Magdalena Sitek

The Reforms of the European Union Institutions and Bodies in the Light of the Lisbon Treaty

Studia Warmińskie 48, 249-262

2011

STUDIA WARMIŃSKIE 48 (2011)
ISSN 0137-6624

Magdalena Sitek
Wydział Prawa i Administracji
Uniwersytet Warmińsko-Mazurski w Olsztynie

The Reforms of the European Union Institutions and Bodies in the Light of the Lisbon Treaty

Słowa kluczowe: administracja, Unia Europejska, traktat z Lizbony, instytucje, Komisja Europejska.

Key words: Administration, European Union, Treaty of Lisbon, Institutions, European Commission.

Schlüsselworte: Verwaltung, Europäische Union, der Vertrag von Lissabon, europäischen Institutionen, Europäische Kommission.

1. The necessity of the reforms of the European institutions and bodies

The European Community, created in the fifties of the twentieth century, included only six countries, i.e. Italy, France, Germany, Belgium, Holland and Luxemburg. The first enlargement of the Community took place in 1973, and it incorporated Denmark, Ireland and Great Britain (The United Kingdom of Great Britain and Northern Ireland). Then, in 1981 Greece joined the European Community, and in 1986 Spain and Portugal did the same. Austria, Finland and Sweden joined the European Community in 1995. The greatest enlargement of the Community took place in 2004, when ten new countries joined the European Union, including Poland. The Maastricht Treaty changed the name of the Community into the European Union. The last two countries which joined the EU were Bulgaria and Romania. There are 27 Member States in the European Union.

The institutional system of the Communities created at the beginning was relatively efficient till the end of the eighties. The issues of realization of the economic and political purposes were solved quickly and efficiently. The situ-

ation changed radically together with the collapse of the Soviet Block of countries. A lot of them, including Poland and the Baltic Countries, not only pursued to the full freedom and independence, but to join to the institutions integrating Europe, including NATO and to the European Community existing from 1987, created on the basis of the Single European Act, accepted in 1986[1].

The real breakthrough in the deliberations about the shape of the Union institutions became the perspective of joining ten new member states in the structures. The negotiations with the candidate countries started at the beginning of the nineties. However, that required really significant structural reforms of many Union institutions and many decision making procedures in the group of so many Member States.

The first serious attempt of the reform of the former structure was made in the Treaty of Nice, accepted in 2000 in Nice. There was the decision to strengthen the function of the President of the Commission and to change the voting principles to the qualified majority of votes in the Council. The solutions accepted then appeared to be unsatisfying. The following Union institutional reforms were implemented in the Constitutional Treaty in 2004. However, the project of the Union Constitution was rejected by French and Dutch citizens in the referendum, that was the reason that the Constitutional Treaty had never been implemented. The final Union institutional reform was made on 13th December 2007 in Lisbon, where the Lisbon Treaty was signed. It considered the political, economic and social changes and fulfilled the Europeans expectations. The leaders of the countries and governments came to terms about the new principles which can decide about the range of the Union activity in the future and about the future forms of its activities. The Lisbon Treaty implemented the modernization of the European institutions and the way of their functioning[2].

The aim of this work is to present the regulations which change the organisation and functioning the European institutions. The important element is also to present the changes which were made in the decisions making procedures and in the cases concerning the procedures of the common matters solutions. The changes accepted in the Lisbon Treaty have also their influence on finding the answer to the question about the European Union institutional capacity. Finding the answer to this question is highly important in view of the

[1] See: Z.M. Doliwa-Klepacki, *Integracja Europejska. Łączenie z uczestnictwem Polski w UE i Konstytucją dla Europy*, Białystok 2005, p. 100.

[2] See: J. Maliszewska-Nienartowicz, *European Union at the crossroads: the need for constitutional and economic changes*, Toruń 2007, p. 15.

Studia Warmińskie 48 (2011)

other countries which have the accession aspirations, chiefly the big countries such as Ukraine or Turkey, where the population is about 150 million of the citizens.

