

SEVEN KEY INSTITUTIONS OF THE EUROPEAN UNION- VALIDATED BY THE LISBON TREATY

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Abstract:

The seven institutions of the EU, which the title of this article announces, structure the institutional basis of the Common European Home, considered to be the emblem of the most dynamic and complex, the most institutionalized and discussed (even controversial) regional integration process.

Building the Community Europe has begun by the establishment of the Communities having 3 political institutions which represented in the evolution of the integration process, the triangle that ensured the coherence and the continuity of the Community actions: Council of Ministers, European Commission and the Assembly to which was added the Court and from 1974 the European Council as an indicative body. The five main institutions have formed the Community institutional system which over time had mainly guidance competences, of decision and direction (Council of Ministers, the Commission and the European Council) or control skills (the European Parliament and the Court of Justice). Since 1975, the institutional structure was strengthened through the creation of a Court of Auditors with general competences of checking accounts and discharge in Community activities. Maastricht Treaty 1992 (1993) raises this body to the rank of Community institution, without substantially altering its powers. The 6 Community institutions were supplemented by validating the status of Community institution of the ECB by the Lisbon Treaty 2007 (2009). ECB together with the national central banks of the Member States whose currency is the euro make up the Eurosystem.

Through the Lisbon Treaty, the institutional structure was subjected to a process of improvement and strengthening of the EU which functions currently through the 7 institutions, interdependent, which are in a complementary relationship determined by the common goals which they pursue in Europe and in relations with other parts of the world.

Key words: institutions, European Union, EU legislation

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INTRODUCTION

THE EUROPEAN IDEA IN SLOW OR ALERT PACE.

Today, 28 European states are united in a form of European Community life which bears the emblem of European Union, starting with the Maastricht Treaty in 1992 (1993). Six European states: France, Germany, Belgium, Netherlands, Luxemburg, Italia have started on this way in a traumatized Europe which faces numerous political, economical, social, industrial problems and bringing together the countries of the continent is presented as a lifesaving procedure to regulate the difficulties and the impasse created by two world wars.

It was the time when the federalist movements were flourishing, with different motivations. Even during the war there was an idea of United Europe circulating in various forms and in the most varied environments. The unleashed energies were directed toward setting up the "Western Union [1]" (17 March 1948), the Council of Europe (5 May 1949), the first organization of political cooperation in Europe and of the North Atlantic Treaty Organization (NATO) 4 April 1949 with military vocation. These were the first attempts of European cooperation, economic and military, strongly marked by the intergovernmental approach of the Europe's unification which in essence is expressed by the people's wish to keep entirely the state sovereignty.

This form of cooperation excludes the transfer of powers, the states involved will concentrate their efforts to achieve some common objectives in the political, military and economic plan.

The second half of the past century has enshrined the launch of the upward trend of the same ideas of European unity, but towards European integration, a form and an historical model superior in unity compared to the previous unit. Based on shared norms and values, the European states agreed on some types of connections, political or economic in long term.

The 6 states mentioned above “the Europe of 6” started from the “common market” going to “Europe of 9” and then to the “Europe of 12”, with various names: ECSC, EEC, EAEC. These defined the European process, which since its debut has constantly pursued as an objective the European Union, process which had some steps, with stages and distinct features. Through the Treaties of Rome 1957 (1958), “the 6” aim to “establish the foundations of an Union without precedent and bond even closer between the European peoples”. “The 12” who signed the Maastricht Treaty of 1992 (1993) seem to have lost momentum from the beginning because presents the Treaty as a legal basis of a new “phase in the creation of a Union¹ without ceasing and closer between European nations.” An Union “sui generis” with three structures: European Community, CFSP (Common Foreign and Security Policy) and JHA (Justice and Home Affairs). A Union which “ was always part of the European lexicon, but was never defined rigorously.” The Maastricht Treaty was supplemented and developed in many of its points by the Treaties of Amsterdam 1997, Nice 2001, to ensure a common framework for the European Community on one hand and for the second pillar (CFSP) and the third pillar (JHA) on the other hand.

