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Crisis Learning or Reform Backlog? The European Parliament’s Treaty-Change Proposals During the Polycrisis

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Abstract

In May 2022, the European Parliament (EP) launched a procedure to amend the EU treaties and began drafting a report with concrete reform proposals. In their resolution, EP members explicitly described this as a necessary response to recent crises (notably the Russian aggression against Ukraine, the Covid-19 pandemic, and climate change) as well as a follow-up to the Conference on the Future of Europe. However, the stated objectives of the reform, in particular more efficient and democratic EU decision-making, were not new but followed long-standing discourses on deepening EU integration. This raises the question of to what degree the EP’s initiative really reflected a lesson from recent crises—in line with a “failing forward” approach towards EU reform—or rather a “backlog” of reforms which had already been proposed before but whose implementation had been blocked by member states, and for which the crises only represented a window of opportunity. The article assesses the development of treaty change proposals by the EP and bodies close to it, comparing three comprehensive plans for institutional reform: the federalist Spinelli Group’s Fundamental Law for the EU (2013), the EP’s Verhofstadt Report (2017), and the EP’s latest Article 48 Report (2023). The comparison shows that, while the crises had an impact on the level of ambition in some policy areas, the EP’s general approach, especially on institutional issues, was characterised by a high degree of continuity.

Keywords

crisis learning; European Parliament; EU treaty reform; institutional reform; polycrisis

Issue

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1. Introduction

Following the Conference on the Future of Europe (CoFoE), EU treaty reform has once again become a central part of the European Parliament’s (EP) political agenda. A few days before the Conference officially ended on 9 May 2022, the EP adopted a resolution affirming “that the conclusions of the Conference require Treaty changes” (European Parliament, 2022b). In a further resolution of 9 June 2022, it formally called on the European Council to launch a treaty convention and submitted a short list of proposed changes (European Parliament, 2022c). Simultaneously, the Parliament’s Committee on Constitutional Affairs (AFCO) began to work on a more detailed proposal in the form of a

full draft treaty. In allusion to Art. 48 of the Treaty on European Union (TEU), which governs the procedure for treaty revisions, this proposal is informally referred to as the “Article 48 Report” (Verhofstadt et al., 2023).

In the two resolutions that launched this new push for treaty reform, the EP gave a variety of reasons to justify its move. Three lines of argument are worth noting:

1. The EP referred to the results of the CoFoE, underlined its commitment to ensure a proper follow-up and stressed that some of the CoFoE recommendations could not be implemented without treaty reform (e.g., European Parliament, 2022b, recital H, Arts. 10–12, 15; European Parliament, 2022c, recital C, Art. 3). This argument was largely

procedural and rather unsurprising, given that the end of the CoFoE was the occasion for the EP to launch its initiative.

2. The EP justified its reform proposals as lessons learnt from recent crises—specifically, “the Russian aggression against Ukraine,” the “COVID-19 pandemic,” and “climate change” (European Parliament, 2022b, Arts. 7–9). It pointed out “that the most recent crises call for common European solutions” (European Parliament, 2022b, Art. 6) and that “especially following the most recent crises,...the Treaties need to be amended urgently to make sure the Union has the competence to take more effective action during future crises” (European Parliament, 2022c, Art. 4).
3. The EP highlighted several institutional policy goals that should be achieved by treaty reform, namely “deeper political integration and genuine democracy” (European Parliament, 2022b, Art. 11) and “reshap[ing] the EU in a way that will enhance its capacity to act, as well as its democratic legitimacy and accountability” (European Parliament, 2022c, recital D). These arguments of efficiency and democratization did not refer to recent events but rather were part of long-standing discourses on deepening European integration (cf., e.g., Rittberger, 2003; Schimmelfennig, 2010). As an example, the EU’s need “to become more democratic, more transparent and more efficient” was already a key argument in the Laeken Declaration, which laid the foundations for the 2002–2003 Constitutional Convention (European Council, 2001).

This juxtaposition of short-term crises and long-term institutional goals as justifications for treaty change opens questions regarding recent debates on the role of crises in EU institutional policy.

On the one hand, it is widely accepted that crises can induce policy learning and policy change (e.g., Deverell, 2009; Kamkhaji & Radaelli, 2017; Stern, 1997). The idea that European integration is driven by crises and the policy reactions to them is a core notion, especially in (neo)neofunctionalist theory (Lefkofridi & Schmitter, 2014; Schmitter, 2002). More recently, Jones et al. (2016, 2021; see also Nicoli, 2019) have developed the “failing forward” approach: According to this theory, integration occurs in cycles in which: (a) member states respond to crises by finding a solution, which, however, remains incomplete due to their heterogeneous preferences and their tendency to preserve national sovereignty; and (b) this incompleteness gives way to policy failures and further crises, to which member states must again find a solution. This dynamic leads to a piecemeal but crisis-ridden and ever-incomplete integration. With this approach in mind, it seems plausible that the EP, too, might propose treaty changes as a consequence

of crisis learning. This would imply that the content of the proposed reforms would be strongly informed by the specific crises they are intended to resolve.