2. The European Parliament

The European Parliament (EP) has been transformed in different ways over the years. The way of deciding the structure of the European Parliament was changed, initially the Euro deputies were assigned by the Member States, whereas now, they are chosen in the general elections in which voting is equal and secret. The last elections to the EP were held on 7th June 2009. The beginnings of the Parliament are dated in 1952, in the Treaty of Paris, when together with the European Steal and Coal Community the Common Assembly were created. On the basis of the Convention about some common European Communities institutions, the Common Assembly became the body of three communities after 1957 when there were implemented two of the Treaties of Rome, the European Economic Community and the European Atomic Energy Community. The name European Parliament was used the first time in 1962. However in the Treaties terminology this name appeared the first time in the Single European Act (1987)[3].

The Lisbon Treaty implemented also the changes in the numbers of the Euro parliamentarians and the European Parliament assignments. Nowadays, there are 736 deputies in the European Parliament, therein 50 from Poland. This is 4 persons less than during the previous tenure.

The European Parliament is not the typical legislative body, but merely it participates in the legislative process. Initially the EP was only the consultative body. Then, on the basis of the following treaties it started to obtain further powers, also the legislative ones. On the basis of the Maastricht Treaty (1992) the EP legislative powers were extended. The co – decision procedure was implemented. The common EP and the Council acts are legislated on the basis of this co – decision procedure. However, the European Parliament can reject the acceptance of the proposed legal act. Furthermore, the Parliament has the right to accept the members of the Commission and its President. Then, in the Treaty of Nice they implemented the procedure of the qualified majority of votes, instead of the principle of unanimity, which is applied only in case of the Union finances matters. This is, at the same time, the most important public

[3] See: T. Kownacki, *Parlament Europejski w systemie instytucjonalnym Unii Europejskiej*, Warszawa 2006, p. 23.

forum, which shapes the main assumptions of the Union policy and its development conceptions. The European Union cadency lasts 5 years[4].

In the Lisbon Treaty they cancelled the art. 189 and the art. 190 of the paragraph 2. Moreover, the paragraphs 1 and 3 of the art. 190 were cancelled, and paragraphs 4 and 5 received the new numbers 1 and 2. The former paragraph no. 4, now no. 1 remained almost without changes in the first part. In the second paragraph the new legislative procedure was introduced, namely: "The Council, deciding unanimously according to the special legislative procedure and after the acceptance of the European Parliament, which decides by the majority of votes of its members, accepts the necessary principles. The principles are implemented after the acceptance by the Member States, according to the respective constitutional requirements". In the paragraph 5, it is decided that the EP statute and the general conditions of functioning of their members would be published as the regulation.

In the Lisbon Treaty, the European Parliament received some clearly defined functions, among others: the legislative function, the control function, the answering to the petitions function, the consultative function, the creative function and the budget function.

The legislative function: The European Parliament was receiving the legislative powers gradually and now it realizes them together with the European Commission and Council. In case of the acts generally obliged, EP participates in the legislative process only on consultative terms. However, it can work out the projects of the legal acts necessary to elect their members in the general elections. EP has also the right to apply to the Commission to submit the project of the legal act in the issues, which are considered to be essential. In this case, it is necessary that this application to the European Commission would be accepted by the European Parliament by the majority of votes[5].

The European Parliament is not the body which makes the authentic interpretation, as it is in case of the national parliaments. The European Parliament performs this function only in relation to the doubts associated with the interpretation of the regulation decisions. In this case the president of the EP assigns the investigative case to the suitable commission. The interpretation given by the commission has the precedence character. The interpretation can be unaccepted by the political fraction or by the group of forty deputies. In this case, the controversy about the proposed interpretation of the given article requires the

[4] See: ibidem.

