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The Impact of Treaty Amendments on European Integration: Could Hungary Achieve its Goals in EU Reform?

In recent months, there has been an upsurge in calls for reform and treaty change in the European Union. The underlying motivations include improving the EU's capacity to act on the one hand and preparing the EU institutions for enlargement on the other. Although due to the formation of the new European Parliament and the European Commission, no substantial progress is likely during the 2024 Hungarian Presidency; nonetheless, the issue will not disappear from the political discourse. The present paper explores the impact of treaty changes on European integration, with a special focus on whether Hungary could benefit from such a process. The research examines changes in the depth of integration as measured by the content of each of the treaties that have been adopted and entered into force, using the criteria of Leon N. Lindberg, Stuart A. Scheingold, Tanja A. Börzel and Péter Halmai, and compares the results with Hungary's current objectives. Given that Hungary does not wish to cooperate more closely than it already does under the measurement criteria, it would be forced to make significant compromises in any reform of the EU.

Introduction

In the second half of 2024, Hungary will hold the rotating Presidency of the Council of the European Union. After the first six months of 2011, this is the second time since the 2004 accession that Hungary has held this post. The priorities set for the presidency of each country – including Hungary – are always about the future of European integration and the direction in which the nation would like to take cooperation. In the last two or three years, following the 2021–2022 Conference on the Future of Europe (CoFoE), this issue has taken on greater importance than before, both in policy and institutional terms. This is not expected to change during the Hungarian Presidency.

According to the resolution adopted by the Hungarian Parliament in July 2022, Hungary is of the opinion that it is now necessary to review and amend the Treaties.[1] This intention is in line with the conclusions of the Conference on the Future of Europe, where the participants identified a degree of reform that would require treaty change to implement some of its points.

On this basis, the European Parliament (EP) formally initiated the revision of the Treaties in June 2022,[2] but the next step – the Council's notification to national legislatures

[1] National Assembly Resolution 32/2022 (VII.19.) on the Hungarian Position to Be Represented on the Future of the European Union.
[2] European Parliament 2022.

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and submission to the European Council (EC) – on which in the second half of 2023 the Spanish Presidency has expressed its openness, but has not presented it to the Heads of State and Government until the study is finalised.

Considering that the treaty amendment process can be aimed at strengthening or weakening the Community dimension,[3] by examining the content of the ten treaties that have entered into force so far, and the direction of the changes, I seek to answer the question whether, in view of its objectives, it would be in Hungary's interest to amend the treaties again?

All the Member States of the European Union (EU) are modern, representative democracies, so the principle of democratic legitimacy applies in all of them. This means that all forms of exercise of executive power can be traced back to the people, who are the "ultimate source of executive power".[4] On this basis, in my paper I equate the interest of a nation with the preferences of its own Head of State or Government in negotiations.

From 1952, with the creation of the European Coal and Steel Community (ECSC), until 2024, cooperation between European countries underwent several changes in structure and name. In 1958, the European Economic Community (EEC) and the European Atomic Energy Community (Euratom) were created alongside the ECSC. As a result of the Merger Treaty, which came into force in 1967, these communities were collectively known as the European Communities (EC). In 1993, thanks to the Maastricht Treaty, the pillar structure was established, the EEC and the ECSC became the European Community, jointly known as the European Union, together with the Common Foreign and Security Policy and Justice and Home Affairs.[5] The name is still used, but the pillar structure was abolished in 2009, following the entry into force of the Lisbon Treaty. In this paper, for the sake of clarity, I will refer to the community of nations as the European Union, regardless of the era.

The study consists of four major structural units. In the first part, I will present the Conference on the Future of Europe, its aims, structure, participants, the final proposals of the Conference and Hungary's position on the future of integration. I will then briefly explain the possibilities for Member States to amend the Treaties and how an Intergovernmental Conference (IGC) is structured. Given that the focus of this research is to examine whether, in the light of the outcome of previous treaty changes, Hungary could be satisfied after another intergovernmental conference, I am not concerned with the factors that lead to a particular outcome, or which actors have what influence. In the third unit, I will examine whether the reforms from the Paris Treaty to the Lisbon Treaty have moved European integration in any direction and, if so, whether they have tightened or loosened cooperation between states. Finally, in the last section, I want to answer my research question.

