

DOI <https://doi.org/10.30525/2592-8813-2026-1-10>

## BACKGROUND TO THE LATEST REFORM OF THE EUROPEAN UNION TREATIES PROPOSED BY THE EUROPEAN PARLIAMENT

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**Abstract.** The article discusses the latest proposal for reform of the European Union treaties, which was included in the European Parliament resolution of November 2023. However, what constitutes the basis of the narrative are various motives, circumstances and everything that contributed to the proposed vision of the future of the European Union. Therefore, issues such as Brexit, the COVID-19 pandemic, the process of EU enlargement, the financial crisis, declining trust in the European Union, new rivalry between global powers, and the war in Ukraine were all subject to detailed analysis. All of this contributed to the reform proposal presented by the European Parliament. The considerations contained in the text end with the observation that it can be assumed with a great degree of probability that the latest proposal to change the treaties, regardless of its final result, will not end the process of European integration.

**Key words:** European Union, European treaties, institutional reform, the future of the European Union.

**Introduction.** On November 22, 2023, the European Parliament voted in favor of a proposal for broad changes to the EU Treaties, including the abolition of the right of veto in the Council of the European Union and the expansion of the European Union's competences in dozens of areas, including by adding new exclusive competences and expanding the scope of shared competences. The European Parliament's proposal (previously supported by the European Parliament's Constitutional Affairs Committee) contains a total of 267 amendments of varying severity. The resolution calling for the amendment of the Treaties was supported by 291 MEPs, 274 voted against, and 44 abstained.

It is worth recalling that the pretext and, at the same time, the starting point for the process of amending the treaties defining the system and organization of the European Union, launched at the end of 2023, was a report by a group of 12 experts appointed by the governments of France and Germany. Although this document does not constitute an official position of the governments of France and Germany, it can be assumed with a high degree of probability that it represents the direction of change preferred by both countries, especially since the group of experts was initiated and selected by Paris and Berlin, and the selected group members did not generally present a pluralism of views on the future of the EU, having a rather clearly defined vision of what they were striving for. The Group of 12 report was therefore unofficial in nature and is perceived as such by the vast majority of Member States, who consider it merely a contribution to a broader discussion. Formally, the report was not the subject of, or even supporting material for, the work of the European Parliament. Nevertheless, along with the results of the Conference on the Future of Europe (J. Barcz, 2021; 4), it was intended – in its own way – to legitimize the initiated process of amending the Treaties, simultaneously demonstrating that there is a certain pressure within the Union to implement specific changes. It should be noted that the practice of appointing expert groups by only two Member States, without inviting the other states, to indicate the desired direction of change in the EU does not contribute to the principle of equal treatment of Member States. Such practice rather indicates a strong belief in the leading role of France and Germany in the Union and the treatment of both countries as the locomotives or engines of integration. Nevertheless, it is worth bearing in mind that the principle of respecting consensus and taking into account the positions of all Member States would support the invitation of experts from all Member States. The minimum requirement was to include a significantly larger number of them. Some Member States are hesitant to point this out, but it seems that most of them, either explicitly or

tacitly, accept the role of the German-French duo as a leading force in the European Union, including in shaping its future development.

The most important changes proposed in the report include: 1) extending the qualified majority voting system in the EU Council to all Community policies, including foreign and security policy. Experts also proposed replacing the current majority requirement (countries supporting a given issue must represent at least 65% of the population and 55% of the member states) with a more easily achievable requirement of 60% of the population and 60% of the member states; 2) unifying the electoral law for the European Parliament across all Member States; 3) increasing the EU budget through new sources of EU revenue: taxes such as a minimum corporate tax or a digital tax, and granting the EU the right to issue common debt; 4) recommending that negotiation chapters with candidate countries be closed by a qualified majority of 4/5 rather than unanimous decision of the Member States; 5) further expanding the catalogue of shared EU competences in the area of freedom, security and justice and cross-border infrastructure.