On the other hand, the failing-forward approach was developed with a focus on national governments, who have an implied preference for minimalist (or “incomplete”) solutions that preserve national sovereignty as much as possible. The EP does not follow the same institutional logic. As a supranational elected body, it is less concerned with national sovereignty and more inclined towards a “complete” federalist model with strong democratic institutions and far-reaching decision-making powers at the EU level. With this maximalist approach, the EP can be expected to pursue a more consistent and less situation-driven institutional policy than the member states.

Even so, crises can still play an important role in the EP’s institutional agenda. As crises produce uncertainty, they allow political actors to engage in framing contests to interpret events and advance their preferred policies (Boin et al., 2009). In a context where federalist ambitions are regularly blocked by member states’ sovereignty reflexes, crises offer the EP a window of opportunity to exert pressure to overcome a reform backlog.

With regard to the Article 48 Report, this raises the question of to what extent the content of the EP’s proposals was actually influenced by the recent crises. Did the EP develop new approaches to reforming the institutional architecture of the EU as a result of the polycrisis? Or were its reform proposals rather a continuation of a long-term institutional policy line and the references to the recent crises merely rhetorical?

To answer this question, this article compares the draft Article 48 Report with two other comprehensive institutional reform plans that were adopted before the recent crises but never taken up by member state governments: the so-called Fundamental Law of the European Union (FLEU), presented by the Spinelli Group in 2013, and the Report on Possible Evolutions and Adjustments of the Current Institutional Set-Up of the European Union (i.e., Verhofstadt Report), adopted by the EP plenary in 2017. In the following section, the three reports will be presented individually in chronological order. Subsequently, the article compares the reports’ specific proposals in several reform areas and analyses the patterns that emerge from this comparison.

2. Three Treaty Reform Plans

2.1. The Spinelli Group’s “Fundamental Law of the European Union” of 2013

The Spinelli Group was founded in 2010, a few months after the Lisbon Treaty entered into force. The goal of the group was to promote “a federal and post-national Europe” (Spinelli Group, 2010). While the group originally consisted of several well-known political and

academic figures, such as Jacques Delors and Amartya Sen, its main activities centred on a network of MEPs around Guy Verhofstadt and Daniel Cohn-Bendit.

One of the most visible initiatives of the Spinelli Group was their drafting of a constitutional treaty for the EU, which was published in 2013, at the height of the euro crisis, under the title “A Fundamental Law of the European Union.” The FLEU consisted of 437 articles and 18 protocols and was proposed as a complete overhaul of the EU treaty framework. According to its foreword, the FLEU was elaborated by a “working party of MEPs...under the coordination of Andrew Duff” and published in cooperation with the Bertelsmann Foundation (Spinelli Group & Bertelsmann Stiftung, 2013, p. 9).

As Andrew Duff explained, the FLEU was intended to build pressure for a possible treaty convention after the 2014 European elections (Gotev, 2013). Another Spinelli Group MEP, Jo Leinen, suggested that it would “take more than five years, possibly more than one convention, to put it all into practice” (Leinen, 2014, as cited in Abels & Oesterle, 2014, p. 22). In fact, the text was never formally introduced into the parliamentary process, but it became a point of reference for further debate on institutional reform, especially in EP federalist circles.

2.2. *The Verhofstadt Report of 2017*

Although the FLEU did not have any immediate follow-up, the EP plenary took up the idea of institutional reform shortly after the 2014 elections. In November 2014, it launched two new own-initiative procedures that addressed the functioning of the EU. The first report, co-authored by Elmar Brok and Mercedes Bresso, focused on “improving the functioning of the European Union building on the potential of the Lisbon Treaty,” i.e., institutional reforms that were possible within the existing treaty framework (European Parliament, 2017a). The second report proposed “possible evolutions and adjustments of the current institutional set-up of the European Union,” i.e., reforms that required treaty change (European Parliament, 2017b). It became best known through the name of its rapporteur, Guy Verhofstadt, leader of the EP’s liberal group, ALDE, and a co-founder of the Spinelli Group.