[3] TEU Article 48 (2).
[4] Somody 2015: 35–42.
[5] Horváth 2005.

Debate on the future of the European Union

Discourse and debate on the future of European integration is a common phenomenon in the European Union. It is most important at the time of treaty amendments, when Member States decide on the long-term future of the Union. The European Convention in 2002–2003 was a new way of discussing new orientations for integration,[6] while the Conference on the Future of Europe in 2021–2022 also provided an unusual framework for dialogue on the EU's future.

The idea to organise a conference on the future of Europe is the brainchild of Emmanuel Macron, President of the French Republic. In 2019, the French head of state proposed the launch of a major series of events in which politicians and citizens would discuss the medium and long-term future of integration.[7] The new European Commission endorsed *The Conference on the Future of Europe,* which took office on 1 December 2019, so it formally became an EU initiative. Discussions on EU reform started on 9 May 2021, on Europe Day, and ended a year later on 9 May 2022.

As initially promised, a wide range of actors, horizontally and vertically, have been involved in the process. Delegates from EU institutions, citizens, civil society organisations, local and regional interest groups, national parliaments and government politicians all had their say on the possible directions of the European Union. The discussions did not focus on a single issue, but covered all EU policies. Though not reflected in the subsequent final reform proposals, the participants had to formally seek new solutions within the existing legal framework, as the Conference did not prepare a treaty amendment process.[8]

In order to involve as many stakeholders and citizens as possible and channel their views, consultations were held at four interlocking levels. At the lowest level, on the Conference website, all citizens were able to share their thoughts online on each of the topics. They were also able to do so in person at the National Citizens' Panels, organised at national and regional level, which were the next level in the structure of the Conference on the Future of Europe. What was said on these two platforms was channelled into four European Citizens' Panels, each made up of two hundred randomly selected citizens. The task of these four groups was to develop policy recommendations. The highest level at which the future of integration was debated was the Conference Plenary, which was also the forum where the final package of proposals was adopted. The 449 participants included representatives from EU institutions, nations, advocacy organisations and civil society. The Conference on the Future of Europe was chaired by a Joint Presidency,

[6] More than usual, a wider range of actors were involved in the negotiations leading up to the Intergovernmental Conference. More than 200 participants, national and EU politicians and delegates from thirteen candidate countries, took part in the Convention. The final proposal could be adopted by consensus and not only by unanimity.

[7] Macron 2019.

[8] European Commission 2021.

consisting of the Presidents of the European Parliament and the European Commission and the Head of State or Government of the country holding the Presidency of the Council of the European Union. Operational tasks were carried out by the Executive Board and the Common Secretariat, in which seven to seven members of the three EU institutions were represented.[9]

The final report adopted at the Conference Plenary was presented on 9 May 2022. The document envisaged both policy and institutional reforms. It called for closer cooperation and more EU involvement in some policy areas within the existing legal framework, while on other issues it called for more radical changes. The package of proposals included, among other things, the abolition of unanimity voting – with the exception of enlargement policy and changes to the EU's fundamental values – the extension of the powers of the European Parliament, the introduction of transnational party lists in European Parliament elections, and the strengthening of the legitimacy of the President of the European Commission.[10]

The final report of the Conference on the Future of Europe had to be adopted by consensus. Consensus had to emerge between delegates from the EU institutions and politicians from national legislatures,[11] and did not require unanimity. As a consequence, the views of some Member States on the future of the EU may not have been in line with the document. Hungary was one of these countries. The idea of a common European army, as advocated by Hungary,[12] did not appear in the recommendations of the Conference, and Hungary's position differs from those contained in the recommendations, for example, with regard to the role of the EU institutions and the decision-making process. Instead of directly electing members of the European Parliament, Hungary would like national parliaments to delegate its representatives – thus reducing the supranational nature of the EP. In addition, Hungary's priority is to ensure that in the future national governments and legislatures have the right of legislative initiative at EU level and that parliaments are able to block Community legislation.[13] It is also in line with the country's position, which runs counter to the "ever closer"[14] EU approach that it would keep the number of areas in the Council that must be adopted unanimously.[15]