Differing assessments of the report indicate that it was ostensibly intended to be expert, but in reality, it was intended to provide a supposedly objective and unrelated proposal for treaty reforms, which, however, had long been promoted by the German-French duo. Hence, it is sometimes emphasized that the creation of the Group of 12 and its preparation of the report were purely propaganda and marketing, primarily to ensure that neither Berlin nor Paris were identified as the actual authors of the package of prepared treaty changes, especially since the Group of 12 proposals were ultimately included in a resolution of the European Parliament and are now formally the subject of the initiated process of amending the EU treaties.

In its proposal to amend the EU Treaties, the European Parliament calls for the abolition of the unanimity voting rule in the Council of the European Union in the last remaining areas where it still applies: foreign policy, security, and national defense. Another change is to expand the list of shared competences between the Member States and the Union. It is to include matters relating to security, defense, public health, and forestry. The European Union would, in turn, gain exclusive competence in matters related to the environment and biodiversity, as well as in negotiations on global warming. The adopted recommendations also tighten provisions related to the rule of law, including amending Article 7 of the Treaty on European Union so that a finding of a violation of EU law would almost automatically entail financial consequences for the state against which infringement proceedings are pending. Moreover, the European Parliament's proposals also included establishing the jurisdiction of the Court of Justice of the European Union for all interinstitutional disputes. The proposed amendments also include the establishment of a common policy on the European Union's external borders. It is important to note that while institutional changes reforming the architecture of the European Union receive the most attention, as always, the majority of the 267 amendments concern the axiological sphere. These include, for example, proposals redefining the role of European political parties, redefined as "contributing to shaping European political awareness and expressing the will of the citizens of the Union. European political parties may promote, support, and finance activities aimed at achieving these objectives." The axiological area also includes proposals concerning education, including, in particular, classifying education as a shared competence between the Union and its Member States. If this change is successful, it will mean limiting the legislative activity of Member States in the field of education for the benefit of the European Union. Furthermore, it was assumed that the Union's goal should be to promote cooperation between educational institutions, and it was further indicated that the scope of the Union's activities should include promoting cooperation and cohesion between education systems, while simultaneously ensuring the preservation of cultural traditions and regional diversity. On this occasion, it is worth noting that the proposal for treaty reforms moves away from the statement concerning national identity and differences resulting from the traditions and experiences of individual Member States in favour of a much more shallow concept, detached from the concept of

the state, referring "only" to regional differences, which is a clear and unambiguous cold axiological error, unambiguously indicating the intentions.

The European Parliament's proposal also strengthens the European Parliament's role by granting it the right to initiate legislation and nominate the President of the European Commission, which, according to the proposal, would be renamed the "European Executive." Furthermore, the recommendation would reduce the number of Commissioners to 15, meaning that not every Member State would have a representative on the Commission, as is currently the case.

The procedure for amending the EU Treaties is regulated in detail in Article 48 of the Treaty on European Union. According to this provision, after a proposal for amendments is presented by a Member State's government, the European Commission, or the European Parliament, the Council of the European Union forwards it to the European Council. Amendments are also notified to national parliaments. The latter, in accordance with Article 12(d) of the Treaty on European Union, participate in the procedures for amending the Treaties. As announced by the Spanish Presidency, EU ministers are to discuss the parliamentary report at the General Affairs Council meeting scheduled for December 12.

The ability to amend the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) is fundamental to the European Union (EU). It allows the EU's legislative and policy framework to adapt to the new challenges it faces. Current procedural arrangements allow for the use of both a standard and a simplified revision procedure. Regardless of the procedure used, EU Member States must adopt amendments to each Treaty unanimously, in accordance with their own, i.e. particular, constitutional solutions provided for the ratification of international agreements. Depending on the Member State, these solutions may be general (and therefore identical for all international agreements), or specific, with their qualified subclass being agreements concluded within the European Union (which is regulated in the so-called European clauses or provisions).

