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Lisbon Treaty – Perspectives on changing institutional the EU

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Abstract

Treaty of Lisbon project initially known as the Reform Treaty is a treaty designed to replace the European Constitutional Treaty project abandoned following the rejection by referendum, the Netherlands and France. Its official name is the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community.

In the present paper I analyzed the Lisbon Treaty and the perspectives on EU institutional transformation.

Keywords: European Union; Lisbon treaty

Introduction

The heads of State and Government meeting in March 2000 the European Council in Lisbon adopted the Lisbon Agenda (or the Lisbon Strategy), designed to transform, by 2010, the EU "the most dynamic and competitive economy in the world based on knowledge".

The globalization creating interdependencies ever closer between the economies of countries around the world and the technological revolution of the 90s, including the internet and new information technologies and communication, led to revolution including European economy and everyday life European citizens.

However, in early 2000, in terms of the competitiveness of the European economy lags presence especially important to the US economy. As a result, the Heads of State and Government meeting in March 2000 the European Council in Lisbon adopted the Lisbon Agenda (or the Lisbon Strategy), designed to transform, by 2010, the EU "the most dynamic and competitive economy knowledge-based world, capable of sustainable economic growth, generating new jobs, better, and characterized by greater social cohesion".

The Lisbon Strategy has set the goal of achieving economic growth of 3% per year and create 20 million new jobs by 2010. Furthermore, the Lisbon Agenda established a series of specific objectives in areas such as innovation businesses, liberalization of various markets and environmental protection.

The objectives set in 2000 were ambitious and covers a wide range of areas.

To encourage innovation, the objective was to increase the number of households that have Internet access, and increased spending on research and development.

In enterprise, Member States should take more measures to support small businesses, including reducing red tape faced in their activities. Moreover, it is aimed at increasing competition in the telecommunications market and the liberalization of gas and electricity markets.

The environmental objectives included the reduction of greenhouse gas emissions. Halfway through implementing the Lisbon Strategy, in some European countries economic and social situation seem to get worse instead of improve. For example, in Germany and France unemployment reached about 10%, and European growth was below 2% in comparison with that experienced growth US than 3%. On the other hand, it should not be denied that in some areas, in the same period, there has been some progress, as happened with the liberalization of electricity markets, telecommunications and financial services.

To evaluate the results of implementation of the Lisbon strategy in spring 2004 European

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Council tasked the former Prime Minister of the Netherlands, to lead a group of experts and draw up a report in order to give new impetus Lisbon.

One of the main conclusions of the report OK, presented at the European Council in autumn 2004 was that the results were disappointing due to "overloaded agenda, lack of coordination and priority conflicts".

Furthermore, the report suggests that the main fault is the Member States who did not have sufficient political will to implement the necessary reforms to achieve the Lisbon goals. Following this report, the European Commission decided to prelaunch the Lisbon Strategy (renamed the Lisbon Strategy for growth and jobs) in 2005, following that emphasis be placed rather on the actions to be implemented than on the objectives to be achieved.

Therefore, the year 2010 and targets for achieving certain employment rates are no longer considered to be priority, considering that priority must be action to be taken to record sustained economic growth and creating new jobs.

The European Commission and Member States decided that the new strategy, structured in cycles of three years, to be founded on a close partnership between them, and its implementation was based on the Community Program of Lisbon (launched in July 2005) and national programs reform updated annually. In the first annual report on progress (introduced in January 2006), the Commission has defined four main areas in which it took more action: the crowbar greater investment in education and research, more support for SMEs and to create new jobs work, the Commission considered that a common policy on energy must be part of the Lisbon Strategy. The second report (in December 2006) entitled "A year of delivery" concludes that the European Commission has provided 75% of the measures which it considers as part of the Lisbon Strategy, such as the adoption of the Services Directive, agreeing FP7 and progress registered in terms of financial services.

Again, the Commission appoints four priority areas: investing in knowledge and innovation, reducing administrative pressure for SMEs, modernizing labor markets and energy and climate change. European Council meeting in Brussels in June 2007 decided to draw up a new treaty to replace the rejected Constitution's text.

