By Balázs Tárnok

What have the previous treaty amendments achieved in the European Union, particularly the significant reforms implemented by the Maastricht and Lisbon Treaties? When might the amendment of EU treaties come back on the agenda, and what role could the Conference on the Future of Europe play in this process? What factors influence the direction for or against treaty amendments, and what is Hungary's position on this issue? Treaty amendments are inherent to the nature of European integration; as long as integration is not stuck, periodic reviews of the fundamental legal framework are necessary. Thus, the question is how to carry out a rational review process that enhances the EU's efficiency and competitiveness without unduly diminishing the competencies of Member States.

Introduction

The treaties that provide a "constitutional framework" for the European Union and its predecessors have been amended multiple times over the past decades[1]. Many view these amendments as a deliberate move towards federalization—a process by which the more national competences are transferred to the European Union, thereby weakening the framework of nation-states. Others argue that periodic revisions of the treaties are necessary to enhance the efficiency of the EU's functioning, primarily due to the Union's continuous expansion and to address the challenges raised by certain regional political developments.

This paper examines the outcomes of treaty amendments that implemented significant reforms and explores the circumstances that motivated Member States to pursue these changes. It also considers the factors that may influence the next possible treaty amendment. Since unanimity among Member States is required for treaty modifications, it is crucial to take into account the critical voices emerging in the European political sphere. In this context, analysing Hungary's position is essential, as it is one of the most vocal opponents of the Union's federalization.

Maastricht and Lisbon: Steps Toward Federalization or Efficient Functioning?

Among treaty amendments, the Maastricht and Lisbon Treaties stand out for substantially altering the EU's legal framework, as well as for the prominent political circumstances that led to the creation of these new treaty frameworks.

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The *Maastricht Treaty*[2], signed in 1992, not only amended the treaty establishing the European Economic Community (renaming the organization as the 'European Communities') but also introduced the concept of the European Union as a political entity. Many consider this treaty a major step toward the federalization of the EU[3]. It established the EU's pillar structure: the first pillar, the European Communities, became a supranational one, while the other two pillars—Common Foreign and Security Policy, and Justice and Home Affairs—were based on intergovernmental cooperation. The Maastricht Treaty further reinforced the federal nature of the EU by creating the institution of EU citizenship and setting the goal of establishing an Economic and Monetary Union, which included the criteria (known as the Maastricht criteria) for Member States to adopt the common currency, the euro.

The political context of the Maastricht Treaty included the collapse of the Soviet Union and the democratic transitions in Central European countries, as well as the reunification of Germany. The latter caused concern among the French and British political leaders, also members of the EEC, but an agreement was eventually reached that linked German reunification with the deepening of European integration.

The direct precursor and impetus for the Lisbon Treaty was the unprecedented enlargement of the EU in 2004, when ten new Member States joined simultaneously ('Big Bang enlargement'), followed by the accession of two more states in 2007. Of these 12 new Member States, ten were from Central and Eastern Europe, bringing significantly different economic, political, and policy capacities and realities compared to the existing EU Member States. The near doubling of the EU's membership necessitated a comprehensive treaty amendment. The Treaty establishing a Constitution for Europe[4], signed in 2004, would have been a significant step toward a federal European state; however, it was rejected in referendums in the Netherlands and France, leading to the failure of the treaty amendment. Nonetheless, EU leaders decided to preserve the most important reforms in a new treaty, resulting in the Lisbon Treaty, signed in 2007.

The *Lisbon Treaty*[5] delineated the competences between the Union and its Member States, abolishing the pillar structure established by the Maastricht Treaty. It increased the legislative role of the directly elected European Parliament, thereby enhancing the principles of citizen participation and democracy. The European Council, functioning as the EU's supreme political decision-making body, was established as an independent EU institution. The Treaty also defined the EU's symbols and enshrined common European values. Although the Lisbon Treaty

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avoided terms reminiscent of a federal EU, it retained the most critical elements for decision-making and institutional functioning from the Treaty establishing a Constitution for Europe.

Conference on the Future of Europe

The Conference on the Future of Europe[6] could serve as a significant reference point for the next treaty amendment in the EU. In 2019, French President Emmanuel Macron proposed a large-scale series of events where politicians and citizens would jointly discuss the medium- and long-term future of European integration[7]. The conference began on 9 May 2021, and concluded a year later. Delegates from EU institutions, citizens, civil society organizations, representatives of local and regional interests, national parliaments, and government officials shared their views on the potential directions for the EU.

