

THE IMPORTANCE OF THE LISBON TREATY. MAIN CHANGES AND THEIR ROLE IN THE CONSTRUCTION OF THE EUROPEAN UNION

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Abstract

Analyzing the “Europe 2020” Strategy means analyzing the concepts of intelligent, durable and social-inclusion and social-dialogue friendly growth. In this context, the Lisbon Treaty appears as the supplier of a judicial basis for the enactment of the Lisbon Strategy and the “Europe 2020” Strategy stands as an instrument for enacting the Lisbon Treaty. Furthermore, the European social model emerges not merely as a symbiosis of the different national models of the Member States, one being thus able to debate on its global uniqueness. Concerning this aspect, we place a heavy emphasis on the analysis of the possible implications the compulsory character of the Charter has, in addition to the increasing role of the social partners within the EU.

Keywords: *subsidiarity, principle of law, treaty of Lisbon, novelties of the treaty, institutions.*

TREATY OF LISBON

The Treaty of Lisbon ends a process of reform undertaken between 2000 and 2010, its content representing a reversal to the text of the Constitutional Treaty, in order to create a future Union capable of facing internal and international challenges. The main points are:

First, the Treaty of Lisbon is the result of a political process which began at Maastricht and continued at Amsterdam and Nice through which a prominent double innovation has been achieved:

- A method innovation (the constitutional process of the Convention);

- A model innovation (the political development);

Second, this process can further be divided into three parts:

- The first part, that of the proposals and the agreements – The Convention and the Constitution;

- The second part, the deadlock – the constitutional crisis;

- The final part, the relieving – The Lisbon Treaty.

One has to remark that whereas the deadlock phase has been thoroughly debated and scrutinized at European level, overtaking the differences was a process less observed by the European citizens, knowledge about these procedures being considered trivial by both the media and high-ranking officials. A possible explanation for this occurrence may lie in the double interpretation of the Lisbon Treaty, in terms of both gains and costs, and therefore of the different individual interests involved¹. If we have already identified the great gain in maintaining the content of the Constitutional Treaty, the most important loss is the disappearance of its constitutional form, its symbolic reference and its constitutional language.

It is very important to understand the complex political, institutional and decisional reforms brought about by the Lisbon Treaty, a treaty which should ensure the legislative framework for reforms over the next 20 years.

On the 13th of December 2007, heads of state and government signed near Lisbon, the Treaty amending the Treaty on European Union and the Treaty establishing the European Community. The treaty, named the Treaty of Lisbon after the town in which it was signed underpins the end of the constitutional crisis, replacing the Constitutional Treaty whose ratification wasn't carried through. The Lisbon Treaty represents the most ambitious amendment of the founding Treaties, since the establishment of the Communities, over passing in terms of importance even the Maastricht moment. The number and scope of the reforms enacted by the Treaty were made possible because the main parts of the Constitutional Treaty were transferred with the consent of the Member States in the current Treaty. The New Treaty of Lisbon is in fact the old Constitutional Treaty losing its constitutional character².

For the European Union and its legal basis, the main consequences of the Lisbon Treaty are as follows:

1. The Lisbon Treaty is a classic reform treaty. As the previous Treaties of Amsterdam and Nice, the Lisbon Treaty modifies the existing Treaties, without replacing them with a new text. There is a return to the traditional amending/complementing technique, different from the innovative form underscored by the Constitutional Treaty, i.e. a legislative consolidation through the adoption of a completely new text, the Lisbon Treaty distancing itself from the radical and simplifying formula of replacing almost all existing

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¹ Bărbulescu, Iordan Gheorghe, *Procesul decizional în Uniunea Europeană*, Polirom, 2008.

² Wallace, Helen, Mark Pollack, Alasdair Young, *Policy-Making in the European Union*, Sixth Edition, Oxford University Press, 2010

European treaties with a single, simpler and better structured text.

2. The Treaty includes nevertheless an important innovation: the disappearance of the European Community and its replacement with the European Union, which becomes a legal entity. The disappearance of the European Community represents in itself a simplification, thus being eliminated a legal entity that has on several occasions generated confusions, the citizens being more accustomed to the political reality named the European Union and having difficulties in understanding the relation between the EC and the EU;

3. Nevertheless, the Treaty establishing the European Community does not simply go away alongside the disappearance of the European Community but, once amended, changes its name, becoming with the enactment of the Lisbon Treaty the "Treaty on the functioning of the European Union". It is not simply a change in terminology, but also a change in functions.