This treaty, originally called "Reform Treaty", was not to replace (as had happened in the case of adoption of the Constitution), but to amend both the Treaty establishing the European Community and the Treaty on European Union.

Furthermore, it was decided that the Reform Treaty to be included only provision in connection with the Charter of Fundamental Rights to transform this document into an instrument with the same legal value as the Treaties, unlike the Constitution that would incorporate in the text or Charter.

In December 2007, three years after the re launch of the Lisbon Strategy, the Commission's strategic report concludes that the policies defined by the Lisbon Strategy figure finally results. However the report stresses that "not all states have undertaken reforms with equal determination" and that reforms in some areas (opening energy markets and services) have been implemented slowly.

The report presented at the Spring Council of 13 to 14 March 2008, considers that for the next cycle of three years, reforms must continue to be implemented at national and community level. It also establishes a series of new

policy initiatives in the four priority areas identified in spring 2006: Investing in people and modernizing labor markets, business environment, knowledge and energy and environment.

The treaty was signed on December 13, 2007 and ratified by Romania in 2008 (Law No.13 / 2008), which is the fourth member of the European Union concluded parliamentary ratification procedure, after completing this process in Hungary, Slovenia and Malta.

After ratification of other Member States, the result of the will of the common and joint efforts of political actors, the document came into force on December 1, 2009, is intended to ensure the EU's response to new global challenges and issues which matter most to citizens, bringing Europe closer to them.

Like the Treaty of Amsterdam and, respectively, Nice, Lisbon Treaty is a treaty amending the existing Treaties - Treaty on European Union (TEU), which will keep its name, and the Treaty of the European Communities (TEC), it latter will be renamed the Treaty on the functioning of the European Union (TFEU).

The two treaties amended by the Lisbon Treaty provisions will represent the founding treaties of the EU and will have a legal value. Also it will be held the European Atomic Energy Community Treaty (Euratom). The 13 protocols and 65 declarations are annexed to the Treaty of Lisbon.

The develop Treaty was conducted under precise and detailed mandate agreed at the European Council on 21 to 23 June 2007, and has taken practical substance former Constitutional Treaty provisions.

From a historical perspective, Treaty completes the reform of EU Treaties Laeken started in 2001 and aimed at developing a comprehensive treaty for Europe. The Lisbon Treaty is the first treaty adopted in the European Union of 27 Member States, is also the first Treaty of Union that Romania signed as a member state. Romania participated previously in October 2004 in Rome, as a candidate, the signing of the Final Act of the Conference which adopted the Constitutional Treaty.

The Lisbon Treaty is essential to ensure the effective functioning of the European Union. The Union represents 27 Member States and over 490 million citizens. The proposed reforms of the Treaty, in particular the new institutional arrangements and working mechanisms are needed to ensure a Union able to face global challenges and to meet the expectations of European citizens, including Romanian citizens. The Romania actively supported the adoption of the Treaty, which includes most of the innovations of the Constitutional Treaty set out above.

Under the provisions of Article 1. (4) of the Treaty¹, pursue its objectives:

- The develop a more democratic and more transparent Union;
- The creation of a Union more efficient working methods and voting rules condensed with modern institutions for a EU of 27 members better able to act in areas of priority;
- The building a Europe of rights, freedom, solidarity and security, promoting the Union's values, introducing the Charter of Fundamental Rights into European primary law, providing for new solidarity

¹<http://eurlex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:RO:HTML>

mechanisms and ensuring better protection of European citizens;

- The promoting of Europe as an actor on the international stage
- The foreign policy instruments available in Europe will be grouped together so that the development and adoption of new policies.

The Treaty introduces several new features designed to improve efficiency, consistency and transparency of the institution so that it might better meet the demands of European citizens. The Lisbon Treaty is essential to ensure the effective functioning of the European Union. The Union represents 27 Member States and over 500 million citizens.

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The Lisbon does not fundamentally change the institutional structure of the Union that will, further, the triangle Parliament, Council, and Commission.

