

THE LISBON TREATY- LINK BETWEEN PARTICIPATIVE DEMOCRACY AND ADMINISTRATIVE MODERNIZATION

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This paperwork examines briefly, the implications it carries on the Lisbon Treaty, the organizational, institutional and decision-making level in the current context of the European Union, included in the reform process. It is important to mention that the European Union's desire is to assign a new role, upwards of national parliaments it is materialized with the new regulation of the Lisbon Treaty. This creates premises to develop a common foreign policy, providing Member States and Community institutions the chance to creatively use new opportunities. The Treaty encourages participative democracy and citizen participation with implications in decision-making efficiency gains.

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1. Review of the Lisbon Treaty: coercive measures or participation for the European Union citizens

The Lisbon Treaty entered into force in 2009, it didn't radically change the institutional structure of the European Union, but the expansion and the need for legislative adjustments was necessary for the community. Initially the legal rules were designed for a smaller Union, with a capacity of less predictability, regardless of an economic recession, financial climate change, sustainable development issues, high crossborder crime environment and corruption. These adverse events have expanded from year to year, and the need for change and legislative update for the European Union was inherent. Countries that signed the Treaty, sustained that this change is necessary to adequately solve the new issues that appeared.

The Treaty outlined new tasks for European Parliament, Council and Commission, which have a decisive role in the European Union. All started from premises that the members welfare is very important for the Union as it was intended to approach their institutional environment. Union Citizens, represented by the parliaments of their Member States exercise their rights by contributing to the expansion process of European Union. The Parliaments of each Member State receive the permission in order to express opinions regarding legislation, how it is applicable differentially for each state, as required.

European Union must aim the welting life of their citizens and members within the context of the general good and cannot exist without the Member States, being established in order to help them. If we accept the idea of administrative communication, formal communication directions respects the relations in the institution, communication is taking place generally in three directions: top-down, bottom up, horizontal. We can consider that the intervention of the citizens within the expressing of the opinions regarding the European Union is an application of the administrative communication, this time it's about European institutions communication.

2. The changing process and its implications on the increasing the decisional power of the Community institutions

Although other EU treaties, including the Amsterdam Treaty, didn't achieved high expectations of Member States, the treaties, however amplified the EU decision-making power. One of the important changes brought about by the Lisbon Treaty, is the right of Governments, the European Parliament or the Commission, Council of Europe to submit proposals for revising the treaties. These proposals shall be submitted to notify the European Council and national parliaments, with the purpose to increase or reduce the competences awarded the European Union treaties.

Institutional power, by strengthening the role of Parliament, is a key point, thereby, grant new powers to national parliaments, and thereby increase the force decisions of Member States, streamlining decision-making at European level. The role of the increased parliaments of the Member States power aim to protect the rights of each Member State on issues of taxation and defense.

The legislation elaborated by the Union is forwarded to national parliaments. By the early warning system, parliaments shall have eight weeks to support their view to EU legislative proposals. If the proposals do not meet the social, economic, political realities and there are disagreements with provisions in relation to the real situation, the national parliaments can make additions or changes on behalf of these proposals.

From the perspective of Member States involvement in decision making, the problems outlined by the states must be supported by the other Member States. Some areas require unanimous approval as tax issues and defense issues, and other decisions must be taken by qualified majority vote, the double majority.

The Lisbon Treaty is aimed to ensure the EU citizens' freedom, justice and security, disclaiming the internal barriers.

Sustainable development is a goal achieved by the Treaty being possible to have balanced growth, economic competitiveness, employment, and maintain stable exchange rate of euro, finally resulting uniformity in economic welfare, while maintaining traditional values of each Member State. Member States established force, is determined by investing the national parliaments with new powers. National parliaments will have a direct input into European decision making.

The system introduced by the Lisbon Treaty gives Member States the role of national parliaments to observe and control the European Union in not exceeding its powers, because there are certain problems that can be handled at the country level, regional or local level.

The democratic nature of the European Union is greatly improved by increasing the power of Parliament, and the competence of the Union it's defined by the European Union Member States. The powers are outlined by the principles of subsidiarity and proportionality.

Within the Lisbon Treaty are recognized the regional and local dimensions of subsidiarity and a great importance have the introduction of a flexibility clause where European Union get the goals they are not expressly covered by treaties.

Lisbon Treaty gives the right of Member States to withdraw from the European Union. Withdrawal is realized through one agreement between the applicant Member State and European Union, formally from the negotiations. Decision is taken by the Council in order to obtain qualified majority voting. This is possible after Parliament approval, so the procedure has a long journey after careful and complex analysis.

The European Union operates with the principle of representative democracy, citizens are directly represented at the Union Parliament. Member States are represented in the European Council by the heads of states and/or Government and by the Council of each individual state government that are accountable to parliaments and citizens of the Member States.

Lisbon Treaty governs the right of every citizen to participate in the democratic life of the Union, and through political parties at European level, citizens are given community decisions.

3. Content and implications of new regulations of the Lisbon Treaty

Lisbon Treaty has reinforced the power of Member States by granting power to involve in decision-making, but strengthened the attribution of European institutions. Regarding the European Parliament, as the representing citizens of Member States, following the Lisbon Treaty, has increased its powers at the legislative level, the budget and approval of international agreements. Changes have occurred in its structure too, the number of European deputies has exceeded up to 751. Allocation of seats per Member State will be under the principle of degressive proportionality, deputies in countries with a huge population will represent a higher number of citizens than the deputies that represent countries with a lower population. The modification brought with the Lisbon Treaty involves the European Council and refers to the decision process. Council will decide by qualified majority. There are exceptions in cases where treaties provide another procedure, as unanimous vote. These changes will strengthen the transparency and efficiency. The Council represents the member governments and this respect its role that remain unchanged, also maintaining its role in foreign policy, security policy and coordination of economic policies.