**The path to formulating the latest reform.** The European Union is practically constantly discussing the desired directions of institutional reforms, which, by the way, justifies the statement that European integration is something that is never finished, something that is always in the *in statu nascendi* phase (D. Rossa-Kilian, 2006; 169).

At least since the reform process accelerated and took a clear direction toward something more than just an international organization, reforms of primary law have been an essential part of the European narrative (Z. Czachór, 2022; 59). Suffice it to recall that the adoption of the Maastricht Treaty in 1992, which formally established the European Union in place of the temporary Communities, did not end the creation of the legal foundations for European integration. It quickly became apparent that Maastricht was neither ambitious nor operational enough, and that further reforms were necessary. These were implemented in the amended versions of the reform treaties adopted shortly thereafter, first in the Treaty of Amsterdam (1997), and later in the Treaty of Nice (2001). The latter formally entered into force in 2003, and immediately afterwards, work began on an even more visionary reform, which was not intended to be just another partial change, but rather to lead to the adoption of an entirely new treaty. It was not hidden from view that this new treaty would be utterly innovative and avant-garde, that it would change the face and pace of integration, and at the same time, give it the hallmark of centripetal integration, consolidating, and even centralizing the European Union.

The intentions of the reformers, who in 2003 embarked on a fundamental overhaul of the EU Treaties, were expressed in the treaty establishing a Constitution for Europe, finally adopted in 2004. Its very name unequivocally expressed the intentions of the creators of the new law. While it was intended to remain a treaty, an international agreement modeled after a classic international organization, it was also intended to establish a constitution for Europe (Constitution pour l'Europe; Constitution for Europe), clearly demonstrating the intention to achieve much more than just another version of the institutional arrangement of a typical international organization. The debate at the time argued that the use of the term "constitution" in the treaty's proper name was

intended to suggest a parastatal perception of the reformed European Union. It was argued in this connection that a special reference was made to the totemic concept of the constitution, which is invariably correlated with the state, and at the same time this concept was transferred to the plane of international law, which was intended to express the intention of "etatization" of the European Union (M. Kruk, 2004; 37, i.e). strengthening its state element, while weakening its international component at the same time, which was all the easier because the European Union had long been treated as an international organization *sui generis*.

Consequently, the treaty adopted in 2004 was intended to be both a treaty (international agreement) and a constitution, symbolically demonstrating the transformation of the union of states into at least a para-state entity (S. Parzymies, 2004; s. 26, i.e). This, among other things, meant that ratification of the treaty establishing a constitution for Europe encountered significant resistance in member states, including Denmark, Ireland, and France. Europeans thus rejected the idea of centralizing the Union and making it excessively similar to a state, a view motivated by, on the one hand, a commitment to the nation-state and, on the other, the need for a clear demarcation between the state and the Union (E. Kuźelewska, 2011; 39).

