

THE EUROPEAN UNION (EU)

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Abstract: *The European Union is an old concept that evolved in line with the overall development of civilization on the European continent with the purpose of hegemony, the beginning and later setting up a Community union based on democratic principles.*

Key words: *European Union, community, objectives, organization, system, Parliament, documents, powers, law.*

1. A Short History of the European Union

The European Union was founded by the Treaty of Rome signed on March 25, 1957 by Belgium, Germany, France, Italy, Luxembourg, The Netherlands and, in 1973, Ireland, Great Britain and Denmark also joined in, Greece, in 1981 and Spain and Portugal, in 1986.¹

Austria, Finland and Sweden have become members of the European Union on January 1st, 1995, as a consequence of referendums, events that took place in June, October and November 1994, respectively. The Czech Republic, Cyprus, Estonia, Latvia, Lithuania, Malta, Hungary, Poland, Slovakia, Slovenia have become members of the European Union on the 1st of May 2004 and Romania and Bulgaria on the 1st of January 2007.

The European Community (E.C.) was born after the fusion between the European Coal and Steel Community (founded on the 18th of April 1951) and the European Atomic Energy Community (EURATOM), both being created in 1957 on the basis of the Treaty of Rome.

The E.E.C. signed individual agreement (pratically preferential) with other 29 states. In 1973, the E.E.C. conferred Romania with the system of generalized, reciprocal and non-discriminating preferences applied for the import of finite and semi-finite products in the developing countries.

63 countries in Africa, the Caribbeans and the Pacific are associate members which signed the Lome Convention in 1979.

On the 17th of February 1986, the Unique European Document was signed and it came into force on the 1st of January 1987. It foresaw the creation of the single market starting with 1993.

The Treaty of Maastricht was signed on the 7th of February 1992. The Schengen Agreement is enforced on the 26th of March 1995 and it allowed the open borders without passport control as well as the cooperation of the law and police forces in the member states.

The Amsterdam Treaty (2nd of October 1997) was meant to consolidate the European integration. The Nisa Treaty was signed on the 11th of December 2000 and it allowed the EU extension and on the 1st of January 2000 the Euro banknotes and coins are in circulation. The European Constitution was signed in Rome on the 29th of October 2004. On the 20th of February 2005, Spain is the first EU member to ratify the European Constitution by referendum. This one will be rejected in France (May 29th, 2005) and The Netherlands (June 1st, 2005).

On the 9th and 10th of December 1991 at the Maastricht reunion of the European Council, the state and government leaders of the Community have adopted a treaty of political, economic and monetary union which form the Treaty of the European Union. This treaty came into force of the 1st of November 1993 after being ratified by all the parties, thus allowing the creation of new structures and procedures. This way, the former European Commmunity was absorbed by the European Union. This Union has three pillars: the first one, the European one, based on the Paris and Rome Treaties, modified be the single European Document in 1986 which refers to intergovernmental cooperation ; the second pillar which is the Common Foreign and Security Policy; the third pillar referring to the law aspects which govern the Union functioning.

¹ John Pinder, *The European Union. A short Introduction*, BIC ALL Publishing House, Bucharest, 2005

2. The purpose, objectives and principles of the EU

The EU was established by the Treaty of Maastricht signed on the 7th of February 1992 which established the mission, objectives, principles and community institutions until the adopting of the Constitution for Europe by the European Convention on the 13th of June and 10th of July 2003.²

The **purpose** of the European Union is to promote peace, its values and the well-being of its people.

The **objectives** of the EU:

-to establish an area of freedom, security and justice for its citizens, as well as a single market where competition is free and un-distorted;

-Europe's long-lasting development, based on a balanced economic growth, on a competitive market social economy aiming at the full employment and the social progress and a high level of protection and improvement of the environmental quality, the promotion of the technical and scientific progress;

-to abolish the social exclusion and the discriminations and to promote social justice and protection, equality between men and women, solidarity among generations and the protection of the children's rights;

-to promote the economic, social and territorial solidarity;

-to respect the cultural and linguistic diversity and to watch over the preservation and development of the European cultural patrimony;

-to assert and promote its values and interests with the rest of the world;

-to contribute to the peace, security and long-lasting development of the planet, to the solidarity and mutual respect of the people, the free and righteous commerce, the elimination of poverty, the protection of the human rights, to strictly respect the international law, especially the UN Chart.

The **values** of the EU:

-to respect the human dignity, the freedom, democracy, equality of the states and human rights;

-are achieved by pluralism, tolerance, justice, solidarity and non-discrimination.