[5] See: P. Tosiek, *Parlament Europejski: prawo i polityka*, Lublin 2007, p. 33; K. Kowalczyk, M. Piskorski, Ł. Tomczak, *Między euroentuzjazmem a eurosceptycyzmem: wybory do Parlamentu Europejskiego na Ziemi Lubuskiej i Pomorzu Zachodnim w 2004 roku*, Szczecin 2006.

solution by the EP by the majority of votes when at least 1/3 (one/ third) of the members are present. Each Euro deputy has the right to demand the changes in the regulations. Such the motion is investigated during the EP plenary session and accepted by the majority of votes[6].

Moreover, the European Parliament can define, by the regulation, the European political parties status and the rules of financing them. The European Parliament decides by the majority of votes. The internal regulation is defined by the quorum. The most important legal act which is decided by the EP is the European Union budget.

The most important function of the EP is the control function, which is realized by the debate about the yearly report of the European Commission about the Union working. Moreover, the EP has the right to ask the oral and written questions to the individual EC members. These questions can be also directed to the other institutions. The control function of the EP manifests also in giving the negative evaluation about the EC works, what can results in submitting the vote of censure. The other bodies and institutions of the EU can also be evaluated. The result of the control could be establishing the contemporary investigation commission to investigate the reasons of the infringements or improper administration in relation to applying the EU law. This commission is created on the demand of one third of EP members. However, its activity cannot infringe the controlling powers acknowledged by the Treaties to the other institutions or EU bodies, particularly the Court of Auditors. The Commission cannot investigate the cases, which are investigated by the court, and the judicial proceedings are not accomplished. The contemporary investigative commission finishes its activity together with submitting its report.

The answer to the petition. The European Parliament has the duty to give the answers to the petitions addressed to them, within their controlling assignments. The right to address the petition have all the Union citizens and additionally all the natural and legal persons, who have their place of residence in one of the Member States. These can be the individual petitions or the common ones, addressed together with the other citizens or persons, in the cases directly connected with them and within the Union activities[7].

The EP consultative function manifests, among others, in giving the opinion or the acceptance to the Council to sign the international contracts binding the European Union (art. 300 Treaties on Communities – ar. 218 Merger Treaty).

---

[6] *Stanowisko Parlamentu Europejskiego w sprawie Konstytucji Europejskiej na podstawie sprawozdania opracowanego przez Komisję Spraw Konstytucyjnych „w sprawie Traktatu ustanawiającego Konstytucję dla Europy" /Parlament Europejski*, Luksemburg 2005.

[7] See: P. Tosiek, *Parlament Europejski: prawo i polityka*, p. 33.

The UP creational function manifests in appointing some of the EU bodies or in co participation in the procedure of appointing the European Commission. Moreover, EP selects the President of the European Commission (EC).

The budget function manifests in legislation, together with the Council, the long term financial frame and it also manifests in legislation the EU budget. (art. 272 of the Treaties on Communities – art. 313 and 314 of the Merger Treaty)[8].

3. The European Council

The Lisbon Treaty introduced some amendments within the framework of the European Council functioning. The first one is associated with the Council contain. According to the art. No. 4 of the Treaty on European Union, the European Council is constituted by the leaders of the countries or the Member States governments, first of all there are the prime ministers. There are also the foreign affairs ministers and other persons. Altogether, the commissions consist of 20 persons. Within this number there are also the permanent Member States representatives, who are accredited at the European Commission. One of the Commission representative is the member of the European Council. The participants of the debates are also: the Council Secretary General, the Commission Secretary General and the Council clerks who attend the debates[9]. After accepting the Lisbon Treaty, the members of the European Council are the leaders of the Member States, the leaders of their governments and the President of the European Council and the President of the Commission. The High Representative for Common Foreign and Security Policy participates in the Council works. The members of the European Council can make the decision, the minister to accompany them, and the member of the Commission to accompany the President of the Commission. The European Council can invite the President of the European Parliament to give a hearing to him[10].

The next change introduced by the Lisbon Treaty was creating the office of the President of the European Council. The former rotation function of the President of the European Council does not guarantee the continuity of the

[8] See: J. Barcik, A. Wentkowska, J. Marszałek-Kawa, *Struktura i funkcjonowanie Parlamentu Europejskiego*, Toruń 2003, p. 10.