Then came the Treaty on the EU Constitution signed on October 29, 2004 which triggered a veritable constitutional crisis because an important number of states have ratified the Constitution but France and Netherlands rejected it in a referendum. So the ratification was blocked in the summer of 2005, which generated the institutional crisis which required a period of reflection, searching, probing to pull the EU from the political impasse. The relaunch of the negotiations on EU institutional reform took place on the European Council held in Brussels (June 2007).

On this occasion was realized an agreement regarding the negotiating of an Reform Treaty which to replace the Constitutional Treaty to allow overcoming the crisis. It was decided to convene the Intergovernmental Conference which will draft based on a detailed mandate and a timetable till the end of 2007. In general, the timeline was respected so that at 13 December 2007 the Treaty was signed by the leaders of the 27th Member States.

It entered into force on 1st December 2009, occasion with which the President of the European Council announced that “Europe was out of the institutional crisis being willing to face the future challenges”. In this way, the political project institutionalized at Maastricht gave life to those stated in the Single European Act and double the economic objective of the Treaty establishing the European Community (TEC) becomes reality.

A large part o the reforms are taken from the Constitutional Treaty which as shown, crashed in its application. It refers mainly to the functioning of the EU institutions and the conditions of its extend and the integration process. This time the Union [6] shall replace the EC si succeed to this, acquiring legal personality. The Lisbon Treaty amends both the Treaty on European Union (TEU) and the Treaty on European Community(TEC) which leads to the appearance of two separate treaties TEU obtained by modifying the former TEU and the TFEU obtained by the modifying of the former TEC.

Lisbon Treaty 2007 (2009) has set therefore as an fundamental objective the completing and perfecting of the institutional reform process started by the Amsterdam Treaty, continued with Nice Treaty and tried by the Constitutional Treaty which was abandoned after the failure of its ratification by every Member States. The main mission of this Treaty is to ensure the functioning of the decision-making mechanisms in terms of accession of the new Member States. So the continuation of the project building the European Community depends by the clarification of the relations between the EU and the Member States, and the clear and precise competences for fulfilling its objectives and policies established by the Treaties. To this is added the recognition of the legal force of the Charter of Fundamental Rights of the EU, which through a set of fundamental

values and rights enshrined and guaranteed by the EU will approach the European citizen by the European ideals.

I. Creation of the European Union by the Treaty of Maastricht in 1992 (1993) and then its consolidation by subsequent treaties, particularly the Treaty of Lisbon (under which acquires legal personality) does not necessarily mean the edification of a new institutional structure. The institutional reinforcement built since the foundation of Communities survived, being adapted step by step with the new requirements of building a united Europe. Therefore, the Treaty of Lisbon amends the EU institutions, giving them new skills and legal configuration designed to cope with the unprecedented rise of the EU. We insist on these issues below.

According to the article 13 of TEU, the European Community has in its institutional structure seven institutions:

The European Parliament has an enhanced role because does not represent as claimed “the peoples of the States brought together in the Community” but “the citizens of the Union” in other words, a European identity conferred by the membership of the Europeans to the Union through the political-legal relationship. Also, the European Parliament is vested with legislative and budgetary powers along with the Council. The composition of the Parliament is established unanimously by the Council, at the initiative and with the approval of the institution. The maximum number of its members is 750 and the president, and the number of seats allocated to each nation cannot be less than 6 and more than 96.

The enhanced role of the European Parliament is expressed by the fact that being directly chosen by the European citizens, its powers are considerably increased in areas such as legislation, the budget and the international agreements concluded by the EU. And the fact that under the new Treaty, the use of co-decision is more frequent in adopting European policies, puts the Parliament almost on a par with the EU Council (representing the member states), in adoption of the most EU legislation. However the European Parliament remains in the background in the lawmaking process.

The enhanced role of the Parliament must be put in correlation with a greater involvement of the national parliaments in EU activities. Based on the principle of subsidiarity, the EU can only intervene when can be achieved better results at the Community level. The new article 5 al.3 of TEU states that “The Union shall exercise its powers only if and to extent in which the Member States cannot achieve certain envisaged objectives neither at a central level nor at regional and local level and the action envisaged action can be achieved better at EU level, in terms of scale and the effects that it causes[6]”.

The European Council which till the Lisbon Treaty did not have the legal status of EU institution becomes aware of this status. Consists of Heads of State or Government from the Member States, its President and the Chairman of the Committee. At the works of the European Council participates also the High Representative of the Union for Foreign Affairs and Security Policy.