9 Conference on the Future of Europe s. a.
10 Conference on the Future of Europe 2022.
11 Conference on the Future of Europe s. a.
12 A common European army would be a greater guarantee of Europe's security than relying solely on NATO, according to the Hungarian Prime Minister. This European army could also play an important role in the fight against migration (MTI 2016).
13 National Assembly Resolution 32/2022 (VII.19.) on the Hungarian Position to Be Represented on the Future of the European Union.
14 In the Preamble of the Consolidated version of the Treaty on European Union, Member States had stated that one of their long-term priorities is to create an "ever closer union" in Europe.
15 Zsíros 2022.

Treaty amendment process of the EU

There are two main reasons why the EU treaties may be amended, in whole or in part. In the case of enlargement, or if one of the eligible actors initiates it.[16] When a country joins, only parts of it need to be changed, while requests for reform imply more extensive changes. The European Parliament, the European Commission and the government of any Member State can take the initiative. They can propose the launch of the ordinary revision procedure and, since the entry into force of the Lisbon Treaty in 2009, the simplified revision procedure. While the former allows the parties to change any point in the treaties, the latter only allows them to revise passages relating to the internal policies and activities of the European Union, i.e. not to change the institutional competences of the institutions.[17]

Considering that both Hungary, the Conference on the Future of Europe and the EP's proposal include the modification of the European Parliament's powers, I will only present the features and structure of the ordinary revision procedure in the following.

The decision to start the treaty revision process is taken by the European Council by a simple majority after formal notification from the Council, which is obliged to inform national parliaments at the same time. The Intergovernmental Conference, which is the framework for the revision of the Treaties, is convened by the President of the Council. According to the treaties, only representatives of the Member States participate in the Intergovernmental Conferences,[18] but in practice the European Parliament,[19] the European Commission,[20] the General Secretariat and the European Central Bank are also involved in the negotiation process.[21] Participants hold discussions at three levels – officials, ministers, Heads of State or Government – in different configurations, depending on the topic. The officials, together with one member from each of the two main political groups in the EP, discuss legal and technical issues. At ministerial level, the foreign ministers of the Member States discuss political issues, and the President of the EP may attend at the beginning of their meetings. The most politically sensitive issues for the future of integration are discussed by the Heads of State or Government at a European Council meeting, at which the President of the European Commission is also present.[22] The adoption of the new treaty is also decided at the level of Heads of State or Government, but only the Prime Ministers and Presidents of the Republic have the right to vote, the Commission delegate does not. The document must be unanimously supported and signed by all national political leaders, meaning that any one of them can veto it if they disagree with its content. The treaty can only enter into force if all member states have ratified it in accordance with their respective constitutional requirements.

16 TEU Article 48–49.
17 TEU Article 48.
18 TEU Article 48.
19 Slapin 2011.
20 Christiansen 2002: 33–53.
21 TEU Article 48.
22 Christiansen 2002: 33–53; Stubb 2002.

Changes in the depth of integration following treaty amendments

To date, the Heads of State or Government have discussed and adopted eleven new treaties, ten of which have had a significant impact on the development of European integration. In 1950–1951, they decided on the Treaty of Paris, which established the European Coal and Steel Community. In 1956–1957, the treaties establishing the European Economic Community and the European Atomic Energy Community were negotiated. The Merger Treaty (1965), the Treaties of Luxembourg and Brussels (first and second budgets) (1969–1970 and 1975) and the Single European Act (1985–1986), as well as the Treaty on European Union (1990–1991), the Treaties of Amsterdam (1996–1997) and Nice (2000) and the Treaty of Lisbon (2007) were also preceded by intergovernmental conferences. The treaties adopted in 1951 and 1957 were the founding treaties of the European Union – the Treaty establishing the European Coal and Steel Community is no longer in force. The first treaty amendment was made at the 1965 Intergovernmental Conference.[23] In my study I will therefore examine the changes from the Merger Treaty onwards. However, I will not deal with the content of the Treaty establishing a Constitution for Europe. Though, at the 2003–2004 IGC, the document was signed by the Heads of State or Government, it did not enter into force because of the failure of the French and Dutch ratification. It was only later, during the negotiations on the Lisbon Treaty, that the agreed text became truly relevant, as the Member States had relied largely on the content of the agreement approved in 2004.