[9] See: T. Paszewski (ed.), *Podział kompetencji w rozszerzonej Unii Europejskiej*, Warszawa 2002.

[10] See: P. Sarnecki (ed.), *Ustrój Unii Europejskiej i ustroje państw członkowskich*, Warszawa 2007

body works. Hence, in the Lisbon Treaty, there was introduced the office of the President of the European Council elected by the European Council itself for 2.5 year – period of presidency. The same Council has also the right to dismiss their President in case of any obstacles to the office functioning or in case of the serious defection. The cadency can be repeated once. The President cannot have any of the national public functions. The President overtakes the former presidency competences and represents the Union within the foreign and safety policies[11].

The Lisbon Treaty did not introduce many changes into the former *status quo* of the European Council. This body has to stimulate and indicate the new directions of the Union development. According to this Treaty, the European Council does not have the legislative function. However, it can accept some principles which are necessary to start negotiations to join the new member state in the Union. The European Council gained the new competences within the foreign and security, freedom and justice policies[12].

In the Lisbon Treaty the European Council has the competences to make the legal decisions about the third subjects which are legislated. The EC decisions were made unanimously, but now, according to the Lisbon Treaty they are made by the majority, or the qualified majority of votes[13].

4. Council of the European Union

Council of the European Union is the body which consists of the department ministers. They make the decisions that are important for the particular departments of the Union policy. Their decisions are made by means of voting. The qualified majority of votes is necessary to make the decision. These were the significant changes which were introduced to the Lisbon Treaty. The previous rules of voting were established in the Treaty of Nice in 2001. There was the attempt of introducing some changes in this system in the Constitutional Treaty for Europe in 2004 which was not accepted. In the end, the amendments were implemented in the Lisbon Treaty in 2007.

In the Treaty of Nice, there was accepted the conception of the votes importance in the Constitutional Treaty – the system of double majority. In the Lisbon Treaty – there were three stages of the transition from the system of the

[11] See: K. Cholawo-Sosnowska, *Instytucje Unii Europejskiej*, Warszawa 2005.

[12] See: A. Wierzchowska, *System instytucjonalny Unii Europejskiej*, Warszawa 2008.

[13] See: J. Barcik, A. Wentkowska, *Prawo Unii Europejskiej z uwzględnieniem Traktatu z Lizbony*, Warszawa 2008, p. 65.

importance of votes to the system of the double majority. Nowadays, the qualified majority of votes is decided according to the Nice system, so called the system of the weighted votes.

According to the Lisbon Treaty this system is obligatory from 1st January 2007 to 31st October 2014. From 2014 the system of double majority is going to be obliged, however, if one of the country submits the motion, it will be possible to apply the Nice system. This situation is going to be compulsory till 2017.

The double majority system was planned by the Lisbon Treaty from December 2007. It completely changes the so far obligatory system of counting the qualified majority of votes, the weighted votes are replaced by the so called double majority of countries and citizens. This system is going to be implemented in 2017. This is the so called security mechanism, which means that, although the group of the Council members does not have enough votes to stop the particular resolution, they will have the right to postpone making the decision in this case. The mechanism can function on condition that the group has the appropriate size (till 2017: the countries representing at least 75% of the population or 75% of the numbers of countries necessary to create the stopping minority; from 2017: 55% of the population or 55% of the number of the countries necessary to create the stopping minority).

The double majority system limits the possibility to stop the decision by such the countries as Poland, Spain, Romania and smaller countries, whereas this system increases the possibilities in case of Germany (they have 17% of the population in the enlarged Union, in comparison of Poland 8%), France, Great Britain and Italy. These three countries have altogether 53.7% of the population in the enlarged EU.