Unlike the FLEU, the Verhofstadt Report was not a fully formulated draft treaty, but merely a list of proposed reforms and reform objectives. While many of its authors had a federalist background (in addition to Verhofstadt, shadow rapporteurs included Jo Leinen for the centre-left S&D group and Pascal Durand for the Greens/EFA group, both of whom were also members of the Spinelli Group), some of its conclusions were watered down to secure a majority in the EP plenary. In particular, the report refrained from calling for an immediate treaty convention; rather, it merely proposed to “start a reflection on the future of the European Union and agree on a vision for the current and future generations of European citizens,” which should lead to a convention

at a later stage (European Parliament, 2017b, Art. 85; see also Ponzano, 2017, pp. 43–44). The report was finally adopted by the EP plenary on 16 February 2017. It was supported by a large majority of MEPs from the S&D, ALDE, and Greens/EFA groups, and a more adjusted majority of the centre-right EPP, while the other groups rejected it. In total, there were 283 votes in favour, 269 against, and 83 abstentions.

The EP’s proposals did not receive any reaction from the other EU institutions. Two weeks after the adoption of the Verhofstadt Report, the Commission published its own *White Paper on the Future of Europe*, which outlined five scenarios for the further development of the EU. However, the white paper explicitly abstained from offering any “detailed blueprints or policy prescriptions,” and “deliberately [made] no mention of legal or institutional processes” (European Commission, 2017, p. 15). Shortly afterwards, the European Council committed itself to “even greater unity and solidarity” in a declaration on the 60th anniversary of the Treaties of Rome. Still, there was no mention of institutional reform (European Council, 2017).

2.3. *The Draft Article 48 Report of 2023*

It was only during the campaign for the 2019 European elections that institutional reform returned to the European agenda. In an opinion piece published in several European newspapers, French President Emmanuel Macron (2019) suggested to “set up...a Conference for Europe in order to propose all the changes our political project needs, with an open mind, even to amending the treaties.” After the election, Commission President-designate Ursula von der Leyen took up this idea in her political guidelines presented to the EP (von der Leyen, 2019, p. 19).

The EP strongly supported this approach and set up a preparatory working group, which, once again, included several Spinelli MEPs. Over the next two years, the EP became the driving force in the inter-institutional negotiations on the proposed CoFoE, pushing for an ambitious mandate that would include the possibility of treaty change (Müller, 2021; Plottka, 2020). After several delays, due partly to the Covid-19 pandemic and partly to the reluctance of some member state governments, the EP, the Council, and the Commission finally agreed on a compromise. In a joint declaration on the scope and functioning of the CoFoE, they did not explicitly mention treaty reform as an objective but did not exclude it either (European Parliament et al., 2021).

The CoFoE took place from May 2021 to May 2022, coinciding with the Covid-19 pandemic and the Russian attack on Ukraine in February 2022. Putting a strong focus on citizen participation, it received input from a public online platform as well as four European Citizens’ Panels with randomly selected participants. This input was then taken up by the conference plenary, with representatives of the EU institutions, national governments

and parliaments, regional and local bodies, and civil society actors. The final report of the conference results contained 49 proposals, each with several subitems, on a wide range of issues (Conference on the Future of Europe, 2022). Many of these proposals remained within the existing institutional framework and some were even limited to simply reaffirming existing EU policies. Others were much more far-reaching and implicitly or even explicitly called for treaty reform.

The EP immediately followed up to the CoFoE with a new push for a treaty convention and the work on the Article 48 Report. Given its institutional importance, the report was assigned to no fewer than six AFCO rapporteurs, representing all political groups except the far-right Identity and Democracy. Five of these co-rapporteurs (Sven Simon from EPP, Gabriele Bischoff from S&D, Guy Verhofstadt from RE, Daniel Freund from the Greens/EFA, and Helmut Scholz from The Left) belonged to the Spinelli Group and, after several delays, agreed on a draft report in late summer 2023. The sixth co-rapporteur, Jacek Saryusz-Wolski, of the right-wing ECR group, dissented and withdrew from the task.

At the time of writing (September 2023), the draft report was formally submitted to the AFCO and was awaiting a committee decision. The final vote in the EP plenary was tentatively scheduled for November 2023. During the remainder of the parliamentary procedure, amendments to the report—or even its rejection by either the AFCO or the plenary—were still possible.

2.4. Comparing the Three Reports

Strictly speaking, the three reports analysed here are not of the same legal nature. While the Verhofstadt Report was formally adopted by the EP plenary in 2017, the Article 48 Report was still at the draft stage in the AFCO. The FLEU, for its part, was not an official EP document at all but only represented the view of the Spinelli Group. Moreover, the FLEU and the Article 48 Report were full-fledged draft treaties, whereas the Verhofstadt Report was merely a list of more or less detailed reform proposals without a formulated treaty text.

What the three reports have in common is that they represent the most detailed plans for treaty change to emerge from the EP during the polycrisis decade. All three reports aimed to be comprehensive and cover a wide range of proposed reforms. Moreover, there was a remarkable personal continuity between their authors. This is most evident in the person of Guy Verhofstadt, who was a leading figure on all three occasions. Moreover, the federalist Spinelli Group published the FLEU and also played an important role in the other two reports as a network that brought together MEPs interested in institutional reform.

