

Europe's Choice: Which Direction Can Integration Go after the Conference on the Future of Europe?

At the Conference on the Future of Europe organised in 2021–2022, participants put forward a number of proposals for reforming the way the European Union works. In addition to closer cooperation in policy areas, reforming the functioning of the institutions would enhance the Community dimension. All of these proposals would require the support of all Member States, but nations are currently significantly divided over the future of the EU. This paper examines three proposals for reform to illustrate the debates that have been raging between nations for decades, to show why the unanimous will of Heads of State or of Governments is essential for such major changes, and to explore the future of European cooperation in the light of the proposals.

Introduction

The need for reform of the European Union (EU) was voiced in 2017 by Emmanuel Macron, then French presidential candidate. Two years later, in an appeal to the people of Europe, he called for a renewal of the EU, and stated his desire that citizens be involved in the process. Macron also proposed a Conference on the Future of Europe (CoFoE),¹ an idea taken up in 2019 by Commission President-designate Ursula von der Leyen and formally made an EU event after her election.

At the end of the Conference, which took place from May 2021 to May 2022, its participants formulated a number of proposals for reforms at both policy and institutional level.² Most of these recommendations could be implemented within the EU under the current legal framework, but there are also some that would require a change in the existing Treaties.

This paper is structured around three proposals for reform, which do not necessarily require treaty change, but which would give a new direction to European integration. These are the extension of qualified majority voting (QMV) to new policy areas, the extension of the powers of the European Parliament (EP), and an increase in the direct legitimacy of the President of the European Commission (EC). Their implementation would strengthen the Community dimension and create a more federal European Union.

The study consists of four major sections. In the first part, I will deal with the Conference on the Future of Europe, describing its functioning, structure and participants, providing a brief description of the process of changing the EU Treaty. In the third part, I will cover the three areas for reform described above. I will examine how they have

¹ MACRON 2019.

² Conference on the Future of Europe 2022.

changed over recent decades and the debates that have taken place between Member States on them. I will also describe the concrete proposals that have been made on these issues at the CoFoE and the differences between Heads of State or Government on these issues. Finally, I will address the question of the significance of these issues for the future of European integration.

Conference on the Future of Europe

The Conference on the Future of Europe started on 9 May 2021, a symbolic date that has been celebrated by the Member States as Europe Day since 1985 (9 May was chosen as Europe Day by the Member States to commemorate the anniversary of the Schuman Plan, which was presented on 9 May 1950 by French Foreign Minister Robert Schuman and is now seen as the first step towards European integration). The organisers wanted the event to both democratise and renew the European Union, and to give all stakeholders the opportunity to contribute to a joint process of reflection. Representatives from supranational levels, civil society, interest groups, citizens and politicians representing national interests came together to discuss the future of Europe. The Conference's rules, its themes – which covered all EU policies – and structure were set out in a joint declaration signed by the Presidents of the three EU institutions: the Council, the European Parliament and the European Commission.³

The debate on the future of the Union took place at four levels, while the Conference's structure was bottom-up. At the first, the lowest level, anyone could express their views either through the official website, by posting comments or by participating in national or regional citizens' panels. The second level was the four European Citizens' Panels, each of which was attended by two hundred randomly selected citizens. Their task was to make recommendations on policy areas. These proposals and the ideas from the first level were discussed at the Conference Plenary. At the plenary session, 449 people were involved in the discussions. One hundred and eight representatives from the EP, fifty-four from the Council (two from each nation) and three from the Commission were present. National parliaments were also allowed to delegate four politicians per Member State, making a total of one hundred and eight, along with one hundred and eight civil society representatives. The latter included eighty people from each of the European Citizens' Panels, one person from each country (twenty-seven in total) from the national citizens' panels, and the President of the European Youth Forum. The Conference Plenary also included twelve representatives of the social partners and eight representatives of civil society organisations, eighteen delegates each from the European Economic and Social Committee and from the Committee of the Regions, together with six people representing local authorities and another six representing regional authorities. When international issues were discussed, the High Representative of the Union for Foreign Affairs and

³ European Union 2021a.