In the system of the double majority they can apply the so called Johannine compromise (Greece). That recording, already suggested in the Constitutional Treaty for Europe , was introduced to the Lisbon Treaty according to the motion of Poland. This system enables the countries to postpone the decision over the "reasonable time", even if they do not have enough stopping minority. From 1st November 2014 the Johannine compromise will be possible to apply when the decisions are questioned by the countries with the population at least 26.25% of the Union population (exactly three thirds from 35%). The treaties however, do not have define what does it mean "the reasonable time". There should be accepted that the Council of the EU will take negotiations to solve the final problem without any unnecessary postponement. Therefore, there is not appointed any real term, but only there is defined the way of the solution of the debatable case.

Studia Warmińskie 48 (2011)

5. The European Commission

In the Lisbon Treaty there was modified the procedure of appointing the European Commission which was defined in the principles of the Treaty of Nice (art. 214 Treaty on the European Communities was cancelled). There are five stages of appointing the Commission. The first stage is to introduce by the European Council the candidate for the President of the Commission. Selecting the candidate has to be done according to the results of the election for the European Parliament, and the Council makes the decision by the qualified majority of votes. Additionally, the Union demographic and geographic factors are taken into consideration. The second stage consists in the acceptance of the candidate by the European Parliament, which in this case, constitutes by the majority of votes of its member. If the candidate is not accepted, then the Council is obliged, within one month, to introduce the new candidate. Such a procedure is repeated till the candidate is accepted. The third stage, the Council together with the candidate make the list of the other members of the Commission. Their candidatures are suggested by the member states. The separate procedure is carried out when the candidate is elected to the post of the High Representative for Common Foreign and Security Policy. At the fourth stage all the candidates are approved by the EP. The fifth stage means the approval by the Council the members of the Commission elected by the Parliament[14].

The President of the European Commission is appointed by the European Council and approved by the European Parliament. According to the Lisbon Treaty the president is elected by the European Parliament. In case of resignation, dismissal or death the President is replaced for the period which remains till the end of cadency. They apply the procedure, which is given in article 17, paragraph 7 part one of the Treaty on European Union[15].

The most important decision of the Lisbon Treaty is to execute the European Union the legal status and the equal structure for the whole organisation. The important resolution is also the intention to limit the number of commissars through the resignation of the rule, according to which each member state has the right to appoint the candidate as the member of the European Commission. It was decided that instead of 27 commissars there will be 18 of them. This rule however, was not accepted. The previous conception was restored under the pressure of Ireland, namely, each Member State has its own commissar.

[14] See. A. Wierzchowska, *System instytucjonalny Unii Europejskiej*.

[15] See: *Komisja Europejska. Dyrekcja Generalna ds. Prasy i Komunikacji. Jak działa Unia Europejska? Przewodnik po instytucjach UE Luksemburg*, Luksemburg 2004.

The next change in the European Commission was introduced in relation to the end of the function by the member of the Commission. The natural way of finishing the function of the member of the Commission is the expiry of the cadency. During the cadency the function of the member of the Commission can end as a result of the death or resignation. The resignation can be voluntary or on request of the President of the Commission (art. 217 paragraph 4 of the Treaty on European Communities). In this case, the member of the Commission has to submit the dismissal. According to the Lisbon Treaty, the President of the Commission does not have to have the agreement of the other members of the Commission to express such a requirement. In case of infringement some of the basic commitments by the member of the Commission, the Court of Justice, on the motion of the Council constituting by the general majority or the Commission, can adjudicate, according to the circumstances, about the dismissal of the member, or about depriving him of the right to get retired, or of the other similar benefits.

6. The Court of Justice

The Court of Justice of the European Union, this is its name in the Lisbon Treaty, is the body which has accompanied the integration after the second world war from the beginning. It expresses the institutional autonomy of the Communities, and nowadays the European Union. It became the most important community institution which adjudicates the disputes not only among the member states, but also among the private subject[16].

The Court of Justice (CJ) was accepted by the Treaty of the European Coal and Steel Community in 1952. In 1957 the Court of Justice became the Common institution for all three Communities. Initially the legal proceedings at the Court of Justice was at one instance. The Court did not satisfy the basic requirement of justice, existing in the system of judicial organisation in Europe, i.e. double instance. For this reason in art. 26 of the Single European Act (SEA) it was stated that the Court of the First Instance will be appointed, the functioning of this court was finally regulated in the Maastricht Treaty. Nowadays, the double instance jurisdiction exists[17].