The Lisbon Treaty is therefore a classic treaty, which includes amendments to the two fundamental treaties, the Treaty on the European Union and the Treaty establishing a European Community. As in the case of all treaties such as these, at first sight, all the changes enacted cannot be encompassed, a process which is greatly facilitated by the consolidated texts. At the same time, the treaty includes a great number of Protocols and Declarations annexed to the two amended treaties. In addition to that, the fusion between the EC and the EU does not comprise the fusion with the European Atomic Energy Community (EURATOM), which continues to function as well as the Treaty which established it, i.e. the EAEC Treaty. Of course, the EU and the EAEC share the same institutions in their functioning. In other words, after the coming into force of the Lisbon Treaty, the primary law of the European Union will operate with two texts:

- The Treaty on the European Union;
- Treaty on the Functioning of the European Union.

The first introduces fundamental reforms in the Treaty on the European Union, including its structure. The second reforms and renames the Treaty establishing the European Community, as a result of the disappearance of the European Community, introducing at the same time prominent changes. A material distinction between the two treaties is therefore instated, the latter becoming the basic text and the former developing the meaning or the latter.

From a judicial perspective, there is no hierarchic relation between the two treaties. Moving away from the formal and structural aspects, an analysis of the amendments the Lisbon Treaty makes to the older treaties is necessary. The first aspect we must take into account is that the Lisbon Treaty develops and consolidates the European Union, born at Maastricht, developing its political model. From this perspective, in addition to the afore-mentioned disappearance of

the European Community, several fundamental changes are enacted:

- The legal entity status of the European Union;
- The compulsory character of the Charter of Fundamental Rights of the European Union;
- Establishing the set of values and objectives of the Union;
- Establishing the dispositions for the democratic functioning of the Union;
- The continuation of the growing community importance of the third pillar of the EU, concerning justice and internal affairs;
- Dividing the competences;
- Establishing a procedure of controlling the subsidiarity principle;
- Enacting an ambitious institutional reform;
- Enacting major innovations in the fields of external policy, defense and security;
- The establishment of a new legal basis for the Union.

THE MAIN NOVELTIES OF THE TREATY

Examining the formal aspects of the Lisbon Treaty and the structural changes it entails must complement the analysis of its material content. We synthesize here in brief the novelties and the reforms enacted by the Lisbon Treaty and its contributions to the changes that will affect the European Union:

1. The Lisbon Treaty strengthens the political dimension of the European Union, developed in the last years. The European Community ends its existence, thus being recognized the appearance of a common political reality, that of the European Union – unlike the previous situation when two judicial realities corresponding to the two organizations, the EU and the EC, coexisted. The Union gains legal person status and, by explicitly establishing its values and objectives the political project and its nature are more strongly defined. The political character of the Union is strengthened also by the specification of its functioning principles: representative and participatory democracy. As to this latter aspect, one has to take into account the importance of introducing into the functioning framework of the Union of the legislative initiative of a million citizens. As innovative as this is the stipulation that, for the first time, a state has the possibility of voluntarily leaving the Union;

2. The Lisbon Treaty clarifies and defines the relations of the Union with the Member States through the catalogue of competences. To this extent, we must highlight the novelty of the national legislatures' participation to the activities of the Union. In addition to their traditional functions, the Lisbon Treaty gives the national parliaments the role of guarantor of the national competences in relation to the Union. Hence, the national legislatures will be able to take part in the process of "ex ante" political control of the

community's legislation accordance with the subsidiarity principle and will play an important role in the simplified revision of the treaties, through the possibilities opened by the "gangway" procedure;

3. Of utmost importance for the democracy of the Union is the compulsory character of the Charter of Fundamental Rights of the European Union, although there are some exceptions for the United Kingdom and for Poland.

