Why we need a Convention to change the Treaties

MEMORANDUM

Union of European Federalists

1. Introductory remarks

The crises of recent years, and in particular Russia's aggression against Ukraine and the current worldwide attempt to impose an autocratic model that strips the achievements of democracy of their content, have forcefully raised the issue of a profound reform of the Union, made all the more urgent by the now imperative need for enlargement to include new Member States. The awareness of the need for a reform of the European Union to make it capable of effectively facing the current challenges, become a balancing element on the international scene, and guarantee public goods for its citizens has also emerged from the Conference on the Future of Europe.

The proposal for reform of the Treaties [1] approved by the European Parliament last November took up the conclusions of the Conference and translated them into proposals for amendments to the provisions of the Treaties. It is a comprehensive and far-reaching revision proposal aimed at opening the ordinary revision procedure provided for in Article 48 TEU and thus at convening a Convention for this purpose.

The aim of this paper is to highlight that the reforms the European Union needs in order to be able to act effectively in areas where common policies are needed can be achieved only through the convening of a Convention, as envisaged by the ordinary revision procedure, and not through other instruments provided for by the Treaties. Neither the simplified revision procedures of Article 48(6) and (7) TEU nor the possibility (provided for in Article 49 TEU) of laying down adjustments to the Treaties on the occasion of the accession of new member States are indeed viable avenues for the effective and comprehensive reform that is needed today.

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[1] P9_TA(2023)0427, Proposals of the European Parliament for the amendment of the Treaties. European Parliament resolution of 22 November 2023 on proposals of the European Parliament for amendment of the Treaties (2022/2051(INL)).

2. The improvements that the European Union needs

In order to successfully address the challenges of security, global technological and economic competition, the costs of the ecological and digital transition, the consequences of an ageing population, migration flows, health and education, effective European policies are needed, and these, in order to be realized, require certain changes in the functioning of the EU. These changes concern the Union's decision-making mechanisms, the competences that must be shared also at European level and the instruments to exercise them. In addition, there is the problem of respect for the rule of law by Member States.

2.1 The overcoming of unanimity and the involvement of the European Parliament to make the European Union more efficient and democratic.

Unanimity in Council still applies in many key areas of the European Union's competence, above all in the field of foreign and security policy and defense, and in fiscal policy and financing of the Union.
This decision-making rule is neither efficient nor democratic, neither now nor in the perspective of an upcoming enlargement. The need to reach an agreement among 27 – and potentially more than 30 – representatives of democratically legitimized national governments, accountable to a national electorate, makes indeed decisions a result of compromise at the lowest common denominator between conflicting national interests and risks paralyzing the decision-making capacity of the Union. The intergovernmental nature of the decision-making process, hence, does not allow for the emergence of a higher interest of European citizens embodied in the European Parliament. Moreover, it does not allow for quick decision-making, as unanimous compromise, by definition, arises from lengthy negotiations. Finally, a single state, representing even a small minority of European citizens, can prevent any decision.
For these reasons, not only unanimity should be overcome in all fields of European Union competence but the European Parliament should be fully involved in the decision-making process [2].

2.2. The endowing of the Union with the competences and resources needed to provide public goods.

To make the Union effectively exercise its competences, invest, and provide public goods that Member States can no longer ensure, its competences in areas such as environment, taxation, defense, health, industrial policy, social policy and energy must be strengthened, and the Union needs an adequately sized budget and the ability to autonomously and democratically decide on its resources.
This implies that the decision on the EU revenues be taken with the full participation of the European Parliament through an ordinary legislative procedure, without the ratification by the member States.
The strengthening of the European Union's competences and the possibility of raising revenues autonomously are necessary not only for the Union to provide internal public goods but also for its external security. A European defense, as recent events demonstrate, is needed. But a European army and a common security policy require resources, a common foreign policy, the development of a European industrial policy, and the creation of a government capable of making decisions in this area [3].

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[2] See, among others, P. Bursens, *Recalibration of Executive-Legislative Relations in the European Union. Strategies inspired by the trilemma of democracy, sovereignty and integration*, in D. Fromage, A. Herranz-Surralies (eds.), Executive and Legislative (Im)balance in the European Union, London, 2020, p. 19 ff; G. Rossolillo, *Abolishing the Power of Veto. Voting System Reform in the Council and European Council*, in The *Federalist*, 2021, p. 63 (https://www.thefederalist.eu/site/index.php/en/documents/2507-abolishing-the-power-of-veto)).
[3] By the 1950s, the impossibility of creating an army without a political structure and a government to control it had resulted in the 1953 treaty establishing the European Political Community, which would stand alongside the treaty establishing the European Defence Community.