Thus, a comparison of the three reports can shed light on how the dominant thinking about institutional reform in the EP evolved over the polycrisis decade. More specifically, evaluating the reports can

help explain to what degree the Article 48 Report, finalised after the height of the Covid-19 crisis and the Russian attack on Ukraine, is different from the FLEU and Verhofstadt Report, which were written before these crisis experiences.

3. Evolution of Specific Proposals

This section provides a comparison of the three reports' main proposals, focusing, in the first instance, on changes in the institutional functioning and decision-making procedures of the EU and, in the second instance, on key policy areas that were affected during the polycrisis: the protection of EU values (rule-of-law crisis), economic and social policy (euro crisis), foreign, security and defence policy (Russian attack on Ukraine), public health (Covid-19 pandemic), and climate policy (climate emergency). The last three of these crises were explicitly mentioned in the EP resolutions of 2022.

For each reform area, Tables 1–9 list the main proposals of each report, together with the number of the articles in which they can be found. Similar proposals are listed in the same row of the table. The main text of each sub-section offers a brief analysis of the continuity and/or changes between the proposals.

3.1. Parliamentary Government

Following a long-standing position of the EP, all three reports supported a stronger role for the EP in both legislation and the election of the Commission.

The FLEU proposed the most far-reaching reforms in this respect: While it did not change the regular procedure for electing the Commission president after a European election, it proposed the new option of a vote of censure by which the EP could, at any time and by a majority of its members, dismiss the president and nominate a successor without intervention from the Council. Such a reform would give the EP de facto full political control over the president's nomination. Somewhat less ambitiously, the Verhofstadt Report supported only an institutionalisation of the lead candidates (*Spitzenkandidaten*) system that had been practised since 2014. Finally, the Article 48 Report proposed to reverse the roles of the EP and the European Council so that the president would be nominated by the EP and elected by the Council. This approach, which went back to discussions during the 2002–03 constitutional convention (cf. Kotanidis, 2023, p. 59), was also intended to strengthen the lead candidates.

Moreover, both the FLEU and the Article 48 Report proposed that the president, rather than member state governments, should nominate the other members of the Commission. Like the EP, the member states would only be allowed to vote, by majority, on the full list of Commissioners.

All three reports proposed ending the Commission's monopoly on initiating new legislation, extending this

Table 1. Parliamentary government.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
The EP can replace the Commission president through a motion of censure (Art. 15(12))	Election of Commission president by lead candidates system (Art. 49)	President nominated by EP, elected by Council (Art. 17(7) TEU)
Members of the Commission are nominated by the president and confirmed by the EP and the Council by qualified majority voting (Arts. 15(5), 15(8–10))		Members of the Commission (re-named as “Executive”) are nominated by the president and confirmed by the EP and the European Council by a single majority (Art. 17(7) TEU)
Legislative initiative for EP and Council (Art. 15.3)	Legislative initiative for EP and Council (Art. 62)	Legislative initiative for EP (Arts. 225, 294 TFEU)
Disaster solidarity clause to involve the EP (Art. 437)		Economic solidarity clause (Art. 122 TFEU) replaced by general emergency clause involving the EP (Art. 222 TFEU)

right to the EP and the Council (FLEU and Verhofstadt Report) or the EP only (Article 48 Report).

Finally, both the FLEU and the Article 48 Report proposed to give the EP more powers in the activation of emergency measures. However, the FLEU only amended the solidarity clause for disaster situations (currently regulated in Art. 222 TFEU), while the Article 48 Report proposed a new general emergency clause that should apply to both disasters and economic solidarity (currently regulated in Art. 122 TFEU). In fact, the use of Art. 122 TFEU increased significantly during the polycrisis (Chamon, 2023), which raised legitimacy concerns because the clause did not involve the EP (von Ondarza, 2023). While this demand to be involved in economic solidarity measures can thus be seen as a case of crisis learning, the overall approach to parliamentary government did not change much between the three reports.

3.2. Majority Voting in the Council

Another traditional objective of the EP is the reduction of unanimity requirements to make EU decision-making more efficient and avoid blockages in the Council. All three reports made similar proposals in this regard, although with slightly different approaches.

While the Verhofstadt Report made only a rather general call for a switch from unanimity to qualified majority voting in relevant policy areas, both the FLEU and the Article 48 Report proposed the introduction of several new voting mechanisms with graduated majority requirements. For example, the FLEU replaced most unanimity decisions with a new “special legislative procedure” with a threshold of 67% of governments representing 75% of the EU population (rather than 55% of governments representing 65% of the population under the reg-

ular qualified majority voting). Even more ambitiously, the Article 48 Report proposed a novel “simple majority” (50% of governments representing 50% of the population) to replace qualified majority voting as the standard voting procedure, and a redefined qualified majority voting to replace most current unanimity decisions.