Treaty of Lisbon reiterates the mission of the European Council to boost the development of the EU and to establish the political guidelines necessary for such development. Are added also to the listed ones, the responsibilities for establishing the general priorities without recognizing its legislative functions (in this field or any other). The other objectives of the European Council concern: the ordinary management review process and simplified revision of the establishing and functioning EU treaties; appointment with a qualified majority of the EU High Representative; proposal to the European Parliament of a candidate for being the President of the Commission; appointment of EU Commission based on the Parliament’s approval (by qualified majority); identification of the EU strategic interests, finding serious and persistent breaches of the enshrined breaches in the TEU; appointment of the President, Vice-President and the other members of the Executive Board of European Central Bank.

Some provisions of the Lisbon Treaty refers only to the activity of the President of European Council which runs and impels the institution’s works, ensuring the continuity of the activities, facilitates cohesion and consensus within this body. He is obliged to present to the European Parliament a report after each European Council meeting (four times a year). In matters

of foreign policy and common security ensures an appropriate representation of the Union without prejudice the powers of the High Representative. In line with the efforts to deepen and accelerate the activities of the EU is also the legislative consecration vote in the European Council in a significant number of fields such as: President's election of the European Council for a term of two and a half years which is renewable, the appointment of the High Representative of the Union; EU Commission appointment based on the approval of the Parliament. When voting by qualified majority, this is defined in the same terms as in the Council of Ministers. In some areas the European Council decides by simple majority such as the adoption of Supplementary Regulations of procedure or procedural matters.

European Council President and the President of the Commission do not vote, fact which could be interpreted as a diminution of their prerogatives.

Finally, as another novelty element, can be retained the extend jurisdiction of the current Court of Justice and upon the acts adopted by the European Council. In this regard, the Court's jurisdiction is limited when appealing an act of the European Council through which is stated the existence of a serious and persistent breach of the EU principles by a Member State.

COUNCIL OF THE EUROPEAN UNION (ALSO KNOWN AS THE COUNCIL OF MINISTERS).

In the regard of the Council, Lisbon Treaty reiterates the traditional competences in legislative and budgetary matter that is performed along with the European Parliament, to which he adds the function of defining and coordinating of policies, in accordance with the terms of their treaties.

The Council is composed from a representative at ministerial level of each Member State, authorized to represent the government [2] of the Member State and to exercise the right to vote. Usually the Member States designate as representatives foreign ministers who currently hold the position in the government. Is practiced however to send a state secretary instead of ministers or even of representatives which don't belong to the government.

Important provisions of the Lisbon Treaty concern the procedure for qualified majority voting which is extended in other areas that the previous ones, and to ensure a much more efficiency and dynamic of the decision-making process. It is mentioned the date November 1st 2014 the one from which the calculation of qualified majority is based on the system of double majority of Member states and population. A double majority is attained when a decision is adopted by a vote of 55% of Member States representing at least 65% of its population.

The qualified majority represent the procedure to pass the decisions of common law. The art. 16, al. 3 of the TEU states that, the Council shall decide with a qualified majority except where the Treaties provide otherwise. Lisbon Treaty redefines this procedure, keeping the criteria set of the Nice Treaty. In special cases, expressly provided, the decisions can be taken by a simple majority, case in which must be ensured the majority of the members [4]. Also, must be recalled the situations stated by Lisbon Treaty in which the decisions are taken by unanimity. In the latter case each state has one vote.

Unanimity procedure is applied in matters of significant importance for the Community, such as accepting new Member States, triggering a common policy, amending the Treaties. It is about areas in which can occur certain political sensitivities. The Council deliberates and votes the draft normative acts publicly.

The functioning of the EU Council brings into question three issues: ensuring the Presidency; decisions making and the role of subsidiary bodies. Since we referred to how decision-making takes place, we will focus on the other two issues.

The presidency is ensured on a period of six months starting with 1st January 2007, in turn by each Member State in the order fixed by the Council, based on a program of coordination, the state which holds the presidency being supported by so called "troika" which is formed to ensure the continuity of President's activity, meeting the old, current and future presidency[5].