The failure to reach a conclusion on a treaty establishing a constitution for Europe came as a considerable surprise to the European establishment. It was convinced that the adoption of the new Treaty of Rome (the Constitution for Europe, to emphasize its historical significance, was signed in Rome, the very place where the first treaty in European integration was signed) was merely a formality, and that the societies of the Member States had already been adequately primed for a step-change in approach to integration. This was the purpose of concepts such as European identity, a single European space, and, proposed by Jürgen Habermas, the idea of European constitutional patriotism, and simultaneously—correlated with it—a broad propaganda campaign exposing, among other things, the shortcomings of the nation state, the sins of traditional patriotism identified with the existing state, and nationalism (P. de Villiers, 2019; s. 21). Suffice it to recall that the so-called EU newspeak began to be widely adopted in European discourse, which, for example, anathema to the concept of nationalism, but not to imperialism, which—as we know—was the driving force behind 20th-century totalitarianisms. This is one of the reasons why, for some time now, the nation-state has been criticized and sometimes even questioned in the European Union as a supposedly archival and antiquarian construct, while simultaneously fostering a "dream of power" that the European Union is supposed to be, to which the term "empire" is attached, a term that—interestingly—in no way conjures up any negative connotations (J. Zielonka, 2007; *passim*). This same newspeak is slowly changing the rudimentary meaning of conceptual categories such as nation, state, nationalism, and patriotism, to the point that patriotism has become correlated with nationalism, and nationalism, in turn, with autocracy, which has been contrasted with democracy, which supposedly thrives best on the soil of cosmopolitanism, integration, and Europeanization. In this way, a unique set of concepts has been created, which are either met with unequivocal affirmation (Europe, Europeanness, integration, democracy) or condemned as discredited, outdated, archaic, or even dangerous (nation-state, patriotism, nationalism, populism, autocracy). Incidentally, few people realize that this is precisely how a Manichaeon vision of the world has been created in European discourse. A unique dualism has been created, around which participants in debates on the future of the European Union are supposed to orient themselves. On one side of this debate, then, are supposed to be progressives, European democrats who invariably resort to the slogan "more integration." On the other side are supposed to be variously hued orthodox populists, nationalists, and autocrats. In this primitive and oversimplified convention, some are supposed to be supporters of the European Union, whatever it may be, while others are supposed to be anti-European and anti-EU troublemakers, at best misunderstanding historical processes, and at worst cynics or even agents putting a stick in the spokes of the bicycle that is European integration. The bicycle parallel here is not coincidental. For a long time, a belief expressed

by Jacques Delors, that European integration is like riding a bicycle, has persisted among acolytes of tightening European integration, that European integration is like riding a bicycle, and that this means that if we stop it, the entire European project will simply topple over.

The set of rhetorical and stylistic devices developed during the discussion on the European Constitution has only deepened over time. The obligatory dualism of attitudes towards the European Union has been supplemented by such incantations as rule of law, climate, ecology, abortion, and gender. These are the additional focus of the discussion on the past of Europe and the European Union, according to the idea that unconditional support for these ideas signifies Europeanness, progress, and democracy, while resistance, or merely major or minor reservations or explanations, positions the interlocutor as, by definition, an opponent of integration, a populist, a demagogue, an anti-democrat, a supporter of the *ancien régime*, etc.

The war in Ukraine, which erupted in February 2022, added a new layer of arguments to this Manichaean approach, simultaneously equating the European Union with Europe in general. This was clearly evident in the spring 2024 European Parliament elections, when the Brussels elite's strategy proposed making the war and related issues an additional dividing line. According to this strategy, those who nuance the assessment of the war in Ukraine are "anti-Europe." Those who point out the ambiguity of the interests and goals of the parties involved in the conflict are "anti-Europe." Those who are insufficiently engaged in aid for Ukraine are "against Europe." Needless to say, all those who are "against Europe" are supporters or even agents of Vladimir Putin, populists, nationalists, anti-Europeans, enemies of integration, and opponents of Europe (the European Union) becoming an empire. In this way, EU newspeak has broadened the concept of the European Union, practically identifying it with Europe and its democratic liberal values, while simultaneously contrasting it with what is no longer Europe, what is not Western civilization, what is not democracy, what is not progress, and what sums up all their antonyms. Paradoxically, the war in Ukraine is significant not only from the perspective of the EU's newly created instruments of action (e.g., in the area of common foreign and security policy), but also has a much broader narrative and propaganda significance. It has become one of the most important motivations for efforts to so-called strengthen the Union, one of the most important means of which is the initiated amendment of the EU treaties.

