to restore the balance of power between large and small member states, a compromise, so-called “Ioannina Compromise,” was adopted.¹⁵ This Compromise, later

¹² C.Preston, **Enlargement and Integration in the European Union**, London, Routledge Publications, 1997. See also Preston for the key principles of classical enlargement method (principles of deepening as well) and for different forms of differentiated integration like multi-speed EU, cocentric circles EU, a la carte...etc.).

¹³ Peter Van Elsuwege and An. Vermeersch, “Institutional Reform in the European Union; A Difficult Balancing Act”, A.Ott and K.Inglis (eds.) **The Constitution for Europe and an Enlarging European Union: Unity in Diversity?**, The Netherlands; Europa Law Publishing, 2005, p.61.

¹⁴ Number of votes of member states: Germany, France, Italy and the UK:10, Spain:8, Belgium, Greece, Netherlands and Portugal:5, Austria and Sweden:4, Denmark, Ireland and Finland:3, Luxembourg:2 (art.205, TEC (ex-art.148).

¹⁵ According to the Ioannina Compromise, in circumstances where there was a clear indication of a dissenting minority representing 23-25 votes, negotiations should continue in order to reach a wider basis of agreement. A satisfactory solution would be sought on the basis of at least 65 votes (The Council of the EU, 1994, 1995).

formalised in a Council Decision,¹⁶ coped with various institutional issues such as weighting of votes, the threshold for qualified majority decisions, number of members of the Commission and any other measures deemed necessary to facilitate the operation of the institutions.

The Corfu European Council (June, 1994) then established a Reflection Group (1996) to prepare for the 1996-1997 Intergovernmental Conference (IGC) (art.N(2), TEU).¹⁷ The results of this Group's examination were submitted to the Madrid European Council (December, 1995). The Madrid European Council decided that the IGC had to examine the amendments that were necessary to be made to the Treaties to enable the EU to perform better.^{18,19}

The IGC then focused on three areas: the future size of the European Commission, the weighting of votes in the Council of the EU and the use of Qualified Majority Voting (QMV). However, it could not manage to resolve these issues.

The ToA signed after the IGC could merely provide temporary solutions to the first two issues in a Protocol on the Institutions with the Prospect of Enlargement of the European Union and set a timetable for a new IGC to consider a "comprehensive review" of Treaty provisions on the functioning of the EU institutions.

It is here relevant to refer briefly the institutional situation of the EU brought into effect by the ToA based on the provisions agreed in the Conference and in the Protocol.²⁰

The European Commission

The Size and the Composition of the Commission

Ever since it was set up, the Commission has comprised two nationals of each of the larger member states and one national of each of the smaller member states. Whenever new member states have joined the Community, the number of Commission's members has been amended by the Act of Accession. So, it increased from 9 to 13 when Denmark, Ireland and the United Kingdom joined in 1973, and to 17 following the accession of Greece, Portugal and Spain. When Austria, Finland and Sweden joined the Community in 1995, the number of Commissioners increased to 20. This allocation was not affected by the ToA, so, the larger member states (Britain, France, Germany, Italy

¹⁶ The Council of the EU 1994, Council Decision of 29 March 1994 concerning the taking of decisions by qualified majority by the Council. The Council of the EU 1995, Council Decision of 1 January 1995 amending the Council Decision of 29 March 1994 concerning the taking of decisions by qualified majority by the Council.

¹⁷ Corfu European Council, Presidency Conclusions, 24-25 June 1994.

http://europa.eu/european_council/conclusions/index_en.htm, (8 May 2009).

¹⁸ Madrid European Council, Presidency Conclusions, 15-16 December 1995.

http://europa.eu/european_council/conclusions/index_en.htm, (10 May 2009).

¹⁹ Reflection Group, **Reflection Group Report and Other References for Documentary Purposes**, Luxembourg, Office for Official Publications of the European Communities, 1996.

²⁰ Treaty of Amsterdam Amending The Treaty on European Union, The Treaties Establishing The European Communities and Related Acts, **Official Journal C 340**, 1997., <http://eur-lex.europa.eu/en/treaties/dat/11997E/htm/11997E.html#0001010001>, (8 May 2009).

and Spain) had two Commissioners, while the remaining states had one (art.213, TEC (ex-art.157)). Totally, the EC had 20 members.

If this allocation were to be maintained, with the first wave of applicant countries (Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia), known as the “Luxemburg Group,” and with a further enlargement to include the “second wave” of applicant countries (Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia), also known as “the Helsinki Group,” the number of Commission members could be brought to well over thirty. This would be a bulky number for the tasks with which the Commission is entrusted and would prevent the EC to work properly.