From 1st January 2009, the Council Presidency rotates between groups of 3 Member States, predetermined by an equal system which takes into account the diversity of states but also the need for a geographical balance. The country which assures the presidency exercises its attributes in all Council formations except foreign business formation. The other two states shall assist the Presidency in achieving goals in a common program.

The President in Office provides: training sessions; preparation of agenda; communication agenda with 14 days before the meeting; preparation of a work program for the Council which could help the state of whose membership is. As for the Foreign Affair formation, this prepares the external program of the Union on the basis of strategic guidelines, established by the European Council and not by the President of the Council.

The Council works in several configurations, with different tasks, their list being determined by the TFEU. There is a General Affairs Council which ensure the consistency of the works and of the different formations of the Council and the **special Councils** that bring together Ministers of the Member States on certain areas such as finance and economics, justice and foreign affairs, labor market, social policy, health, consumer protection, competitiveness, domestic industry and health, communication and energy, agriculture and fisheries, environmental protection, education, youth and culture.

The auxiliary bodies are established for a good development of Council activities, from which is more important the Committee of Permanent Representatives (COREPER). This body is made up from delegates of the Member States (senior officials with the rank of ambassador), each of these providing a bridge between his state and the Community, because the dialogue between the Member States “starts in this Committee, giving the opportunity to know beforehand the points of agreement and disagreement, possibly solutions that are foreseen[1].”

The European Commission is the executive body of the Community or “the Union government”, which fulfills multiple and complex functions, according to the additions made by the Treaty of Lisbon. The Commission promotes the general interest of the Union and takes appropriate initiatives to that end; ensures application of the Treaties and of the adopted measures by the institutions; oversees the application of Union law under the control of the Court of Justice of EU; implements the budgets and manages the programs; exercises coordinating, executive and management functions, as foreseen in the Treaties, adopts the Union’s annual and multiannual programming initiatives to conclude institutional arrangement; ensures the external representation of the Union except foreign and security policy.

Judged by these powers, the Commission has the legal physiognomy of a genuine European “government”. Through its political-administrative nature is different by the EU General Secretariat or the General Secretariat of an international organization, since “it is not only the manager of the common actions, but through its competences and missions that it has, it is the piston of European integration process” [1].

As it is profiled, “the Commission is the executive body of the Union which provides Union’s own identity highlighting the Community objectives and tasks beyond the interests of Member States.”

As a supranational institution and guardian of the Treaties, the Commission is made of commissioners chosen on the basis of their general competences and their commitment to the European idea, among persons of indisputable independence. The requirement of European commitment is introduced by the Lisbon Treaty, in addition to the conditions previously imposed.

Commission’s mandate is 5 years. As a structure, consists of: a College (consisting of 28 Commissioners); Offices formed around each Commissioner and General Directorates headed by Commission members, similar Ministers from classical governments. Among the attributions of the Commission, Lisbon Treaty focuses on its legislative initiative monopoly. Article 17, al.2 of TEU states that: “Union legislative acts can be adopted on a Commission proposal, except the case in which the Treaties provide otherwise. The other acts are adopted at the Commission’s proposal where the Treaties provide so.

In certain cases provided by the law, through an legislative act, the Commission can be empowered to adopt non-legislative acts and with vocation of general application, through which is completed or modified certain non-essential elements of the legislative act.

There is the so-called “legislative” competence by delegation which involves establishment of specific and precise objectives, of content, of field of application and length of delegation.

Also, when necessary, the Commission exercises “legislative” powers of execution under Art. 291 TFEU.

Besides legislative powers, the EU Commission fulfills important administrative attributions of control, representation, development of an annual or long-term strategy regarding its activity, editing of EU Bulletin.

Commission President acquires through the power of Lisbon Treaty powers which confers him the status of a genuine European prime minister.

According to the Treaties, he decides on the internal organization of the Commission to ensure the coherence, effectiveness and collegiality of its actions. He has the competence to modify whenever is necessary the Commission’s structure. By setting the political agenda, the President defines the guidelines within which the Commission exercises its mission.

In short, he is called to defend the general European interest. Through his responsibilities falls also the one to appoint vice-presidents (others than the High Representative), among the Commission members. Juncker Commission comprises 6 Vice-Presidents and the High Representative of the Union for Foreign Affairs and Security Policy, who is also Vice-President. One of them serves as first vice president and handles of a better enactment, of inter-institutional relations, the rule of law and the Charter of Fundamental Rights.

