

## LISBON TREATY - ORIGINS AND EXPECTATIONS

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### ABSTRACT

The establishment of the European Communities in the '80s was one of the first steps in the process of developing the European Union as we know it today. Creation of the European Union marked the beginning of a new phase in European countries that have made efforts to understand the need for the working team. Its fundamental principles were also established - freedom, democracy and human rights, aiming to promote economic and social progress. Through a series of international treaties adopted at European level structures have been established that we call the European Union today. These treaties, known as "modifying treaties" began with the Marshall Plan in 1947 and ended in 2009 with the well-known Lisbon Treaty. U.E. today operates through a system of supranational independent institutions that make decisions through negotiation with Member States. The most important institutions of the European Union are: the European Commission, European Parliament, European Council, European Court of Justice and the European Central Bank. Perhaps the most important achievement of the European Union is the creation of the European single market comprising a unified system of economic and financial laws which apply in all member states. Legal rules imposed by the European Union guarantees the free movement of people, goods, services and capital. European law promotes common policies in the field of justice and home affairs, environment, health, agriculture, commerce and agriculture. There is a clear set of rules within maritime domain, fisheries and regional development. It was also established a monetary union, the so-called "Eurozone" currently consists of 17 states. Union has a combined population of over 500 million, i.e. about 8 % of the world population. The European Union had an annual GDP of about 18 trillion U.S. dollars in 2011. That means it is the first in the world bringing together about 21 % of global GDP.

**Keywords:** *Lisbon treaty; European treaties; European Union, European institutions.*

### 1. INTRODUCTION

The beginning of the unification started with six European countries, namely Belgium, France, Germany, Italy, Luxemburg and the Netherlands that, by the Treaty of Paris signed on 18 April 1951, established the European Coal and Steel Community, designed to manage the production of coal and steel under a common market by removing customs barriers. This treaty was considered as the foundation of the eternal peace within Europe after the end of the Second World War. On March 25, 1957, the same signatories decided by a treaty concluded in Rome, creating of the European Economic Community, EEC and the European Atomic Energy Community - Euratom. After changes and improvements in institutional and organizational level the number was increased to nine Member States, respectively by Great Britain, Denmark and Ireland in 1979. In 1981, Greece joined, followed in 1986 by Spain and Portugal [1]. Despite the fact that, in the beginning, initial measures were just economic, they evolved into political cooperation. The phrase "European Community" means a set of international organizations based on economic integration and limiting the sovereignty of Member States. Member States were not asked to give up sovereignty, but to transfer parts of their authority to European level. Early 1980s led to an opinion current on the importance of freedom of movement of persons within the European Community. After numerous discussions, representatives of the same European countries, namely France, Luxemburg, Germany, Belgium and the Netherlands decided to create an area

without internal frontiers. The agreement between these countries was signed on June 14, 1985 in the town of Schengen in Luxemburg. On June 19, 1990 the Convention implementing the Schengen Agreement was signed, all such documents consecrating the abolition of controls at internal borders of the signatory states and creating a single external frontier, where checks are carried out according to a strict common set of rules. Also, common rules on visas, migrants, asylum seekers and measures concerning police cooperation, judicial and customs were established. We cannot omit the adoption of the Unique European Act in 1987, which planned a six-year comprehensive program, aimed to resolve issues related to free movement of goods within the EU. Thus, legal rules and standards were established in the area of free movement of goods, services, capital and people across the European Community along with "the single market".

In 1992 the *Maastricht Treaty* was signed establishing the *European Union* consisting of 12 Member States, modifying forever the concept of *European community*. The Treaty provisions sought implementation of a common foreign security policy, while defining a common defence policy, the expansion of economic integration in the monetary and political issues. The treaty established the duties of the European Parliament, the European Council, European Commission, Court of Justice and the Court of Auditors. In 1995, the EU accession process continued with the admission of Austria, Finland and Sweden.