In response to this problem, Protocol (art.1) attached to the Treaty represented a temporary resolution granting only one Commissioner per member state provided that by that date the weighting of the votes in the Council has been modified in a manner acceptable to all member states. It explicitly stated that “At the date of entry into force of the first enlargement of the Union, notwithstanding Article 157(1) of the Treaty establishing the European Community, Article 9(1) of the Treaty establishing the European Coal and Steel Community and Article 126(1) of the Treaty establishing the European Atomic Energy Community, the Commission shall comprise one national of each of the Member States, provided that, by that date, the weighting of the votes in the Council has been modified, whether by reweighting of the votes or by dual majority, in a manner acceptable to all Member States, taking into account all relevant elements, notably compensating those Member States which give up the possibility of nominating a second member of the Commission.”

The President of the Commission

Prior to ToA, the governments of the member states nominated Commissioners in consultation with the President of the Commission (art.158(2), TEU) with both President and Commissioners subject as a body to a vote of approval by the EP. Under the ToA, the amendment to article 214, TEC (ex-article 158) strengthened the legitimacy of the President. According to art.214, TEC, the governments of the member states would nominate Commissioners by common accord with the President, rather than simply after consulting him. The Commission President would also be subject to two votes of approval by the EP: first, a vote to approve his nomination, and then a vote to approve the President and the other members of the Commission as a body.

The European Parliament

The Size of the European Parliament

When the ToA was adopted, the EP had 626 members directly elected by the member states. This composition was based on the decision of the Edinburgh European Council (December, 1992), following a proposal from the European Parliament. Applying the “principle of proportionality,” the Council took account of the unification of Germany and the prospect of enlargement to include certain EFTA countries. The number of representatives for each member state was laid down in art. 190(2), TEC (ex-art.137). To this, while Germany, as the largest member state, had 99 members,

Luxembourg, as the smallest date, had only 6 members. The ToA placed a limit of 700 on the number of EP members (art. 189(2), TEC (ex-art. 138)).

The Power of the European Parliament

The European Parliament increased its role in the EU's structure through ToA. Indeed, the ToA provided the abolition of the cooperation procedure and a substantial extension of the codecision procedure. The introduction of the codecision procedure in the TEU (art. 189b) had given the EP its most influential position in the history of the EU. Codecision had been introduced in a number of significant areas, notably in the internal market. However, under the TEU, it was an extremely complex procedure. In respect of this procedure, if disagreement persisted between the Council and the EP, there had to be three readings of legislative proposals in the Council. If the Council and EP had not reached agreement after the second reading, the Council could reaffirm its common position at the third reading. Unless Parliament rejected it by an absolute majority of its members, the proposal could be adopted. Since an absolute majority was difficult to obtain in the Parliament, the Council's view tended to predominate in the legislative procedure. This procedure was simplified by the ToA to make it more efficient under a new article (art.251, TEC (ex-art.189b)). The possibility of a third reading in the Council was removed. If the two institutions failed to reach a compromise, the proposal would be rejected. Thus, the ToA not only enabled the EP to have a stronger role in the Union's decision making process, but it also simplified the legislative procedure.

The Council of the EU

The two main issues discussed in the IGC as regards the Council were the re-weighting of votes in the Council and the scope of QMV.

The Re-Weighting of Votes in the Council

The qualified majority is formed using the system of weighted votes reflecting the population of the member states. Thus, votes are not calculated on the basis of one country is equal to one vote. Instead, each member state has a certain number of votes weighted according to the population. Through the fourth enlargement, for the 15 member states of the EU, the votes allocated to each country varied between two (for the less populated) and ten (for those with the largest populations). This gave a total of 87 votes and for a decision to be adopted by qualified majority, 62 votes were required (art.205, TEC (ex-art.148)).

With the fourth enlargement, the size of the qualified majority which varied from 67% (when there were six members) to 70% (when there were ten members) led to 58% (when it led to fifteen members) of the population of the member states. That is, it has always represented a majority of the member states in terms of supporting any decision (at least half of them). Yet, with the addition of states with different size of populations, the relative weight of the smaller states could increase to the bigger states's disadvantage. This question of re-weighting of votes in the Council had been

incorporated by the Protocol attached to the ToA. However, it failed to find a substantive solution.

As regards the “blocking minority,” in the so-called “Ioannina Compromise” aforementioned, it was accepted that if there was a clear indication of a dissenting minority representing 23-25 votes, negotiations should continue and at least 65 votes should be sought to reach an agreement.

The Scope of Qualified Majority Voting

The increase in the number of member states inevitably results in the increase of exercising the right of veto under the unanimity rule. The veto can be used to block the decision making process. So, as in SEA and TEU, the use of qualified majority voting was extended to a number of existing provisions in the ToA. It was also applied to the new provisions introduced by the Treaty.