[16] See: M.A. Nowicki, *Europejski Trybunał Praw Człowieka: orzecznictwo*, t. 1, *Prawo do rzetelnego procesu sądowego*, Kraków 2001; A. Redelbach, *Natura praw człowieka: strasburskie standardy ich ochrony*, Toruń 2001; M. Skrzypek, *Jak pisać skargę do Europejskiego Trybunału Praw Człowieka*, Koszalin 2001; M.A. Nowicki, *Human rights monitoring*, Warszawa 2001.

[17] See: A. Wróbel (ed.), *Stosowanie prawa Unii Europejskiej przez sądy*, t. 2, M. Szwarc-Kuczer, K. Kowalik-Bańczyk (ed.), *Zasady, orzecznictwo, piśmiennictwo*, Warszawa 2007.

Studia Warmińskie 48 (2011)

The Court of Justice is appointed and it functions according to the decisions in the Treaty on European Union (TEU), the Treaty on European Community, the Treaty on the European Atomic Energy Community (EURATOM) and the Lisbon Treaty.

The legal basis on functioning the Court of Justice constitutes the Treaty on European Union, in art. from 251 to 281 (earlier 220–245 TEC). The Court of Justice has its own statute and the internal regulation. The internal regulation was accepted on 19th June 1991 and it had been amended many times. The text of the regulation was last consolidated on 15th January 2008. And the CJ statute was accepted in March 2008. The Lisbon Treaty did not introduce bigger changes in the present CJ structure and its functioning.

Nowadays there are 27 judges, one from each member state and 8 general attorneys. Constituting unanimously, the Court can demand the Council to enlarge the number of general attorneys. In the Lisbon Treaty the first paragraph of art 221 TEC was changed (art. 251 Merger Treaty), what means in practice that they cancel the rule according to which one judge comes from each member state[18].

The Lisbon Treaty introduced art. 224a TEC according to which. it is appointed the committee on opinions about the candidates to judges. Its assignment is to give the opinion about the candidates to the position of judge and attorney general in the Court of Justice and in the Court of the First Instance before nominating them by the Member States governments.

The next change was introduced within the control of executing the CJ judgments. According to the amendment art. 228 TEC (art. 260 MT) of the first and second paragraph of the Lisbon Treaty, the Commission can control and decide that the Member State did not undertake the measures to execute the CJ judgment. Because of this the Commission can submit a case to the EU Court of Justice. However earlier it should enable the given country to present its observations. The Commission appoints the sum or temporary financial penalty to pay by the Member State, which it decides to be appropriate in the given circumstances.

According to the art. 225a TEC (257 MT) changed by the Lisbon Treaty, the EU Parliament and the Council of the EU can create the specialized courts at the Court of the First Instance, to investigate some categories of claims submitted in particular domains. Such the courts are appointed by the Parliament and the Council through the dispositions on the motion of the Commission and after consulting with the Court, or on the motion of the Court and after the consultation with the Commission.

[18] See: M. Perkowski (ed.), *Kariera w instytucjach Unii Europejskiej*, Białystok 2005.

7. Conclusion

The Lisbon Treaty signatories declared their will to enlarge the consolidation of the European Union. At the same time the conception of this organisation evolves. This is commonly known that the European Union is not the construction of the United States of Europe. This is not as well, something on the model of the United Nations. Therefore, it is assumed, that this is the organisation *sui generis* in the shape so far unknown. Hence, the constant changes are necessary and the improvement of the indicated way. That happened exactly with the decisions made in the Treaty of Nice from 2000. Its main assumptions were associated with the new regulations about making the decisions by the EU institutions in the perspective of joining ten new Member States. Soon afterwards it appeared that the decisions made then, about changing the organisation and functioning the Union, are not sufficient. In 2004 the new document was appointed, the so called Treaty on the Constitution for Europe, which finally was not accepted by the Member States. Hence, on 13th December 2007 the leaders of the Member States signed the Treaty in Lisbon. This Treaty, called the mini treaty, reorganizes the Union.