European Parliament

The European Parliament representing the people of the Member States.

The Lisbon Treaty increases the powers at legislative level, in terms of budget and approval of international agreements.

The Treaty also edits and structure of the Parliament: number of MEPs shall not exceed 751 (750 plus the President) and the distribution of seats per Member State will be the principle of digressive proportionality.

In other words, Members of countries with most people will be a greater number of citizens than Members of the least populated. The Treaty also states that each Member State will be represented in Parliament at least 6 members and a maximum of 96.

The European Parliament will have greater powers in the adoption of legislation, the budget and approval of international agreements. However, the European Parliament has an enhanced role in the revision of the Treaty, entitled to the initiative; part of the agreement underlying the new ordinary procedure of revision, and its consent is necessary if the Council wishes not to convene a Convention in the case of minor changes.

A new legislative procedure, called "ordinary" will apply to the majority of areas, and Parliament will have the same powers as the Council. For the remaining areas will apply "special legislative procedure", that Parliament has the right to agree on a measure of the Council, or vice versa. Apart from these procedures in place and the old Roman consultation procedure - Council before the vote on a proposal by the Commission must consult Parliament and to take into account the proposals.

European Council

The European Council, which has the mission to boost policy becomes, in turn, becomes a Union institution, but force receive new assignments. However a new post is created, the President of the European Council.

This European Council is elected for a term of two years and a half and will serve to ensure the preparation and continuity of its work and to find solutions that lead to consensus. President of the European Council may not hold other national functions.

It has inspired the name of "President of the European Union", particularly in media discussions about who will occupy the first time this post. The Council represents the Governments of the Member States. Roman role largely unchanged.

The Council will continue to import legislative and budgetary powers of Parliament and will keep central role in the field of Common Security and Defense Policy (CFSP) and coordinating economic policies.

The essential change brought by the Lisbon Treaty refers to the decision. Firstly, the Council will decide by a qualified majority except where the Treaties provide for another procedure, such as unanimous vote. In practice, with the entry into force of the Lisbon Treaty, qualified majority voting will be extended to many policy areas (eg immigration and culture).

Subsequently, the introduction in 2014 of the double majority voting of the EU member states (55%) and population (65%), which reflects the dual legitimacy of the Union will lead to strengthening transparency and efficiency. The new calculation method will be complemented by a mechanism similar to the "Ioannina compromise", which should allow a small number of Member States (close to a blocking minority) to show their opposition to a decision. In such a case, the Council must do everything that you can to obtain, within a reasonable time, a solution satisfactory to both parties.

European Commission

The main mission of the European Commission is to promote the general European interest. Treaty of Lisbon makes changes to the structure.

According to the principle of equal rotation between the Member States, from 2014, the college will consist of a number of Commissioners equal to two thirds of the Member States (i.e. 18, if a Union of 27 countries), the new system implying that for a period of 5 years (term of mandate as European Commission) in a cycle of 15 years, each Member State will be represented in the Commission. The number of members of the Commission may be amended by the European Council unanimously. Another important change introduced by the Treaty of Lisbon is the direct link between the results of European Parliament elections and election presidential nominee Commission. It should also be noted that the role of President of the Commission will be strengthened, since it will be forced to quit college members.

The High Representative of the Union for Foreign Affairs and Security Policy and Commission Vice - Setting station High Representative of the Union for Foreign Affairs and Security Policy is one of the major institutional innovations of the Lisbon Treaty. Consequently, the coherence of the Union's external action should be improved.

The High Representative will have a double role: on the one hand, to be commissioner of the Council for Common Security and Defense Policy (CFSP) and on the other hand, will be President of the Commission for External Relations. The responsible for developing foreign policy and common defense policy, and the Council will chair "Foreign Affairs".

In addition, it will represent the EU on the international stage in the CFSP and will be assisted by a European External Action Service composed of officials from the Council, Commission and national diplomatic services,

ensuring coherent whole external action of the Union. Progress in foreign policy and security policy is thus maintained in its entirety, including faltering progress in increasing the efficiency of decision.