When a new treaty enters into force, it is not necessarily the case that there should be closer cooperation and a more federal European Union. The leaders of the Member States could decide at the Intergovernmental Conference to reduce the areas of Community competence.[24] In determining whether integration has deepened or perhaps become more intergovernmental following each treaty amendment, I rely on the views of Leon N. Lindberg, Stuart A. Scheingold, Tanja A. Börzel and Péter Halmai.[25]

Börzel, but earlier Lindberg and Scheingold had also argued that there are two directions of cooperation between states: horizontal and vertical integration. The breadth of integration, i.e. the extent of horizontal integration, can be measured by the scope of Community decision-making, the number of areas in which the European Union has legislative competence.[26] Lindberg and Scheingold measured the depth of integration by the "level of centralisation", i.e. the relationship between Community and national decision-making on a given issue.[27] Börzel also identified decision-making as a factor that can be used to determine the depth of integration. He classified each policy area into different categories according to the decision-making process, the role of supranational institutions and the required voting form in the Council.[28]

[23] Laursen 2012a: 77–97.
[24] TEU Article 48 (2).
[25] Lindberg–Scheingold 1970; Börzel 2005: 217–236; Halmai 2020: 145–161.
[26] Lindberg–Scheingold 1970; Börzel 2005: 217–236.
[27] Lindberg–Scheingold 1970; Halmai 2020:147.
[28] Börzel 2005: 222.

Péter Halmai argues that the two above-mentioned dimensions cannot be sharply separated, and that the depth of integration can be determined by examining both EU competences and decision-making rules.[29] In my research, I take Lindberg's, Scheingold's and Börzel's aspects as a starting point, while agreeing with Halmai's claim, I use them to measure vertical integration. In this sense, we can speak of deepening integration in three cases: 1. When the scope of Community decision-making is broadened; 2. When the decision-making process in an area changes, in which the role of the EU institutions is strengthened; 3. When there is a shift from unanimous to qualified majority voting in the Council. If, on the other hand, Member States make changes in the opposite direction in the same areas, the result will be less deep integration than before. In case of other reforms, their cooperation will neither deepen nor become more intergovernmental – for example, the possible introduction of transnational party lists, although this move would be a clear expression of the political will for deeper integration.

Changes in the scope of Community decision-making

One measure of the evolution of cooperation between EU Member States is the change in the scope of Community decision-making, i.e. the number of areas where the European Union has legislative competence. The policies covered can be divided into three groups – exclusive, shared and supporting – based on the relationship between the Community and national levels. Where the Union has exclusive competence – today, for example, in the customs union, common commercial policy or monetary policy for euro-area countries – binding legislation can only be adopted at Community level.[30] In case of policies where legislative competence is shared between the Member States and the Community, nations can only adopt binding legislation that does not infringe on the exercise of the Union's competences.[31] Today, most policy areas fall into this category, such as environment, internal market, transport, energy.[32] The third group of policies – education, culture, industry, etc. – are supporting competences for which the EU can only act in a complementary, coordinating role.[33]

All of these areas fall within the scope of Community decision-making, so the increase or decrease in their number determines the depth of integration.[34] Looking at the decisions taken in the treaty amendment processes, it can be concluded that, even if the political decision-makers did not always change the competences in substance – for example in the Merger Treaty or in the Lisbon Treaty – when they did, it was always a transfer of sovereignty.

[29] Halmai 2020: 145–161.
[30] TFEU Article 2 (1); Article 3 (1).
[31] TFEU Article 2 (2).
[32] TFEU Article 4 (2).
[33] TFEU Article 2 (5); Article 6.
[34] Halmai 2020: 145–161.

