# ECONOMIC POLICIES IN THE VISION OF THE LISABON TREATY

# POLITICA ECONOMICĂ ÎN VIZIUNEA TRATATULUI DE LA LISABONA

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***Abstract.*** *Lisbon treaty came into force on the first of december 2009, ending several years of negotiation on institutional issues. Lisbon Treaty amending the Treaty on European Union ( known as the Masstricht Treaty) and Ec Treaties( without replacing) and put at the disposal of the Union legal framework and legal instruments necessary to face future challenges and to respond to the citizens expectations. The Treaty builds a more democratic Europe, more transparent and efficient European Parliament and national parliaments enjoy an enhanced role, in which citizens are more likely to be heard and defining more clearly what can be done at European and national level and by whom. Also the Treaty shapes working methods and simplifies voting rules, with modern and effective institutions for a European Unoin with 27 members( in perspective 36) able to act better in major priority areas. A greater implication of national perliaments will lead to strengthening democratic and increasing the legitimacy of EU action.*

***Keys words:*** *policies, European Union, functioning*

## INTRODUCTION

**Economic policies in the nature and functioning of the Europen Union**

The current meaning of policy is the art or science of the state gouverment. It has a global character and determining for all other activities. A policy decision is a decision of general nature taken on the highest level of a system( state) and which defines the system rientation( state). In management, the policy is the set of rules that serve to orientate the action, the sets the overall purpose, goals and objectives taking into account the forces and community needs, the environmentl variables. Representing the

system throw a pyramid scheme, the policy decision is on the top of the competences, in the middle are the management decisions of means( instruments) and at the base we can find the designers.

The European Union is an unprecedented building both in time and space, which has ,, seen day light,, in the early fifty( 50) which, since then, never ceased to evolve and expand thanks to the numerous treaties adopted.

The origins, two backgrounds movements, ,,deepening,,( the extension of the capacity of the Union) and ,, expansion in spec,,( the increasing number State Members_ falling( modeling) the development of Europen construction without contradicting one other marks it. Deeping studied Treaties werw not, indeed, an unsure passed obstacle for the accession of new member states and successive anlargements of the UE haven t until now stooped the process( increasing the competences). EU in this case Europe is build in depht through its policies, tending to become progressively an integrated economic space- commercial, monetary, political and military integration- So, the founding Member States and htose who subsequently agreed to join have agreed to substitute, at least partially- the traditional intergovernmental cooperation( within which each member remains master of its own decision) with supranational organization( within which member States abandonsome of threir sovereignty) with its own legal rules an European law over national priority, with its own institutional arhitecture and budget.

## RESULTS AND DISCUTION

**European economic policies, national sovereignty, delegation of powers and functioning of european law in the EU.**

The mechanism for deepening the EU is nothing else then the delegation of sovereignity. State Mambers agreed with the delegation of sovereignity in the interests of independent institutions that are representing interests of the community( European Commision_ national( Union Council, where State Members are represented) and citizens( European Parlismrnt). Its deepness consists from combining the two priciples: a) uniform application of European law, that European law( EU treaties and already adopted laws by Eu institutions) are applied in the same way throughout Europe, and a direct application, that belongs to national

judgements to ensure the respect of regulations and various provisions of European treaties and

b)the supremacy of European law in the sense that European treaties and European laws are, without exception upper right of State Members, so if the national legislations is contrary to EU provisions they must be adjusted or removed.( this combination has played and plays an esential role in European integration process.)

the supremacy of the Community law is progressive, as transfering competences fron States to Union ans Institutions( communities). EuU law and the national law of different State Members apper as separate and au systems even if they are conditioned by the distribution of skills established and guaaranteed by Treates. The relationship between the comunity law and the national law isn t based only on the principle of hierachy but olso on the principle of skills. This is the way things stay in what doctrine concerns but in practice they are running different because the competences are no clearly shared between the EU and State Members; the decision of the Community institutions shall be implemented by national goverments according to thei legal order. The acquis communitaire will be implemented within each state member through thei qwn application of national rules. In practice, relations between the EU and the national law is mainly based on the principle of competence although it should be based also on the the principle of hierarchy. The cmmunity institutions that adopts regulations that develops the primary right. In the articles 145 and 155 TEC show: ,, TheCouncil will assign the Commission jurisdiction to enforce rules thAT IT ESTABLISHES.,,

,, EU- respects equality between the State Members before the treaties and national identities, inherent in their fundamental political and constitutional structures including also regional and local self autonomy: EU treaty( TEU), the consolidated version: Lisbon Treaty, says , by Articles 4 paragraph 2, the principle according to which ,, The european Union agrees to respect local and regional autonomy as part of State Mamber s national identity.,,

Lack of commnity territorial administation , although there is a power, makes it rely on indirect application of Community law by national gouverments. When the application of the community law coresponds with the national administration the principle is that national govermments applies it, through their own institutions in agreement with their procedurale

rules. This is the principle of institutional and procedural autonomy „ Without the existence of an own right of procedure, community law is applied by each state by its own procedural rules. This kind of issue may create paradoxes, that, a homogeneous community la has heterogeneous applications and different situations appearing this way incompatible with the provisions of article &. TEC. The applications of communitary law through national procedural rules is possible and correct long as irregular applications are not made( so no discrimination).

