Negotiating the treaties

1. How treaties are negotiated

- Treaties, or amendments, are negotiated at Intergovernmental Conferences (IGCs)
- The European Council votes, with a simple majority, for the installation of a convention prior to an IGC, if a simple majority in the Council voted for a treaty change
- If the change is considered minor and the European Parliament concurs with this evaluation, the change is made without an IGC
- Since the Treaty of Lisbon, present at a convention are: Representatives of national governments, representatives of the European parliament, Heads of Government, Representatives of the European Commission, advisors and experts
- Here, a draft of the proposed changes is prepared
- This draft is presented at the following Intergovernmental Conference
- An IGC is not actually one single conference but consist of several meetings and negotiations between the national governments
- As soon as an agreement is reached, the final text is prepared by experts and translated into all 24 official European languages
- Then it is presented to the Heads of Government at a Council meeting, where any remaining unresolved issues can be discussed
- Lastly, the new amendments must be ratified by all countries
- The ratification process depends on the constitution or historical convention of each country

2. Important parties

- Representatives of the National Governments/Heads of Government
    - Depending on the stage of the process, only representatives of the government may be present
    - Heads of Government are present at the first meeting of an IGC and the Council meetings
    - Depending on the stage of the process, governments are either represented by their Heads, representatives, or experts
- European Council
    - After a simple majority in favour of a treaty change, it calls for a convention prior an Intergovernmental Conference
    - IGCs end with a meeting of the Council where any unresolved issues can be discussed with the Heads of Government
- European Commission
    - Leads the negotiation at formal meetings during an IGC
    - Presents policy documents to the national governments

- European Parliament
    - Members of the European Parliament (MEPs) were first formally included in IGC reflection groups preparing the Amsterdam and Nice summits
    - In the Treaty of Lisbon, the Parliament has been given the formal right to propose treaty changes or revisions of treaties

3. Theories applying to the negotiation process and the argumentation behind them

- Intergovernmentalism
    - Argues that all main decisions regarding the European Union are made by the national government, for example at Intergovernmental Conferences (which are by name intergovernmental)
    - The history of Europe can be understood by looking at bargains struck between the member states, primarily France, Germany, and the United Kingdom
    - Supranational institutions do not advance European integration or policy making
    - Cannot account for the role of non-state actors such as national parties and their transnational federations, the European Parliament, and the European Commission
- Institutionalism
    - Argues that all member states have a similar impact on the policy making process
    - Cannot account for the role of non-state actors
- Constructivism
    - Argues that other actors also participate in the process and thus shape the European Union
    - Despite their lack of power supranational actors can compete to frame treaty negotiations
- Neo-functionalism
    - Argues that IGCs do not fully account for EU integration
    - Focusses on how transnational actors, such as the European Parliament and the Commission shape the preferences of the member states, because they have significant influence over the legislative processes
    - Like Transnationalism and Supranationalism, Neo-Functionalism looks at supranational institutions which are ignored by other theories

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