The Heads of State or Government decided for the first time at the 1985–1986 Intergovernmental Conference to redefine competences, and as a result, the Single European Act enshrined the need for common European action in new policies to complementing existing ones. As a result, economic and social cohesion, the creation of economic and social cohesion, research and technological development and environmental policy became the competence of the European Union.[35] At the next IGC, in 1990–1991, politicians again decided to expand the EU's competences. EU leaders added education, development cooperation and consumer protection, among others, to the range of policies falling under Community decision-making.[36] The Treaty on European Union – also known as the Maastricht Treaty – also established the pillar structure that existed until 2009, consisting of the European Community (first pillar), the common foreign and security policy (second pillar) and justice and home affairs cooperation (third pillar). The Community principle applied in the first pillar areas, while the intergovernmental principle applied in the second and third pillars. However, in the common foreign and security policy, the Commission and the European Parliament also had a limited role.[37]

Following Maastricht, the Heads of State or Government have transferred powers to the European Union on two further occasions. In 1996–1997, the Schengen acquis was upgraded to Community level, which meant that some of the third pillar policies were transferred to the first pillar, such as asylum, migration, customs fraud, etc.[38] Another important reform was the inclusion of employment policy in the EU competence.[39] In 2000, the Treaty of Nice added new areas such as economic, financial and technical cooperation with third countries.[40]

The changing role of supranational institutions in EU decision-making

Over the past decades, Heads of State or Government have made several changes to Community decision-making procedures, notably in relation to legislation and the election of the European Commission. The winners of these reforms have been the European Parliament, which has been given an increasing role in these processes through the amendment of the Treaties.

Since the start of integration in the European Union, the European Commission (until 1958 the High Authority) has had exclusive right of legislative initiative. Until 1986, its proposals had to be adopted only by the Council of Ministers, while the Assembly – known as the European Parliament since 1962 – had only consultative powers, which meant that its support was not necessary for the legislation to enter into force, nor did the Council have to take its proposals for amendments into account. The first partial

[35] European Economic Community 1987: Articles 23–25; Dinan 2012: 124–146.
[36] Mazzucelli 2012: 155.
[37] Mazzucelli 2012: 156.
[38] Börzel 2005: 217–236; Vanhoonacker 2012: 180–195.
[39] Treaty of Amsterdam, Title VIa.
[40] Treaty of Nice, Title XXI.

change came in 1970 with the Treaty of Luxembourg, the first Budgetary Treaty, when the introduction of own resources gave the Community financial autonomy and the EP's budgetary powers were extended. A significant background to this was that, whereas the political leaders had laid down the above-mentioned consultation procedure in this area in the Treaty of Rome,[41] the Treaty of Luxembourg required the Council to take account of the European Parliament's opinions on the amendment and the Commission to consult the relevant committees before submitting the draft.[42] However, there was no significant increase in powers, since on the one hand the EP could only amend non-compulsory expenditure, which accounted for up to 3% of the Community budget, and on the other hand the Council could overrule the EP's proposals by qualified majority. The 1975 Brussels Treaty – the second Budgetary Treaty – gave the European Parliament additional powers over the budget. The European Commission had to report annually to the EP on the implementation of the budget, in addition to the Council, [43] and the Heads of State or Government provided that the institution could reject the draft for important reasons and at the same time ask for a new proposal to be presented.[44]

Since 1987, with the entry into force of the Single European Act, the European Parliament's role in EU law-making has increased considerably. On the one hand, the Heads of State or Government extended the consultation procedure to new policy areas and,[45] on the other hand, they introduced two new procedures which gave the EP greater importance: the co-operation procedure and the assent procedure. Under the cooperation procedure, the Parliament could vote on the Council's position on a proposal for legislation, the EP could adopt, amend or reject it, but the latter could be unanimously overruled by the ministers.[46] In the assent procedure, the European Parliament's veto could not be overruled by the Council, but this type of legislation was only used in a few priority areas, such as the approval of accession treaties of new Member States and certain international treaties.[47]