To catalogue other motives that ultimately contributed to the latest reform of the European Union, one can point to, for example: 1) Brexit, i.e. the unprecedented withdrawal of one of the Member States from the Union; 2) the COVID-19 pandemic, which has changed the approach to rapid response to unpredictable events and situations, while demonstrating the importance of citizens' health security; 3) the launched process aimed at the accession of new Member States, which will culminate in a significant enlargement of the European Union, which in turn may bring turbulence to its smooth operation; 4) new challenges in global geopolitics (the situation in the USA and China and the tensions between these two countries); 5) the rise of the so-called middle powers, which require an appropriate response from the European Union; 6) the so-called rule of law crisis in some Member States, which has generated unconventional actions by the European Union, in some cases even described as *ultra vires* actions; 7) practical changes in the way the European Union functions, which have often been responsive to stimuli coming from the environment (in the area of health, safety, supplies of raw materials, energy, etc.); 8) changes in the human natural environment (climate and the effects caused by its change); 9) the EU's financial problems, which occurred on a largest scale shortly after the adoption of the Lisbon Treaty and which have been dubbed the "financial crisis", which consumed the Union and some Member States for the next decade, requiring appropriate measures (K. Żukrowska, 2012; 73); 10) falling trust in the European Union among citizens of the Member States (D. Pastarmadzhieva, M. Angelova, 2021; 19), which, together with the Union's perennial democratic deficit, significantly lowers the Union's social rating and means that in most cases it is still the Member States that are subject to the so-called first identification.

A separate motive, it seems, was the determination to complete the treaty-based construction of a strong Union after the failure to reach a conclusion on a treaty establishing a constitution for Europe. The false start to the adoption of a constitution for Europe was a kind of trauma for the establishment, which was clearly surprised by such strong resistance from the societies of the Member States (R. Piotrowski, 2023; 219, 220). The subsequent Treaty of Lisbon of 2007 was, in a sense, a prosthetic constitution for Europe, largely drawing on the solutions contained in the treaty signed in Rome in 2004. However, for formal, but also symbolic reasons, it could not serve as a proper constitution for Europe, which was discredited, for example, in the French referendum (E. Kuźelewska, 2010; 70). In the eyes of many ardent acolytes of stronger, deeper, and faster integration, this was a colossal failure of the European project. Hence, the Brussels establishment was even labeled the orphans of the failed European constitution, which translated into at least some of the Union's actual actions, which were carried out as if the European constitution were actually in force, or at least intended to be. On this occasion, views were even formulated that the European integration project was ripe for a new incarnation, but unfortunately, Europeans were not. They continue to create a demos at the level of individual states but are unable to create a unified society at the continental level. Expanding on this view, it was also argued that a gap exists, and is even deepening, between European elites and Europeans, that the former see and understand more, while the latter are limited to the narrow perspective of their own country. All these issues were reduced to the fundamental question of European identity and its nature in the context of further integration (M. Bachryj-Krzywaźnia, 2024; 297).

Over time, pressure to amend the European Union's primary law grew. There was also a growing conviction that, in the face of so-called right-wing populisms, as right-wing conservative governments in some Member States were pejoratively referred to, the integration process needed to be accelerated and, in its own way, made irreversible. Concern about public sentiment, which increasingly criticized at least some EU policies (migration policy and climate policy), also played a significant role, leading to a diminishing belief that the vision of the European Union as a strong European empire was the only correct one. Voices were increasingly heard that the Union should return to its roots, that it should focus on strictly economic issues that generate prosperity and well-being, while leaving axiological, ideological, political, and ideological matters to the Member States. This was especially true because the so-called rule of law dispute demonstrated the European Union's considerable political, and even ideological, commitment, which was not always met with acceptance. It was also often argued that the dispute over the rule of law gave EU institutions and Brussels elites additional impetus to further entangle the integration process axiologically. This, from the very beginning, was a clearly pro-integration move, driving factual changes that were then intended to be formally confirmed. The concept of a kind of "axiologization" of the European Union was even adopted as a perhaps attractive and, above all, most effective way to achieve stronger integration (A.-M. Le Pourhiet, 2024; 21). This meant focusing on the layer of so-called European values, which were to create a common and coherent space, based on which the legal orders of the member states would be even more unified, which would, in a sense, naturally force their deeper integration. It is worth noting that on the margin of the aforementioned "axiologization" process, the issue of the primacy of European law, including its primacy over the national constitutions of the Member States (P. Ruczkowski, 2018; s. 134), was revived, which was done on the margin of the dispute over the so-called rule of law, in a sense reactivating the dispute that seemed to have been resolved earlier (M. Muszyński, 2022; 5).