The **jurisdiction** of the EU:

Fundamental principles:

-delimitation of the EU jurisdiction is based on the principle of allocation;

-the exertion of the jurisdiction is based on the subsidiary and proportional principles;

-the jurisdiction is assigned by Constitution, the others belonging to the member states;

-based on the subsidiarity in the fields which do not belong to its exclusive jurisdiction, the Union interferes only if the objectives of the actions can be better attained at the Union level;

-the institutions of the Union apply the principle of subsidiarity and proportionality which is an annex to the Constitution;

-the Constitution and the right followed by the Union take precedence to the right of the member states.

Exclusive jurisdiction:

- Establish competition rules necessary for the market operation;

- Monetary policy for Member States which adopted the Euro;

- Common commercial policy;

- Customs Union;

- Conservation of marine biological resources under the common fisheries policy;

² Bărbulescu I. Gh, *The European Union from national to federal*, Tritonic Publishing House, Bucharest, 2005

- International agreements where conclusion is contained in a legislative act of the Union.

Common jurisdiction fields:

- Internal market;
- Area of freedom, security and justice;
- Agriculture and fisheries, excluding the conservation of marine biological resources;
- Transport and trans
- European networks;
- Energy;
- Social policy;
- Economic, social and territorial cohesion;
- Environment;
- Consumer Protection;
- Public health security.

Common Foreign and Security Policy

The Union shall cover all areas of foreign policy and all questions relating to security of the Union, including the progressive framing of a common defense policy which might lead to a common defense.³

3. The organization and functioning of the EU

The member states shall actively and unreservedly support the common foreign and security policy and comply with the provisions adopted by the Union and they will be obtained from any action contrary to the interests of the Union.

EU Institutions.

The institutional framework aims to:

- Pursuing EU objectives;
- Promotion of the Union values;
- Serving the interests of Union, of the citizens and of the Member States;
- Ensure coherence, effectiveness and continuity of policies and actions to achieve its interests.

The institutional frame

- EU Council (Council of Ministers)
- European Parliament;
- European Commission;
- Court of Justice;
- Court of Auditors and other community facilities.

3.1. Other institutions

The European Council

It gives the necessary impulses for the EU development and defines its general political directions and priorities. It is the ordinary legislator in the Community, it adopts the visas and ensures the conditions necessary to achieve the objectives set by the Treaty and as provided therein. Exercising the right to vote is by four ways:

1. the simple majority (50 +1) to adopt Rules of borderline cases, the application of studies and proposals, providing advice, etc.;

2. qualified majority (2 / 3) calculated from the weight set (between 4 votes for Luxembourg and - 29 votes for France), the decision is made with a favorable vote of at least 14 states (out of 27)

³ Bărbulescu I.Gh., *The European Union from economics to politics*, Tritonic Publishing House, Bucharest, 2005

and at least 62% of the population of the member countries (the figures are those proposed by the Treaty of Nice, in February 26, 2001);

3. unanimity that gives veto power to each Member State, more rarely practiced, for finding infringement of the principles of the Treaty, the suspension of voting rights, the adopting positions and common actions in foreign policy and external security;

4. deliberation (the debate) leading to a common point of view.

The EU Council has auxiliary working bodies: The General Secretariat; The Member States' Permanent Representatives Committee (COREPER); the group of experts appointed by the Member States and the European Commission; The special committees for agriculture, monetary policy, visas, etc.. It is also assisted by the counties for employment, energy, scientific and technical research, education and cooperation agreements.⁴

It does not exercise legislative functions, being composed of Heads of State or Government of the Member States and its President and the Commission one. The Foreign Minister of the Union participates at the works.

Every trimester he/she meets its chairman.

Its members may be assisted by a minister or commissioner. He/she acts by consensus, unless the constitution provides otherwise.

The Council is a central organ of the European Union and aims to ensure the objectives set by the Treaty on European Union, as follows:

- it ensures coordination of economic policies of the member states;
- it has a decision power;
- it gives the Commission the documents it adopted and the implementing rules which are laid down (art.145).

Acting unanimously, the Council sets tasks based on the Commission proposal and on the advice of the European Parliament. It shall adopt its rules of procedure and adopts, after the Commission's advice, the committee status stipulated in the Treaty.

The Council Organization

The Council is composed of one representative at ministerial level of each Member State empowered to engage the state government. It actually works in several "councils": agriculture, economics and finance, external affairs, trade etc. Each government is represented by its minister in that sector.

The Council is chaired in turn by each Member State for a period of six months in the order decided by the Council acting unanimously. Without an authority plan towards its colleagues, the President of the Council, however, has different capacities to influence the works of the institution (at the time of a debate, when the word is given and even insistence that seeks an understanding between participants).