2.3. The strengthening of the rule of law and fundamental rights.

If the European Union wants to play a role in defending the value of democracy globally, it must first represent an example of democracy internally. Therefore, the respect for the rule of law and fundamental rights should be guaranteed in all Member States, introducing procedures that remove the Article 7 TEU procedure from unanimity-based intergovernmental mechanisms and grant powers to the Court of Justice.

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2.4. Concluding remarks

The reforms outlined above are part of a coherent package to restructure the functioning of the European Union. They should, therefore, not be considered in isolation [4] but rather in the context of a redefinition of the Union's mode of operation aimed at enabling it to take on a political form and the power to deal with the increasingly pressing challenges that threaten the integration process itself.
Addressing only some of the aspects mentioned and refusing to consider the need for a comprehensive reform of the Union would mean leaving crucial problems of our continent unresolved and giving up on creating a European Union capable of giving voice to and protecting the rights of its citizens.

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[4] See T. Gierich, *How to Reconcile the Forces of Enlargement and Consolidation in "an Ever Closer Union"*, in T. Gierich, D.C. Schmitt, Z. Zeitmann (eds.), *Flexibility in the EU and Beyond. How Much Differentiation Can European Integration Bear?*, Baden-Baden, 2017, p. 17 ff, p. 24.

3. How to the revise the Treaties: the need for a Convention

3.1 Why the route of using simplified revision procedures is not viable

The debate on the room for maneuvre left to the Member States in choosing how to revise the Treaties dates back to the early years of the European integration process. As early as the 1960s, it has been considered the possibility of the Member States to amend the Treaties through an international agreement outside the framework of the founding Treaties of the ECSC and the EEC [5]. On this point the Court of Justice has ruled in the *Defrenne* [6] case in which, about the possibility that a resolution adopted by the Member States could modify the wording of Article 119 TEC on equal pay for male and female workers, it clearly stated that "the Resolution of the Member States of 30 December 1961 was ineffective to make any valid modification of the time-limit fixed by the Treaty. In fact, apart from any specific provisions, the Treaty can only be modified by means of the amendment procedure carried out in accordance with Article 236 [now Article 48 TEU]".

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As noted [7], the rule set out in the *Defrenne* judgment has been tacitly accepted by the Member States, which have always followed the procedures laid down in the Treaties when amending them.
If, in the Court's view, the Member States, by joining the Union, have deprived themselves of the possibility of amending the founding Treaties using instruments proper to international law, the impossibility of deciding at their discretion which procedure to use to amend the Treaties applies *a fortiori* where it is the Treaties themselves that make available to the Member States different revision procedures. This is the case with the current text of the Treaties, which provides for an ordinary revision procedure and two simplified revision procedures [8].

The rationale for providing for different types of revision lies precisely in the fact that they have different scopes of application and follow procedures shaped by the type of amendments that can be made to the Treaties through them [9]. Otherwise, the Treaties would have envisaged only one revision procedure.
In particular, since the use of simplified revision procedures is limited to hypotheses described explicitly in Article 48 (6) and (7) TEU and they, therefore, represent exceptions to the general procedure (the ordinary one), the provisions relating to simplified revision procedures must be interpreted restrictively [10] and applied only in the hypotheses provided for therein.

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[5] See H. J. Lambers, *Les clauses de révision des Traités instituant les Communautés Européennes*, in *Annuaire français de droit international*, volume 7, 1961, p. 583 ff., a p. 601 ss., and the authors cited therein.
[6] Case 43/75, *Defrenne*, [1976].
[7] B. de Witte, T. Beukers, The Court of Justice approves the creation of the European Stability Mechanism outside the EU legal order: Pringle, in Common Market Law Review 50 (2013), p. 805 ss., a p. 826.
[8] For a detailed explanation of these procedures see S. Peers, The Future of EU Treaty Amendments, in Yearbook of European Law, 2012, p. 20 ff.
[9] According to S. Peers, The Future of EU Treaty Amendments, cit., p. 26, the simplified revision procedures are not lex specialis as regards the ordinary revision procedure. As a consequence, the ordinary procedure can apply in cases covered by the simplified procedure as well.
[10] See S. Peers, The Future of EU Treaty Amendments, cit., p. 27; B. de Witte, T. Beukers, The Court of Justice approves the creation of the European Stability Mechanism outside the EU legal order: Pringle, in Common Market Law Review 50 (2013), p. 826 ff.