The final report, adopted during the plenary session, was presented on 9 May 2022[8]. The document proposed both policy and institutional reforms. Among the recommendations were the abolition of unanimous decision-making (with the exception of enlargement policy and changes to EU core values), the expansion of the European Parliament's powers, the introduction of transnational party lists in European Parliament elections and enhancing the legitimacy of the European Commission President. Based on these reform proposals, the European Parliament officially initiated a review of the treaties in June 2022[9].

Factors Influencing Treaty Amendments

Although treaty amendments have not yet been placed on the agenda, it is likely that sooner or later they will become unavoidable, particularly given that the last major treaty amendment was signed nearly 20 years ago in 2007. It is therefore worth examining the factors that could influence the move toward or against amending the treaties.

The *Russia-Ukraine war* has created a new geopolitical situation, prompting the European Union to reassess its role. Changes in the security architecture may lead to political and strategic shifts that Member States might wish to address through a revision of EU frameworks. The need to enhance the EU's global political role, potentially requiring treaty amendments to lay the groundwork for a more effective foreign policy, could become a driving force—should the Member States choose to pursue this path. Notably, even before Russia's invasion of Ukraine, strengthening

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the EU's global political influence was a priority. This was evident when Ursula von der Leyen, upon taking office in late 2019, set the goal of establishing a "geopolitical Commission"[10], a strategy that is likely to gain further momentum during her second term as Commission President.

The importance of advancing *EU enlargement* is growing, both concerning Ukraine and Moldova—countries of significant security relevance, with accession negotiations beginning in June 2024—and regarding the long-neglected Western Balkans. The EU may have an interest in keeping both regions within its sphere of influence, with enlargement serving as a key instrument. Should enlargement proceed with even a few of these states, it could, similar to the 2004 enlargement, necessitate the establishment of new rules.

However, it is also evident that the debate between federalist and sovereigntist perspectives is intensifying across Europe. In recent years, sovereigntist voices have gained strength, with *national sovereignty becoming increasingly prominent* as a political narrative. This trend was clearly reflected in the results of the 2024 European Parliament elections, where sovereigntist forces made significant gains. Among the current national governments, Hungary represents one of the most pronounced sovereigntist positions, making it important to consider Hungary's stance on treaty amendments.

Hungary's Position on Treaty Amendments

Hungary's stance on treaty amendments is primarily guided by a resolution adopted by the Hungarian Parliament in July 2022[11], shortly after the publication of the final report from the Conference on the Future of Europe. According to this resolution, while the revision and amendment of the treaties are deemed necessary, Hungary advocates for a different approach than the one suggested in the conference's concluding statement. Hungary seeks a less integrated European cooperation than currently exists and aims to strengthen the role of national sovereignty within the EU.

The Hungarian Parliament's resolution calls for the removal of the objective of 'ever-closer Union' from the treaties. It also insists on the explicit enshrinement of the European Commission's political and ideological neutrality and calls for a reassessment of the powers exercised through EU institutions under the principle of subsidiarity.

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The Hungarian Parliament has also made specific proposals regarding EU policies. The country is committed to the creation of a common European army and considers it important that support for families is recognized as a goal in the treaties. Moreover, the Hungarian Parliament seeks to guarantee the right of every nation to decide who they wish to live with in their own country.

One of the most significant and controversial aspects of Hungary's position is the proposal to replace the direct election of Members of the European Parliament (MEPs) with a system where national parliaments delegate representatives. This would reduce the supranational character of the European Parliament. Additionally, Hungary advocates for the future inclusion of legislative initiative rights for national governments and parliaments at the EU level, and for the ability of national parliaments to block EU legislation.

Interestingly, while the Hungarian Parliament suggests narrowing certain EU competences, it also proposes expanding others. The resolution asserts that autochthonous national minorities living within the EU should be afforded treaty-based protection, even though this is currently considered a Member State competence.

Hungary's proposals are seen as radical, particularly in their call to get rid of the direct election of MEPs and to partially reverse the deepening of EU integration achieved thus far. The likelihood of these proposals being realized is low, and they are more likely intended as a signal that the current Hungarian legislature will not support EU Member States and institutions in any efforts to transfer powers away from the Member States or to weaken the capacity for national interest representation.

Can the Federalisation of the EU be Stopped?