The General Secretariat is composed of about two thousand officers and is headed by a General Secretary, assisted by a Deputy General Secretary, appointed by the Council which shall act unanimously. It is installed in Brussels and serves to assist the Council.

The Committee of Permanent Representatives of the Member States is responsible for preparing the Council's works. This is an alternate body which is composed of delegates of Member States (with the rank of ambassador) each of them ensuring a continuous linking between its State and the Community.⁵

The dialogue between the Member States starts at this level, thus giving the opportunity to know beforehand the points of agreement and disagreement, and any foreseeable solutions. The Committee may adopt procedural decisions in the cases provided by internal rules of procedure of the Council.

The voting system of the Council

⁴ Bibere Octav, *The European Union between reality and virtuality*, ALL Publishing House, Bucharest, 1999

⁵ Bărbulescu I.Gh., *The European Union. Study and Extension. From the European Communities to the European Union*, Trei Publishing House, Bucharest, 2000

The Council shall meet as convened by the president or at its own initiative, or at one of the members' or the Commission's initiative.

The Council deliberations, except as otherwise provided in the Treaty, are completed by a majority vote of its component members.

For acts of the Council requiring a qualified majority, the votes of the members are affected by the following ratio: 5 for Belgium, 3 for Denmark, 29 for Germany, 5 for Greece, 8 for Spain, 22 for France, 3 for Ireland, 29 for Italy, 2 for Luxembourg, 5 for The Netherlands, 4 for Austria, 5 for Portugal, 3 for Finland, 4 for Sweden, 29 for The United Kingdom, 14 for Romania.

The acts are adopted when there have been at least:

- 62 votes when, under this Treaty, it is adopted by the Commission's proposals;
- 62 votes expressing the vote of at least ten members in other cases;
- the votes should represent 62% of the Union population;
- 14 Member States should agree.

The abstentions of the present or represented members shall not prevent the adoption of the Council acts which require unanimity. With a varied voting system, over time and with enough purchase policy, the Council appears as "a place of bargaining", "a machine for compromises," a place of mediation between the private interests of the Members and the Community.

The jurisdiction of the Council

The Council holds the essence of legislative powers; it is the institution where it is decided (regulations, directives, decisions) and set the community life.

The Council decisions are binding. The international agreements have been negotiated by the Commission and are completed throughout the Council.

As a conclusion, the Council is the institution towards which national and community interests converge and harmonize.

3.2. The European Parliament (headquarters in Strasbourg)

- Together with the Council of Ministers it shall exercise legislative and budgetary functions and functions of political control and consultation. It chooses the European Commission President;⁶

- It is elected by direct universal suffrage by the European citizens through universal, free and secret elections, for a term of 5 years. Each state has at least four members and shall elect its chairman and officers from its members.

The European Parliament has the following powers:

- it ensures the overall political control, it participates in developing a cooperative (legislative) Community law, it adopts the budget of the community, participating in external relations;

- it has supervisory powers only on the European Commission;

- it decides the access of new member countries into the EU as well as the association with some non-member countries.

According to the Treaty of Nice (February 26, 2001), after the elections of 10-14 June 2004, after the Romanian and Bulgarian adhesion in 2007, the number of the MEPs in January 2009 is of 785, they are elected by universal suffrage, by the citizens of Europe directly, proportionally with the number of citizens of the member countries, as it follows: 5 for Malta, 24 for Belgium, 24 for Portugal, 78 for France, 14 for Denmark, 99 for Germany, 24 for Greece, 54 for Spain, 78 for Italy, 6 for Luxembourg, 27 for The Netherlands, 18 for Austria, 14 for Finland, 19 for Sweden, 78 for England, 35 for Romania, 6 for Estonia, 13 for Ireland, 6 for Cyprus, 9 for Latvia, 13 for Lithuania, 24 for Hungary, 54 for Poland, 24 for Portugal, 7 for Slovenia, 14 for Slovakia and 24 for the Czech Republic.

⁶ Jinga Ion, *The European Union. Realities and Perspectives*, Lumina Lex Publishing House, Bucharest, 1999

In 2009 there were elections for a new mandate for the European Parliament.

The European Parliament has functioning institutions: an office (president, vice presidents, Quaestors), the Conference of the Presidents (political groups); temporary and mixed Parliamentary Committees (MPs from the candidate and associated countries), political groups (European People's Party, Party of European Socialists, Party of the European Liberals, Democrats and Reformers, the Confederal Group of the United Left, the Group of the Greens /The EFA, The Union for the Nations Europe, the Democrats for Europe group differences, the Group of the Un-registered). The political groups have their own resources foreseen in the budget of the parliament, they have their own secretariat, they actively participate in the preparation of the agenda, they contribute to debates, they have their own activities, they have specialized administrators in addition to permanent committees contributing to the preparation of the committees.