Responsiveness to public sentiment and expectations was undoubtedly a key determinant of the treaty amendment process. Hence, the EU had already undertaken actions intended to build the social foundations for reforms, which, among many other reasons, also provided a basis for legitimizing them. Hence, the idea of organizing a conference on the future of Europe emerged, which was explicitly described as a great European debate on the future of the European Union. The conference was, in essence, a year-long joint venture of the European Parliament, the Council of the EU, and the European

Commission, during which Europeans were to debate the challenges, priorities, and future shape of the European Union. The conference, its original sin, significantly limited the role of Member States, including, for example, their parliaments, which were formally excluded and assigned only a modest role as dialogue formats for so-called civil society organizations in individual Member States, without the ability to formulate their own binding conclusions, comments, or opinions (R. Wąsowicz, 2021; 1-4). Another sin of the conference was the de facto limitation of the debate, with the stipulation that it excluded voices that were overly critical, populist, xenophobic, racist, nationalist, or generally questioning EU policies. This, on the one hand, corresponded to the newspeak and dominant EU narrative, and, on the other, positioned the conference as a debate for acolytes of an a priori established vision of the future, defined as "more Europe." The conference can therefore be seen, at least in part, as a marketing ploy intended to cushion future treaty changes against social resistance, which was indeed feared and perceived as a recurrence of the period when the European Constitution was ratified. Thanks to the conference, the European establishment could openly indicate that the proposed reform was nothing more than a response to "social expectations, voices, demands, and conclusions," and at the same time an expression of a well-functioning "European democracy." The conference results clearly confirmed that "Europeans want to be more involved in shaping decisions and policies at the European level," that Europeans monitor the rule of law in all EU countries and have adopted a new rule of law framework," that Europeans support "multilateralism and a rules-based international order," that Europeans "want a modern migration and asylum system, border management, cooperation with partner countries and the fight against migrant smuggling," and "protection of people fleeing violence and the integration of newcomers into society."

Undoubtedly, launching the Conference on the Future of Europe, as a kind of study on future treaty amendments, was intended to address several issues. First, bearing in mind the experience of the failed ratification of the Constitution for Europe, it engaged Europeans at the pre-initiative stage. This, secondly, democratized and legitimized the treaty amendment process, eliminating the accusation of a lack of democratic legitimacy for the Union as such, while praxiologically cushioning any subsequent resistance from member states, as the revised treaty, according to the narrative, was intended to address the expectations and needs of Europeans, not those of a mythical Brussels establishment. Thirdly, the conference proceedings skillfully steered the discussion, which was not entirely loose or free, as evidenced by its structuring on specific topics such as climate change, the EU in the world, values and rights, the rule of law, and, for example, European democracy. Fourthly, the conference was a great opportunity to impose a specific narrative on what the Union should look like, what it should be, and at the same time to contrast those who strive for a better, stronger, or more modern Europe with all those who, for various reasons, are anti-European, are opponents of integration, or just – far-reaching skeptics – which, according to the adopted rhetoric, also eliminates them from serious discussion, because in the face of the challenges facing the European Union, the only sensible scenario for the future is further, more, and stronger.

