



## Innovation in Justice and Security by Treaty of Lisbon

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**Abstract:** The Lisbon Treaty is a legal package which includes previous treaties, starting from the year 1957, following the Treaty of Rome and the Treaty of Nice in 2001, summarized in a single text that introduces a number of changes of the way how the European Union works, in order to make it more efficient for its citizens. This Treaty converts the European Union for the first time in a single entity, unifying pillars of its activities which are as follows: the European Communities, Common Foreign and Security Policy, and Judicial Cooperation in Criminal Matters, which so far only the European Communities had the status of judicial person. It modifies the Treaty of European Union, created by the European Union and the Treaty created by the European Community, which is in power, but do not replace them. The new Treaty gives the EU the legal framework, and necessary tools to face the future challenges and to respond to its citizen's perspectives. The Conference will introduce all the innovations that the Treaty of Lisbon brings not only in the field of security and foreign policy of the EU, but also in those related to police and judicial cooperation regarding criminal matters.

**Keywords:** Treaty; legislative package; a legal person; police cooperation; judicial cooperation

### 1. Introduction

Lisbon Treaty referred to as the Treaty of European treaty reforms, constitutes a Constitution for Europe, the Constitution that was developed in its most important parts of Laeken Convention - Belgium, 2002-2003, and was signed on 24 detor 2004. But European governments of the time left between the project and why it was ratified by 18, from 27 countries. He was blocked by the negative referendum France and the Netherlands in 2005. This Treaty was signed in Lisbon - Portugal on December 13, 2007, ending several years' negotiations on institutional reform, which should enter into force on January 1, 2009, at the end of the ratification process of the European Union member countries, but actually entered into force on 1 December 2009.

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So, the Lisbon Treaty is not nothing but a legislative package that includes previous treaties, since 1957, the Treaty of Rome to that of Nice in 2001, summarized in a single text that introduces a number of changes in how European Union works, with the intention of making it more efficient and more effective in the services it offers its citizens. He returned for the first time in the European Union a single legal entity, unified pillars of its activities (European Communities, Common Foreign and Security and Police and Judicial Cooperation in Criminal Matters), which to date were the only European Communities legal person. It modifies the Treaty on European Union, which constituted the European Union and the Treaty constitutes the European Community, currently in force, but does not replace them. The new Treaty gives the EU legal framework and tools necessary to meet future challenges and to respond to its citizens' perspectives.

This Treaty strengthens the role of the European Parliament and national parliaments. European Parliament, directly elected by EU citizens, will be given new powers most important in terms of legislation and the balance of the EU, and international agreements. In particular, the expansion of joint decision-making procedure will guarantee European Parliament an equal position with the Council, where member states represented in most European legislative acts.

Among others, the treaty provides a greater involvement European and national parliaments. National parliamentarians will be included in most of the EU's activities, in particular thanks to a new mechanism that clearly verifies that when the Union should intervene (principle of subsidiarity). EU citizens will be given more voice, thanks to the so-called "citizens' initiative", in which a group of one million citizens of member states can present new proposals to the Commission. The categorization of competences will allow determining more accurately the relations between member states and the European Union.

Treaty provides for the first time the figure of the President of the European Council, elected for a term of two years and a half, and presents a direct link between the election of the President and the Commission. Provides new provisions for the composition of Parliament and a reduced commission rate stabilizes clearer to strengthen cooperation and financial provisions.

Treaty maintains the existing rights and establishes new rights. In particular, it guarantees freedom and the principles enshrined in the Charter of Fundamental Rights by making legally binding, provides, civil rights, political, economic and

social, among these he maintains and strengthens the four fundamental freedoms, along with freedom political, economic and social rights of European citizens.

The Treaty establishes that the Union and its member states must act according to the “spirit of solidarity”, if an EU country is subject to terrorist attack or the victim of a natural disaster or man-provoking. It also lays emphasis on solidarity in the energy sector. New provisions in the area of civil protection, humanitarian aid, public health will contribute to strengthen the Union's ability to cope with the threats and security of its citizens.

Treaty will enable Europe to express a clear position in relation to global partners. Union representative for foreign and security policy, which will be the Vice-President of the Commission is intended to give the 'action' outside the EU a greater impact, coherence and visibility. Legal personality, would strengthen the negotiating power will increase in particular its action in the international field. European security and defense policy will preserve special decision-making provisions; will facilitate cooperation minted in the middle of a narrow number of member states. For the first time, the Treaty provides for the right of each member country to withdraw (left) from the European Union.

## **2. What are the Institutional Reforms envisaged by the Lisbon Treaty?**

### **Institutional reforms associated with the President of the European Council:**

The most noticeable difference arising from this treaty is the creation of the post of the President of the European Council. The president will conduct all meetings of the heads of the executive (prime ministers or presidents for presidential republics) and will represent the European Union in external relations. The office of President shall have a term of 2.5 years and will be replaced by the rotating six-month presidency of the EU between the prime ministers of the member countries. The drafters of the Lisbon Treaty have left open the possibility that the President of the European Council also appointed President of the European Commission, by performing a fusion “de facto” of these two positions, as under the Treaty, the post of President of the European Council is incompatible with officials post civil posts in the EU member states and MEPs, but not the President of the European Commission.