The European Parliament is a mobile institution having its headquarters in Strasbourg, Brussels and Luxembourg and it rules by an absolute majority.

It shall establish its status following the opinion and approval of the Council acting unanimously. The European Parliament carries out its public works; its papers are usually published in the Official Journal of the European Community.

The Parliament meets every month during a week (except for August).

The sessions are held in Strasbourg, the Palace of Europe, and the discussions are translated simultaneously in all official EU languages. The parliamentary work is conducted as follows: the committees receive requests for advice to the council and appoint a rapporteur (a deputy) for each subject and this one will submit his report to his fellow Europeans.⁷

The Parliament may meet in annual, special or solemn sessions.

The annual session takes place on the second Tuesday of March when the public meeting discusses the annual report submitted to it by the committee.

The extraordinary sessions are held at the request of the majority members of the Council or of the Commission.

The solemn sessions are held to the rostrum of the Parliament, the heads of member or extra-community states address to the representatives of the Member States people.

The president is a member of the Parliament proposed a parliamentary group and elected by an absolute majority of votes, for a period of two years and a half. Its role is to chair the meetings, to oversee the work of the institution and to represent it in relation to other partners.

The office of the parliament is composed of a president and 14 vice- presidents elected by an absolute majority.

The parliament commissions resemble the national parliaments and they can be: permanent, temporary and of investigation.

The permanent commissions (20-60 members) have the main role and are specialized in different fields: foreign affairs and security, budget, public health, human rights, etc. They prepare the works of the Parliament and may take meetings in public.

The temporary commissions (up to 15 members) are created when there is a subject of European interest, which requires a particular and profound examination. The duration of these commissions is of one year, it can be extended and permanent.

The commissions of inquiry (up to 15 members) are formed when the Parliament considers that there are infringements of the Community law or when some aspects of European security are considered to be harmful. They last nine months and may become permanent.

The parliamentary delegations are created in order to have relations with other parliaments and important international organizations.

The parliamentary groups are created on ideological grounds and not on the membership of the national delegations. They are of a socialist, liberal, Christian-democratic orientation, etc. and have a transnational character.

⁷ John Pinder, *The European Union. A short Introduction*, BIC ALL Publishing House, Bucharest, 2005

The opportunities of the European political groups are: the appointment of vice-presidents, the right to initiate discussions on hot topics, the right to send representatives to the inter-parliamentary delegations, etc., by which the groups can come into the decision process.

The European Parliament's legislative power

The national parliaments have legislative role. The same can be said about the European Parliament which, in order not to violate the sovereignty of the Member States, has some advisory capacities in the regulatory and co-decisional process.

The European Parliament shares with the Council - an intergovernmental body – the powers in budgetary matters, the participation in the legislative process (consultation, advice, cooperation, co-decision) and has some control over the Commission's capacity.

The European Parliament's budgetary powers

Authority in budgetary matters is shared between the Council and the Parliament, a situation which reflects the intergovernmental and supranational correlation.

In order to delineate the powers of the Parliament from that of the Council on the Community budget it is required to submit two types of Community expenditure: a) compulsory expenditure - 70% of the budget (external commitments, etc..) and b) non-compulsory - 30% of the budget (structural funds, industrial strategies, research, etc.).⁸

The budgetary procedure has the following route: the commission proposes a pre-budget to the Council which supports the intervention of the latter and after that it is sent to the Parliament; it proposes or approves changes for the mandatory expenditure; for the non-compulsory one, the Parliament has the last word, its amendments being crucial. Returned to the Council, the draft budget is decided for mandatory expenditure and it is possibly re-changed for the non-compulsory one. The last stage of the competition is for the Parliament to approve or reject the budget.

In broad terms, only the Council is able to decide the compulsory expenditure (it may disregard the position of the Parliament); the Parliament has the final word on non-compulsory expenditure and may reject the whole budget if it has substantial grounds.

In order to avoid such surprises, the meeting of the presidents of the Commission, the Council and the Parliament was institutionalized.

The Parliament's powers in the legislative process for adopting normative acts: the Commission presents the proposal to the Parliament and the Council. Acting by a qualified majority and on the advice of the European Parliament, the Council adopts a common position. This common position is forwarded to the European Parliament which is informed on the reasons to adopt the common position. The Commission shall in turn inform the European Parliament about its position. If within three months after passing this information, the European Parliament:

-approves the common position, the Council shall definitively adopt the act in question, according to the common position;

-did not act, the Council shall adopt the act in question according to the common position;

-indicates, in an absolute majority, that it intended to reject the common position, it shall immediately inform the Council of its intention. The Council may convene the Conciliation Committee to inform about its position. Then, the European Parliament confirms the rejection of the common position, in which case the proposal for the act shall not be taken, or it proposes amendments;

-proposes, in an absolute majority, the amendment to the common position, thus, the amended text is forwarded to the Council and Commission to give a notice on these amendments.