Even where special legislative procedures were maintained, both the FLEU and the Article 48 Report proposed a reformed passerelle clause that would enable the European Council to introduce the ordinary legislative procedure by a qualified majority rather than unanimity. Finally, all three reports proposed to reform the treaty change procedure by introducing a veto right for the EP and instead abolishing the need for unanimous ratification by all member states.

Thus, there was a high degree of continuity in the EP’s position on majority voting. While the precise proposals on voting procedures varied, all three reports supported a general approach of removing national vetoes and lowering majority thresholds.

3.3. Electoral Law and Voting Rights

All three reports included proposals on voting rights and European electoral law—an issue that has been controversial for years, both between the EP and the Council and between the political groups within the EP.

The most discussed proposal was that a number of MEPs should be elected on transnational lists in an EU-wide constituency (Díaz Crego, 2021). This approach was promoted prominently by Andrew Duff, who, as an MEP, introduced it in a report on electoral reform (Duff, 2012). Still, it was not adopted in the plenary due to the reluctance of the EPP group. The FLEU, itself strongly influenced by Duff, took up the proposal, while

Table 2. Majority voting in the Council.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
		Former qualified majority voting replaced by new “simple majority” (50% of governments, 50% of the population; Art. 16 TEU)
Unanimity is replaced by “special legislative procedure” with enhanced qualified majority voting (67% of governments, 75% of the population; Arts. 14(5), 88)	Unanimity is replaced by qualified majority voting “for example in foreign and defence matters, fiscal affairs and social policy” (Art. 58)	Unanimity is replaced by qualified majority voting (redefined as 67% of governments, 50% of the population; Art. 16 TEU)
In some cases, higher majority thresholds (80% of governments), e.g., rule-of-law sanctions (Art. 133)		In some cases, higher majority thresholds (80% of governments, 50% of population), e.g., the definition of new areas of EU criminal law (Art. 83(1) TFEU)
Unanimity is maintained for only a few areas, e.g., enlargement (Art. 136) and official languages (Art. 121)		Unanimity is maintained for only a few areas, e.g., enlargement (Art. 49 TEU) and official languages (Art. 342 TFEU)
Activation of the passerelle clause by qualified majority voting (Art. 135(7))		Activation of the passerelle clause by QMV (Art. 48(7) TEU)
Treaty reform: approval by 75% of governments and 67% of MEPs; ratification by 80% of member states or EU-wide referendum (Art. 135)	Treaty reform: approval by all governments and the majority of MEPs; ratification by 80% of member states or EU-wide referendum (Art. 82)	Treaty reform: approval by 80% of governments and the majority of MEPs; ratification by 80% of member states or EU-wide referendum (Arts. 48(4), 48(5) TEU)

the Verhofstadt Report, which required the support of the EPP, dropped it and focused only on the less controversial lead candidates system.

In 2022, the EPP revised its position and agreed to a new proposal for European electoral reform that included transnational lists (European Parliament, 2022d). Although this proposal was subsequently blocked in the Council, it meant that the EP now had an official position on transnational lists to be introduced

as part of the Direct Elections Act and did not include them in the Article 48 Report. However, the Article 48 Report—like the FLEU—proposed that any future reform of EU electoral law should be decided by majority rather than unanimity, which would also make the introduction of transnational lists much easier.

In addition, the Article 48 Report also proposed that the EP rather than the European Council should determine the EP’s national seat quotas. However, it

Table 3. Electoral law and voting rights.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
EU-wide constituency (Art. 12)	Formalised lead candidates system (Art. 49)	
EP electoral reform by super-qualified majority voting (Arts. 12, 23)		EP electoral reform by qualified majority voting (Art. 223 TFEU)
		Decision on national seat quotas by EP alone (Art. 14(2b) TEU)
Mobile EU citizens can vote in their state of residence also in national elections (Art. 262(3))	Mobile EU citizens can vote in their state of residence in all elections (Art. 50)	

did not take up the proposal, contained in both the FLEU and Verhofstadt Report, to extend the right to vote of EU citizens living in a member state of which they are not nationals to national as well as local and European elections.

In sum, the three reports presented slightly different levels of ambition for electoral reform. Their overall approaches were rather similar, however, and there was no discernible impact of the crises.

3.4. Differentiated Integration

On differentiated integration, the FLEU and the Verhofstadt Report followed similar approaches. Both reports aimed to reduce differentiation at the primary law level and simplify enhanced cooperation in secondary law. In addition, both proposed a more systematic approach to external differentiation, creating a new “associate” status, with corresponding rights and obligations, for countries that would not be EU members but would participate in certain EU policies.