4. The consolidation of fundamental rights protection mechanisms is highlighted also by the possibility of the Union's accession to the European Convention on Human Rights, a prominent document of the Council of Europe, which entails the EU's acceptance of an external control mechanism in the field of the fundamental rights;

5. In order to cope with the challenges which stem from the increase of the Member States, the Lisbon Treaty enacts an important institutional reform which strives to ensure the democratic quality of the Unions functioning as well as guaranteeing its decision and action capacities;

6. The legislative and decisional procedures are profoundly altered. In order to increase the efficiency of the community's action, the Lisbon replaces the unanimous decision of the Council with the qualified majority voting procedure for 28 new fields of action. In addition to that, the stipulations of the Lisbon Treaty entail that in 28 cases the rule of decision-making is qualified majority. In regards to the legislative procedure, the Lisbon Treaty stipulates that the rule is the old general rule of the "ordinary" procedure. This procedure is none other than a reformed version of the "co decision" rule, which entails that in order to pass a decision, both the Council and the EP must, on parity, approve it. The partnership of the European legislature is thus consolidated. As to the legislative acts of the Union, the Lisbon Treaty considerably disentangles the matters by making a clear cut difference between "legislative acts", i.e. those approved by means of a legislative procedure and "executive acts", i.e. those adopted through competence declination by the Commission. Furthermore, a clear hierarchy between these categories is established;

7. To clarify and explain the functioning of the EU, the Lisbon Treaty outlines the competences of the Union, establishing three categories: exclusive competences, common competences and complementary competences. The Treaty also lays the foundations for a catalogue of competences belonging to each of the three afore-mentioned categories. As to the exercising of these competences, the main change is the establishing of monitoring procedures over the conformity of the common action with the proportionality and subsidiarity principles. First, a political "ex ante" control is instituted, through the participation of the national legislatures in this procedure, the possibility of bringing an action in front of the Justice Court being guaranteed. As to the action competences of the European Union, the Lisbon

Treaty establishes new judicial grounds for the Union's development of actions and policies in fields as diverse as humanitarian aid, space research, energy, climate change, youth, sports, civil protection and administrative cooperation;

8. In most cases, we are not talking about exclusively new competences, but more likely a thoroughness of older stipulations. The great leap forward from this perspective is the institutions of the Freedom, Justice and Security Space;

9. Significant progress is registered also in regards to the Common Foreign and Security Policy of the European Union, as an attempt to bolster the international profile of the European Union. First, a framework of values and objectives is firmly established, which corresponds to the role of increasing international responsibility the EU tries to assume at a global level and which ensures increased internal coherence. At the same time a new legal basis is established for the initiation of privileged association relations with countries in the immediate vicinity of the EU, a part of a new specific neighborhood policy. The Union's gain of the legal person status allows the Union to increase its international visibility and efficiency. Two important innovations are relevant to this matter – the newly created function of High Representative for Foreign Affairs and Security Policy of the European Union as well as the newly established European External Action Service, which will help the High Representative to carry out his activity. Both institutions seek to offer unity and coherence to the two fields of foreign policy, the intergovernmental field, specific to the CFSP and the community field, specific to the foreign relations of the EU;

10. The Common Security and Defense Policy is decisively developed through the Lisbon Treaty. On the one hand, the present line of crisis management through the Petersburg missions is continued; on the other hand progresses are made in two directions: cooperation in terms of capacities, through the creation of a European Defense Agency and through the establishment of political self-defense instruments of the Union. To this matter, the Lisbon treaty contains a clause of mutual assistance between the Member States in case of a military attack, a solidarity clause between the Member States in case of a natural disaster or terrorist threat as well as the possibility of establishing a permanent structured cooperation between the states which match a series of criteria and are able and willing to assume responsibilities in relation to these capacities. At the same time, the legal framework of the cooperation is extended through the procedure of "consolidated cooperation", which entails the elimination of the present interdiction, allowing for the creation, as in the cases of the Schengen Area or of the Euro Area the gradual creation of a veritable European Army.

11. The Lisbon treaty also entails significant changes pertaining to the procedure of treaty revision

itself, the European Parliament being several additional competences. An ordinary procedure is established, which consists, as a general rule, of the convening of a Convention, but also simplified procedures, known as “gangways” which allow the amendment of decision-making or rule-enacting procedures without a formal revision of the treaties. The first stipulation represents an important democratization of the reforming process of the Treaties, ensuring the participation to the UE reform of the national legislatures and of the European citizens especially, along the governments of the Member States and the European institutions. The second stipulation consolidates the Union’s capacity to cope with new challenges eliminating the need for costly and lengthy reforms. Germany’s proposal of modifying the Treaties through the simplified procedure, precisely article 125 of the TFUE, should be seen in this light.