If within three months after sending the amendments to the European Parliament, the Council acting by a qualified majority approves all the amendments, changes the common position and adopts the act in question. If the Commission's notice is negative, the Council shall act

⁸ Bibere Octav, *The European Union between reality and virtuality* , ALL Publishing House, Bucharest, 1999

unanimously on the amendment. If Council does not adopt the act in question, the President of the Council, in agreement with the European Parliament convenes the Conciliation Committee.

Supervisory powers of the European Parliament

In comparison with the other EU institutions, the European Parliament has information and control tools: written and oral questions, statements of the President and the motion of censure on the Commission. A motion of censure may be initiated by a parliamentary group and goes with only two thirds of the votes having as an effect the collective resignation of the Commission. Among the control capabilities of the Parliament, there also may be included the right to refer the Court of Justice if it considers that, by abstaining, the Council and the Commission are in conflict with the constitutive treaties.⁹

The European Council has the ordinary legal power in the Community; it adopts the visas and decides the insurance of the conditions necessary to achieve the objectives set by the Treaty. It has one representative of each Member State at ministerial level, authorized to commit the government of that State.

The European Council President:

- is elected by EC by a qualified majority for a period of 2-5 years, and it is renewable only once;
- Chairs and drives out the works of the EC;
- Submits a report to the European Parliament at the end of each meeting;
- Represents the EU on issues concerning its common foreign and security policy;
- Can not hold a national mandate.

The Council of Ministers

- Exercises together with the European Parliament the legislative and budgetary functions and that of politics making and coordination;
- Consists of one representative appointed by each Member State at ministerial level for each of its formations. It is the only authorized to bind the State which he represents;
- acts by a qualified majority, with the exceptions of the Constitution.

The Council of Ministers Formations

The Legislative Council and the General Affairs Council shall ensure consistency in the works of the Ministers.

As the General Affairs Council, it prepares the meetings of the European Council and ensures continuity in cooperation with the Commission.

In exercising its legislative function, it discusses and decides together with the European Parliament on the European laws and European framework laws. Each Member State is represented by 1-2 representatives of ministerial rank whose skills match the agenda.

The Foreign Affairs Council develops policies along the lines of EC policy and ensures consistency of its actions chaired by the Minister of Foreign Affairs.

The Presidency shall rotate during at least one year.

A qualified majority requires a majority of Member States representing at least 3 / 5 of its population.

3.3. The European Commission

- promotes the general European interest;
- ensures the application of the Constitution provisions;
- supervises the application of the Union law;
- implements the budget and manages programs;

⁹ Bărbulescu I.Gh., *The European Union. Study and Extension. From the European Communities to the European Union*, Trei Publishing House, Bucharest, 2000

- exercises coordinating, implementation and management functions;
- ensures the external representation of the Union except the foreign and security policy;
- proposes draft legislation.

The Commission consists of a college (president, EU foreign minister / vice president and 13 European Commissioners) and a number of commissioners without voting rights in other Member States appointed by the President.¹⁰

It is the principal owner of the right of legislative initiative called "The High Authority" and it is composed of members appointed by each Member State, except for France, Italy, Germany, Britain, Spain with 2, each term lasting 5 years .

Within the commission structure there are committees and services: The Legal Office, The Humanitarian Aid Office, The Group of Political Counsellors, The Translation Service, The United Interpretation and Conference Service, The Internal Audit Service. The European Commission makes recommendations and / or opinions and has the power of decision and participates in preparing proposals for acts of the Council and Parliament, it exercises the powers conferred by the European Council.

By virtue of its role of "guardian of treaties" it may initiate legal proceedings to establish obligations of the Treaty, it may monitor a state upon how the performance of the obligations of the Treaty, it administers funds and programs in communities and can sue those guilty of failure to apply the Community rules.

The Commission is an EU institution with political and administrative character which aims at ensuring the functioning and development of such common market:

- it ensures the application of this Treaty as well as the measures taken by the institutions under it;
- it makes recommendations or opinions on matters covered by the treaty, if this one explicitly foresees it or if the Commission considers it necessary;
- it has the power to decide their own instruments and participates in formulating the documents of the Council and of the European Parliament;
- it exercises the powers which are conferred by the Council for the enforcement of the rules laid down by it (Art.155).

The Commission is a supranational body that publishes each year, with at least one month before the opening of Parliament, a general report on the activities of the Community.