The Article 48 Report, by contrast, abolished any unanimity requirement for the authorisation of enhanced cooperation but did not address the issue of external differentiation. This omission might be explained by the EP’s reinforced commitment to enlargement following the Russian attack on Ukraine (European Parliament, 2022a). Many of the Eastern neighbours that had previously been considered potential “associates” were now seen as future full members, reducing the need to introduce a new special status.

3.5. Direct Democracy

Comparing the three reports, the issue of direct democracy at the supranational level became more prominent over time. The FLEU only considered an EU-wide referendum as an option for the ratification of treaty reforms, but it failed to specify how such a referendum would be called. The Verhofstadt Report cautiously extended the direct-democratic approach by suggesting that the introduction of EU-wide referenda on “matters relevant to the Union’s actions and policies” should be “evaluated.” The Article 48 Report took this up and was also the first one to propose specific procedures for calling referenda.

The move towards more direct democracy is one of the clearest developments in the EP’s institutional policy during the polycrisis. Although it was not triggered by a single event, it can be explained as a case of crisis learning in the form of a progressive recognition of the difficulties of representative democracy and the need for new forms of citizen engagement to deal with current challenges.

3.6. Protection of EU Values

Another case of crisis learning can be observed regarding the three reports’ approaches to the protection of EU fundamental values like democracy and the rule of law.

The FLEU relied mostly on the traditional mechanism in Art. 7 TEU, according to which the European Council can unanimously determine that a member state is breaching the EU values and authorise the Council to

Table 4. Differentiated integration.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
Less differentiation in primary law (deletion of protocols)	Less differentiation in primary law (Art. 10)	
Simplified enhanced cooperation in secondary law (Arts. 104, 108)	Simplified enhanced cooperation in secondary law (Art. 9)	Qualified majority voting replaces unanimity for Council authorisation of enhanced cooperation in foreign policy (Art. 329(2) TFEU)
External differentiation (“associate states,” Art. 137)	External differentiation (“ring of partners,” Art. 11)	

Table 5. Direct democracy.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
EU-wide referendum as an option for ratification of treaty reforms (Art. 135)	EU-wide referendum as an option for ratification of treaty reforms (Art. 82)	Automatic EU-wide referendum if a treaty reform is agreed but not ratified by sufficient member states within two years (Art. 48)
	EU-wide referenda “on matters relevant to the Union’s actions and policies” (Art. 46)	EU-wide referenda, proposed by the EP and triggered by the European Council by simple majority (Art. 11(4b) TEU)

Table 6. Protection of EU values.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
New Art. 7 procedure: Council determines violation by 80% majority instead of unanimity, sanctions require EP consent (Art. 133)	Commission can bring “systemic infringement action” before ECJ (Art. 43)	New Art. 7 procedure: ECJ determines violation, Council defines sanctions (Art. 7 TEU)
The Charter of Fundamental Rights is applicable when member states act “within the scope of” (not only “implementing”) EU law (Art. 195)	The Charter of Fundamental Rights is universally applicable (Art. 45); individuals can bring Charter of Fundamental Rights-related legal action before ECJ (Art. 44)	

suspend certain rights of that member state. While maintaining the basic structure of this procedure, the FLEU proposed to replace unanimity with a four-fifths majority in the European Council and to require the EP’s assent.

The Verhofstadt Report ignored Art. 7 TEU and focused on increasing the role of the ECJ. On the one hand, it proposed the introduction of a “systemic infringement action” for cases of “serious and persistent violation” of EU values, a new approach that had been developed in previous years by Scheppelle (2013, 2016). On the other hand, it recommended removing all restrictions on the applicability of the EU Charter of Fundamental Rights and extending the rights of individual citizens to refer violations of the Charter of Fundamental Rights to the ECJ. This approach of creating a binding “fundamental rights union” had already been discussed when the Charter of Fundamental Rights was adopted in 2002 (Eeckhout, 2002), but the debate had been revitalized as a reaction to the rule-of-law crisis in Poland and Hungary.

From 2013 onwards, the ECJ case law began to gradually extend the applicability of the Charter of Fundamental Rights, which reduced the need for a formal amendment (see also Jakab & Kirchmair, 2022). This could explain why the EP dropped the focus on the Charter of Fundamental Rights in the Article 48 Report. Instead, the co-rapporteurs returned to the idea of reforming Art. 7 TEU and combined it with the systemic infringement action approach by giving the ECJ, rather than the European Council, the task of determining whether a member state is violating the EU’s fundamental values.

The different approaches of the three reports thus reflected a learning process. While the general objective of more effective and veto-proof protection of fundamental values remained unchanged, the proposed measures were adapted according to the evolution of the broader political and judicial debate on how to deal with the rule-of-law crisis.