In addition, the Protocol attached to the ToA included two possible options between which the member states would choose to determine the qualified majority: re-weighting (adapting the present system) or a dual majority (of votes and population).

Summary Table 2. ToA(1999)
<p>1. The European Commission</p> <p>i. Its Size and Composition The efforts to reduce the size could not be successful, so it was re-evaluated by the ToN.</p> <p>ii. Its President The need of common accord with the President to nominate Commissioners The President would also be subject to two votes of approval by the EP: first, a vote to approve his nomination, and a vote to approve the President and the other members of the Commission as a body</p>
<p>2. The European Parliament</p> <p>i. Its Size Limit of 700 on the number of EP members</p> <p>ii. Its Power Abolition of the cooperation procedure and a substantial extension of the codecision procedure Simplification of the legislative procedure removing the third reading</p>
<p>3. The Council of the EU</p> <p>i. The Re-Weighting of Votes Failure of the Treaty to find a substantive solution Regarding “blocking minority,” it was accepted that in the case of the presence of a dissenting minority representing 23-25 votes, negotiations should continue and at least 65 votes should be sought to reach an agreement</p> <p>ii. Qualified Majority Voting The use of QMV was extended to a number of existing provisions and new provisions Two options for determining the qualified majority: re-weighting (adapting the present system) or a dual majority (of votes and population)</p>

Amendments Brought by the Treaty of Nice

Although the ToA gave additional powers to EP like the right to dismiss the Commission and to give its assent to international treaties involving enlargement, and also it introduced the flexibility and “Schengen” and some measures to strengthen CFSP,²¹ when it is examined as a whole, it becomes clear that it could not show adequate success to be qualified as a Treaty providing effective institutional reforms for the EU. In fact, the ToA could only present temporary solutions to the EU’s institutional problems. Therefore, its left-overs made it necessary to consider on remarkable institutional adjustments which were found absolutely necessary to avoid the collapse of the EU’s operation.

The effect of negotiations firstly with “the Luxemburg Group,” which had begun in the spring of 1998, then, “the Helsinki Group” which had joined negotiations in 2000,²² stimulated this tendency of the EU towards considerable institutional reforms in itself.

Indeed, through the so-called 10+2 enlargement round,²³ as different from previous rounds, it was better realized that the EU, itself, also had to examine aspects of its own operation. In fact, in former rounds, the EU members had avoided to make “certain much-needed difficult decisions” on rules and operation of the EU.²⁴ So, the burden regarding the rules of the Union’s functioning had fallen largely on the applicants, not the EU and the institutional troubles could not be resolved.²⁵ However, with this last round, the EU became aware of the fact that firstly it had to do something to prevent the collapse of its operation.

This awareness rendered an agenda for future reforms and for the next IGC in the European Council in Cologne (3-4 June 1999).²⁶ The IGC mentioned in the Council began in February 2000 and concluded in December, with the Treaty of Nice(ToN).

The Treaty of Nice contained provisions that are adaptable to the various possible scenarios. That was because, when it was concluded, it was not yet possible to predict exactly which candidates would be capable of completing their negotiations and acceding to the Union.

²¹ *Ibid.*, Cameron, 2004, p.6.

²² Turkey was also given candidate status, but remained in a separate category for several years as it sought to comply fully with the membership criteria. For a detailed information on Turkey, see N. Nugent, “The Unfolding of the 10+2 Enlargement Round”, N.Nugent(ed), **The Government and Politics of the European Union**, Hampshire, Palgrave Publications, 2006, pp.39-41.

²³ Through this round, both the new members and also the EU faced several challenges, they faced ‘a post-accession crisis’ as Agh argues. A. Agh, “Completing Membership and Post-accession Crisis in the New Member States”, **EU-CONSENT Project Publications**, 2007. http://www.eu-consent.net/library/deliverables/D12b_Team_5.pdf, (6 May 2009).

²⁴ *Ibid.*, Nugent, 2004, p.67.

²⁵ Simon Sweney, “EU Enlargement and the Challenge to the State”, **Europe, the State and Globalization**, Essex, Pearson, 2005, p.204.

²⁶ Cologne European Council, Presidency Conclusions, 3-4 June 1999.

http://europa.eu/european_council/conclusions/index_en.htm, (9 May 2009).

The coming parts examine the changes in the Union's institutions according to the provisions of the ToN that are adaptable to the various possible scenarios.²⁷

The European Commission

The size and composition of the European Commission were issues which were not resolved in the Treaty of Amsterdam (ToA). Therefore, the matter of the Commission's size and composition were at the centre of the negotiations of the IGC, 2000 which culminated in the new Treaty of Nice (ToN).