The Organizing of the Committee

The Commission consists of 20 (27) members (Commissioners) elected on the basis of their general competence and offering guarantees of independence. The number of members may be changed by the Council acting unanimously.

The Commission must include at least one citizen of each Member State, without the members having the same nationality to be greater than two.

The Members of the Commission (Commissioners) shall function in full independence in the general interest of the Community, they do not accept instructions from any government or body and they are appointed for a period of five years with an option to cancel the renewed mandate.

The Commission President is appointed by the governments of the Member States, after having consulted the European Parliament.

The Member State governments in agreement with the elected President designate the other personalities they intend to appoint as members of the Commission.¹¹

The president and the other members of the Commission are subject to a vote of approval of the European Parliament, after which the President and other members of the Commission are appointed by the Governments of the Member States.

¹⁰ John Pinder, *The European Union. A short Introduction*, BIC ALL Publishing House, Bucharest, 2005

¹¹ Bărbulescu I.Gh., *The European Union from economics to politics*, Tritonic Publishing House, Bucharest, 2005

The Commission headquarters is in Brussels where there is an administration of about 20 000 officers, divided into 23 general directorates, directorates specialized in different sectors (foreign relations, budget, competition, fisheries, energy, etc.). The Vice Presidents are appointed by the Commission.

The Commission shall draw up the rules of procedure in order for them to be published.

The Commission voting system

The Commission is a collegial body, the tasks deriving from the treaties are divided between commissioners, each conducting one sector.

The Commission President coordinates the Commission as a whole and represents the institution in its external relations, participating to the works of the Council at the G.8 leading meetings, thus personifying the European Community.

The Commission meetings are held once a week (on Wednesday) when the number of members set by the rules is present.

The Committee deliberations are completed by a majority vote.

The Powers of the Commission

The governmental organization of the Commission allows it to fulfill the tasks deriving from treaties and determined by the Council.

The Commission has a monopoly upon the legislative initiatives; its projects are submitted to the Council which can not act in the absence of the Commissioners' initiative. This mechanism establishes an interdependence between the two EU institutions, the Commission having the fundamental function of legislative initiative.

These initiatives are directly related to the Council, and through it, to the Member States. The bad timing between "the general interest of the community" and the participants in the process can cause serious seizures that may hamper the integration process.

The Commission is the guardian of the Treaties, it will ensure the correct application of the Treaties and EU rules by Member States. The Council decisions are implemented by the Commission which also has its own powers, besides the powers delegated by the Council. It uses various commonpolicies, the unified market, the budget, the structural funds; these imply common rules and procedures, administrative and financial sanctions, etc..

In the extra-community relations, the Commission has the function of representation. The international agreements, the various other actions in the international bodies, the community extension problems are negotiated by the Commission.

The future of the Commission may be compared to a government in a federal Europe or a secretariat under the tutelage of the Council in an inter-governmental Europe.

The Foreign Minister

The EC, in agreement with the Commission President and by a qualified majority, shall appoint the person to lead foreign and common security policy.

The President of the European Commission¹²

The European Council, by qualified majority, proposes to the European Parliament a candidate for president and this one is elected by the European Parliament by a majority of votes.

On the basis of the equal rotation, each Member State shall establish a list of 3 persons for the function of European commissioner. The president elects one person, thus designating the 13 European Commissioners. The Commission's mandate is of 5 years.

Tasks:

- It lays down guidelines within which the Commission is to work;
- It determines the internal organization;
- It appoints vice-presidents.

¹² John Pinder, *The European Union. A short Introduction*, BIC ALL Publishing House, Bucharest, 2005

3.4. *The Court of Justice*

The Court of Justice has its headquarters in Luxembourg.

It includes:

- the European Court of Justice;
- the Regional Court;
- the specialized courts.

The European Court of Justice shall consist of one judge per Member State and is assisted by Advocates-General.

The judges are appointed for a period of five years. They are chosen from persons who offer every guarantee of independence and are eligible to practice in their countries to the highest judicial functions or who are lawyers with notorious expertise.

The Court aims to ensure respect for law in the interpretation and application of the European Union Treaty.

It can be addressed both by the states and the Community institutions and also individuals and its decisions are binding.

The organization and functioning of the Court of Justice

The Court of Justice is composed of 15 judges and is assisted by 9 general attorneys. It is appointed in a plenary session and can have chambers made of three, five or seven Judges, either to undertake certain preparatory inquiries or to judge on particular categories of cases, as provided by rules of procedure.

The Court of Justice shall meet in plenary session when a Member State or a Community institution that is a party in the trial requests that. The number of judges and lawyers may be increased at the request of the Court of Justice by the Council which unanimously takes a decision.