For all these reasons, the Lisbon Treaty can be considered paramount, as it accomplishes most of the substantive European reforms, both in terms of scale and in terms of content. The Treaty is a great step forward towards the construction of political Europe to the extent to which, on the one hand, it develops the model of this unique political system, and, on the other hand, it enhances the Union’s power of action in fields that normally lie within the scope of exclusive national sovereignty of the Member States³.

THE INSTITUTIONAL REFORM. INCREASING THE EU’S EFFECTIVENESS

The new elements, true innovations in certain cases in terms of institutional development, comprised at the same time by the Constitution and by the Lisbon Treaty, represent perhaps the most important institutional architectural reform since the creation of the Communities. It is the answer of the European Union to a double challenge and necessity:

- On the one hand, the continuation of the democratization of the European decision-making procedures, strengthening the participatory character and transparency;
- On the other hand, adapting an institutional system initially devised for six states to the increasing number of members, trying at the same time to guarantee an Effective Union under these circumstances.

The general view is that there is a great deal of continuity. No new institutions were created and their major role in the decision-making procedure of the existing ones was not altered. Nevertheless, there are several changes, their importance and their capacity of affecting the general characteristics of the Union’s functioning to be highlighted in the following years. As an example, one can look at the permanent President of the European Council or at the High

Representative for Foreign Affairs and Security Policy of the European Union offices. We shall examine these innovations, focusing exclusively on the institutions that have a leading role in the inter-institutional dialogue, i.e. the EP, the European Council and the European Commission.

THE EUROPEAN PARLIAMENT

In regards to the European Parliament, the maximum number of MPs is set at 751, their national allotment being decided by means of a proportionally decreasing sequence. The institutional position of the European Parliament is strengthened, mainly by the provision that the co-decision procedure becomes the general norm, granting the Parliament the effective position of a co-legislator, with full authority in budgetary matters, on equal terms with the Council. The European Parliament is the great winner of the revisions brought about by the Lisbon Treaty, as it was the case in several other institutional reforms. In a way, it is a fully legitimate process that of attributing increasing powers to the EP, given its position of representing the citizens of Union. One can argue that there is a development of the Parliament’s prominent role in the institutional functioning of the Union, given its position of representing the civic legitimacy. Hence, art. 14.1 of the TEU states that: “The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions. It shall exercise functions of political control and consultation as laid down in the Treaties. It shall elect the President of the Commission”.

This new legislative equal footing between the EP and the council reflects into decisional practice the Union’s twofold legitimacy, as an organization of both citizens and states, in spite of its elimination from the text of the treaty. The most relevant aspect pertaining to the European Parliament is therefore its substantial increase of competences in the budgetary and legislative fields and as a constitutive power of the EU at the same time. The Lisbon Treaty continues and even caps the tendency of previous reforms of incorporating civic legitimacy into the legislative and budgetary powers, thus reflecting the leaning towards an increasing democratization of the European decisional system.

THE EUROPEAN COUNCIL

A novelty brought about by the Constitution and the Lisbon Treaty altogether is deeming the European Council an institution of the Union for the first time since its foundation and, as a consequence, subjecting it to the rules of the European system. Regulating the European Council is stipulated in article 15 of the TEU, alongside the other communitarian institutions:

³ Carbone, Maurizio (ed.), National Politics and European Integration: From the Constitution to the Lisbon Treaty, Edward Elgar, 2010

“The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof”. It is added that it will not perform a legislative function, which still corresponds to the Council.

Another novelty is represented by the creation of the President of the European Council office, whose term of office is set at two and a half years, renewable once. The attributions of the President of the European Council, as per article 15.6 of the TEU are:

- To chair and drive forward the work of the European Council;
- To ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;
- To endeavor to facilitate cohesion and consensus within the European Council.