The Size and the Composition of the Commission

Based on the options presented on the Commission Opinion of 26 January 2000, the ToN provided an amendment which would be arranged in two phases. Firstly, the Protocol (art.4) on the Enlargement of the European Union, annexed to the Treaty, stated that as of 1 January 2005, the Commission would include only one national of each of the member states. This provision was amended by the Treaty of Accession, signed in Athens on 16 April 2003, because the new Commission would take up its duties on 1 November 2004 and would include one national of each member state. The Protocol also provided that, when the EU consisted of 27 member states, the number of members of the Commission would be less than the number of member states. That is, all member countries would no longer be represented at the same time within the Commission. In this new system, Commissioners would be selected on the basis of a rotation system based on the principle of equality. The exact number of Commissioners and the rotation order would be determined by the Council acting unanimously, from the date on which the first Commission, following the date of accession of the 27th member state of the Union, took up its duties.

In practice, this means that the Commission appointed for five years (2000-2004) would remain in office with its 20 Commissioners. From 2005 onwards, the Commission would consist of one Commissioner per member state. Once the number of member states reached 27, the number of Commissioners would be selected on the basis of a rotation system.

The President of the Commission

Before the ToN entered into force, the Commission was appointed by the governments of the member states by common accord. The ToN introduced qualified majority for decision making. Thus, it enabled the President of the Commission to be appointed in accordance with a new procedure described in article 214 (2), TEC (ex-art.158(2)). Moreover, before the ToN, the Commission as a whole had to work under the political guidance of the President (art. 219, ex-art. 163) and may appoint a Vice President or two Vice Presidents from among its members (art. 217, ex-art. 161). The ToN further strengthened the role of the President through replacing the article 217 by a new article on the Commission President (art. 217, TEC). To the new article 217(1), in

²⁷ Treaty of Nice, Luxembourg, Office for Official Publications of the European Communities, 2003.

addition to the obligation of the Commission under the political guidance of its President, the President gained right to decide on the EC's internal organisation "in order to ensure that it acts consistently, efficiently and on the basis of collegiality." Moreover, he had the right to structure, allocate and also to reorganize the EC's responsibilities among its members during its term of office. Also, he was entitled to appoint Vice-Presidents from among its members and to request the resignation of a member of the EC after obtaining the approval of the College.

The European Parliament

The Size of the European Parliament

The ToN included two provisions concerning the size of the EP. One of them was article 2 of the Protocol on the Enlargement of the European Union which laid down the new distribution of Parliament seats between the fifteen member states. It reduced the total number of members from 626 to 535 with effect from the 2004-2009 parliamentary term. Yet, this provision did not take effect in view of the fifth EU enlargement on 1 May 2004. The other provision was Declaration on the Enlargement of the European Union (No. 20) annexed to the ToN. It established the common position to be adopted by the member states as regards the distribution of seats at the European Parliament.

The Protocol abovementioned also established that if the total number of members was less than 732, a *pro rata* correction was to be applied to the number of representatives to be elected in each member state, so that the total number was as close as possible to 732.

In the Accession Treaty (2003), the provisions of the ToN were applied. However, contrary to Declaration No. 20 referred above, in the Treaty, it was decided to put the Czech Republic and Hungary on an equal footing with Greece, Belgium and Portugal. The Accession Treaty also included the *pro rata* correction to bring the total number of members of EP to be elected in 2004 to 732.

The Power of the European Parliament

As previous Treaties, the ToN extended codecision to several areas to make Union action more democratic. This affected the following articles such as art. 13 (incentives to combat discrimination), art.65 (judicial cooperation in civil matters), art.157 (specific industrial support measures), art.159 (economic and social cohesion actions outside the structural funds)...etc.

The Council of the EU

The Re-Weighting of Votes in the Council

The re-weighting of votes in the Council of the EU was one of the leftovers from Amsterdam like the size and the composition of the Commission. So, in the Nice European Council, the number of votes for the 15 current member states (art. 3 of the Protocol on the Enlargement of the EU, annexed to the ToN) and also for each future arrival (two Declarations (No. 20 and 21) annexed to the ToN) was changed. To this

change, while those states with the most votes would have twenty-nine, the states with the least would have three. Thus, a total of 237 votes were allocated to the 15 member states with a qualified majority threshold set at 169 votes.

From 2005, then, the new distribution of votes would be applied. However, as accession took place before 2005, the date set by the ToN for the application of the new weighting was amended by the Accession Treaty as 1 November 2004, after a transitional period from May to October 2004.