3.1.1. The limits of the simplified revision procedure of Art. 48 (6).

On the only occasion on which the Court was able to rule on the use of a simplified revision procedure, the Pringle [11] judgment, this strict delimitation between the scope of the different revision procedures was confirmed. In fact, the Court carefully considered whether the amendment of Article 136 TFEU to allow the establishment of a European Stability Mechanism was validly based on Article 48 (6) TEU, the scope of which is limited to "proposals for revising all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union relating to the internal policies and action of the Union". And it concluded that, since the amendment only affected the field of economic policy, which is regulated in Part Three of the TFEU, the legal basis used was correct.
Going further into the examination of Article 48 (6), it is necessary to emphasize that this provision can only be used for the amendment of Articles 26 to 197 TFEU, and cannot extend the competences conferred on the Union in the Treaties. Concerning the procedure to be followed, it provides for a unanimous decision of the European Council, after consultation of the European Parliament and the Commission, and the European Central Bank in the case of institutional changes in the monetary area. This decision must be approved by the Member States in accordance with their respective constitutional requirements.
As regards the scope of this Article, it is limited to the provisions of Part Three of the Treaty on the functioning of the European Union. It covers, therefore, neither the provisions of the Treaty on the European Union (foreign and security policy, appointment of the European Commission, violation of the rule of law) nor the financing of the Union (Articles 310-312 are to be found in Part Six of the TFEU) nor the general and final provisions among which Article 353 TFEU, that rulesout the transition to qualified majority decision-making in some issues, such as the financing of the Union.
This procedure is, hence, not applicable in the fields where a deep reform is most needed: foreign and security policy and defense to guarantee the external security of the European Union; the financing of the Union (in particular Art. 311 TFEU), which is a pre-condition for the exercise of all the European Union's competences; the appointment of the members of the European Commission; the strengthening of the rule of law through the overcoming of the procedure of Article 7 TEU.

Another very relevant limitation set in Article 48 (6) is that this provision "shall not increase the competences conferred on the Union in the Treaties," so it cannot serve neither the purpose of creating new Union's competences nor of upgrading a competence from a shared to an exclusive competence or from a supportive competence to a shared one [12].
The consequences of this limitation on the possibility of using Article 48 (6) for the amendments of the Treaties cited above are very relevant. Letting aside the financing of the Union and foreign and defense policy, which are not included in Part Three of the TFEU, the possibility of strengthening the competences of the European Union in every field in which a more effective Union action would be required is totally banned by this provision, as it would be impossible to move from a shared to an exclusive competence in fields like environment and energy, as well as from a supportive to a shared competence in health, industry, employment, social policy.

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[11] Case C-370/12, Pringle, [2012].
[12] See S. Peers, The Future of EU Treaty Amendments, cit., p. 40.