Court of Justice of the European Union is the main EU institution which ensures uniform application and interpretation of law union, considered to be the binder of European integration. The European construction is based on institutive treaties and the treaties that have followed (the latter being the Treaty of Lisbon), on rules and procedures to which all those involved in building them must obey.

The originality of European Community law prints an original character to the Court of Justice. It is a specialized court to which can address both the states and the individuals, legal or natural persons from EU states (directly). Through this feature, the Court differs from the International Court of Justice (The Hague) which is accessible only for states, not for natural or legal persons. On the other hand, the Court of Justice of EU doesn’t have any international vocation such as the International Court of Justice, being an internal justice of the Community, conceived by the model of state jurisdiction. Finally, as long as the competence of the Court of Justice of the European Union is mandatory, the competence of the International Court of Justice is optional “states not being subjected to this jurisdiction in case of a dispute, only to the extent in which they agreed to it”.

The Court of Justice of the European Union has a system of courts, each having its specific competences. Under this system, the Supreme Court till the Lisbon Treaty was the Court of Justice of the European Communities, supplemented by the Court of First Instance and the by specialized courts.

Like in the case of other institutions, the Lisbon Treaty advances in the transfer of sovereignty from Member States of the EU on union justice. The judicial union system remains unchanged as structure, but the names and skills bear some changes. As a name, the Court of Justice of the EU includes: the Court of Justice, the Court and the specialized Courts. Its mission is still the same, to assure the respect for law in interpretation and the application of the treaties. In general, the Court must ensure the respect for law in the interpretation and application of the Treaties watching over: the balance between the delegated powers of the EU and that remained of the states; of an accurate and coherent interpretation of union law; protecting the states, legal or natural persons in case of abuses during the integration process.

In this regard, the Lisbon Treaty recognizes to the Member States the right to determine the necessary remedies to ensure an effective legal protection in the areas covered by EU law. As a

genuine union jurisdiction, CJEU ensures a uniform interpretation of the Union law across the EU territory, having a mandatory competence. The originality of Union jurisdictional system is supported by the fact that, for the first time, the Court has as a complementary body (but subordinated) a legal Structure of first instance but also specialized courts. Also, the entire judicial system combines the valences of an international jurisdiction body with those of a national court. To the extent in which the addressed action of the Court come from the states, institutions or natural and legal persons is confirmed both the valences of an international court (having as litigants states) and the characters of a national court (with the litigants of a natural or legal persons). To these are added the likeness of the Court with a supreme court in the sense of national law, in the extent in which its decisions are final, and cannot be contested by ordinary means of appeal. Combining the features of the two legal establishments (national and international), CJEU “is an instance (*sui generis*) being the judicial authority of an independent legal system, unprecedented in the state or public international law²”. In the light of those said, the supranational character of the CJEU is better shaped. Its broad powers gives it in the same time the following attributes of: classical international court, Constitutional Court; administrative court, Court of Appeal or Supreme Court, civil or employment court. Compared to the previous regulations, the Lisbon Treaty completes the institution’s profile through a more appropriate allocation of the judicial functions and by creating specialized courts in specific areas of activity. The “strength” of the reform under the Lisbon Treaty, in regard of this institutions aims the extend of legal capacity of the Court in the exercise of the judicial review over the exercise of powers by the EU. The reform involves either adding some areas in which the Court’s competence was excluded or the adaptation of its powers to the new operating conditions of EU. To all these is added the Court’s competence to settle disputes in which will be invoked the breach of fundamental rights enshrined and protected by the Charter of Fundamental Rights (2007) or the European Convention of Human Rights to which EU acceded. But recognition of binding the legal force of the Charter and the accession to Convention could bring into question some possible conflicts of jurisdiction between the CJEU and ECHR.. To avoid such a dilemma, the Lisbon Treaty brings precious explanations for the situations in which the Charter enshrines rights that are found in the European Convention of Human Rights, the meaning and the scope being the same as those stated in the Convention. On the other hand, the Lisbon Treaty and the EU Charter of Fundamental Rights have been careful not to extend the jurisdiction of the Court of Justice in areas that are the exclusive competence of ECHR. The Lisbon Treaty reiterates the provisions of Nice Treaty regarding the presence in its structures of a judge from every state, mentioning that the judges and general advocates of the Justice Court, and the Court’s judges are chosen among the personalities who present all the conditions of independence and who accomplish the terms provided by TFEU. They are appointed by common accord by the governments of the Member States for six years. The judges and Advocates General who end their mandate can be reappointed (art. 254 (2) TFEU. During their mandate, the judges and advocates don’t receive and accept instructions from any government or other states sending bodies[2].