*The Treaty of Amsterdam*, signed on 2 October 1997 introduced four new large areas: freedom, security

and justice, the Union and its citizens, trying to improve the effectiveness of the foreign policy. By a protocol attached to the Treaty, the officials managed to incorporate the Schengen acquis into the legal and institutional framework of the European Union [2]. The year 2004 brought the admission to the Union for the following countries: Cyprus, Estonia, Latvia, Lithuania, Malta, Poland, the Czech Republic, Slovakia, Slovenia and Hungary, and the second wave took place in 2007 marking the admission of Romania and Bulgaria. Finally, 2013 marked the admission of Croatia among the EU member states. Under these circumstances, the EU currently consists of 28 Member States, five candidate countries (Iceland, Montenegro, Turkey, Serbia, Macedonia) and 2 potential candidates (Albania and Bosnia and Herzegovina).

## 2. THE TREATY OF MAASTRICHT

It was signed by the European Council on February 7, 1992, and represented the most profound change of the treaties establishing the European Community. The European Union does not replace the old European Communities, but it brings together under a common umbrella a new policy and new forms of collaboration. The initial economic objective, namely the achievement of a common market, was overcome by the adoption of this treaty, expressed political vocation. Marking a new phase in the European integration, the Maastricht Treaty established the three pillars of the Union: the European Communities, the Common Foreign and Security Policy and police and judicial cooperation in criminal matters.

The first pillar consists of the European Community, the former European Coal and Steel Community (ECSC) and the former Euratom and refers to areas where Member States exercise sovereignty jointly by the Community institutions. Under this pillar, the used procedure is the Community method, namely the European Commission elaborates the legislative proposal, the Council and the European Parliament adopt it and the Court guards the application of it. The second pillar defines the Common Foreign and Security Policy (CFSP), referred to in Title V of the Treaty of the European Union. This replaces the provisions of the Single European Act and allows Member States to take joint action in foreign policy [3]. This pillar is subject to an intergovernmental decision-making process used unanimously. The role of the Commission and the Parliament is modest, and the jurisdiction of the Court of Justice on the matter doesn't count. The third pillar is devoted to cooperation in justice and home affairs (JHA) set out in Title VI of the Treaty of the European Union. The union aims to undertake joint actions to provide citizens with a high level of safety within an area of freedom, security and justice. The decision is also intergovernmental and created the European Police Office EUROPOL and other common policies have been achieved through ongoing coordination and harmonization of national objectives. The ultimate goal is to ensure common security of EU member states.

In this context, the Treaty of Maastricht answers five key objectives:

- strengthen the democratic legitimacy of the institutions;

- increasing the efficiency of the institutions;
  - implementation of the economic and monetary union;
  - community social dimension;
  - establishment of a common foreign and security policy;
- Community policy introduces eight new areas: trans-European networks, industrial policy, consumer protection, education and vocational training, youth and culture. Particularly important are the provisions on economic and monetary policy, especially those relating to the foundation of the Unique Market as a result of economic and monetary union. To achieve this goal, Member States shall coordinate their economic policies, establishing multilateral control of the coordination and follow certain rules of budgetary and financial discipline. The objective of monetary policy is the introduction of a single currency (Euro) and guaranteeing the stability of the currency, the price stability and the rules of the market economy principles [4]. Another new aspect is the concept of European citizenship, additional to national citizenship and the right of the free movement and residence within the Community, the right to vote and to be elected to the European elections in the residency state, right to diplomatic and consular protection, and the right to petition to the European Parliament and to the Ombudsman.

## 3. TREATY OF AMSTERDAM

It was signed on October 2, 1997, amended the Treaty of Maastricht and had 4 main objectives: to place employment and citizens' rights in the spotlight of the European Union, to suppress the last obstacles to the free movement of people and enhance security, enabling Europe to strengthen its position globally, and streamline the institutional architecture of the Union's future enlargement. Under the treaty, the employment is a very important chapter. Implementation of policies in this area lies largely in the hands of the signatory states, but the treaty establishes a framework for these policies. Thus, the objective of increased employment level is verified in implementing other common policies. Likewise, the employment situation is examined by the European Council and the Council of Ministers examines in detail the actions of the governments of Member States. Another important issue in the treaty is the general principle of equality (non-discrimination). It shall combat all forms of discrimination, whether based on race, ethnic origin, political beliefs, religion, sex, disability, age or sexual orientation. In this context it is strengthened principle of equality between women and men on the work market. The new treaty provides tools for the gradual establishment of an area of freedom, security and justice throughout the Union, establishing specific measures to create a European common border control, asylum and immigration. In the field of Common Foreign and Security Policy, the Treaty introduces new tools: the joint strategy, High Representative for the CFSP and the new Unit for Planning and Early Warning. Another innovation is the inclusion within CFSP of the humanitarian and crisis management. Institutionally, the Treaty promotes the reform of the European institutions and the enlargement. The Treaty established that the European law will be