Consequently, for the transitional period, the weighting scheme was modelled on the old weighting giving the member states between 2 and 10 votes in the Council and the qualified majority threshold was set at 88 out of 124 votes. From 1 November 2004, new weighting model would be applied. To this, a Council decision would be adopted when it received at least 232 votes out of 321 reflecting the majority of the members of the Council.

The Scope of Qualified Majority Voting

The method of calculation concerning the QMV was changed through the ToN (art. 3 of the Protocol on the Enlargement of the EU, annexed to the ToN). To this new method, from 1 January 2005, two conditions would have to be met for qualified majority voting:

- to gather a minimum number of votes. This number would change with successive accessions. Once the twelve applicant countries joined the EU, there would be a total of 345 votes. In this case, the qualified majority threshold would be set at 255 votes out of 345.
- a majority of member states would also have to be in favour of the decision.

In addition, a paragraph was added to art. 205, TEC, specifying that, at the request of a member of the Council, there was also the possibility to check that those states voting in favour represented at least of 62% of the total population of the Union (demographic clause). If this condition was not met, the decision would not be adopted.

Within the ToN, different scenarios were adopted regarding the QMV depending on its application to different areas. While it was initiated to be applied to some provisions immediately, including judicial cooperation in civil matters, commercial agreements relating to services and intellectual property, industrial policy, it was not applied to some others like asylum and immigration policy, cohesion policy, though it was decided to be adopted. Also, for some other provisions including coordination of social security schemes for cross-border workers, minimum requirements in social policy, taxation, common foreign and security policy, police and judicial cooperation in criminal matters, unanimity continued to be maintained against the QMV. Thus, on sensitive areas in which to adopt qualified-majority voting could be particularly important for an effective institutional structure, it could not be managed to adopt the QMV.

Summary Table 3. ToN(2003)
<p>1. The European Commission</p> <p>i. Its Size and Composition the Commission appointed for five years (2000-2004) would remain in office with its 20 Commissioners. From 2005 onwards, the Commission would consist of one Commissioner per member state. Once the number of member states reached 27, the number of Commissioners would be selected on the basis of a rotation system based on the principle of equality</p> <p>ii. Its President Introduction of qualified majority for appointing the Commission and a new procedure for the appointment of the President of the Commission Improvement of the role of the President through a new article on the Commission President (art. 217, TEC)</p>
<p>2. The European Parliament</p> <p>i. Its Size Reduction of the total number of members from 626 to 535 with effect from the 2004-2009 parliamentary term (this provision did not take effect due to the fifth EU enlargement on 1 May 2004) Establishment of the common position to be adopted by the member states as regards the distribution of seats at the European Parliament. Establishment of a <i>pro rata</i> correction, if the total number of members was less 732.</p> <p>ii. Its Power Extention of codecision to several areas</p>
<p>3. The Council of the EU</p> <p>i. The Re-Weighting of Votes For the transitional period, old weighting was exercised giving the member states between 2 and 10 votes in the Council and the qualified majority threshold was set at 88 out of 124 votes. To the new weighting model which would be applied from 1 November 2004, a Council decision would be adopted when it received at least 232 votes out of 321 reflecting the majority of the members of the Council.</p> <p>ii. Qualified Majority Voting To the new method of calculation concerning the QMV, from 1 January 2005, two conditions would have to be met for qualified majority voting: To gather a minimum number of votes A majority of member states In addition, at the request of a member of the Council, at least of 62% of the total population of the Union (demographic clause) For some provisions, unanimity continued to be maintained against the QMV.</p>

What Does The Treaty of Lisbon Bring for EU's Institutional Future?

The analysis on ToN shows that the ToN(2001) introduced key institutional changes for the EU. However, these changes decided at Nice, like previous attempts to make comprehensive reforms, could not enable the Union to carry out its functions more effectively. So, in the Declaration (No.23) appended to the ToN, it was decided to encourage comprehensive discussions on institutional reforms. Also, a new Intergovernmental Conference (IGC) would be convened in 2004 to deal with the issues discussed. All these efforts at the end led to the setting up the “Convention on the Future of Europe” in 2002 and a new Treaty in 2004.²⁸

As the people of France and the Netherlands rejected the Constitutional Treaty on 29 May and 1 June 2005 respectively by national referendums, the Treaty could not take effect (art.IV-447, TECE and Declaration 30).²⁹ In the meantime, on January 1, 2007, Bulgaria and Romania formally joined the EU and brought it to 27 member states. Thus, the fifth enlargement (10+2 round) was completed.³⁰ Then, the EU began to face further challenges of the ‘slow progress’ of reform in itself.³¹