The judges and general attorneys, elected from among personalities in the field, are appointed by mutual agreement for six years by Member States governments with the possibility of a three-year-renewal.

The president of the Court of Justice is appointed for three years.

The Registrar is appointed by the Court of Justice and has a statute developed by the institution.

The Court of First Instance is responsible for judging in the first instance, subject to appeal to the Court of Justice on points of law under the conditions set by statute, of certain categories of appeal.

Members of the Court of First Instance shall be chosen from persons who offer every guarantee of independence and have the ability required for appointment to the judicial office, being appointed by agreement for six years by the EU governments.¹³

The Court of First Instance shall establish its rules of procedure in agreement with the Court of Justice which should be approved by the Council.

The tasks and powers of the Court of Justice

Broadly speaking, the tasks of the Court of Justice are:

• to ensure the balance between the powers delegated to the Community institutions and the remaining states.

- to consistently interpret Community law;
- to protect the states and individuals from any natural or legal abuses.

It may:

• judge the legality of the Commission and Council documents. It may be noticed by the Member States, the Commission - against the documents of the Council, the Council, against the Commission documents, by the directly affected natural or legal persons. It can totally or partially cancel these documents;

• the court just determines "the gaps" when a state fails to fulfill certain Community obligations.

¹³ Bibere Octav, *The European Union between reality and virtuality*, ALL Publishing House, Bucharest, 1999

The above issues can be offset by establishing the rule of law (regulations, directives and decisions) before the internal laws of the states.

The development of the Court of Justice is dependent on the choices of the Member States, the future European Union is the question of an intergovernmental or federal union type.

The Court of Auditors

The Court of Auditors with the headquarters in Luxembourg has 15 members elected from among personalities who work or worked for their country in the external audit institutions and have a special expertise and offer every guarantee of independence.

The Court of Auditors aims at ensuring financial and accounting control. It is composed of 15 members elected from among the qualified ones and offers every guarantees of independence.

The Organization of the Court of Auditors

The Members are appointed for six years by the Council, acting unanimously after consulting the European Parliament with a renewable appointment.

The President of the Court of Auditors is appointed by its members for three years and the mandate can be renewed.

For reasons of efficiency within the Court, there is a division of tasks between its members which make up control reports in the received fields of activity, they will be discussed and analyzed in the plenary of the Court and the decisions will be taken by a majority of the votes.

The powers of the Court of Auditors

The Court independently operates under according to the following powers:

- it examines the management of all incomes and expenses, by providing to the European Parliament and the Council a statement of assurance regarding the reliability of the accounts as well as the legality and fairness of the related operations, which is published in the Official Journal of the European Union;
- it examines the legality and fairness of all incomes and expenses and ensures the financial management;
- it may use the necessary documents and information they obtain, upon request from the other institutions of the Community and the national control institutions;
- it prepares an annual report to be sent to the other Community institutions which is published in the Official Journal of the European Union, together with the replies of the institutions mentioned in the observations of the Court of Auditors;
- it adopts the annual reports, special reports or opinions with the majority of the members which make it
- it assists the European Parliament and the Council in exercising control of the budget execution;
- it controls the incomes and expenses of the Community managed by the European Bank.

In order to fulfill their mission, the EU institutions (the Parliament, the Council and the Commission) adopt regulations and directives, take decisions and make recommendations and notices.¹⁴

The regulation has general application. It is binding and directly applicable to all Member States.

The directive requires every Member States result to be achieved, leaving to the national courts the powers relating to the form and methods used for this purpose.

The decision is entirely binding to the designated recipient. Recommendations and opinions are not binding.

3.5. Other institutions

The European Investment Bank (EIB) supports the balanced development, the economic integration and the increased social cohesion within the EU.

¹⁴ Crăcană Mihaela, Căpățână Marcel, *The European Union, "My Europe" Series, The Free Circulation of the persons, goods, services and money*, TRITONIC Publishing House, Bucharest, 2007

The European Investment Bank is to contribute to the balanced and continuous development of the common market for the interest of the community. For this purpose, the Bank facilitates the provision of loans and guarantees, without seeking a profit, for the funding of the lowest projects in the economical field.

- projects regarding the enhancement of the less developed regions;
- projects aiming at modernizing or converting enterprises or creating new activities which occurred through the progressive establishment of the common market; their size or nature cannot be fully covered by the various means of financing in each of the Member States;
- projects of common interest to several Member States; their size or nature cannot be fully covered by various means of financing in each of the Member States.

The supreme court of this bank is the Governors' Council, an authority made up of representatives of the Member States (at ministerial level) which meet once a year and establish the bank policy. The Board of Directors comes next and it is made up of four members (three for France, Germany, Italy and the United Kingdom and one for other states).

