

## ABSTRACTS

Andreas Hofmann and Wolfgang Wessels

### **The Treaty of Lisbon – a Stable and Conclusive Answer to Key Constitutional Questions?**

The Treaty of Lisbon presents itself as the answer to three key constitutional questions: How should the division of competencies between the Union and the member states best be defined? How can actors be positioned and procedures be structured to increase the Union's capacity to act? What provisions will make the EU system 'more democratic' and thereby increase its legitimacy? In answering these questions the member states are faced with a number of structural dilemmas. A series of changes to the existing provisions is expected to lead to increased efficiency as well as more democratic participation and controls within individual institutions and procedures. It is uncertain, however, if these effects will prove mutually reinforcing or if, on the contrary, they will turn out to be counterproductive in combination. The underlying constitutional problems and questions are not conclusively addressed by the Lisbon Treaty.

Daniela Kietz and Andreas Maurer

### **Review and Future of the Presidency within the Council System of the European Union**

The German EU-Presidency has been praised by European capitals, media and EU institutions for its successful term in office. Despite difficult conditions and complex expectations, EU member states and EU institutions agreed under the German aegis not only upon key questions of integration (particularly within the process of treaty reform), but also several strategic and long-term projects (for example in energy and climate policy) as well as upon a multitude of legislative projects. Considering this diverse spectrum of tasks demanded of the Presidency, the German Presidency provides a good case not only for analysing its specific performance but also for examining the factors which generally enable EU-Presidencies to work successfully. Having done so, this article tries to relate its findings to the reforms of the Council system foreseen in the Lisbon Treaty and draws conclusions about their likely impact on the future organisation of Council Presidencies. Will the (elected) President of the European Council be able to play a strategic role in giving impetus to the EU's political agenda and in brokering compromises in the same way as the Heads of State and Government who act as EU Council Presidents today?

Heinrich Schneider

### **The European Union, Churches and Religions: Reflections on a Controversy**

The article in the European constitution concerning churches, religious associations or communities and philosophical and non-confessional organisations as well as the inclusion of references to religion in the constitution's preamble gave rise to notable controversy at the time when the document was being negotiated. The debate focused not only on the requests of the Christian churches and the assertion of national religious models at the European level. The author considers the various options brought into play together with their at times unspoken implications and draws a conclusion. That the 'Church clause' remained intact in the Treaty of Lisbon is by no means an automatic success for its advocates; in this respect there are likely to be very few treaty changes in the near future.

Andreas Wimmel

### **The Democratic Legitimacy of European Governance: a Labyrinth With No Exit?**

In recent years, the question of the legitimacy of European governance and the repercussions it has on democratic procedures in EU member states has led to an extraordinarily intricate and controversial debate of which one struggles to maintain an overview. Indeed, it can seem as if one is trapped in a labyrinth with no exit. This article makes an effort to disentangle the intertwined strands of theory and to present an analytical differentiation that sheds some light on this complex maze. Taking the available categorisations into consideration, a metatheoretical framework is developed which differentiates between particular concepts, objects, variables and standards of democratic legitimacy in the European multi-level system. The result is a heuristic which should enable a more precise analysis and evaluation of democracy and legitimacy criticisms with which the European Union is increasingly confronted.

Klaus Brummer

### **Competition Over Human Rights in Europe: the EU and the Council of Europe**

How can human rights be protected effectively and efficiently in the European multi-level system? This question is particularly relevant at the European level where a range of actors coexists in a non-hierarchical system. The failure of actors to join forces can lead to inconsistent standards in the protection of human rights or to a duplication of efforts on the one hand and gaps in the system on the other. The article discusses the problems surrounding the interaction between the European Union and the Council of Europe. In a series of agreements the two have committed themselves to cooperative action on the protection of human rights. The founding of the EU Agency for Fundamental Rights and the investigation into the CIA affair, however, demonstrate the continuing problems of coordination. The task remains to regulate the cooperation between EU and Council of Europe on the protection of human rights in Europe as much as necessary while allowing as much flexibility as possible.

Manfred Grund

### **Ukraine After the 2007 Parliamentary Elections: New Prospects for Integration?**

The Orange Revolution of 2004 gave rise to great hopes of a democratic revival and a swift integration of Ukraine into Euro-Atlantic structures. What followed was starkly sobering: a long-term political crisis with three general elections and four changes of government within less than three years. The election of September 2007 also failed to bring an end to the crises of the previous years. This, however, should not detract from the transformation processes which have taken place in Ukraine in the meantime. The internal logic behind the transformation which has gripped Ukraine since the Orange Revolution is becoming increasingly Western-oriented. We should not expect, however, any immediate prospects for accession on the part of the EU. Nonetheless, the door to the EU will, in principle, also be open to Ukraine. One condition would be that Ukraine overcomes its long-term political crisis and finds its way to a stable reform policy.

*Übersetzungen aus dem Deutschen von Matthew Beavers.*