The legislative role of the EP was further strengthened by the Maastricht Treaty, when the Member States decided at the 1990–1991 Intergovernmental Conference to extend the assent procedure and to introduce the co-decision procedure, making the institution a co-legislator on an equal footing with the Council.[48] At that time, the number of policy areas to be adopted in this way was very limited, but on subsequent occasions when the treaties were amended, Member States increased the number of matters covered, so that now the co-decision procedure – now known as ordinary legislative procedure – is used in most areas.[49]

41 Treaty Establishing the European Economic Community, Article 203.
42 Treaty Amending Certain Budgetary Provisions.
43 Knudsen 2012: 98–123.
44 Treaty Amending Certain Financial Provisions, Article 12.8.
45 Dinan 2012: 124–146.
46 European Economic Community 1987: Article 7.
47 European Economic Community 1987: Articles 8–9.
48 Mazzucelli 2012: 147–179.
49 Ziller 2012: 244–268.

In addition to legislation, the election of the European Commission was an area where the Heads of State or Government decided on reforms that extended the powers of the EP as a supranational institution at the expense of the nations. For the first time, in 1990–1991, it was decided that the new body would need Parliament's approval to take office, and that it would have a right to consult on the choice of the Commission's president.[50] The latter changed with the Amsterdam Treaty, and until 2009 the EP had to approve the President of the Commission, and today, as a result of the Lisbon Treaty, the institution has a veto on the election of the first person of the European Commission.[51]

As a result of the treaty amendments, in addition to the strengthening of the community level, there were also examples of nations having competences that limited supranational institutions. In the Single European Act, for example, although the European Commission was given responsibility for implementing the single market programme, the principles and rules governing its exercise were laid down unanimously by the Council.[52] And in Maastricht, with the introduction of the pillar structure, important areas such as foreign and security policy and criminal law were left under national control.[53]

Evolution of the Council's decision-making rules

The different formations of the Council of the European Union, also known as the Council of Ministers or Council, are made up of the ministers responsible for the policy area and the EU Commissioner responsible for the area, but only the ministers have the right to vote. The institution has existed since the beginning of European integration and one of its main tasks is to legislate. The Council is now co-legislator with the European Parliament in most areas. It has traditionally represented the interests of the Member States in the EU decision-making process. It has two different voting methods: unanimity and qualified majority voting – since 2014, a double majority. In the case of unanimity, all Member States must vote in favour of a decision, but in the case of qualified majority voting, it is no longer a requirement that all Member States support the change. Until 2014, the required majority was determined by weighting the votes of each nation differently and prescribing the majority required for adoption on the basis of these weights. For three years, until 2017, there was a transitional period during which ministers could fall back on this system, but after 2017 they had to – and still have to – apply the double majority principle, which has officially existed since 2014. This means that each Member State's vote counts for the same amount, and that a decision requires a minimum of 55% of the Member States' votes, and that these countries must also represent at least 65% of the EU's population.[54]

[50] Treaty on European Union, Article 158.
[51] Treaty of Lisbon, Article 9a.
[52] Dinan 2012: 124–146.
[53] Mazzucelli 2012: 147–179.
[54] Arató–Koller 2015.

Although in the early period of integration – from 1952 to the 1970s – politicians used majority voting only on rare occasions, with unanimity being the goal on most issues,[55] the Paris Treaty already defined areas where qualified majority support was sufficient.[56] The number of these areas has increased as a result of treaty amendments. Member States extended the scope of matters subject to the qualified majority rule firstly in the Single European Act signed in 1986,[57] and thereafter reduced the number of policies to be adopted unanimously at each IGC.[58]

Hungarian interests and the future of the European Union

Based on the criteria described above and Hungary's objectives, Hungary would like to achieve a less deep European cooperation in the long term than it is at present. Hungary is committed to the creation of a common European army, but beyond that, it would strengthen the national level in the Union, both in the relationship between supranational and national institutions and in the decision-making rules. Support for the preservation of unanimity is not only a political choice, but also a result of the country's characteristics. For example, in the decision-making process on sanctions against Russia, our particular national interest, which also stems from our geographical location, has shown why the veto option is significant for us. Moreover, as one of the smaller countries in the EU in terms of GDP and population, preserving the veto right is particularly important for Hungary because the veto is one of the most important instruments for smaller Member States, including Hungary, to assert their interests.