The Treaty also stipulates the mandatory presentation of a report to the Parliament at the end of every European Council’s reunion, as well as its obligation to represent the EU in the CSDP area. By the imposition of this function the framers of the treaty try to ensure the continuity, the visibility and the coherence deemed necessary for the EU’s representation, both internal and domestic. The president effectively becomes “the visible face” of the Union, whom the citizens can identify with both the leadership of the European Council and the EU in its entirety. The office of permanent President of the European Council changes the nature of the institution, starting with the permanent character of the office, which will impact on the inter-institutional balance and dialogue, since a new player enters the game.

Finally, this innovation can also lead to a change in the intergovernmental character of the institution because, for the first time, we have at the fore front a leading figure that does not represent a state. His functions – leading the institution and facilitating a consensus by drawing together the common interests of the Member States - can determine a shift in the institutional dynamic. This undermining of the state that holds the presidency of the Council is also determined by the specific state’s losing of the European Council Presidency and External Relations Council positions, which decreases the clout of the prime-minister and the foreign minister respectively during the time of that Presidency.

THE COUNCIL

The main modifications pertaining to the functioning of the Council regard the improvement of its effectiveness in the context of an increased number of members. It is the case of replacing the current system of rotating Presidencies of the European Council and the Foreign Affairs Council on the one hand and the adoption of a qualified majority voting system on the other hand. The same objective of

increasing the effectiveness of decision-making procedures determined the decision of extending the number of categories that no longer require a unanimous vote, but a qualified majority vote. Another change refers to the improvement of the democratic functioning of the Council, and we have in mind the obligation that all Council works are made public when it acts in the prosecution of its legislative capacities.

The debate about the retaining or replacing of the rotating Presidencies of the different configurations of the Council of Ministers went along the debate about the introduction of the permanent Presidency and it ended with the following conclusions:

- Maintaining the current system for most of the configurations of the Council;
- Organizing Presidencies along a “three state team” lines (collective teams of three consecutive Presidencies which coordinate the activities for a period of eighteen months inside which each state takes up the coordination responsibilities for six months);
- Establishing two permanent Presidencies: the Foreign Affairs Council, which will be led by the Union’s High Representative for Foreign Affairs and Security Policy and the Euro group, the Economic and Financial Affairs configuration of the Council (ECOFIN) which gathers the members of the Euro zone, which will designate a permanent President (for a two years and a half term) from its own ranks.

The new formula for the qualified majority voting procedure was also subject to great debate. In order to better understand the stake at play, one needs to remember that a similar problem had determined the failure of the Brussels IGC in 2003, generating negative effects in regards to the political momentum of the reform process: the European Convention had advanced a twofold type of majority, taking into account both the number of states and the population, a proposal ratified by the IGC and found in the Lisbon Treaty. Article 16.4 of the TEU states that: “a qualified majority shall be defined as at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union.”

The Polish renegotiation, enacted with the occasion of the 2007 IGC led to the postponement of this provision’s coming into force until 2014. In addition to that, it is stipulated that until the 31st of March 2017 any state can ask for the maintaining of the present European legislation voting system. The double majority voting system has the advantage of both efficiency and adaptability. Unlike the model of triple majority established at Nice, still functioning today, the new formula allows an easier decision-making procedure, reducing at the same time blocking possibilities. At the same time, the new formula also has the indisputable advantage of being a model much more transparent towards the European citizen, allowing him to better and easier know the manner in

which a decision was taken, which states approved it and what is their combined population. To this is added the advantage of adaptability, because by eliminating the weighting factor, there is no need for a further revision of rules every time the EU enlarges. Finally, the change adds a touch of democratization to the procedures, by recognizing indirectly in the weight of every government's vote the weight of that state's ratio in the total population of the EU.

THE COMMISSION

The Commission is on the losing side of the institutional reform, being the only institution that does not emerge strengthened out of this process. There are nevertheless two chapters that underscore a possible reform, both trying to enact the consolidation of the democratic dimension and the increase of its functional efficiency:

- Its election by the EP;
- Its composition.

The first provision will increase the influence of the EP in the election of the Commission, as the Lisbon Treaty states that: "The European Council shall propose its candidate for President of the Commission in accordance to the results of the EP elections". This seems a step forward towards a more political and not only technical Commission, but not a very bold move if we consider that the right to advance proposals for the office remains a prerogative of the European Council⁴. This small step forward nevertheless allows the European political parties to move forward, in the direction of the personalization of European politics. In this way, the old proposal of Jacques Delors that the parties may nominate before the European elections a top-list leader could become reality. Evidently, the European council could not ignore such a nomination. This important element has the potential of becoming a window of opportunity for the real democratization of the Commission.