3.1.2. Passerelle clauses

The second simplified revision procedure is governed by Article 48 (7), which provides for the so-called passerelles, one to move from unanimity to qualified majority in Council and the other from a special to an ordinary legislative procedure. Concerning the first one, according to the first subparagraph of the provision, "[W]here the Treaty on the Functioning of the European Union or Title V of this Treaty [TEU] provides for the Council to act by unanimity in a given area or case, the European Council may adopt a decision authorizing the Council to act by a qualified majority in that area or in that case. This subparagraph shall not apply to decisions with military implications or those in the area of defense". As regards the second, in its second subparagraph Article 48 (7) states that "[W]here the Treaty on the Functioning of the European Union provides for legislative acts to be adopted by the Council in accordance with a special legislative procedure, the European Council may adopt a decision allowing for the adoption of such acts in accordance with the ordinary legislative procedure". The initiative can be taken only by the European Council. It shall be notified to the national Parliaments, who can make known their opposition within six months of the date of such notification. The European Council may adopt the decision only after the approval by the European Parliament and in the absence of opposition by national Parliaments.
Like Article 48 (6), Article 48 (7) has a limited scope of application, with a difference between the first and the second subparagraph of the provision. Article 48 (7) actually excludes decisions "with military implications or those in the area of defense" only from the scope of its first subparagraph (move from unanimity to qualified majority). This difference, however, loses much of its importance if one considers that in the field of foreign and security policy, according to Article 24 TEU, "the adoption of legislative acts shall be excluded," so in this area, the move from an ordinary to a special legislative procedure provided for in Article 48 (7) second subparagraph cannot apply.
As concerns both subparagraphs of Article 48 (7), moreover, according to Article 353 TFEU, they shall not apply to Articles 311, third and fourth paragraph [13] (decision on own resources), 312 (2), first subparagraph (Multiannual Financial Framework), 352 (flexibility clause) and 354 TFEU (calculation of the majority in relation to the decisions referred to in Article 7 TEU).
Looking back at the reforms that the European Union would need, the simplified revision procedure of Article 48 (7) cannot apply to decisions in the fields of defense and the financing of the Union and would have no relevance for the strengthening of the mechanism of protection of the rule of law embodied in Article 7 TEU.
One of the amendments that would make this provision more effective concerns actually the overcoming of unanimity not in the Council but in the European Council.
This last remark concerning Article 7 TEU leads us to another clarification concerning the scope of Article 48 (7). When providing for the possibility of moving from unanimity to a qualified majority, Article 48 (7) subparagraph 1 refers to the Council and not the European Council. Therefore, the activity of the European Council is out of the scope of both subparagraphs of Article 48 (7): of the first because of the limitation of this provision to the decision-making of the Council; of the second because it concerns legislative procedures and the European Council "shall not exercise legislative functions" [14].

[13] [1] Art. 311 TFEU, third and fourth paragraph: "3. The Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament adopt a decision laying down the provisions relating to the system of own resources of the Union. In this context it may establish new categories of own resources or abolish an existing category. That decision shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements. 4. The Council, acting by means of regulations in accordance with a special legislative procedure, shall lay down implementing measures for the Union's own resources system in so far as this is provided for in the decision adopted on the basis of the third paragraph. The Council shall act after obtaining the consent of the European Parliament".
[14] Art. 15 TEU

The exclusion of the activity of the European Council from the scope of Article 48 (7) is relevant also as regards the possibility to use Article 48 (7), second subparagraph, for the amending of the provisions concerning foreign policy that do not have military implications. Actually, in this area it would be possible to apply the second passerelle to move from unanimity to qualified majority in Council's decisions. However, even in the field of foreign policy, the European Council plays a pivotal role, and every decision of the Council finds its roots in a position statement of the European Council. The moving of the decision-making of the Council from unanimity to qualified majority would change in a limited way the fact that foreign and security policy is an area in which the unanimous consent of the 27 Member states is still required.

As regards the other fields of EU law on which the simplified revision procedure of Article 48 (7) could impact, in these cases as well the procedures at issue would not allow the improvements needed. Indeed, in the fields of health, environment, energy, employment, social policy, decisions are already taken mainly through an ordinary legislative procedure [15] and, when a special legislative procedure is foreseen, special passerelle clauses are provided [16], so that the second subparagraph of Article 48 (7) is not needed. The only relevant provision on which this procedure could impact is Article 113 TFUE concerning the harmonization of legislation on turnover taxes, excise duties and other forms of indirect taxation. It is however worth noting that, despite the fact that the possibility to move to a qualified majority vote or to an ordinary legislative procedure in this field has been very much discussed, this decision has never been taken.

The same consideration applies to the special passerelles clauses, like the ones cited above, provided for by the Treaties in certain specific hypotheses [17]. Now, these passerelles have never been used, despite providing an easier path than the one traced by Article 48 (7) (there is no possibility for national Parliaments to object). The reason is that their use as a stand-alone item by the European Council cannot be accepted by the Members States that consider themselves as 'losers': the moving from unanimity to the qualified majority and from the special to the ordinary legislative procedure is conceivable only in the framework of a comprehensive reform that would in a way 'compensate' the loosing of power of a single State.

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[15] In these areas the limit for a European Union action is due to the lack of exclusive or shared competences, and not to the legislative procedure envisaged.
[16] See Art. 153 (2), subparagraph 5, TFEU; 192 (2), subparagraph 2, TFEU.
[17] Articles 31 (3) TEU, 81 (3) TFEU, 153 (2), subparagraph 5, TFEU; 192 (2), subparagraph 2, TFEU; 312 (2), subparagraph 2 TFEU, 333 TFEU.