Security Policy was also present.⁴ Their role was not only to discuss the ideas proposed at the lower levels, but also to adopt the final report by consensus.

The fourth and highest level was the CoFoE's Joint Presidency, made up of the Presidents of the European Parliament, the European Commission and the Heads of State or Government of the Member State holding the rotating presidency of the EU Council. Over a one-year period this meant the leaders of Portugal, Slovenia and then France. The Presidency was assisted by an Executive Board and a Common Secretariat, to which the three EU institutions delegated seven–seven members.

Although treaty change was not among the official objectives of the Conference on the Future of Europe, several of the reform proposals could only be implemented if Member States changed the framework for their cooperation.

Treaty change in the European Union

In the EU at present, there are two ways for nations to amend treaties. They can change all parts of the Treaties by using the ordinary revision procedure and, since the entry into force of the Lisbon Treaty in 2009, they also have the option of using the simplified revision procedure. Under the latter, politicians can change passages in the law relating to the EU's internal policies and activities, but cannot make major reforms such as extending the powers of the European Parliament.⁵ For this reason, my study will only describe the ordinary procedure.

The revision of the Treaties can be proposed by national governments, the EP and the European Commission. The decision to launch the revision process is taken by a simple majority of the European Council (EUCO), after consulting the EP and the EC, and by consulting the European Central Bank when monetary issues arise. Proposals for changes are discussed by the nations in an Intergovernmental Conference (IGC) and the new legislation adopted must be ratified by each state in accordance with its own constitutional requirements before it can enter into force.⁶

The most important actors in the IGCs are the Heads of State or Government, who are the only ones with veto and voting rights in the negotiations, and the adoption of the new treaty also requires the unanimous support of the political leaders. Moreover, political leaders of member state governments are the only ones designated in Community law as participants in Intergovernmental Conferences.⁷ In practice, however, an EU Commissioner and politicians from the European Parliament and the General Secretariat of the Council are also present at discussions.⁸

Negotiations at the IGCs take place at three levels. At the official level, civil servants discuss legal and technical issues with one member from each of the two largest political

⁴ European Union 2021b: 7.

⁵ Consolidated version of the Treaty on European Union 2012: Article 48 (6).

⁶ Consolidated version of the Treaty on European Union 2012: Article 48.

⁷ Consolidated version of the Treaty on European Union 2012: Article 48 (3).

⁸ CHRISTIANSEN 2002: 33–53; SLAPIN 2011.

groups in the EP. Foreign ministers meet at the ministerial level with the President of the European Parliament also being present at the beginning of their meetings.⁹ At the top level, the members of the European Council – i.e. the Heads of State or Government – discuss the most sensitive political issues, but these are often only 5% of the total agenda.¹⁰ If an agreement is reached, the ratification process can start once the new document has been signed.

In the history of European integration since 1950 eleven Intergovernmental Conferences have taken place. Political leaders first met in 1950–1951, resulting in the Treaty of Paris, which established the European Coal and Steel Community. In 1956–1957, they agreed on the treaties establishing the European Economic Community and the European Atomic Energy Community. The Merger Treaty (1965), the Treaty of Luxembourg and Brussels Treaty (the Budgetary Treaties) (1969–1970 and 1975) and the Single European Act (1985–1986) were also adopted in the framework of an IGC, just as the Treaty on European Union (1990–1991),¹¹ the Treaties of Amsterdam (1996–1997) and Nice (2000), and the Constitutional Treaty (2003–2004) were decided by the Heads of State or Government at an Intergovernmental Conference. The last IGC was held in 2007, following the signing of Lisbon Treaty in the Portuguese capital.