The global order is undergoing significant changes, and Europe is striving to find its place in this evolving landscape. Security considerations are becoming increasingly important, and the EU needs to consolidate its influence in the region. This necessitates the promotion of EU enlargement, not only towards the East but also towards the Western Balkans. Achieving this requires an efficient organizational and decision-making structure, implying the necessity of treaty amendments. If we consider the institutional and political contexts of previous treaty amendments, the current geopolitical challenges, and the functioning issues within the Union, and if we assume that integration will not come to a halt, we must conclude that treaty

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amendments are inevitable. Based on past experiences and formal logic, this will likely lead to further deepening of integration. Therefore, the federalization of the EU does not seem preventable, but the pace at which this happens is crucial. The failed federalization attempts by European leaders in 2004-2005, which overlooked the need for organic institutional development, highlight the risks of making too large a leap in this direction. It would be a significant mistake for the leaders of Member States to ignore this important lesson, as well as the growing resistance to unnecessary EU centralization efforts, as indicated by the 2024 European election results, and attempt another federalist leap.

What can therefore be done for a rational review process of the treaties that enhances the EU's efficiency and competitiveness without undermining the competences of Member States?

Proposals:

1. It is crucial that narratives opposing irrational and efficiency-threatening centralization efforts are present in the EU discourse at both political and expert/academic levels. The political climate in Europe cannot be ignored, but public information cannot be limited to political rhetoric. This is where the expert and scholarly community plays a role, providing clear but credible information to the public on the constitutional dilemmas arising from treaty amendments.
2. It is important to coordinate and jointly represent the region's key interests in a future treaty review. During the more successful periods of the Visegrad Group (V4), high-level political consultations on regional interests were regular, but the current crisis of the group makes the future of such coordination uncertain. Nonetheless, it is critical to foster joint research efforts among think tanks and university research institutes that analyse EU policies in Polish-Hungarian cooperation, ideally within the V4 framework.
3. It is critical during a possible review process to consider how many Member States back a given proposal. In this approach, it is also relevant which Member State presents the proposal. A state that enjoys the necessary trust on behalf of other EU Member States should take the lead. Due to Hungary's lack of this trust, it should carefully consider which proposals it presents itself and which proposals it supports by coordinating with other Member States, rather than acting as the initiator.
4. Hungary currently has no interest in a treaty amendment process, as its position is too far removed from what seems to be the majority stance, as

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seen, for example, in the conclusions of the Conference on the Future of Europe. Certain circumstances, such as actual enlargement or changes in the geopolitical and security situation, might force Hungary into a compromise. The EU provides for the right to opt-out, allowing a country to refrain from participating in certain areas of EU cooperation, thus preventing deadlock and facilitating agreement[12]. It is worth examining which areas could be subject to such an opt-out and preparing for its consequences.

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[1] https://european-union.europa.eu/principles-countries-history/principles-and-values/founding-agreements_en

[2] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11992M/TXT

[3] See: David McKay (1996): Rush to Union: Understanding the European Federal Bargain. Oxford: Clarendon Press; John Pinder (1998): 'From closed doors to European democracy. Beyond the intergovernmental conferences'. in: Martin Westlake (ed.): The European Union beyond Amsterdam. New concepts of European integration. London: Routledge. pp. 47-60.

[4] https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2004%3A310%3ATOC

[5] https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2007%3A306%3ATOC

[6] https://www.consilium.europa.eu/hu/policies/conference-on-the-future-of-europe/

[7] Emmanuel Macron: Pour une Renaissance européenne. Élysée, 4 March 2019. Online: https://www.elysee.fr/emmanuel-macron/2019/03/04/pour-une-renaissance-europeenne

[8] https://data.consilium.europa.eu/doc/document/ST-16054-2023-INIT/hu/pdf

[9] European Parliament resolution of 9 June 2022 on the call for a Convention for

the revision of the Treaties (2022/2705(RSP)). Online: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0244_EN.html

[10] https://ec.europa.eu/commission/presscorner/detail/es/speech_19_6408

[11] 32/2022. (VII. 19.) OGY határozat az Európai Unió jövőjével kapcsolatosan képviselendő magyar álláspontról. Online: https://www.kozlonyok.hu/nkonline/MKPDF/hiteles/MK22119.pdf

[12] Denmark currently exercises such an opt-out in the area of economic and monetary union, while Ireland does so regarding the Schengen Agreement.

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