COURT OF AUDITORS

Compared to the other institutional structures, ECA has a history more recent. After the Merger Treaty (1965) was created a common accounting structure of the three Communities which replaced the ECA (by the Treaty of Brussels in 1977) having competences in auditing and discharge of the Community activity. The Court of Auditors in not what the name seems to suggest, namely a Community jurisdiction. By the Treaty of Maastricht 1992 (1993) it acted as an complementary body having a technical character, the mentioned Treaty raising it to the rank of Community institution without substantially altering its powers. The latter Treaties gave it more powers such as the enlargement of the procedural capacity before CJEU (by the Treaty of Amsterdam 1997 (1999)) or the possibility to hold two Chambers at this Court, which functioned

only in plenary as a collegial body (through Nice Treaty 2001 (2003)). The status of EU institution is confirmed by the Treaty of Lisbon which acknowledges the increased powers in matter of supervision and investigation of the way in which are the revenues and expenditures are made, the financial resources of EU. It is appreciated to be “the financial conscience of the EU” or the “watchdog” of its assets. Each Member State is represented by a person with experience and professionalism which presents every guarantee of independence and fidelity towards the Union’s values. As in the case of the judges which compose the Court of Justice of the EU, the members of the Court of Auditors don’t receive or accept instructions from any government or other bodies.

Further, the ECA has Chambers and a General Secretariat. The 28 members which represent the EU states are appointed on a period of 6 years by the EU Council, after consulting the EU Parliament, decides unanimously. Among the members of the Court it is designed a President for a period of 3 years with the possibility of renewal.

The Court of Auditors functions under an internal regulation which states the functions,, most important being: those of control of the accounts of all Union revenues and expenditures; examination of the legality and regularity of the income and expenditure to ensure a good financial management; to draw up an annual report of each financial year; of presentation to the Parliament and the Council of a statement which certifies the reliability of the accounts, legality and regularity of the underlying transactions; the preparation of special reports covering any comments.

To all these is added the competence to issue opinions at the request of any EU institutions and to approve financial regulations, aiming the execution of union budget that is to be adopted by the EU Council.

EUROPEAN CENTRAL BANK

Until the Lisbon Treaty, the definition and practical realization of monetary policy of EC imposed a system of the central banks that had its legal basis in the article 105 of the consolidated EC Treaty. The mentioned article secures the main objective of the European System of Central Banks (ESCB) comprising the ECB and the national central banks, being driven by the decision making bodies of ECB (the governing Council and the Board).

Treaty of Lisbon brings some substantial modifications in the legal regime of the ECB. The Eurosystem is limited only to the national central banks that don’t have legal personality. The powers of this system are exercised in order to maintain price stability and supporting general economic policy of the EU, given that this support to be harmonized with the primary aim. Although belong to the Member States of EU, the members of ESCB have their own independence without acting on the basis of some provisions coming from the country to which they belong.

As for the ECB, this became a basic institution of the EU having as an primarily objective establishing and conducting the monetary policy of the EU. Together with the European central banks of the Member States whose currency is euro, ECB structures the Eurosystem.

In the light of the recent regulations, the main bodies of the ECB are:

-**The Directorate** (consisting of director, deputy directors and specialists in monetary and banking matters).

-**ECB Council** (made of the members of the Executive and national bank governors of the states participating in the euro).

-**The Enlarged Council of ECB** (made of the President and Vice-President of ECB and the governors of the national banks of each Members States).

The competences of the three structures of establishment, management and coordination of monetary policy are well defined. The Directorate takes necessary decisions for the daily functioning of the bank and addresses instructions to the national banks. The ECB Council decides monetary policy with strategic and union laws specific to this field. It is the most important decision-making body.