Undoubtedly, a significant backdrop to the launched treaty amendment procedure was, generally speaking, the climate surrounding the need to reform the European Union and, particularly among European politicians, broader discussions about the optimal shape of a revised or reformed Union (A. Wielomski, 2024; 15 i.e.). President Emmanuel Macron was particularly involved in this regard, repeatedly presenting his own ideas for modernizing the Union, pointing to the need for further integration, strengthening the Union, moving towards deeper integration, and making the European Union a global player (J. Szymanek, 2022; 233). We should also keep in mind German ideas, most fully expressed in the 2021 coalition agreement founding Olaf Scholz's government. This agreement contains the most comprehensive German integration concept to date. The coalition partners explicitly acknowledged the need to strive for "strengthening integration and transforming the EU into a federation based on the principles of decentralization and subsidiarity." They also announced

"taking action to implement further EU reforms. These should lead to the creation and development of a European federal state, built on the values enshrined in the Treaties, especially the Charter of Fundamental Rights." The coalition agreement further stated that "Germany, as the largest member state of the Union, assumes a special responsibility for maintaining the cohesion of the European Union and determining its potential direction of development." (K. Dunaj, 2021; 2). In this context, the programmatic agreement of the German parties highlighted the need to address such momentous challenges of our time as climate change, digitalization, and the preservation of democracy. The parties forming the government in Berlin clearly stated that they "support a form of Union that recognizes its values (especially the rule of law) and is able to defend them resolutely, both internally and externally." The German coalition agreement of 2021 clearly focused on two things: the European Union's consistent pursuit of a "European federal state" and its reliance on values (freedom, the rule of law, democracy) as the binding force of such a "European federal state."

An intense debate on the political system has been conducted especially since Brexit, which was undoubtedly an unprecedented event for the European Union, significantly changing the perception of the Union, which resulted in speculations about other possible exits, which had a marketing impact on the Union, which, due to Brexit, had undoubtedly lost its attractiveness (until then it was an organization that everyone wanted to join, and from that moment on, a possible exit from the Union also became an issue to be taken into account). The post-Brexit period also brought with it additional events and processes that were grist to the mill of all those advocating for the need for reform of the European Union. Suffice it to mention the COVID-19 pandemic, the so-called rule of law crisis, which sparked an explosion of questions about EU values, and finally—last but not least—the latest war in Ukraine. All of these created the belief that "the scale of the challenges associated with the necessary reform of the EU system is enormous." (J. Barcz, 2024; 15) This belief was the fundamental backdrop for the treaty revision procedure launched at the end of 2023. This was especially true given the frequent addition of the claim that the EU was supposedly in crisis, requiring bold and daring reforms that would allow the European Union to adapt to new challenges (D. Kabat-Rudnicka, 2024; 57).

However, when considering the context of the reform, one more crucial element should be kept in mind: the need to formalize solutions that were developed in practice under the Lisbon Treaty. The European Union, like perhaps no other organization, operates not only on the basis of *de lege lata* legal regulations but also on everything defined as practice. This practice, exceptionally rich in the EU context, has even been dubbed "competence creep," which in many cases means that the classic set of competences distributed between the EU and the Member States (i.e., exclusive competences of the Member States, shared competences, and exclusive competences of the EU) is supplemented by competences "trodden down" or "wrestled away" by the European Union. The issue of progressive competences is not new. Practically from the outset, the structures of integrating Europe have employed such instruments, primarily to achieve higher or more abstract goals of the Communities and, later, the Union. They have always been met with a variety of assessments, ranging from approval, through ambivalence, to unequivocal condemnation, even indicating that such practices are *contra legem* and *ultra vires*.

Sometimes they were justified by "invisible" rules of operation and goals, primarily integration, which they were intended to serve. At other times, the concept of so-called "creative flexibility" was employed, i.e., maximizing the potential of the treaties, which was intended to adapt the provisions of primary law to current needs. It seems that this "creative flexibility" cannot be ignored when drawing the background to the latest treaty changes. This is especially true because in the case of most new treaties founding the European Union's legal order, a significant portion of their provisions are not so much a manifestation of theoretical concepts and the formulation of a priori visions, but rather the introduction of solutions that, to a greater or lesser extent, had already been practiced before. Therefore, treaty revisions, to a large extent, record earlier changes or their incipient stages.