Institutional reform proposals at the Conference on the Future of Europe

Due to the CoFoE, several long-standing issues have been brought back to the fore in the EU. These include the extension of qualified majority voting, the role of the European Parliament and the enhancement of the legitimacy of the European Commission. The proposals of this Conference would strengthen the Community dimension in these areas, but the final decision is left to the Member States. The key question is therefore whether the supporters of a Europe of Nations or a federal Europe will be able to get their way.

Reforming the decision-making procedure

In EU law-making, the most politically sensitive issues affecting national sovereignty – such as foreign and security policy, the enlargement of the EU and the multi-annual financial framework – require unanimity in the Council of the European Union, which brings together ministers from the Member States. In most policy areas, however, qualified majority voting – now known as double majority voting – is sufficient. This means that at least 55% of the Member States, which must also represent at least 65% of the EU's population, must vote in favour of a proposal for legislation. The double

⁹ CHRISTIANSEN 2002: 33–53.

¹⁰ STUBB 2002: 21.

¹¹ During this period, two IGCs were held in parallel, one on Economic and Monetary Union and the other on Political Union.

majority principle has been in force since 2014, before which time the votes of each state were weighted differently, then the proportions needed for the required majority were determined. Moreover, until 2017, Member States could also request that the procedure be conducted under the pre-2014 system.¹²

Majority voting has always been part of European politics, with the national leaders already enshrining it in the Paris Treaty. Their aim was to make Community legislation more effective. Until the 1970s, however, this was less common in practice, with Member States seeking unanimous support on all policy issues. The Luxembourg Compromise in 1966, which ended the 'Empty Chair Crisis' that had lasted for six months,¹³ also led to a reduction in the majority principle, with European leaders agreeing that Member States could use their veto in cases of alleged harm to their national interest, even in areas subject to the majority rule.¹⁴

The issue of how votes should be counted and the scope of the issues involved was a recurring theme among politicians, either in interviews, statements or in European-level negotiations. Consequently, they were also discussed on the occasion of major reforms, typically at Intergovernmental Conferences. Looking at the positions taken on each issue, it can be seen that, overall, Italy, Belgium and Finland have been the main supporters of the extension of the majority principle at past IGCs, while France and the United Kingdom have been among the most defensive of their sovereignty. However, the need to abolish the unanimity requirement in an increasing number of areas to ensure more effective cooperation was agreed by all Member States, with divisions emerging on specific policies.

The most debated issues at the Intergovernmental Conferences were social and employment policy, foreign and security policy and taxation. In the area of social and employment policy, the introduction of qualified majority voting was supported by Belgium, Luxembourg, Italy and Finland, among others, in the treaty change processes. This was argued for at the 1990–1991 and 1996–1997 IGCs,¹⁵ and it was also advocated in Nice in 2000 and at the 2003–2004 IGC. There have also been examples of countries changing their views on this issue over time. Denmark was still in favour of unanimity at the Intergovernmental Conference preparing the Maastricht Treaty, but in 2000 it was on the opposite side. Ireland also took a different position in 2000 from that of 1990–1991, but after the rejection, they supported the use of QMV.¹⁶

There have been, however, nations that consistently rejected the application of majority voting system in social and employment policy. These included the United Kingdom, which expressed its opposition to it at Maastricht and at the Intergovernmental Conference on the Treaty establishing a Constitution for Europe, and the Spanish, who also argued

¹² ARATÓ–KOLLER 2015.

¹³ In the second half of 1965, French President Charles de Gaulle, seeing national sovereignty threatened, withheld his ministers from EU Council meetings, slowing down the functioning of the Community.

¹⁴ MAGNETTE–NICOLAÏDIS 2004: 69–92.

¹⁵ MAZZUCELLI 2012: 147–179; MORAVCSIK–NICOLAÏDIS 1999: 59–85; LEHTONEN 2009.