The enlarged Board of ECB, given its composition is a consultative forum which grants assistance for the preparation of statistics, reports for the preparation and introduction of the euro in the new states.

Given the importance and the complexity of management, coordination and control of EU monetary policy, the ECB is equipped with a device built for the most extended part of the “directions”.

The tasks of the ECB have a very wide deployment on the field of monetary politics, covering: the development and management of the EU’s monetary policy: enforcement, conducting business in the field of payments used in international settlements replaced funds, management of the currency reserve of the states; approval of the euro currency issue, the optimal functioning of payment and settlement system; price stability; statistical data collection necessary for the operation of the bank; monitoring progress in the banking system.

The ECB has legal personality, being the only one authorized to issue the euro. In exercising the powers and the management of its finances, it has total independence so that institutions, bodies, offices and Union’s agencies and the governments of the Member States cannot influence in any way its duties. But the Council (unanimously), after consulting the Parliament and the ECB may entrust to this, specific missions relating the prudential supervision of credit institutions and other financial institutions. To these missions are excluded insurance companies.

It should be added that in the areas in which ECB has responsibilities is consulted on all proposed Union’s acts, also on every project of regulation on national level and can deliver opinions.

CONCLUSIONS

Treaty of Lisbon does not change fundamentally the institutional structure of the EU which will be based on the triangle: Parliament, Council, Commission to which is added the Court of Justice and the three institutions to which the new Treaty confers or validate the rank of EU institutions (European Council, the Court of Auditors and the European Central Bank). Ending a protracted crisis of the Constitutional Treaty (2004) and on the background of a complex negotiations, the Lisbon Treaty has the merit to redefine the existing institutional framework, contributing substantially to strengthening of the relationship between the principle of conferral powers of the EU and exerting their effective. Regarding the new institutional framework, the art 13 TEU states that this seeks to promote the values, pursuit of its objectives, of its citizens and of the member states and also the coherence, effectiveness and continuity policies of EU. In the stated purpose it is to note the inclusion of the EU’s basic institutions: Court of Auditors, ECB and the European Council. The latter is made of Heads of State and Government of the Member States and European Commission President and has an essential role in defining the guidelines and general policies of the Union although doesn’t have legislative powers.

On the line of redefining the institutional framework are also established a set of precise and clear rules, much more flexible in the decision-making process conducted by the EU institutions called upon to facilitate the achievement of the EU. These rules are subjected to the principle of representativeness in the European Parliament and the equality of Member States in the Council. Therefore, the co-decision procedure has been extended with a number of 50 new areas, turning them into ordinary legislative procedure. Under the new Treaty, European Parliament’s competences are enhanced, so that it complies with the Council and along this fulfills the legislative and budgetary position.

As for the Commission, the new article 17 TEU focuses on its function to promote the general interest of the Union and to take initiatives to monitoring the measures adopted and a fair and just application of Treaty’s provisions. Of course, the Commission oversees the application of the union law under the careful control of the Court of Justice. In the legislative process, the Commission has greater powers so that the legislative acts cannot be adopted until the Commission’s proposal (if the Treaties provide otherwise). Instead, non-legislative acts are adopted

to the Commission's approval only if the Treaties provide this. No less important is the Commission's power to implement the budget and manage the execution of Community programs.

In case of a legal gap, on certain objectives set by the treaties, the Lisbon Treaty gives the Commission the competence to propose legal measures. In respect of this measure, the Council shall unanimously act only after Parliament's approval. Of course, the adopted measures must be presented to the national Parliaments in the procedure of subsidiary principle that the Commission must carry out. The Lisbon Treaty does not limit the areas covered by this procedure, thing which does not mean it covers including objectives related to Pillar III (JHA) of EU, on which the Union has no specific skills or had a shared competence. In terms of foreign policy, a certain procedure could not be accepted.

The Court of the Auditors and ECB ennobled by the same Treaty (Lisbon) remain basic institutions of the EU, these stay in general in the frames of the previous missions, with some changes in structure and competences justified by the unprecedented deepening and broadening of the European integration process.