The European Parliament resolution of 22 November 2023 on the proposals for amending the Treaties sets out the reasons for the reforms expressly. It points out that the current version of the Treaties entered into force on 1 December 2009 and that since then the European Union has faced, and continues to face, unprecedented challenges and numerous crises, in particular Russia's aggressive war against Ukraine. It further argued that treaty changes are necessary not as an end in themselves, but in the interests of all EU citizens, as these changes are intended to transform the Union, increasing its capacity to act and strengthening its democratic legitimacy and accountability. It added that they should enable the Union to address geopolitical challenges more effectively. The future geographical enlargement of the European Union was also cited as a reason for the change, arguing that the Union's institutional framework, and in particular its decision-making process, especially in the Council, are barely sufficient for a Union of 27 Member States. Therefore, with the prospect of future enlargements in mind, treaty reform becomes both necessary and inevitable. The authors of the proposed amendments also cited the Conference on the Future of Europe in their motivations, explicitly mentioning the conference's conclusions and the fact that they contained 49 proposals and 326 measures, many of which could only be implemented through treaty amendments. It was also added, albeit implicitly, that the conference conclusions were a democratic and democratizing element of the Union, as they de facto conveyed the direction of the Union's changes to its citizens.

**Conclusion.** The ongoing debates on the need for institutional change in the European Union are a constant element of the dispute between those who want deeper and faster integration and those who advocate maintaining the status quo, recognizing that the European Union has achieved an optimal or even satisfactory shape, establishing a balance between the need for cooperation in an increasingly globalized world and the need for the nation-state. It is pointed out that the nation-state remains a fundamental conceptual category even for those who predict its demise and promote ideas for increasingly ambitious integration. Integration maximalists strive for the emergence of a "European superstate," a "European empire," a "United States of Europe," "one great European state," and so on. It is therefore somewhat paradoxical that this integration narrative, while questioning the rationale behind the existence of the nation-state, still employs the category of the state (P. Grudziński, 2024; 101). The proposed alternative to the Member States therefore takes the form of a collection in which the state occupies a central place, even though in public debate this very state is very often the subject of criticism, even condemnation. Projects for federations, confederations, or a single European state constantly employ the concept of the state. Therefore, a more or less federalized state constantly looms on the horizon of treaty changes. Even the most ardent acolytes of European unity, ergo critics of the nation-state, do not hide the fact that their goal is to construct a strong European power, state, or empire, albeit one that is not correlated with the existing nation-states but is situated above them (J. Ruskowski, 2015; 17).

For these reasons, it seems that the latest treaty amendment procedure, formally launched in November 2023, will not end the dispute over the future of the European Union. Regardless of its outcome, Europe will continue to face dilemmas over choosing the optimal development path. There will also be a continuing dispute between those who support the idea of "more Europe" and those who are more likely to support the idea of "enough Europe," assuming that the European project only makes sense when it skillfully combines the need for the traditional nation state with the need for supranational cooperation. Therefore, every amendment to the Treaties is perceived, on the one hand, as necessary or desirable, and on the other as a threat to the nation state (A. Grzesik-Robak, 2007; 34). In reality, however, every amendment to the Treaties changes the grammar of the relationship between the Member States and the European Union. Experience shows that every amendment to the Treaties does not so much diminish the role and importance of the state, but rather shifts the category of state from the Member States to the European Union.

It is highly probable that the latest treaty amendment, regardless of its final outcome, will not end the process of European integration. Sooner or later, new proposals and new themes will emerge, arguing for another, major or minor, revision of EU law. Understandably, new themes will emerge, but they will also include persistent themes, such as the need to build greater resilience within the Union, the need to address new challenges, the need to respond to the crisis, and the requirement to ensure greater efficiency, functionality, and democracy. Another constant theme will likely be the need to balance the state element within the Member States and the state element within the European Union. The latter, whether an international organization or a parastate, is undoubtedly a *sui generis* creation and will remain so for a long time.

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