European Commission's role is to promote the general European interest and the Lisbon Treaty without changes in its structure. According to the principle of equal rotation between Member States, since 2014, the college will be composed of an equal number of commissioners with two thirds of Member States, 18 in case of European Union has 27 member countries.

European Council, institution of the European Union, will not have another attributions added. As a novelty, however, the Treaty creates a new post, the President of the European Council. It is elected for a term of two and a half years and provides training and continuing work.

Provisions in the European Union Court of Justice has changed, the Lisbon Treaty extends the scope of its intervention, in terms of criminal cooperation measures such as introducing some procedural changes.

The role of the European Central Bank and the Court of Auditors has not changed following the adoption of the Treaty.

Court of Justice becomes the European Union Court of Justice, Court of First Instance Court is changing its name, judicial chambers are specialized courts also remain Public Function Tribunal.

4. The role of national parliaments in the context of the subsidiarity principle

The Lisbon Treaty, through the Protocol regarding the role of national parliaments in the European Union and the Protocol regarding the principles of subsidiarity and proportionality, gives new competences and strengthens the role of national parliaments in the European Union.

Council of Europe is an organization of parliamentary cooperation between national parliaments and recovery tasks in compliance with human rights.

Subsidiarity principle it is seen in terms of political concept which aims regulator powers of European member states. It is a principle of legitimation of powers that implies three rules: efficacy, tolerance and respect, competence of individuals and groups. [Bîrzea, 2001]. The Treaty brought an extremely important regulator of novelty, stating that national parliaments are directly involved in monitoring EU activities in the correct application of the subsidiarity principle.

Through the subsidiarity, the European Union institutions restricting their area, assuming only the action that can't be achieved at the Member States level. Investments with decisional power are made at the citizen level, the citizens have the right to express their views to EU decisions, this fact highlights that the EU gives rights to citizens of Member States in terms of decision making.

Inside the Treaty are reminded issues such as how national parliaments exercise control over their governments regarding the activities of the European Union. This aspect is governed by constitutional organization and practice of each Member State. Through the Treaty is encouraged participation of national parliaments in EU actions to strengthen and to express views on draft EU legislation and on other matters which may be of particular interest to them. [Lisbon Treaty, 2009]

Through the Treaty are determined the forms of transmission of legislation, for example if the draft legislative acts issued by the Commission, shall be forwarded to national Parliaments at the same time as to the European Parliament and Council. Draft project of legislative acts are sent by the European Parliament to national parliaments.

Interparliamentary measures and cooperation are indrawn, the European Parliament and national parliaments set together and start organizing cooperation within the Union.

The protocol on the principles of subsidiarity and proportionality wanted decisions to be taken at a level as close to citizens. [Lisbon Treaty, 2009].

Desire Treaty on subsidiarity and proportionality establish a system for monitoring the application of these principles.

Legislative acts elaborated by the Commission are consulted with regard to regional and local dimension of expected action.

The treaty required the organization of conferences designed to promote information exchange experiences between national parliaments on specific issues, foreign policy and security issues.

Draft legislative acts shall be justified in relation to the principles of subsidiarity and proportionality. Any legislative draft should contain a detailed statement to assess compliance with the principles of subsidiarity and proportionality. This statement should include elements to assess the financial impact of the project concerned. [Lisbon Treaty, 2009]

Annually, the Commission must show a report to the European Council, European Parliament, Council and national parliaments on the application compliance with the Protocol on the role of national parliaments in the European Union, and the Protocol on the principles of subsidiarity and proportionality.

Therefore subsidiarity is essential for the proper design of the Political Union and the legitimacy of skills and activities. In this sense, subsidiarity has always been accepted, although the Maastricht Treaty left much to be desire in the implementation. Given that subsidiarity is to ensure effective decisions, moving the center of gravity closer to the citizen, in practice often found the existence of centralized accents, as opposed to the original wishes.

Lisbon Treaty is involved in regulation of the subsidiarity principle, offering to other treaties of the EU reform a treaty with a mission to change the rules for EU states, is closely related to the principles of proportionality and necessity.

Conclusions

Lisbon Treaty provisions have emphasized the primary role of the principles of participatory democracy, this concept is getting new values in the territorial space of the Member States. The Treaty creates favorable conditions for expansion of participatory democracy within the European Union. The Lisbon Treaty provisions facilitate communication between community members and decision-making capacity increases relative to the rationality and efficiency of decision making.

News to the Lisbon treaty meant to improve standards of ongoing European process, under the banner of "Unity in diversity". EU Reform Treaty gives further advisory role, coordination and support of Member States, defense, monetary and economic issue, taxes, drawing the coordinates followed to ensure optimal balance of the Union. Trends harmonization of Member States does not diminish the sovereignty of nation-states, does not affect the cultural traditions and customs, on the contrary, it aims to improve relations between Member States, ensuring rising living standards in a different EU, but several guards measures of identity.

"The word power" of the European Union member states, enhanced by the Lisbon Treaty, invests the European Union with an unitary force coordination, bringing their own development strategies to ensure convergence.

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