After this failure of the Constitutional Treaty, in Brussels European Council, 21-22 June 2007, EU leaders met to agree a new Treaty. The new Treaty was signed after six months from this meeting, on 13 December 2007. If this new treaty, named as the Treaty of Lisbon (or Reform Treaty), was ratified by all EU member states in accordance with their own constitutional procedures, it would come into force on 1 January 2009. However, after rejected by Ireland on June 12, 2008, the Treaty's entry into effect was ceased once again. After four months, on 16 October 2009, the Irish ratification procedure was completed at the end, two weeks after its approval in the referendum -ToN was also rejected by Ireland on June 7, 2001, yet, ratified on October 19, 2002 in the second referendum.³² All ways for coming into force for the Treaty were completed with the signature of Czech President Vaclav Klaus. Thus, the ToL was approved by all EU states and entered into force on 1 December, 2009.

²⁸ Laeken European Council, Presidency Conclusions, 14-15 December 2001. http://europa.eu/european_council/conclusions/index_en.htm, (18 May 2009).

²⁹ Treaty Establishing a Constitution for Europe, The European Parliament and the European Constitution, Luxembourg, Office for Official Publications of the European Communities, 2005.

³⁰ See Grabbe, Cameron and Nugent for a detailed analysis on the benefits and challenges (economic and political) of this expansion for both CEECs and the EU itself, and its distinctiveness from previous enlargements. H. Grabbe, “What the New Member States Bring into the European Union”, N. Nugent, N.(ed), **The Government and Politics of the European Union**, Hampshire, Palgrave Publications, 2006. D.R. Cameron, “The Challenges of Accession”, **East European Politics and Societies**, Vol. 17, No. 1, 2003, pp. 24–41. N. Nugent, “The Unfolding of the 10+2 Enlargement Round”, N.Nugent(ed), **The Government and Politics of the European Union**, Hampshire, Palgrave Publications, 2006.

³¹ Alan Mayhew, “Enlargement of the European Union: An Analysis of the Negotiations with the Central and Eastern European Candidate Countries”, **SEI Working Paper**, No 39, 2000. <http://www.sussex.ac.uk/sei/documents/wp39.pdf>No. 39, (8 May 2009).

³² For a detailed analysis on the impact of Ireland's rejection of ToN on the enlargement process, see **Ibid.**, Edwards, 2004, pp.35-41.

If the Treaty was not ratified by all EU states and did not enter into force, from legal perspective, the actual composition of the EU institutions would continue to be governed by the ToN and the Treaty of Accession, and the ToL would define the future institutional arrangements. Yet, as the ToL began to take effect, from now on, the article will discuss the outcome of this Treaty.³³

The European Commission

The Size and the Composition of the Commission

The size and the composition of the Commission are actually based on the model suggested by the ToN. There are no major changes, only a few improvements.

As regards its size, the Treaty states that the first Commission appointed consists of one national of each member state, including its President and the High Representative of the Union for Foreign Affairs (HR) who will be one of the Commission Vice-Presidents (art. 17(4), TEU). From 1 November 2014, the Commission will be reduced in size and consist of a number of members corresponding to two-thirds of the number of member states, including its President and the HR, unless the European Council, acting unanimously, decides to alter this number. In this reduced size Commission, the Commissioners will be selected according to a system of “equal rotation” between member states (art.17(5), TEU). This provision is based on the proposition that a bulky body of 27 members can be very difficult to manage efficiently, and that there are not works for all members in the Commission’s functions.

The President of the Commission

The Treaty does not bring any substantial changes to the way the President is appointed (art.17(6), TEU). Nevertheless, it clearly states that when the European Council proposes to the European Parliament a candidate for President of the Commission, it must take into account the elections to the European Parliament. This change gives greater political significance to the European elections and thus increases the influence of the Parliament (art.17(7), TEU).

The European Parliament

The Size of the European Parliament

The Treaty lays down that the maximum number of seats is 750, thus increasing the current number laid down in the ToN. The minimum number of seats per member state is to be six and the maximum number is to be 96. As different from previous Treaties, the ToL does not provide the detailed number of seats between the member

³³ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, **Official Journal C 115**, Vol 1, 2008.
<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2008:115:SOM:en:HTML>, (12 February 2010).

states. Instead, it establishes an “allocation rule” which states that representation of citizens is “degressively proportional” (art. 14(2), TEU).³⁴

The Power of the European Parliament

The Treaty enhances the EP’s power firstly laying down that the President of the Commission will be elected by the European Parliament by a majority of its component members, acting on a proposal from the European Council (art.14(1), 17(7) TEU). Moreover, its introduction of the “ordinary legislative procedure” (art.294, Treaty on the Functioning of the European Union (TFEU)), modelled on the existing codecision procedure, gives the Parliament equal legislative powers with the Council of the EU. Extending the codecision procedure to a large number of articles, it thus makes the Parliament to become co-legislator in almost all cases with the exception of some acts, where it will only be consulted.

