



## THE ROAD FROM ROME

### ENHANCED COOPERATION – ALREADY A REALITY TODAY



#### The Rome Declaration:

*"We will act together, at different paces and intensity where necessary, while moving in the same direction, as we have done in the past, in line with the Treaties and keeping the door open to those who want to join later. Our Union is undivided and indivisible."*



*"The White Paper says that the starting point for each scenario is that the 27 Member States move together as a Union – this is the principle. And then, there is the possibility that those who want more can do more. This is a clear explanation of the fact, on the basis of the current Treaties. The Treaties of today will be the Treaties of tomorrow, for a longer period. Enhanced cooperation already exists today. Not only as far as euro and Schengen are concerned but other examples include the Financial Transaction Tax, the European Unitary Patent or the European Public Prosecutor."*

*President Jean-Claude Juncker (after the European Council, 10 March 2017)*

Enhanced cooperation allows a group of at least nine nations to implement measures if all Member States fail to reach agreement. Other EU countries keep the right to join when they want. The procedure is designed to overcome paralysis, where a proposal is blocked by an individual country or a small group of countries who do not wish to be part of the initiative. It does not, however, allow for an extension of powers outside those under the EU Treaties. The possibility was first introduced by the 1999 Amsterdam Treaty, with the 2009 Lisbon Treaty formalising the procedure and extending the possibility for enhanced cooperation to include defence.

#### PROCEDURE

The adoption of the decision authorising enhanced cooperation requires a **qualified majority of Member States** within the Council and the **consent of the European Parliament**. The adoption of the new rules then requires **unanimity by the Member States participating** in enhanced cooperation and the **consultation of the European Parliament**. The other Member States are free to join the enhanced cooperation at any time.



## ALREADY AGREED

## EUROPEAN UNITARY PATENT

A **specialised patent court** will allow cases to be heard before judges with the highest level of legal and technical expertise in patents. A unified court will also mean that **parties do not have to litigate in parallel** in different countries incurring high costs.

## 26 Member States

Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Finland, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Sweden, The United Kingdom



## DIVORCE LAW

**International couples** will be able to agree which law would apply to their divorce or legal separation. In case the couple cannot agree, judges would have a **common formula** for deciding which country's law applies.

## 17 Member States

Belgium, Bulgaria, Germany, Estonia, Greece, Spain, France, Italy, Latvia, Lithuania, Luxembourg, Hungary, Malta, Austria, Portugal, Romania and Slovenia



## ON THE WAY

## EUROPEAN PUBLIC PROSECUTOR (EPPO)

A **European Public Prosecutor's Office** will make sure that every case involving suspected fraud against the EU budget is followed up and completed, so that criminals know they will be prosecuted and brought to justice. This will have a strong deterrent effect.

## 20 Member States

Belgium, Bulgaria, Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Austria, Portugal, Romania, Slovenia, Slovakia and Finland



## FINANCIAL TRANSACTION TAX (FTT)

A **Financial transaction tax** will strengthen the Single Market by reducing the number of divergent national approaches to financial transaction taxation and it will ensure that the financial sector makes a **fair and substantial contribution to public revenues**.

## 10 Member States

Belgium, Germany, Greece, Spain, France, Italy, Austria, Portugal, Slovenia, Slovakia



## PROPERTY REGIME RULES

Regulations dealing with the **property regimes of international couples** will establish clear rules in cases of divorce or death and bring an end to parallel and possibly conflicting proceedings in various Member States, for instance on property or bank accounts.

## 17 Member States

Belgium, Bulgaria, the Czech Republic, Germany, Greece, Spain, France, Croatia, Italy, Luxembourg, Malta, the Netherlands, Austria, Portugal, Slovenia, Finland and Sweden