3.7. Economic Governance and Social Policy

In the area of economic governance, the three reports also showed a notable development. The FLEU and

Verhofstadt Reports, which were adopted during or shortly after the euro crisis, contained numerous proposals in this area, most of them aimed at more centralised economic governance with more powers for the EU institutions, especially for the EP.

The Article 48 Report, on the other hand, was much lighter on economic governance reforms. It called for a simplified procedure for tax harmonisation, a stronger role for the EP in the European semester, as well as a vague obligation for member states to “ensure investments” while avoiding excessive deficits. But it dropped several other proposals, such as the incorporation of the Fiscal Compact and the European Stability Mechanism into EU law. While this approach was in line with the final report of the CoFoE, which had been even more superficial on economic governance, the waning interest could also be explained by the end of the euro crisis, which reduced the urge to act on these issues.

There was much more continuity between the reports in the area of social policy. All of the reports included the idea of a “social progress clause” to prevent European economic freedoms from undermining existing social rights, as well as switching from unanimity rule to some kind of majority decision-making for social policy.

3.8. Foreign, Security, and Defence Policy

There was also considerable continuity concerning the CFSP. All three reports proposed a move to majority voting, a stronger role for the High Representative, and bringing the CFSP under the jurisdiction of the ECJ. Both the FLEU and Article 48 Reports explicitly listed the CFSP as a shared competence of the EU.

On the CSDP, however, the position evolved significantly: While the FLEU proposed only very minor changes in this regard, the Verhofstadt Report—adopted after Russia’s annexation of Crimea in 2014—explicitly called for a “European Defence Union” and for additional resources to be earmarked for joint military operations. The Article 48 Report, which was introduced after Russia’s full-scale attack on Ukraine in 2022, went even further. In line with the CoFoE, whose proposal 23.1 had recommended the creation of “joint

Table 7. Economic governance and social policy.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
Fiscal and economic policy as shared competences (Arts. 19(2.a), 219)	Fiscal and economic policy as shared competences (Art. 16)	Harmonisation of taxes by ordinary legislative procedure (Arts. 113, 115 TFEU)
	Obligatory convergence targets on investment, productivity, social cohesion, etc. (Art. 20)	Member states shall “ensure investments” to achieve “economic, social, environmental and security objectives” (Art. 126(1a) TFEU)
European Stability Mechanism incorporated in EU law, under ordinary legislative procedure (Art. 236)	Fiscal Compact and European Stability Mechanism incorporated in EU law, under EP oversight (Art. 22)	Inclusion of the EP in the European semester (Art. 121 TFEU)
No bail-out clause abolished; common management of national debt for euro countries (Arts. 224, 236(4))	European Stability Mechanism as lender of last resort, European Central Bank as “federal reserve” (Art. 27)	
Banking Union with common deposit insurance (Art. 227)		
Economic freedoms “may not impair” social rights (Art. 267)	Social rights and economic freedoms to be “equally ranked” (Art. 21)	Social progress protocol (Arts. 9, 151(1a) TFEU)
Super-qualified majority voting replaces unanimity in social policy (Art. 325(2.b))	Qualified majority voting replaces unanimity in social policy (Art. 58)	Simple majority replaces unanimity in social policy (Art. 153 TFEU)

armed forces,” it advocated the creation of permanent military units “under the operational command of the Union” (Verhofstadt et al., 2023, p. 34), the introduction of majority voting for some CSDP elements, and a strengthened military assistance clause. This significant increase in ambition in defence matters is the most obvious example of crisis learning in the three reports.

3.9. Health and Climate Policy

A similar, albeit less pronounced, development can also be seen in relation to public health and climate policy.

Before the Covid-19 pandemic, the FLEU already proposed that public health should become a shared competence between the EU and its member states but kept the EU’s legislative power to tackle cross-border health threats restricted to “incentive measures.” After the pandemic, the Article 48 Report proposed several more legislative powers, including an explicit reference to the “early notification, monitoring and management of serious cross-border threats to health, in particular in the event of pandemics” (Verhofstadt et al., 2023, p. 75).

All three reports included proposals to strengthen climate projection as an objective of the EU and to allow for a more far-reaching harmonisation of energy policies to achieve climate objectives. However, the Article 48 Report went furthest of the three, by, for example,

strengthening the role of climate protection in commercial policy.

Thus, while the EP’s general approach to public health and climate policy remained the same, the Covid-19 pandemic and the growing climate emergency did have an impact on its level of ambition.

4. Conclusion

This article has explored to what extent the proposals of the Article 48 Report reflect a result of crisis learning or rather a backlog of reforms proposed already before the recent crises. Summarising the observations for the various reform areas, a differentiated picture emerges.