The Council of the EU

The Treaty introduces significant changes affecting this institution. Most importantly, it makes a clear distinction between two institutions, the Council of the EU, which consists of representatives of member states at ministerial level (art.16 TEU) and the European Council, which consists of the Heads of State and Government of the member states (art.15, TEU). It reshuffles the work of the Council of the EU and mentions specifically two Council configurations: the General Affairs Council and the Foreign Affairs Council (art.16(6), TEU) separating the present General Affairs and External Relations Council. Additionally, it stipulates that the Presidency of all Council configurations, other than Foreign Affairs, is to be held by member state representatives on the basis of equal rotation (as the Foreign Affairs Council is chaired by the HR) (art.16(9), TEU).

The Re-Weighting of Votes in the Council

The Treaty completely alters the old system allocating each member state a certain number of votes and replaces it with a more simple and flexible system applicable from 1 November 2014(art.16(4), TEU).³⁵

In this system, instead of the three criteria required until now for a qualified majority (threshold of weighted votes, majority of member states and 62% of the population of the Union), just two criteria will apply: a majority of the member states and of the population of the Union. That is, from 1 November 2014, a qualified majority

³⁴ For the 2004-2009, the distribution of seats, established in line with the rules approved at Nice and set down in the Treaty of Accession concluded with the ten new member states, has been protected in the Protocol on the Transitional Provisions relating to the Institutions and Bodies of the Union.

³⁵ For the transitional provisions relating to the definition of the qualified majority which will be applicable until 31 October 2014 and those which will be applicable from 1 November 2014 to 31 March 2017, the Treaty refers to the Protocol on the Institutions and Bodies of the Union (Protocol No.10) (art.16(5), TEU). The other arrangements governing the qualified majority are laid down in art. 238(2) of the TFEU.

is achieved only if a decision is supported by 55% of member states, including at least fifteen of them, representing member states, at the same time, comprising at least 65% of the Union's population. This new system facilitates the Council decision-making, because in this system, it will be possible to constitute a qualified majority with a greater number of combinations of member states than under the system created by the ToN.

The Scope of Qualified Majority Voting

In the old system, where the treaties do not provide otherwise, the Council takes decisions by a simple majority. Yet, this is rarely the case, as in general, the treaties refer to unanimity or qualified majority. So, the Treaty makes the qualified majority voting the general rule (art.16 (3), TEU). That means, except where the Treaty provides otherwise, decisions of the Council are taken by qualified majority. Thus, the Treaty ensures that more decisions can be made by QMV. Yet, some sensitive areas (e.g. taxation, some aspects of social policy, and foreign policy and defence) will continue to require unanimity.

The European Council

Before the ToL, the European Council had been first mentioned in the SEA but not established as an institution. In fact, the SEA legally established the European Council, yet, it did not specify its tasks and competencies. The TEU then defined its role and gave it specific roles in relation to the common foreign and security policy (CFSP) and economic and monetary union (EMU). But, they both did not establish it as an EU's institution.

The European Council is established as an EU institution for the first time by the ToL (art.15, TEU). Indeed, the Treaty includes the European Council among the institutions of the EU, together with Parliament, the Council of the EU, the Commission and the Court of Justice (art.19, TEU). It also distinguishes its work clearly from that of the Council of the EU.

The Treaty also establishes a permanent President of the European Council, who will take on the work currently assigned to rotating Presidencies. The European Council will elect its President by a qualified majority for a term of two and a half years (art.15(5), TEU). The relationship between the President and the Heads of State or Government will be different from the current relationship. Currently, the President is a Head of State or Government in office in a member state. However, under the Treaty, the President of the European Council cannot hold a national office (art.15(6), TEU).