¹⁶ MAZZUCELLI 2012: 147–179; LEHTONEN 2009.

against it on several occasions.¹⁷ In addition, Portugal and Greece (1990–1991),¹⁸ as well as Germany (1996–1997), also preferred to retain unanimous voting.¹⁹

The member countries were also divided in their opinions on how to decide on foreign and security policy. The introduction of majority rule was supported by the Germans (1996–1997 and 2003–2004),²⁰ the Belgians and the Finns (2003–2004),²¹ but was rejected, for example, by France (1996–1997),²² Ireland (at the Amsterdam and 2003–2004 IGCs) and the United Kingdom (2003–2004).²³

Ireland and the United Kingdom were the most insistent on maintaining unanimity on tax decisions, although Sweden, Spain and Denmark, for example, also took the same position. By contrast, Belgium, Germany and Italy would have welcomed the use of majority voting.²⁴

The differences between the viewpoints of the Heads of State or Government were also evident at the Conference on the Future of Europe. While unanimity is still needed on some issues related to social policy, this topic was less prominent in the preparations for the CoFoE, with the main focus directed on foreign and security policy and tax policy. Those in favour of introducing a double majority, such as Belgium, Latvia, Italy and Germany, aim at faster, more efficient decision-making and closer cooperation, while the governments on the other side, such as those of Hungary, Greece and Ireland, wish to maintain the possibility of a veto, emphasising different national characteristics and the need to take account of diversity.²⁵ The outcome of the Conference could provide a good reference for political leaders who want to strengthen the Community dimension, as participants would abolish unanimity voting not only in connection with these two policies, but also in all areas except enlargement policy and changes to the EU's core values.²⁶

The extension of the powers of the European Parliament

The institution of the European Parliament (formerly known as the Common Assembly), dating back to the Treaty of Paris, which created the European Coal and Steel Community, has come a long way since its creation. Its importance increased as the Member States sought to reduce the democratic deficit in the Community. This term was first defined by the EP in 1988. The democratic deficit, as they put it, was the result of the transfer of powers to the Community level from national parliaments, which had direct powers, to

¹⁷ MAZZUCELLI 2012: 147–179; BEACH 2012: 217–243; LEHTONEN 2009.

¹⁸ MAZZUCELLI 2012: 147–179.

¹⁹ MORAVCSIK–NICOLAÏDIS 1999: 59–85.

²⁰ MORAVCSIK–NICOLAÏDIS 1999: 59–85; LEHTONEN 2009.

²¹ LEHTONEN 2009; LAURSEN 2010: 182–196.

²² MORAVCSIK–NICOLAÏDIS 1999: 59–85.

²³ LEHTONEN 2009; GIRVIN 2010: 126–143.

²⁴ LEHTONEN 2009; LAURSEN 2010: 182–196.

²⁵ European Parliament 2021.

²⁶ Conference on the Future of Europe 2022: 83.

a body not elected by citizens.²⁷ The existence of a democratic deficit in the functioning of the European Union is evidenced by the increase in executive power and the parallel decrease in national legislative control, while the European Parliament has only limited influence in policy-making. A further problem is the low turnout in EP elections and the national nature of these elections, where citizens vote on domestic rather than European issues. Moreover, Community decision-making is complex and citizens have no meaningful say in it.²⁸

There was a desire on the part of the member states to make the community more democratic, and one of the results of this was the EP becoming stronger and more involved in decision making. The institution was established as the Common Assembly, by the Treaty of Paris, which came into force in 1952, and its members were delegated by the nations. It has been called the European Parliament since 1962, but only later, in 1986, was it enshrined in Community law. Since 1979, MEPs have been elected by the citizens of the bloc, but despite its direct legitimacy, the EP remained only a consultative body until 1986. Its importance in European politics first increased with the Single European Act, when two new procedures were introduced by the Member States: the cooperation procedure and the assent procedure. In most areas, the former was used, where the EP could vote on the Council's position, but any rejection could be overruled by a unanimous vote of the body of ministers of the Member States. On more important matters, such as the accession of new Member States, the rules for the election of the EP, or the operation of the Structural Funds, the assent procedure was used, with the European Parliament playing a greater role. In these cases, the decisions had to be taken with the agreement of the institution, and the EP had a veto on the vote, but could not change the original proposal.