3.2. The impossibility to revise the Treaties through Article 49 TEU

As concerns the possibility, envisaged by some, of using Article 49 TEU as a tool for revising the Treaties on the occasion of the accession of new member States, the demarcation between the fields of application of Article 48 (2-5) and 49 TEU is even sharper. If the dividing line between the ordinary revision procedure and the simplified revision procedures concerns provisions of the TEU aimed at the same objective (the amendment of primary provisions of EU law), the relationship between Article 48 TEU and Article 49 TEU concerns provisions with different purposes. As pointed out, the former is aimed at revising the Treaties, whereas the latter is aimed at the accession of new member states to the Union.

This difference is decisive. Even though there are similarities between the procedures laid down in the two provisions above (Articles 48 (2-5) and Article 49 TEU) [18], both of which rely on the unanimous consent of the member states and ratification by the member states in accordance with their respective constitutional requirements, the fact that the drafters of the Treaties distinguished between the revision procedure and the procedure for the accession of new states inevitably leads to the conclusion that a revision of the treaties cannot rely on Article 49 TEU, just as the accession of new Member States cannot find its legal basis in Article 48 TEU [19]; and that the possibility of adapting the text of the Treaties provided for in Article 49 TEU only concerns adaptations directly resulting from the increase in the number of member states.

The impossibility of using Article 49 TEU as a legal basis for revising the treaties on the occasion of enlargement to new Member States is clearly confirmed by the literal wording of this provision. As highlighted above, according to Article 49, an agreement between the Member States and the applicant State lays down the conditions for admission "and the adjustments to the Treaties on which the Union is founded, which such admission entails". The first consideration is that while Article 48 TEU refers to 'amendments' of the Treaties, Article 49 uses the much more limited term 'adjustments'.

An indication of the meaning to be given to this expression follows from some rulings [20] of the Court of Justice, concerning provisions of the Acts of accession of new Member States allowing the Council to adopt measures to make 'adaptations' of these Acts which may prove necessary. Concerning the interpretation of the expression 'adaptations', the judgment Poland v. Council [21] states that "the Court has already ruled on the meaning of 'necessary adaptations' in the context of acts of accession, holding that the adaptation measures provided for by such acts, as a general rule, authorize only adaptations intended to render earlier Community measures applicable in the new Member States, to the exclusion of all other amendments" [22]. Since in the other language versions [23] the provisions of the Acts of accession and Article 49 TEU use the same words to define the adaptations allowed as a consequence of the admission of new States, the very restrictive meaning of the expression 'adaptations' coming out from the rulings concerning the Acts of accession should also apply to the expression 'adjustments' of Article 49 TEU [24].

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[18] See S. Peers, *The Future of EU Treaty Amendments*, cit., p. 48

[19] See P. ó Broin, *How to Change the EU Treaties. An Overview of Revision procedures under the Treaty of Lisbon*, CEPS Policy Brief, October 2010, p. 6.

[20] Case C-413/04, European Parliament v. Council, [2006], paras 31-8; case 414/04, European Parliament v. Council , [2006], paras 29-36; Case C-273/04, Poland v. Council, [2007], paras 46-49. On the meaning of these rulings see N. Idriz, *Legal Constraints on EU Member States in Drafting Accession Agreements*, Cham, 2022, p. 178 ss.

[21] Case C-273/04, *Poland v. Council*, [2007].

[22] Case C-273/04, *Poland v. Council*, [2007], para 46.

[23] See the French (adaptations), German (Anpassungen), Spanish (adaptaciones), Italian (adattamenti), Dutch (aanpassingen), Portuguese (adaptações) versions of Article 23 of concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded and Article 49 TEU.

[24] See N. Idriz, *Legal Constraints on EU Member States*, cit, p. 175 ff.