Summary Table 4. ToL (2009 and onwards)
<p>1. The European Commission</p> <p>i. Its Size and Composition The first Commission appointed consists of one national of each member state, including its President and the High Representative of the Union for Foreign Affairs(HR) From 1 November 2014, the Commission will be reduced to two-thirds of the number of member states-unless the European Council, acting unanimously, decides to alter this number-the Commissioners will be selected according to a system of “equal rotation” between member states</p> <p>ii. Its President When the European Council proposes to the EP a candidate for President of the Commission, it must take into account the elections to the EP</p>
<p>2. The European Parliament</p> <p>i. Its Size The maximum number of seats is 750 The minimum number of seats per member state is to be six and the maximum number is to be 96. Constitution of an “allocation rule” instead of providing the detailed number of seats between the member states.</p> <p>ii. Its Power The President of the Commission will be elected by the European Parliament Introduction of the “ordinary legislative procedure” Extension of the codecision procedure to a large number of articles,</p>
<p>3. The Council of the EU A clear distinction between two institutions, the Council of the EU and the European Council reorganisation of the Council of the EU’s work Two Council configurations: the General Affairs Council and the Foreign Affairs Council separating the present General Affairs and External Relations Council. The Presidency of all Council configurations, other than Foreign Affairs, is to be held by member state representatives on the basis of equal rotation (as the Foreign Affairs Council is chaired by the HR)</p> <p>i. The Re-Weighting of Votes Allocation of a certain number of votes each member state just two criteria will apply: a majority of the member states and of the population of the Union</p> <p>ii. Qualified Majority Voting Makes the qualified majority voting the general rule, but, for some sensitive areas, unanimity will be kept</p>
<p>4. The European Council Establishment as an EU institution for the first time Establishment of a permanent President for a term of two and a half years the President can not hold a national office</p>

Conclusion

This article examined what have changed in the EU institutional structure confining its analysis to the changes brought to the four main political institutions by the Treaties of Amsterdam, Nice and Lisbon.

In order to make clear the institutional situation before the Treaty of Amsterdam (ToA), firstly, it focused on the institutional structure of the EU from its foundation to the Treaty of Amsterdam. In this part, it examined the institutional alterations in the EU beginning from the Merger Treaty (1965). Here, it found that in 1970s, with the first enlargement round and in 1980s with the second and third enlargement rounds, the need for change in the EU increased the attempts discussing on institutional change culminated in studies like the Solemn Declaration and Spinelli Draft for a Treaty on EU. As a consequence of these attempts, the Single European Act (SEA) was adopted in 1987 which constituted crucial consequences for the EU's institutional reform introducing the co-operation procedure, the greater use of Qualified Majority Voting (QMV) and the reduction of unanimous voting in the Council of Ministers and increase in the role of the EP. When it came to the 1990s, with the adoption of the TEU, the EU opened its doors to the new era for its institutions as while it increased further the powers of the EP, it also included provisions for Economic Monetary Union (EMU), EU citizenship, the establishment of a common foreign and security policy (CFSP), a closer co-operation on justice and home affairs (JHA), and a Committee of the Regions with an advisory role and widened the area of QMV decisions in the Council.

Secondly, it studied on the amendments and developments with regard to the institutional structure of the EU in the ToA. The analysis on the European Commission, European Parliament and the Council of the EU and the changes brought into effect to these institutions by the ToA pointed out that the Treaty could not be able to resolve the problems regarding the institutional reform. It could only provide temporary solutions to the future size of the European Commission and the weighting of votes in the Council of the EU, and a timetable for a new IGC to consider a comprehensive reform on the functioning of the EU institutions.

In the third part, it analysed the institutional reforms brought by the Treaty of Nice (ToN) to the European Commission, European Parliament and the Council of the EU. This analysis showed that the institutional changes introduced by the ToN also could not enable the Union to carry out its functions in a more effective manner. So, in the Declaration (No.23) appended to the ToN, it was decided to convene a new Intergovernmental Conference (IGC) in 2004 to deal with the issues discussed. All these efforts then led to the setting up the Convention on the Future of Europe in 2002 and the Constitutional Treaty in 2004.

After this clarification on the ToN, the article finally focused on what the Treaty of Lisbon (ToL) brings for EU's institutional future. In this part, in addition to the European Commission, European Parliament and the Council of the EU, it also examined the changes in the European Council, as the Treaty includes the European

Council among the institutions of the EU, together with Parliament, the Council of the EU, the Commission and the Court of Justice.

Overall, based on this analysis on EU institutional change, it can be argued that institutional change have been considerably necessary for better functioning of the EU from the outset of its foundation. Therefore, various institutional issues such as the Commission's size, composition and President, the European Parliament's size and power, the re-weighting of votes in the Council and the scope of qualified majority voting (QMV) and the European Council and any other issues deemed necessary to facilitate the operation of the institutions have been so far dealt with in the Union. The Treaties have aimed to incorporate amendments establishing a better functioning EU institutional system than the previous ones. They have sometimes achieved their goals, but, sometimes have failed. The success of ToL, on the other hand, is now not certain. It is too early to know certainly whether the amendments of ToL will be sufficient for more effective operation of the EU institutions. Yet, there is one thing that is known obviously: all these amendments do not mean that the EU has completed its institutional development and will not need change from now on. In order to adapt to new situations and challenges, such as the acceptance of new members, and to overcome them, it has to introduce new structures and rules in accordance with the new conditions. So, it seems that institutional change will continue to be on the agenda of the EU in the future as well.

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