

# How the EU is breaking its own Lisbon Treaty

That the European Union takes to the moral high ground on international law when it suits it is hardly new. Nor is its infringement of international treaties, even when they are its own. For six months now, the European Union has been in breach of its fundamental international treaty: the 2007 Lisbon Treaty.

Brussels has fallen foul of Article 341 and Protocol 6 - or what might be called the 'Alsace-Lorraine protocol' - of what is officially known as the Treaty on the Functioning of the European Union (TFEU). This section of the treaty permanently situates the European Parliament's plenary seat in the Alsatian capital of Strasbourg. But since March 2020, the European Union has moved the Parliament to Brussels against the wishes of France. Why is this important? Other than being a violation of an international treaty that can only be modified by member states unanimously, it is further evidence of the European Union riding roughshod over highly sensitive issues connected to Europe's troubled history.

After three wars in seventy years, Franco-German reconciliation is at the heart of the EU project. And nowhere is that better epitomized than with Alsace-Lorraine. The French provinces were annexed by Germany in the 1871 Treaty of Frankfurt, returned to France by the Treaty of Versailles in 1919, taken back by Germany following occupation in 1940 and returned to France after the Second World War.

The Alsace-Lorraine question - as it used to be known - has evoked for 150 years a complexity and sensitivity matched only by the Northern Ireland question. Consequently, from the beginnings of the European Coal and Steel Community in 1952, the Alsatian city of Strasbourg became one of the European communities' three capitals (with Luxembourg and Brussels), as an enduring symbol of Franco-German reconciliation. As the headquarters of the future European Parliament, Strasbourg was the physical mission statement of the role of France and Germany in building a Europe at peace with itself.

In 1992, member states decided unanimously to write into the treaties of the Union the official permanent seats of European institutions: Brussels

(Commission), Luxembourg (ECJ) and Strasbourg (Parliament) and in 1997 this was drafted into the new Amsterdam treaty of the European Union, subsequently subsumed into the TFEU. As this EU document explains, any modification requires a change to this international treaty that must be agreed unanimously by all member states and ratified by each of the national parliaments.

But the EU is breaching this international treaty. Since March, all six sittings of the European Parliament have been transferred from Strasbourg to Brussels, to the considerable anger and frustration of the French state and Strasbourg local authorities. The reason given by the EU authorities is the pandemic and the contrarian suggestion that Brussels is safer than Strasbourg.

On 8 September, France's Europe minister and the mayor of Strasbourg released a joint communiqué decrying the decision of the European Parliament to hold, yet again, its September plenary session in Brussels. They called for a return to Strasbourg 'in keeping with the treaties'. The French prime minister then phoned the president of the European Parliament voicing his 'deep regrets' at the decision.

But is the pandemic the real reason for this decision? EU authorities are unhappy with the Parliament's location in Strasbourg on cost and efficiency grounds. In 2013, the European Parliament calculated the savings from transferring its headquarters from Strasbourg to Brussels as 103 million euros (£94m) a year; the European Court of Accounts suggested the following year that the figure could be even higher. Furthermore, on this sensitive issue of symbolic Franco-German reconciliation, Angela Merkel tactlessly stated publicly in 2018, and since, that she wished to see the EU institutions grouped in a single headquarters in Brussels. To which the French have replied with an emphatic 'non'.

We shouldn't be surprised by the EU failing to stick to the rules it made. But what is of greater concern is that as a fundamentally bureaucratic organisation it increasingly puts administrative and managerial criteria ahead of the messy, but essential, need to pay heed to the sensitivities surrounding Europe's painful historical past (save to manipulate it for bureaucratic ends). This applies as much to its member states as to those who have chosen democratically to leave. Europe's bloody history was the *raison d'être* of the European Union; it forgets its past at its peril.