The problem of the Commission's composition was also the focus of other heated constitutional arguments:

- Efficiency dictates a Commission with fewer portfolios;
- Representativeness entails the maintaining of the "one country-one commissioner" principle.

In the end, the Constitution outlined the first line of argument, a solution maintained by the Lisbon Treaty. The number of commissioners will be 2/3 of the number of Member States, including the President and the Vice-president, who is also the High Representative for the Common Foreign and Security Policy (CFSP) and the Common Defense and Security Policy (CDSP). The reduction of the number of commissioners will come into force on the 1st of November 2014, thus ensuring that the first

commission of the Lisbon Treaty maintains the "one country-one commissioner" representative principle. The new form of article 17.5 of the TEU states that through a European Council Declaration a rotation system between Member States will be set, that takes into account the Union's demographic and geographic diversity. The reform strengthens the powers of the President in imposing functions on the members of the Commission. This is a fundamental change because it has the potential of leading to more homogenous and efficient Commissions unlike the current situation when, as a result of the imposing of selected commissioners by the supporting Member States we are often dealing with a very heterogeneous mix of personalities. Indirectly, the Commission's powers appear strengthened by the Lisbon Treaty, because the Commission stands to play a role in inter-institutional mediation and as a legislative initiator as a result of the extension of the qualified majority voting and co-decision procedures⁵.

THE HIGH REPRESENTATIVE OF THE EU FOR FOREIGN AFFAIRS AND SECURITY POLICY

Finally, we consider it important to discuss the possible impact on the Commission's nature and functioning determined by the establishment of the High Representative of the Union for Foreign Affairs and Security Policy office. The person holding the office will be simultaneously named and mandated by the Foreign Affairs Council and the Commission. He will also hold the positions of Foreign Relations Commissioner and Vice-president of the Commission. Although the change holds important advantages in terms of coherence, efficiency and foreign action visibility, the character of Commissioner and Vice-president of the Commission, on the one hand, and the position of permanent President of the Foreign Affairs Council can modify its nature and functioning.

For the first time the institutions cease being insulated, being difficult however to estimate the impact of this change on the inter-institutional relations and balance. The same line of argument can be extended towards the European External Action Service, which will support the work of the High Representative and which, according to the treaty's provisions, will be staffed with personnel from the General Secretariat of the Council, the Commission and personnel detached from the foreign ministries of the Member States to this true "European ministry" of foreign affairs. The traditional collegiality of the Commission is affected too, because the High Representative is no longer on equal footing with the other members, but is conferred a special and enhanced legitimacy by his appointment by the Council. One must also take into account the fact that

⁴ Fuerea Augustin - Manualul Uniunii Europene, Ed.4, Editura Universul Juridic, București, 2010

⁵ Fuerea Augustin - Manualul Uniunii Europene, Ed.4, Editura Universul Juridic, București, 2010

the independence of the Commission, especially when it comes to Foreign Affairs, can be affected, given that one of its members must accept, if it is the case, instructions from the Member States. This risk is certain in the case of the CFSP, but reality also points to numerous instances in which it is difficult to extricate the CFSP from foreign policy. At the same time the hierarchy issue comes forth in regards to the overlapping representation competences of the President and Vice-president of the Commission.

The impact of these changes on the Commission, as well as the effects of several other changes can only be analyzed after a couple of years' time and, as in the previously analyzed case, the concrete effects will depend highly on the personalities of the High Representative and of the President of the Commission⁶.

Conclusion

Given the increase in the role of the national parliaments in the decision making procedures of the EU, the modification of the national legislation is warranted, so that the Parliament becomes involved in the national system of European affairs coordination (at least concerning the major issues on the European agenda). The periodic presentation of reports to the national Parliament concerning the issues on the EU agenda could prove useful. Instituting the practice of presenting in front of the Parliament the mandate followed at the European Councils, or at least at the most important Council reunions, already upheld by several Member States would be an interesting development.

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⁶ Craig, Paul - The Lisbon Treaty. Law, Politics, and Treaty Reform, New York 2011