The debate on the need for treaty amendment and the new orientations has taken on a new relevance thanks to the Conference on the Future of Europe held in 2021–2022. This is why not only the opinions of the Member States, but also the recommendations of the Conference could serve as a basis for negotiations at a possible Intergovernmental Conference. Overall, the Conference participants proposed a deepening of integration. Unanimity in the Council would be abolished in all but two areas – enlargement and changes to the EU's founding principles – and certain areas of education policy would be moved from national to shared competences, while the European Parliament's role in decision-making would be increased. On the one hand, it would be given the right of legislative initiative, on the other hand it would be given the exclusive power to adopt the EU budget – thus excluding the Council from decision-making – and the Conference would also support the introduction of a system of top-level candidates – the Spitzenkandidat process.

[55] This kind of consensus-building is still a feature of the European Union today, also in areas subject to qualified majority voting.

[56] Magnette–Nicolaïdis 2004: 69–92.

[57] See for example European Economic Community 1987: Article 6 (7); Article 16 (3) and (5).

[58] Mazzucelli 2012: 147–179; Vanhoonacker 2012: 180–195; Laursen 2012b: 196–216; Kurpas et al. 2007.

The European Parliament could also shape the agenda with its own proposals – granting the right of legislative initiative, extending majority voting, extending Community powers – but the final decision on the future of integration will be taken by the Member States. At present, only the issue of the Council's decision-making process is high on the political agenda among the areas whose reform would have an impact on the depth of European cooperation. Ten EU nations want unanimity voting on foreign and security policy matters to be replaced by qualified majority voting,[59] but several Member States – Hungary, Poland, Croatia, Austria – are opposed to the change.[60] Germany would also extend qualified majority voting to tax policy.[61] Among the countries that have expressed their views, those in favour of deeper integration are in the majority, and although it is difficult to predict now how the balance of power would evolve in an Intergovernmental Conference, experience from past treaty amendments suggests that when changes have been made, they have resulted in a reduction in the number of areas subject to unanimity. This means that in several cases, the proponents of deeper integration have succeeded in getting nations that initially argued for unanimity to change their position during the negotiations.

In the context of previous Intergovernmental Conferences, it can also be concluded that, overall, nations either failed to implement all the desired reforms and then the status quo was maintained in those areas,[62] or their changes were aimed at deepening integration. There has been no example of Member States returning to a previous state of cooperation. In view of the above, it would not be in Hungary's interest at the moment to launch a new treaty amendment process, as general experience and current political ambitions suggest that Hungary would not be able to fully achieve its objectives.

Although the requirement of unanimity means that Hungary – and all other Member States – have a veto in the negotiations, this does not necessarily mean that Hungary can always prevent with that the further deepening of integration. In the European Union, nations have the right to opt out. This means that if a country does not wish to participate in an area of EU cooperation, it can exercise this right, preventing a stalemate and facilitating an agreement. Currently, Denmark, for example, uses such opt-outs in the area of economic and monetary union,[63] and Ireland in relation to the Schengen Agreement.[64] In addition, a recent Franco–German proposal calls for the creation of a multi-speed union, not unknown in the history of integration, and also raises the possibility of closer cooperation through a complementary reform treaty, which would no longer require the support of all Member States.[65]

If the options described above were to be applied, Hungary would not be able to prevent, but only to stay out of deeper integration.

[59] MTI 2023.
[60] ENR 2023.
[61] The Federal Government of Germany 2023.
[62] A good example for this is the 1996–1997 IGC, where, when the Council's decision-making was amended, in the absence of consensus, the qualified majority voting rule was not extended as much as some political leaders would have wished.
[63] TFEU Protocol 16.
[64] TFEU Protocol 19.
[65] Report of the Franco–German Working Group on EU Institutional Reform 2023.

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