The Maastricht Treaty further increased the powers of MEPs by introducing the co-decision procedure, making the European Parliament a co-legislator. This method has been known as the ordinary legislative procedure since 2009, following the entry into force of the Lisbon Treaty. It had already been used in the 1990s in many policy areas and now covers more than 80 areas. Thanks to the reform, the EP can now not only veto but also amend legislation.²⁹ At the same time, the institution has also played an increasing role in the election of the European Commission.

Despite the fact that all the Member States eventually agreed to strengthen the EP at the time of each treaty change, they had to work to make their positions converge from initially distant points during the Intergovernmental Conferences. Even when the Single European Act was being drafted, some countries such as France, the United Kingdom and Denmark were opposed to the European Parliament having more influence in the legislative process,³⁰ and these same countries did not initially support the introduction of the co-decision procedure at Maastricht. On the other hand, the traditional supporters of

²⁷ NAVRACSICS 1998: 47–70.

²⁸ FOLLESDAL–HIX 2006: 533–562.

²⁹ BÍRÓ–NAGY 2019: 99–123.

³⁰ MORAVCSIK 1991: 19–56.

an increased role for the EP included Germany, Italy, the Netherlands and Belgium,³¹ and at the IGC on Political Union in 1990–1991, the German Government would have granted the institution not only co-legislative status but also the right of legislative initiative.³²

Today, the European Parliament still has limited room for manoeuvre, despite the constant extension of its powers. The ordinary legislative procedure does not cover all areas, and only the European Commission can initiate legislation, while the European Council is not bound by the EP's proposal for the President of the Commission. Although the results of the Conference on the Future of Europe include a proposal to remedy these shortcomings, the EP and the supporters of strengthening the Community dimension face a difficult task, as fourteen of the EU's twenty-seven Member States, including Hungary, have expressed their opposition to reforms of this scale.³³

Increasing the legitimacy of the European Commission

The goal of increasing the legitimacy of the European Commission, on the one hand, stems from the shortcomings in the democratic legitimacy of the EU and on the other hand, it is also a way of strengthening the supranational level, in line with the hope of advocates of a more federal Europe.

The Commission is one of the most important institutions of the European Union. Currently made up of twenty-seven EU Commissioners, one from each Member State, it represents the Community's interests, enforces the treaties and EU laws. Moreover, if a Member State breaks the rules, the Commission can take it to the Court of Justice of the European Union. The EC is also responsible for implementing the Community budget and it is the Commission that has the exclusive right of legislative initiative.³⁴ Despite its importance, the institution and its members have only indirect legitimacy and the citizens have no direct say in their election. Political leaders have sought to improve this by gradually increasing the role of the EP, which has been directly elected since 1979, when the new Commission took office. The Maastricht Treaty stipulated that the European Parliament had to approve the whole body before it was set up, but it had only a consultative role in the selection of the President of the EC.³⁵ Since the entry into force of the Treaty of Amsterdam until 2009, the appointment of the President of the Commission has had to be approved by MEPs, and with the Lisbon Treaty, the EP was given a veto. Today, the twenty-seven commissioners, including the President of the EC, are nominated by national governments. The President, the commissioner-designates and then the College as a whole are voted on by the European Parliament and its committees, which can accept or reject them, but which still have no right of proposal or nomination.

³¹ CORBETT 1992: 271–298.

³² MAZZUCELLI 2012: 147–179.

³³ ZSÍROS 2022.

³⁴ Consolidated version of the Treaty on European Union 2012: Article 17.

³⁵ Treaty on European Union 1992: Article 158.