The European Investment Bank makes three types of operations:

- financing operations directly managed by the bank, that borrows on international financial markets - loans facilitated by its reputation - then re-borrows to those concerned;
- Administrative operations of the Commission, which does almost the same thing, but its operations are addressed to the steel industry;
- "The new Community instrument" created by the Council and Commission to strengthen the Community system, the Commission is empowered by the Council to borrow from financial markets "in the name and the risk of the Commission, the amounts being managed by the EIB."¹⁵

The **European Central Bank** and the national central banks constitute the European System of Central Banks and they lead the monetary policy.

The bank powers are:

- To define and implement the monetary policy of the community;
 - to conduct foreign exchange operations;
 - to maintain and manage the official foreign reserves of the Member States;
- to promote the well-functioning of the payment systems.

The Economic and Social Committee shall consist of representatives of the employers' organizations and other representatives of the civil society.

The Economic and Social Committee aims to represent various categories of economic and social institutions having an advisory feature.

The number of members is established as it follows: 12 for Belgium, 9 for Denmark, 24 for Germany, 12 for Greece, 21 for Spain, 24 for France, 9 for Ireland, 24 for Italy, 6 for Luxembourg, 12 for The Netherlands, 12 for Austria, 12 for Portugal, 9 for Finland, 12 for Sweden, 24 for the United Kingdom and 14 for Romania.

They are appointed for a period of four years by the unanimously acting Council. The States address the Council their double choice of candidates to the number of the awarded ones. The Council shall consult the Commission and ask for opinion of representative European organizations, for different economic and social sectors interested in the work of the Community. The Committee shall appoint its chairman and officers for a period of two years and establish rules which include sections for the main areas of activity.

The committee is consulted by the Council or the Commission in all the appropriate cases. It can take the initiative to issue an opinion which is advisory to the Council or the Commission.

The ECSC Consultative Committee is advisory and has no legal personality and can issue reports, opinions and recommendations.

The Committee of Regions is made up of representatives of regional and local communities, which is holding an electoral mandate within a corporate or regional community or political leaders of a chosen assembly.

¹⁵ John Pinder, *The European Union. A short Introduction*, BIC ALL Publishing House, Bucharest, 2005

It is only advisory and consists of representatives of regional and local communities. The number of members is set as for the Economic and Social Committee.

The Committee of Regions is appointed by the Council for a period of four years and, for a period of two years, it elects a president and office members and operates independently based on a regulation. It can be consulted by the Council and the Commission in local and regional issues.¹⁶

Just like the Advisory Committee, the two committees apply the same principles, the same rules, meaning that they are only advisory, they have no legal personality, they only issue the reports, opinions, recommendations, at the request of the Community institutions or at their own initiative.

The legal acts of the Union are:

- the European law
- the European framework law;
- the EU regulation;
- the European decision;
- the recommendations and opinions.

The European Law (a law) is general and binding in its entirety and directly applicable to all Member States.

The European framework law demands to all Member States for the results to be achieved, the national authorities having jurisdiction over the choice of form and methods.

The European Regulation is a non-legislative act of the general implementing of the legislative acts. It is mandatory for the Member States.

The European decision is a non-legislative act, which is binding in its entirety.

The recommendations and opinions are not binding.

The laws and framework laws are signed by the European Parliament President and the President of the Council of Ministers and it is published in the Official Journal of the European Union and shall come into force on the date specified in them or on the 20th day of publication.

The regulations and the decisions, when they do not specify the recipients, are published in the Official Journal of the EU.

Under the provisions of the new European Constitution, as amended by the Brussels European Council of 17-18 June 2004, subject to public debate, to be voted by the citizens of its EU member countries for the recognition of the common European identity, the following symbols are established: the European passport, the European hymn (Ode to Joy - Extract from the Ninth Symphony composed by L. Beethoven); the flag: the circle of 12 golden stars on a blue background, the 1996 model European driving license, the euro (in circulation since 2002), the EU headquarters in the French province of Alsace, Strasbourg city.

The coming into force of the single currency Member States must meet the following criteria of convergence:

- Pricing so that the average inflation rate does not exceed 1.5% of the average of 3 states with the lowest inflation;
- Long-term interest rate should not exceed 2% of the best result obtained in 3 Member States;
- Exchange rate in the last 2 years should not exceed the limits of the fluctuations due to EMS ($\pm 2.5\%$);
- the public deficit must not exceed 3% of the GDP;
- the public debt should not exceed 60% of the GDP;

¹⁶ Crăcană Mihaela, Căpățână Marcel, *The European Union, "My Europe" Series, The Free Circulation of the persons, goods, services and money*, TRITONIC Publishing House, Bucharest, 2007

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