ENDNOTES

1. *Through EU Maastricht Treaty it was not substituted to Communities nor has legal personality distinct from that of the Communities*(P. FiSCHER, h. f. K rk, *Europarecht. Das Recht der Eudes Europaratos und der wichtigsten anderen europ ischen Organisationen*, Ed. Hinde, Wien, 1995, p.253 citat de Gy. Fabi n, *Drept institu ional al Uniunii Europene*, edit. Hamangiu, Bucure ti, 2012, p.100)
2. *Regarding the legislative power, it should be noted that the Lisbon Treaty establishes two types of legislative procedures: ordinary and special procedures. The ordinary procedure is in esence co-decisional and involves the joint adoption by the Parliament and Coucil of the sources derived from union law at Commission's proposal(art 289. Par 1 TFEU). Special procedures are all the other procedures covered by the Treaty and under in which the other legal acts are adopted. In this case, the Council decides unanimously after consulting the Parliament.*
3. *By that time it has the configuration of an intergovernmental conference of international law, working as an supreme forum for ultimate government of the EU. This forum is distinct from the intergovernmental conferences of the Member States ghatered and having as an objective the changing of the Treaties;*
4. *The EU Council differs from the Representatives of the Governments reunited in the Coucil, which represents a Ministerial Conference, which is established whenever primary law states this or when the Member States conside appropriate. This body has the status of an interstate meeting and it adopts specific acts of public international law. Also mustbe avoided the confusion between the EU Council and the European Council. For details see E. Iftime, *Construc ia comunitar  european *, Edit. Didactic   i Pedagogic , Bucure ti, 2003, p.92.*
5. *The Council also has an General Secretariat (over 2700 officials) but also groups of experts, commitees in various fields (economic, visas, regionalization, currency, local development, etc).*
6. *COREPER operates in two configurations:- COREPER I (consisting of permanent deputies) it deals with technical problems in areas such as agriculture, fisheries, internal market, budget, research, environment, energy, education, health , social and cultural). COREPER II- (meets ambassadors) and deals with major political issues ((foreign economic policy, foreign policy and security, economy, justice and home affairs, EU enlargement).*
7. *The number of Commissioners has varied over time. By 1st May 2004, the Commission had in its componence 20 members to which were added 10 Commisisioners of the states which joined on 1st May 2004. On first January 2005 the number of Commissioners was fixed at 25 (one country one commissioner) and in 2007 widened with 2 members from Bulgaria and Romania. Currently the new Commission is established after the entry in the force of Lisbon Treaty, although as the Treaty states, from 1 November 2014 the Commission was to have a number corresponding to 2/3 of the Member States. The Commissioners are elected among nationals of Member States under a system of stricly equal rotation between the Member States, reflecting the geographical range of all Member States (art. 244 of TFEU) of the Lisbon Treaty.*
8. *According to this article, when is necessary to ensure uniform conditions for implementing legally binding acts in the Member States of the Union, these acts can confer the Commission executive competences under the strict control of the Member States.*
9. *The new European Commission under the presidency of Jean Claude Juncker is looming to be a strong team with a new style of work organized around project teams led by the vice-president, which includes more commissioners. In this way it creates opportunities for dynamic interaction of all members of the college to remove the obstacles and static structures.*
10. *The High Representative of the Union for Foreign Affairs and Security Policy is appointed by the European Council*
11. *Has its origins in the Court of Justice of ECSC (1952) consists of seven judges (without vocation) and then in the Court of Justice unique fot the three comunities (1958) formed of 7 judges and two advocates-general.*

12. *After the entry into force of the Single European Act there was the need but also the possibility of creating an judicial body of first instance in specific, Court of First Instance (functional since October 1989) which after the accessions of 1995 (Austria, Finland, Sweden) was composed of 15 judges and 9 lawyers (since 2000 the number of Advocates General has returned to 8). After the Nice Treaty, the Court will have the same position and importance of the original Community law, as in the Court of Justice.*
13. *The creation of specialized courts in specific areas started after the entry into force of the Nice Treaty when in 2005 the EU Council decided to establish the Civil Service Tribunal.*
14. *Depending on the time of the accession and of the European and global realities, are in a continuous dynamic and resettlement (revaluation).*
15. *See the art. 28. Al. 1, second thesis of TFEU. Are part of the Eurosystem the 12 countries which have adopted the euro in 2002 and the other states that have adopted the euro introduction after In Romania the euro is postponed for 2017.*

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