The need to interpret restrictively the possibility of amendments to primary law resulting from the Act of Accession of new States also emerges from the Court of Justice's case law concerning the possibility of granting derogations to the individual Member States functional to accession. Indeed, as stated in the Apostolides [25] judgment, "provisions in an Act of Accession which permit exceptions or derogations from rules laid down by the EC Treaty must be interpreted restrictively with reference to the Treaty provisions in question and be limited to what is absolutely necessary in order to attain its objective". Finally, it is the very expression adjustments 'which such admission entails' that indicates a necessary causal link between accession and adjustments to the text of the Treaties and thus makes it clear that the admitted adjustments are only those that result, in a way, automatically from accession, such as an increase in the number of members of an institution to ensure that the new States are also represented - and in the absence of which the acceding states would not be parties to the Union's legal order for all intents and purposes.

The practice of the successive accession agreements from 1972 to the present day only confirms this, since the adaptations to the Treaties that they have brought about have always been limited to introducing only the technically necessary adjustments for the accession of new states, without affecting other treaty provisions, which were instead amended before or after accession [26] using the revision procedure now provided for in Article 48 (2-5) TEU.

The impossibility of using Article 49 TEU as a legal basis for revising the treaties on the occasion of enlargement to new Member States is clearly confirmed by the literal wording of this provision. As highlighted above, according to Article 49, an agreement between the Member States and the applicant State lays down the conditions for admission "and the adjustments to the Treaties on which the Union is founded, which such admission entails".

[25] Case C-420/07, Apostolides, [2009], para 35.
[26] See, among others, I. Goldner Lang, *The Impact of Enlargement(s) on the EU Institutions and Decision-Making*. Special Focus: Croatia, in Yearbook of European Law 31 (2012), p. 473 ss.

4. Conclusions: the need for a Convention to ensure a deep and democratic reform

As underlined above, neither the simplified procedures of Article 48 (6) and (7) TEU, nor the accession procedure of Article 49 TEU would allow to introduce into the Treaties the changes that are needed to equip the European Union with the necessary tools and powers that are needed.
There is however another crucial reason why the ordinary revision procedure of Article 48 (2-5) is the only viable way to follow: the need to guarantee democratic participation.

If we look at the ordinary revision procedure, since the Lisbon Treaty, on the one hand, the European Parliament can submit to the Council draft amendments to the Treaties; on the other hand, Article 48 (3) provides for the convening by the President of the European Council of a Convention [27] composed of representatives of the national Parliaments, the heads of state or government of the Member states, the European Parliament and the Commission. Even though the Convention only has the power to adopt a recommendation to be sent to the Intergovernmental Conference, the representatives of the European Parliament (and of the national Parliaments) can, therefore, intervene in the content of the revision, making the text resulting from the Convention the product not of a mere intergovernmental negotiation, but of a process in which the representative body of the European citizens is also able to express its opinion.

Neither the two simplified revision procedures nor Article 49 TEU provide such democratic participation. According to Article 48 (6), TEU, the European Parliament is only consulted and, therefore, has no say on the content of the reform, and its opinion is not binding [28]. A greater involvement of the European Parliament (approval of the decision of the Council) and of the national Parliaments is instead provided for by Article 48 (7), but the European Parliament has no power of initiative in this case. Eventually, the accession procedure in Article 49 TEU provides that the Council's decision on the admission of a new State is taken "after receiving the consent of the European Parliament", so that the latter will not influence the content of the Act of Accession and the 'adjustments' of the treaties this Act provides for. The difference with the ordinary revision procedure, which entails a high degree of democratic participation, as members of the European Parliament (and of national Parliaments) take part in the Convention and therefore have the possibility to shape the content of the Treaty revision, is self-evident.

Pursuing the route of a simplified revision procedure or Article 49 TEU, would have thus the sole purpose of circumventing the convening of a Convention (and thus of affecting the participation of the European Parliament in the process) and of emptying of their content the reform proposals that emerged from the Conference on the Future of Europe and were endorsed by the European Parliament, making it impossible to reform the Union in a way that makes it responsive to the needs of citizens.

Neither the simplified procedures of Article 48 (6) and (7) TEU, nor the accession procedure of Article 49 TEU would allow to introduce into the Treaties the changes that are needed to equip the European Union with the necessary tools and powers that are needed.

[27] The European Council can decide, by simple majority, not to hold a Convention, "should this not be justified by the extent of the proposed amendments". Due to the coherent and general reform proposed by the European Parliament, the possibility not to convene a Convention should be excluded.
[28] See S. Peers, *The Future of EU Treaty Amendments*, cit., p. 36, according to which not necessarily the simplified revision procedure of Article 48 (6) is quicker than the ordinary one.

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