Other institutions

The provisions of the current Treaties relating to the European Central Bank (ECB) and the Court of Auditors did not undergo significant changes.

As the Court of Justice of the European Union, the Lisbon Treaty extends the scope of intervention of that, especially in cooperation criminal and police and introduces some procedural changes, the jurisdiction of the Court of Justice is thus extended to cover all activities of the Union except foreign policy and security policy (but including control of measures restricting the rights of citizens).

National parliaments

The Lisbon Treaty recognizes and strengthens the role of national parliaments which, although not part of the institutional framework of the Union, plays an important role in its operation, with greater powers, especially in terms of any reform of the Treaty on European Union, the response to any new application for membership of the EU and judicial cooperation in civil matters.

The crowbar so-called "yellow card procedure" (yellow card) (if one third of national parliaments reject a legislative proposal, the Commission will reconsider it), has introduced a new mechanism designed to permit national parliaments to control the application of the principle subsidiarity: if a simple majority of national parliaments adopt an opinion stating that a legislative proposal does not respect subsidiarity, and either the Council or the Parliament agrees with those national parliaments, the proposal is rejected.

Conclusion

The most important provisions which makes flexible decision making and adapting to the reality existing institutional functioning refers to the following:

1. The single legal personality of the Union and the pillar structure disappears, so common policies in the area of freedom, security and justice to enter the application of Community law. The Common Security and Defense Policy is, however, addressed in the TEU (while other sectors of the external action of the EU are dealt with in the TFEU) and continues to be governed by specific decision-making procedures.
2. The range of the European Union or its Member States, identifying three categories of competence for the EU.
3. The exclusive competence - in areas such as customs union, trade policy and competition only European Union has legislative power.
4. The actions to support coordinate and complement - in areas such as education, culture, industry, the European Union can only assist Member States (providing finance, for example).
5. The shared competence - in terms of the environment, transport and consumer protection, both the EU and Member States have power to legislate, drill neglecting the principle of subsidiarity.
6. After EU accession, any State may choose at any time whether or not a member of the Roman structures. Although there is a precedent in the territory ceased to be part of the European Community

(Greenland 1985), currently there is no legal provision that a State can leave the Union. Therefore, for the first time the Lisbon Treaty includes a clause that it is up to every country to Romanian or EU membership.

7. A step forward in terms of human rights. The crowbar that guarantees the implementation of the European Charter of Fundamental Rights, and open the opportunity for the EU to accede to the European Convention on Human Rights and Fundamental Freedoms.

The Charter is a true compendium of rights of citizens to European legislation, such as the right to integrity, prohibition of torture or inhuman or degrading treatment, the right to freedom, respect for private and family life, the right to education, right to property, non-discrimination, gender equality, cultural diversity, linguistic and religious etc.

Treaty introduces a new right for European citizens, according to which a petition with one million signatures in several Member States can be sent to the Commission to launch a legislative initiative.

8. Treaty includes additional protocols on climate change and the fight against global warming. Also, some provisions of the Treaty refers to solidarity in matters of energy supply and changes in European energy policy.

9. A solidarity clause is introduced: if a Member State is the victim of armed aggression on its territory, the other Member States who help and assist it by all means at their disposal.

10. Area of freedom, security and justice within the scope of application of Community law and co decision and qualified majority voting are extended, even though initiatives by Member States possible in some cases novel. The Integration is combined with certain "emergency brake" that would allow Member States to refer issues to the European Council when their vital interests are at stake in this area. In those cases, enhanced cooperation is facilitated. Exceptions are the United Kingdom and Ireland (mechanisms opt-in / opt-out) in specific protocols.

11. A new "social" clause horizontal ensures that in defining and implementing its policies, the Union will take into consideration requirements such as the promotion of a "high level of employment work", "adequate social protection", the "fight against social exclusion" and a "high level of education, training and protection of human health".

12. The hierarchy of norms is preserved through the distinction between legislative acts, delegated acts and implementing although the terms "law" and "framework law" have been abandoned in favor of keeping the present terminology (directives, regulations and decisions).

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