The European Parliament obtained the enlarged powers within three domains: legislation, budget procedure and international agreements. In the legislation domain it was enlarged the range of applying the co – decision procedure on the new areas, what, in practice, means that the EP received in the end the legislative powers the same as the Council. These domains are: the legal immigration, the judicial cooperation at penalty matters, the police cooperation (Europol), the common agriculture policy. In the budget domain, the EP gained the right to give the consensus to create the financial frames for many years. In this way they liquidated the division into the necessary and unnecessary expenses. The Lisbon Treaty states also that the European Parliament will have to accept to sign all the international agreements, connected with the issue within common legislative procedure.

Together with the European Parliament it was implemented the change about the control of applying the subsidiarity rule. According to this rule the Union will have the right to make the activities only in the case when they are more efficient than the actions undertaken internally. Hence, each national parliament will have the right to indicate why, in its opinion the given project of the legal act is conflicting with this rule. This causes the following consequences:

- If one third of the national parliaments states that the project is conflicting with the subsidiarity rule, the Commission will have to analyze it again,

before making the decision to leave it contain without changes, or to change it, or withdraw.

- If the majority of the national parliaments supports the opinion, and the Commission still makes the decision to keep its motion, the special procedure will be started. The Commission will have to motivate its decision, then, the European Parliament and Council will decide if the legislative procedure should be continued.

The Lisbon Treaty changed also the structure of the European Council, namely, there was introduced the position of the President of the European Council, as the permanent body. That change assures the continuity of works of the European Council also during the periods when the leaders of the Member States do not assemble.

The following changes were decided in the system of making the Union decisions, which from 2014 will be made by means of so called double majority, instead of the agreement of all the Member States. At the same time, the Johannine process will stay in power. From 2017 the system of double majority will be absolutely compulsory, and the Lisbon Treaty introduces the security mechanism, which is similar to the Johannine Compromise.

Within the framework of jurisdiction, in the Lisbon Treaty, Poland is acknowledged to have the general attorney at the Court of Justice. At the same time, there was changed the name from the European Communities Court of Justice to the European Union Court of Justice. It was implemented the procedure which enables the Court of Justice to act over the shortest time, if the case will require it. The Court does not have the powers at the foreign policy. They resign from the rule according to which one judge comes from each Member State.

In case of the other institutions and bodies, the amendments introduced by the Lisbon Treaty are not significant, therefore, they do not cause any larger changes.

REFORMA INSTYTUCJI I ORGANÓW UNII EUROPEJSKIEJ W ŚWIETLE TRAKTATU LIZBOŃSKIEGO

(STRESZCZENIE)

Początek lat dziewięćdziesiątych XX w. przyniósł upadek systemu komunistycznego. W konsekwencji wiele z państw bloku sowieckiego rozpoczęło dążenia do wstąpienia, powstałej na mocy traktatu z Maastrich (1992), Unii Europejskiej. Konieczne zatem było zreformowanie podstawowych instytucji i organów unijnych, tak, aby były zdolne do zarządzania większą liczbą państw członkowskich. Pierwsza próba reformy instytucjonalnej został podjęta w 2000 r. w traktacie nicejskim. Przyjęte w tym dokumencie rozwiązania nie sprostały wymogom. Stąd przygotowano nowe rozwiązania, które zostały zaproponowane w tzw. traktacie ustanawiającym Konstytucję dla Europy (2004), który jednak nie wszedł w życie. Ostatecznie kształt reformy instytucjonalnej

organów Unii Europejskiej został przedstawiony w tzw. traktacie lizbońskim (2007). W traktacie tym zreformowano strukturę i funkcjonowanie najważniejszych instytucji i organów unijnych, w tym: Parlamentu Europejskiego, Komisji, Rady Europejskiej, Rady Unii Europejskiej i Trybunału Sprawiedliwości. Do najważniejszych zmian wprowadzonych traktatem lizbońskim należy zaliczyć zmianę systemu głosowania w Radzie Unii Europejskiej. Wprowadzono system podwójnego głosowania, który będzie obowiązywał od 2017 r. Ponadto ustanowiono urząd Przewodniczącego Rady Unii Europejskiej, którego pozycja ma być podobna do pozycji głowy państwa oraz urząd ministra spraw zagranicznych.