adopted in qualified majority in the Council of the European Union in the fields of research and technological development, public health and customs cooperation [5]. Parliament will not have more than 700 members, regardless of the enlargement process and the jurisdiction of the Court of Justice extends to new areas such as immigration, asylum, visas and border crossings. For the first time, the Treaty establishes the principle of subsidiarity, according to which European law decisions should be taken at the level closest to the citizen. Although it contains many provisions which facilitate the progress of institutional reform in the European Union, the Treaty of Amsterdam leaves unresolved many important issues, such as those of social, employment, reducing unemployment, fiscal harmonization [6].

#### 4. TREATY OF LISBON

The Treaty of Lisbon, known as the "Reform Treaty" has been signed by the European Union Member States on December 17, 2007 and entered into force on December 1, 2009. The Treaty amended the Treaty on the European Union (also known as the Maastricht Treaty) and the Treaty establishing the European Economic Community (known as the Treaty of Rome). Due to the Treaty, the European Union integrates the common foreign security policy, defence policy and police and judicial cooperation in criminal matters, in a structure which is intended to be consistent. The reason for the Lisbon Treaty is the fact that Europe is not in the same situation as it was 60 years ago. The world itself has changed and is not the same place as in the past. Europe has been changing since 1959 because of important phenomena: globalisation, demographic increase, security vulnerabilities, climate change, the need for green energy sources and starvation. The countries of the world in this century are facing other challenges as well. Frontiers of the European countries and not only do not count very much in the light of these issues. The European Union countries cannot easily face these threats alone. The unity of the countries means a lot in the European context, because together, the EU countries could stronger respond to the concerns of the public. For this, Europe needs to modernise, especially since in 2013 it expanded from 27 to 28 members, due to the accession of Croatia to the European Union. The modern difficulties need the effective coherent building capacity of the European Union to function properly and respond to the serious threats and vulnerabilities in the present world. That involved redefining some of the important rules of nation cooperation within the European Union. The Lisbon Treaty was signed in Lisbon (Portugal) on 13 December 2007 and established new rules and new criteria within the European club. The provisions of the Lisbon Treaty tried to established new and effective rules, in the political, economic, technical and social domains. These rules aimed to meet the need to live up to the hopes and expectations of the European public. The Treaty of Lisbon is a modern international agreement which established the European Union limits and possibilities. The treaty alters the structure of the European Union's institutions and the working system of those institutions and agencies. As a final outcome, the

European Union proved to be more democratic and far more effective in its endeavour to meet its goals.

This treaty is the result of negotiations between EU member countries in an intergovernmental conference, in which the Commission and Parliament were also involved. The treaty was ratified by each of the EU's 28 members. It was up to each country to choose the procedure for ratification, in line with its own national constitution.

The achievements of the Lisbon Treaty can be summarized into four elements:

- a more democratic and transparent Union by increasing the power of the European Parliament (extension of co-decision procedure);
- a more effective Europe due to institutional changes;
- a Europe of rights and values, freedom, solidarity and security (including the Charter of Fundamental Rights into European primary law);
- Europe as a global actor (the establishment of the High Representative of the Union for Foreign Affairs and Security Policy).