**Communitary and economic policies economic policies, communitary law and EU state member s constitution.**

The European Communities skills have reasons to be in the founding Treaties. They recognize these skills specified to competent communities in order to achieve goals that wew established by treaties throught economic policies. In the state members constitutions could be identified a voluntary restrain by which they propose as a result of trasferring some competences to the community institutions. In this logic communitary law can not be incompatible with the national one. In case of conflict between the community and some articles from the constitutions of the state members, community law will be sovereign over the national one under sentence (6) (64) (29) of tjce of July 15, 1964. To avoid such problems, by declaration of the European Commision, European Parliament in 1977 and statement Heads of State and Government of member States in 1978 recognized that the level of protection of fundemantal rights that we give Community law can not be lower than that the one accorded tot the constitution of the State Members. In the EU State Members continue to be „ constituent actors„. They lay down the foundations and keylines of the progress of European unity accomplished by application of international treaties provisions signed by these states, including transferred skills that are not only communiy. What is the substance authorized is only the punctual intervention of community bodies in the state sphere through legislation. The execution of these laws remain largely within the competence of State Members administration and justice and this is the part where differences appear.

**Communitary legal nature and international law. community law and international law and european economic policies.**

European Communities are based on international treaties and are subject to international and conventional law. It regulates relationships through a plurality of legal relations between State Members. State Members –

sovereign States- assigned important sectors of national sovereignty to the community institutions equipped with organic and functional autonomy but influenced by State Members. State Members are sovereign, expressing the Eu s fundamental conflict: on one hand f state power maintain the sovereignty of the state and in other hand a combination through a ,, transfer,, of sovereignty in order to achieve common shares. Allocation exercise sovereign rights in favor of Europen Community does not prejudice the essential features of their states and do not fade thei belonging to the international community. Respect for sovereignty and independence is an essential component of the relations between State Members and EU. eU does not replace international law rules or State Members. EU is a union of states and not a Uion of intrastate building communities. European construction process involves further national state existence. EU takes an important building communities. European construction process involves further national state existence. Eu takes an important part of specific functions of state power without endangering their existence as states. EU members maintain between them relations based on international law( see diplomatic relation between eeeu State members). European Communities are based on internaional treaties and not only on the formal Constitution. European communities are not subjects of international law in favour of state members but only joining them, European communities are not invested with ,, skills to determine skills,,. Community institutions are responsable only for competent power. Community institutions can not exercise jurisdiction conferred by the treaties but not so,, general duties,,. The UE can,t encourage local authorities in favour of the central authorities because in this way sovereignty would not be respected. In ths case when we talk abou EU, we are not talking about neutrality but respect for the sovereignty of member state,. Respect for the division of responsabilities is a primary issue. Eu is a supranational and intergovernmental and internarional organization at the same time, it received the name from the Maastricht Treaty of 1993. It is based on three columns distinguished by how the decision is taken. Eu is in the same time a giant negotiating process. All issues are negotiable. The EU is a negotiating area that provides both European interest and the national ones. UE is a very intense form of multilateralism. With as many players with so many problems even more complex multilateral process. Preferences of national governments, sub-

national actors and institutions, community policies are convertes into common policies.

## CONCLUSIONS

EU institutional arhitecture and decision ascillates between confederation and federation, between supranational and intergovernmental cooperation. This ,, original,, model is not a special favour for the division of power betwen Member states and EU.

In fact, the European Union is a space within which the economic policies af member countries are closely linked toghether and answer the question ,, wo does what,,?. Assuming the reference to the European treaties successively appeared but also to the Curt Of justice. Some policies are community or transformed in community, depends directly on EU and thus prohibits any national intervention ( the State Mambers is residual). Appropriate policies: monetary, agricultural, trade and competition policy. Alongside other policies: social and health. Employment, research and development, economic and social cohesion, transport and other policies that are both remained under the responsability. Some policies have remained exclusively at national level of State Mambers. European actions begin in the form of support. This beings in the form of chaining the policy is not likely to distort the compexity of European politics because some policies related to several categories. From the Lisbon Treaty ,, shines,, in addition to understanding the mechanism of European economic policy and shows more explicit competences between the Union and its State Mambers in this area.

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