**Institutional reforms related to “Minister” EU Foreign:** The Lisbon Treaty allows for the appointment of an “EU high commissioner for foreign affairs and

security policy.” “Miministri” de facto EU Foreign, which will hold the new position of High Representative of the Union for Foreign Affairs and Security Policy, as well as the position of Vice President of the European Commission is appointed by the European Council with the approval of President of the Commission. The creation of this position is the first step in establishing a common foreign policy of the European Union, along with legal opportunity that gives already the creation of a legal entity. High Representative will lead not only Agency Relations and general directorates of the European Commission dealing with foreign policy, but also the meetings of the Council of Foreign Ministers of the EU. He will also be able to represent a single EU voice and defend its position in the international arena for the union agreed policies.

**Institutional reforms related to the Attorney General of the EU:** Another change core of the Lisbon Treaty is the creation of the position of Attorney General, which is followed by “transnational crimes” that he will recover. In this way, the role of the Attorney General of the European Union will be tracking crimes that occur in more than one EU country, in a position similar to that of the Federal Prosecutor in the United States of America. Crimes which will be the responsibility of the Attorney General of the EU are, narcotics trafficking, trafficking in persons, terrorist organizations, and others.

**Institutional reforms associated with New Institutions:** The treaty gives important union rang several other institutions. In this way, the ECB becomes central monetary institution of the EU, responsible for its monetary development. Meanwhile, the Court of Justice of the European Union takes the powers of the highest European court, which would be appealable decisions of the Court of First Instance, an institution which is created by this treaty. Citizens will be able to sue EU member states, if these states derive laws that are not in line with European Union directives and regulations, or in violation of the Convention of Fundamental Rights of the EU, which integrates in this treatise.

**Institutional reforms related to decision-making:** the Treaty of Lisbon also facilitates decision-making in the EU institutions. In this way, the de facto European Parliament and the Council of Ministers of the EU back to decision-making institutions together, as 80% of the field which covers the EU will have to deal with the decision of both institutions. Parliament gets greater legislative power to level the Council level. Bashkëvendimarrja between them becomes a routine legislative procedure.

The Lisbon Treaty provides for a maximum of 751 members in the composition of parliament by 736 MEPs elected to the European level. Unlike so far, this institution takes decision-making powers to the Union budget, which includes internal affairs, agriculture, energy, justice, health, immigration, social security and structural funds. A member country, the bulk of decision-making becomes EU competence. Council of Ministers of the EU, which plays the role of the upper house of the European legislature, would still have exclusivity in some areas, such as the exercise of powers of the EU in foreign policy and in the defense, but that European Council decision these pass along the decision-making powers.

Strengthening the role of the European Parliament, which is elected by direct vote European citizens, is seen as a greater approach of the EU towards a semi-confederal system. The treaty also provides that most of the decisions taken in the Council of Ministers and the European Council will not be by unanimity, but with a qualified majority decision (55% of member states representing 65% of the European population, and where anti- vote of not less than 4 countries) by removing the possibility of a veto.

**Institutional reforms on the role of citizens:** the Treaty of Lisbon gives citizens a more direct role. Under the treaty, the European Commission is required to consider in its petitions signed by not less than 1 million citizens of the EU. Meanwhile, the parliaments of the member states of the EU will have the opportunity to participate in the decision-making of the European Union, seeking information, or giving their previous positions. Lisbon Treaty attaches particular importance to climate change, which will be the focus of the EU, according to the treaty.

### **3. Results:**

- The Lisbon Treaty aims to create a European super-state, none of the member states is not affected in its international position with the acceptance of this treaty. Foreign policy of the member states will retain its independence. Also, provided that the borders of the member states will keep the same for third countries after the adoption of the treaty.
- strengthen the role of parliaments of member countries, provides greater transparency about the things that the EU can make and other actions that it does not.

- anticipated intervention of national parliaments, which did not exist until now, giving first opportunity the national parliaments of the member states to have a voice in the development of European law. Parliaments of each member will receive direct proposals for new EU legislation. They can see and determine for themselves whether the proposals comply with the principle of “subsidiarity”.
- The treaty will reduce the size of the European Commission, with a view to ensure that the Commission can work more effectively with EU enlargement.
- The Treaty will improve by a qualified majority vote in the new political lines. Qualified majority voting fully backed by the drafters of the treaty, because it improves the decision-making system in the EU, particularly on issues such as energy policy, humanitarian assistance, emergency funding, immediate security measures etc.
- The Treaty will also bring a new system of qualified majority for Ministers who will participate in the Council. Current main voting system is a unanimous vote, and according to this treaty, passing through the system by a qualified majority, a number of member states representing a good percentage of the population of the EU will approve in advance the legislation, the new system is based on the number the population of the member countries, the percentage of votes in the Council of Ministers of the EU will be higher for countries with no. large population (e.g. France, Germany and Great Britain).
- The number of policy-making areas where members of the European Parliament must also give verdict on EU legislation. So, besides the European Council of Ministers, parliamentarians will now be part of the decision-making group.
- The Treaty also integrates within it in respect of fundamental rights within the EU legislation. The treaty includes a single fundamental rights of European citizens already enjoy through other basic documents, such as the European Convention on Human Rights or the existing EU legislation. The goal is that EU institutions respect these fundamental rights. Reaffirms existing rights treaty and is binding on all member states.
- The Lisbon Treaty does not extend EU powers. It simply provides improved functionality and efficiency of the EU institutions, to better serve its citizens doubled in number with the entry into the EU of 12 new member states.

- Expansion of the EU requires the improvement of existing legislation to respond to changes within it, and the Lisbon treaty is just a reflection on these positive changes.

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