DIE REFORMEN DER INSTITUTIONEN UND EINRICHTUNGEN DER EUROPÄISCHEN UNION IM LICHTE DES VERTRAGS VON LISSABON

(ZUSAMMENFASSUNG)

Die Erweiterung der Europäischen Union verursachte, dass institutionelle Reformen nötig wurden. Man begann diesen Prozess mit dem so genannten Vertrag über eine Verfassung für Europa im Jahre 2004. Letztendlich wurde er von den Mitgliedstaaten jedoch nicht akzeptiert. Die Staats – und Regierungschefs unterzeichneten am 13. Dezember 2007 in Lissabon einen neuen Vertrag, der die Union reformierte und Lissaboner Vertrag oder EU-Reformvertrag genannt wurde.

Die Kompetenzen des Europaparlaments wurden in 3 Bereichen ausgebaut: Gesetzgebung, Haushaltsbefugnisse und völkerrechtliche Verträge. Auf dem Gebiet der Gesetzgebung wurde der Bereich des Mitentscheidungsverfahrens um neue Felder erweitert, was praktisch bedeutet, dass das Europaparlament endlich Gesetzgebungskompetenzen erhielt, die jenen des Rates gleich sind. Zu diesen Bereichen gehören: legale Immigration, polizeiliche (Europol) und justizielle Zusammenarbeit in Strafangelegenheiten sowie eine gemeinsame Agrarpolitik. Im Haushaltsbereich erhielt das Europaparlament das Recht, seine Zustimmung für die Gestaltung von mehrjährigen Finanzrahmen zu erteilen. Auf diese Weise wurde die Unterteilung in verpflichtende und nicht verpflichtende Ausgaben aufgehoben. Nach dem Lissaboner Vertrag erteilte das Europaparlament außerdem seine Zustimmung zur Abschließung irgendwelcher völkerrechtlichen Verträge, die Fragen aus dem Bereich der Gesetzgebungsprozedur betreffen.

Durch den Lissaboner Vertrag wurde die Struktur des Europarates geändert, indem die Position des Präsidenten des Europarates zu einem ständigen Organ wurde. Ziel dieser Änderung ist es, die Kontinuität der Tätigkeit des Europarates auch in jenen Zeiten zu gewährleisten, in denen Staats- und Regierungschefs der Mitgliedstaaten nicht tagen.

Weitere Änderungen fanden im System der Entscheidungsprozesse der Union statt, die ab 2014 durch die so genannte Doppelmehrheit getroffen werden, anstatt der Zustimmung aller Mitgliedstaaten. Zugleich bleibt die so genannte Ioanina-Klausel in Kraft. Ab 2017 ist ausschließlich das System der Doppelmehrheit gültig, aber der Lissaboner Vertrag führt einen Sicherheitsmechanismus ein, der dem Ioaniner Kompromis ähnlich ist.

Im Bereich der Rechtsprechung erhielt Polen durch den Lissaboner Vertrag einen ständigen Generalanwalt am Gerichtshof. Zugleich wurde der Gerichtshof der Europäischen Gemeinschaft umbenannt und trägt nun die Bezeichnung des Gerichtshofs der Europäischen Union. Man sieht von dem Prinzip ab, aus jedem Mitgliedsstaat einen Richter zu berufen. Im Falle anderer Institutionen und Organe sind die Neuerungen durch den Lissaboner Vertrag nicht bedeutend, führen also keine größeren Änderungen ein.