This could be changed by the *Spitzenkandidat* system, the idea of which goes back to 1999, when members of the Christian Democratic Union of Germany (CDU), which is part of the European People's Party (EPP), objected to the fact that the results of the European Parliament elections had no influence on the Commission President.³⁶ The Lisbon Treaty has partly remedied this problem by stipulating that the European Council must, by qualified majority, nominate the candidate proposed for the President's post, taking into account the results of the EP elections. This provided a good reference point for the European parties, which from 2014 onwards, as the EPP had already done since 2009 – nominated a top candidate, who was later destined to head the Commission, as part of their preparation for the elections. In practice, however, the Lisbon Treaty does not automatically mean the nomination of party list leaders. Although the European Council nominated Jean-Claude Juncker in 2014 as President of the European Commission on such a basis, in 2019 the majority of Member States backed away from the idea of the *Spitzenkandidat* system and nominated Ursula von der Leyen.

The EU Member States have remained divided on whether to let the nomination of the President of the European Commission, one of the EU's most important institutions, slip through their fingers. While some nations, such as Austria and Germany, are committed to using the *Spitzenkandidat* system to make the EU more democratic, several Heads of State or Government – including the V4 countries, France, Bulgaria, Lithuania and Sweden – have argued to keep the selection process within their own competence.³⁷ The views expressed at the Conference on the Future of Europe could provide further grounds for debate, thanks to the participants calling for a greater say for citizens in the election of the President of the European Commission, either through direct election of the President or by consolidating the *Spitzenkandidat* system.³⁸

Where next: Europe of Nations or United States of Europe?

For more than seven decades now, since the beginning of European integration, there has been a debate among politicians and social scientists about the direction in which the common European project is or should be heading. This question becomes particularly important at Intergovernmental Conferences. Although it was not intended to lead to treaty change, the Conference on the Future of Europe was no different in this regard. Each of the three themes discussed in the study has an impact on the future direction of integration, and it is therefore not without interest to know which path the Heads of State or Government choose to take in these areas.

By using qualified majority voting, Member States have accepted that decisions on certain policy issues can be taken against their national interest. However, the requirement for unanimous support on politically sensitive issues has remained in place until now.

³⁶ NAVRACSICS 2020: 7–28.

³⁷ ÅLANDER et al. 2021: 1–7.

³⁸ Conference on the Future of Europe 2022.

By maintaining this, nations can continue to ensure the protection of their national sovereignty and interests. The extension of qualified majority rule, however, strengthens the Community dimension, and a country will no longer be able to block a decision that is not to its advantage.

The transfer of powers to a supranational institution always entails the surrender of part of national sovereignty. This is also the case with the European Parliament. By giving it an increasingly important role in law-making, Member States have contributed to the fact that the Council may be forced to compromise on certain issues, and that the interests of the EP must be taken into account, alongside the alignment of national interests. This has led to a strengthening of the Community dimension. The status quo would not give Member States more room for manoeuvre, nor would it give the European Parliament more influence in policy-making. On the other hand, if more powers are transferred, the supranational level would be strengthened and the national level would be weakened, leading to deeper integration and a more united European Union.

In the choice of the President of the European Commission another key issue is whether the Heads of State or Government want to nominate the first person of one of the EU's most important institutions themselves, thus having some influence on the direction taken in the next five years, or whether they will willingly surrender this power. In the latter case, the national level is again weakened and both the *Spitzenkandidat* system and the direct election of the President imply a more politically active role for the Commission, moving away from a purely executive function.

Therefore, whatever the Member States decide, their choice will also determine whether the European Union should become more federal. This opens another chapter in the debate between the so-called sovereignists and federalists. As historical examples illustrate, there are two major camps of EU Member States: those which support a Europe of strong nations and those which want a more united Union. It is no different today, with the nations opposing deepening integration – Hungary, Poland – and those in favour of it – Germany and France, for example – being divided not only by concrete reform ideas but also by a theoretical and ideological divide. To move forward, this needs to be resolved, but this does not seem feasible in the short term. Consequently, addressing the implications of the Conference on the Future of Europe and the new directions for integration will certainly be a priority for many Presidencies, including the Hungarian Presidency in 2024.

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