Regarding institutional reforms in a narrow sense, there was a high degree of continuity: On decision-making procedures, all three reports followed the EP’s long-standing call for more efficiency and democracy at the supranational level—with stronger supranational institutions, fewer national vetoes, and more “Europeanised” elections. The level of ambition of specific proposals varied, but there was no clear trend over time. While the polycrisis experience may have influenced some aspects, such as the increased openness towards direct democracy, most of the institutional proposals of the Article 48 Report were already present in the FLEU and the Verhofstadt Report.

Table 8. Foreign, security, and defence policy.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
Super-qualified majority voting replaces unanimity in the Council; EP consent is needed (Art. 412)	Qualified majority voting replaces unanimity (Art. 37)	Qualified majority voting replaces unanimity, EP consent is needed (Arts. 24(1), 31(1) TEU)
Stronger role for High Rep (Art. 414)	Stronger role for High Rep, renamed “EU Foreign Minister” (Art. 37)	High Rep renamed “Union Secretary for Foreign Affairs and Security Policy” (Art. 24 TEU)
CFSP, CSDP, and development aid as shared competences (Art. 19(2.u–w))		CFSP as a shared competence (Art. 4(2.k) TFEU)
ECJ jurisdiction over CFSP (Art. 408)	ECJ jurisdiction over “all EU policies” (Art. 83)	ECJ jurisdiction over CFSP (Art. 24(1) TEU)
	“European Intelligence Office” to support CFSP (Art. 40)	
	“European Defence Union” (Art. 38)	Permanent military units under EU command (Art. 42(3) TEU)
	Additional resources for joint military operations (Art. 39)	CSDP budget under co-legislation of Council and EP (Art. 42(1) TEU)
		Majority procedures for certain CSDP decisions (Arts. 42(4a), 46(6) TEU)
		Reinforced military assistance clause (Art. 42(7) TEU)

Table 9. Health and climate policy.

FLEU 2013	Verhofstadt Report 2017	Article 48 Draft Report 2023
Public health as a shared competence (Art. 19(2.t))		Public health as a shared competence (Art. 4(2.3) TFEU)
Legislative power to tackle cross-border health threats, but only through “incentive measures” (Art. 338(4.d))		Several additional legislative powers, including for pandemic “management” (Art. 168(4.ca–cc) TFEU)
Combating climate change as a shared competence (Art. 19(2.h)) and an environment policy objective (Arts. 251, 372)	Climate change as a “key global challenge” (Art. 30)	Environment, biodiversity, and conclusion of international climate agreements as exclusive EU competences (Arts. 3(1.ea), 3(2) TFEU)
Super-qualified majority voting replaces unanimity in energy policy (Art. 375(2))	Legislative power in energy policy to mitigate climate change (Art. 30)	Legislative power in energy policy to mitigate climate change (Art. 194(1.da) TFEU)
		Climate neutrality as a commercial policy objective (Art. 207(1) TFEU)

Regarding specific policies, the European crises did have an impact both on the policy areas addressed in the three reports and on the proposals' ambition. This is most obvious in the case of the CSDP: While the FLEU was largely silent on this, the Article 48 Report proposed a far-reaching defence union. Similarly, the increasing emphasis on climate policy can be seen as indicative of a growing sense of urgency due to the worsening situation, and the proposals to strengthen EU competences in health policy became more far-reaching after the Covid-19 pandemic. Concerning the protection of fundamental values, the developing debate on the Hungarian and Polish rule-of-law crisis was also reflected in the three reports, successively focusing on a reform of the Art. 7 TEU procedure, a stronger involvement of the ECJ, and finally a synthesis of both these approaches. In terms of reforming the EU's economic governance, the Article 48 Report was significantly less ambitious than its two predecessors, as the end of the euro crisis diverted the EP's interest away from the issue.

These issue cycles can represent genuine crisis learning, as the crises have highlighted relevant areas where the EU still lacks the necessary powers to deal with emergencies. But they can also be a sign of strategic focusing by the EP: Actively emphasising certain salient issues in the reform plans—and de-emphasising them when they lose salience—fulfils a rhetorical function, because it provides MEPs with a topical argument for their vision of the future institutional development of the EU. Despite the profound changes in the political context, this vision has remained remarkably stable throughout the polycrisis decade. If anything, the crises seem to have reinforced the EP's view that strong supranational democratic institutions and more efficient EU-level decision-making can enhance both the legitimacy and the resilience of the EU.

The comparison of the three reports thus reveals a fundamental difference in the way the EP and the member states approach institutional reform in the context of crises. While the governments "fail forward" with minimalist changes, the strategy of the EP is better described as "doubling down": Lacking the institutional power to implement its preferred reforms, it repeats and refines maximalist proposals previously blocked by the Council and applies them to the context of new crises. With member states in the driving seat of the integration journey, the EP thus takes the role of a beacon, offering a relatively coherent model of institutional reform that aims to point the political debate in a federalist direction, even if it might never be realised in full.

Conflict of Interests

The author declares no conflict of interests.

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