It is important to note that the Lisbon Treaty establishes the legal personality of the European Union, stands as an institution of the European Council and the European Central Bank and the President of the European Council is converted into a permanent President of the Union, with a mandate of two and a half years. All that has been achieved so far is the result of a joint effort of nations of Europe. The two major dimensions of European integration are deepening and widening. The processes involved are complex and have many dimensions: economic, political, social, cultural. The essence of the Treaty is that the European Union is required to provide all its citizens an area of freedom, security and justice regardless the internal borders of the Member States. European citizens have guaranteed freedom of movement, being adopted common measures regarding border control, asylum and fighting organized crime. EU works for development of the internal market and creates a platform for the sustainable development of Europe, fostering scientific and technical progress, economic, social and territorial cohesion and solidarity among Member States. Europe as an actor on the global stage will be achieved by bringing together Europe's external policy tools, both when developing and deciding new policies [7]. The Treaty of Lisbon offered the European Union the necessary tools to work more effectively in the relationships with other countries and other international organization. The treaty allows the European Union to promote its values in economic, humanitarian, political and diplomatic domains. The diplomatic force of the European Union has increased by observing the specific interests of the Member States in the world. A new Foreign Affairs tool has been established. The new High Representative for the Union in Foreign Affairs and Security Policy reinforced the importance, the quality and the visibility of the European Union's on international level. The European External Action Service has been established, acting as a Ministry for Foreign Affairs of the European Union. The mentioned service will provide specialized back up and support to the High Representative [8]. Establishing one single institution to represent the European Union abroad

will strengthen the Union's negotiating power. All dialogues between the European Union and other third countries will be more effective on the world stage and more convincing. Progress in European Security and Defence Policy will preserve special decision-making arrangements but also pave the way towards reinforced cooperation amongst a smaller group of Member States [9]. The European institutions are organized and operate in accordance with the procedures and objectives of European law.

*The Parliament* is made up of representatives of EU citizens directly elected by them through a national election process. MEPs are elected by direct, free and secret ballot for a term of five years, each Member State having a number between 6 and 96 MPs, accordingly to the principle of representativeness and decreasing proportionately. The total number of MEPs is no more than 750.

*The European Council* is made up of all the Heads of State or Government of the Member States plus the President of the Council and High Representative of the Union for Foreign Affairs and Security Policy. The Council's role is mainly political, setting the general political priorities of the Union and the central objectives of its policy.

*The European Commission* is the European institution which constantly promotes the general interest of the Union and takes all necessary steps in this regard. So, it has the power to monitor how legal norms of the European treaties are implemented in national law and applied in the Member States. The Commission has legislative initiative in almost all areas of action, and coordinates overall activities unit. Each member of the Commission is selected on the basis of competence and professional reputation for a term of five years, and must carry out its professional work in complete independence, serving the interests of the European Union. Each commissioner represents a state of the European Union.

*The Council of Ministers* is composed of 28 Ministers representing each Member State. The profile of the Minister is given by the problem analyzed. This is a decision-making body that coordinates the economic policies of the Union, having common legislative and budgetary powers with the European Parliament.

*The EU Court of Justice* construes EU law to ensure that it is applied in the same way in all EU countries. It also settles legal disputes between EU governments and the European institutions. Individuals, businesses societies or organizations could bring a case before the Court of Justice if it considers that their rights have been violated by a European institution. The Court of Justice shall consist of one judge from each Member State, with a term of six years, and has the support of nine attorneys general.

*The European Central Bank* is responsible for defining and implementing the Union's economic and monetary policy. However the Central Bank monitors the European currency and prices stability in the Union, with the role of maintaining financial system stability.

*The European Court of Auditors* shall examine how EU funds are managed; serving to guarantee European citizens that public money is spent effectively. It does not have legal force, if irregularities are detected should inform the European Anti-Fraud Office. Also, this Court submits reports to the European Commission and Member State governments. European Parliament, European Council and European Commission shall be assisted by the Economic and Social Committee and the Committee of the Regions, both being advisory bodies. The Lisbon Treaty explicitly recognizes for the first time, the possibility for a Member State to withdraw from the Union.

## 5. CONCLUSIONS

As shown, the European structure is based on contemporary European legal rules, which are designed to operate and maintain a complex mechanism. Finally, this mechanism should provide multiple benefits to European citizens. Because they are the ultimate beneficiaries, it is not possible to analyze the European Union without the contribution of citizens, without democratization process of European construction. The Lisbon Treaty is the last Agreement to alter the European law, which established modern institutions and effective working process. The current conditions of financial crisis, serious for some European countries, were the origin of the Eurosceptic current along EU. Therefore, the Lisbon Treaty is especially important for the innovations. Investments in "green technologies", with close European cooperation will lead to an increased quality of life and long-term welfare. All these are the premises on which all European actors will contribute to the maintenance and development of European institutions and mechanisms.

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