THE ROLE OF THE NICE TREATY IN THE EVOLUTION OF THE EUROPEAN UNION – ANALYSED 20 YEARS AFTER ITS ENTRY INTO FORCE

Augustin FUEREA[*]

Abstract

If we analyse the period between the adoption, signing and entry into force of the main amending treaties (the Single European Act, the Treaty of Maastricht, the Treaty of Amsterdam, the Treaty of Nice and the Treaty of Lisbon), we find that the shortest period was between the Treaty of Amsterdam and the Treaty of Nice. Almost seven years had passed between the Treaty of Nice and the Treaty of Lisbon, if we consider the date of entry into force, and the Treaty of Lisbon has turned out as one of the longest-lasting treaties (over 13 years), until at present. Referring to the dynamics of the domestic, European and international society, in the context of the acceleration generated by digitization (the access to information from the last decade[1]), with the consideration of previous periods, we can appreciate, without worrying of making a mistake, that the merits of the Treaty of Lisbon can be considerably enhanced. For Romania, the Treaty of Nice is particularly important, as it also is for the other 11 states in Central and Eastern Europe, because, with this treaty, for the first time, seats in the European Parliament were allocated to all those states, and also the votes within the Council of the European Union, and not only (if we consider the representation of all these states in all the institutions, bodies, offices and agencies of the European Union).

Keywords: *the Treaty of Nice, the institutional system of the European Union, reform.*

1. General aspects

Looking back, we find that the openness of the European Union (EU), the Council of Europe and the North Atlantic Treaty Organization (NATO) towards Central and Eastern Europe and, implicitly towards Romania, has started in the 90's. Since then, we have been witnessing the weakening, until disappearing, of the economic, political and military bipolarism, in the sense of annihilation, on the one hand, of the Council for Mutual Economic Assistance (CMEA) in the states from Central and Eastern Europe where there were members[1], and on the other hand, of socialism/communism, respectively of the military organization known as the "Warsaw Treaty"[2]. In this context, the concept of

[*] Professor, Ph.D., Faculty of Law, "Nicolae Titulescu" University of Bucharest, (e-mail: augustin.fuerea@univnt.ro).

[1] "The European Commission recognizes that digital technology has an impact on every aspect of EU policy, influencing: the way we produce and consume energy, the way we move from one place to another, the way capital circulates throughout Europe" (**A. M. Conea**, *Politicile Uniunii Europene*, Universul Juridic Publishing House, Bucharest, 2019, p. 190).

[1] The CMEA member states were: Bulgarian People's Republic, Czechoslovak Socialist Republic, German Democratic Republic, Hungarian People's Republic, Polish People's Republic, Romanian People's Republic/Socialist Republic of Romania and Union of Soviet Socialist Republics.

[2] The "Warsaw Treaty" included: the Albanian People's Republic, the Bulgarian People's Republic, the Czechoslovak Socialist Republic, the German Democratic Republic, the Hungarian People's Republic, the Polish

"globalization" has increasingly made its way into the political speech, without being defined, however, from the perspective of political-legal consequences or from the point of view of advantages vs. disadvantages, strengths or weaknesses, if we were to consider a possible SWOT analysis.

It is tempting to carry out multidisciplinary research of the transformations that have taken place in the last more than 30 years since the change of political regimes in many of the European states, research that is certainly being carried out currently, in specialized institutions, at national and international level. I say "currently", relating my statement to one of the most important characteristics of history, namely its *cyclicality* and dynamics. How else can we define cyclicality, other than as a repetition of processes, phenomena (economic, political, social and, why not, military) at a certain time interval. What would that time interval be? It can be shorter or longer, depending on the development of society as a whole. The more society experiences a more pronounced development, the greater the dynamics is, influencing thus, directly the cyclicality, and the history.

We do not propose, through our approach, to go into details regarding the multidisciplinary nature of a possible analysis. Our interest is circumscribed to the option clearly outlined at the level of the Romanian state, since 1990, regarding its accession to the Council of Europe, NATO and the EU. This order is not accidental, and it represents the efforts made by our country, in all the fields, for the accession on January 1st, 2007 to the European Union. Thus, it was necessary for the Romanian state to join the Council of Europe (in 1993) and acquire the statute of state party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (in 1994), in order to prove that the political criterion necessary for EU accession is fulfilled. The accession to NATO (in 2004) was necessary to convince the future partners among the EU member states that Romania was not just a security consumer (beneficiary), but also a security supplier. The revision and republication of the Constitution (in 2003), but also the acquiring, by Romania, in 2004, of the statute of a state with functional market economy, able to face the pressures generated by the existing competition at EU level (demand-supply ratio), represents concretization of the efforts necessary to fulfil the legal and economic criteria necessary for EU accession.

In fact, this is the very main objective of our research: identifying the evolutions in the rather generous approach of the successive statutes attained for EU accession: a) associated state; b) candidate state for accession; c) acceding state; d) member state.

It is important to identify, throughout this process, the place of the Treaty of Nice in the whole framework of amending treaties of the European Union, from the perspective of the multiple reform elements that it grounded, some of which are relevant to the place that our country has currently, within the institutions of the European Union and in the hierarchy of all member states of the European Union. The Treaty of Nice "accomplishes an adaptation of the structure created for an organization that, at the beginning, had only six member states in its composition, to the realities imposed by a

People's Republic, the Romanian People's Republic/Romanian Socialist Republic, the Union of Soviet Socialist Republics.

united Europe"[3], which, at the time, was believed to be counting 30 states.

2. The place of the Treaty of Nice (2001/2003) in the general legal order of the European Union

According to the criterion of the legal force of rules that make up the legal order of the European Union, the Treaty of Nice represents a primary amending source with fundamental legal force from which derogations can be done only by a similar legal instrument.

The amending character places it, in time, after the Treaties of Maastricht (1992/1993) and Amsterdam (1997/1999), both of which were preceded by the Treaty of Brussels (1965/1967) and the Single European Act[4] (1986/ 1987).

For us, taking into account the previously stated context, after 1990, the Treaty of Maastricht and the Treaty of Amsterdam are relevant, both preceding the Treaty of Nice, to which is added the Treaty of Lisbon which succeeds it. All this is of particular importance for the states of Central and Eastern Europe, including for our country.

After the general presentation of the reform elements achieved by the Treaties of Maastricht and Amsterdam, we shall analyse the reform elements envisaged by the Treaty of Nice, with concrete examples for our country.

A. The Treaty of Maastricht (signed on February 7th, 1992 and entered into force after its ratification by the 12[5] EU member states, at that moment, on November 1st, 1993) is the first amending treaty that proposes, among others, the continuation of the process of community building, but in a new context determined by the stable strategy at that time, regarding the continuous expansion of the European Union towards Central and Eastern Europe.

The merit of the Treaty of Maastricht, in its correct and complete name the Treaty on European Union (TEU), is that it has, for the first time, enshrined, by the will of member states, the name "European Union", but not as a subject of international law with legal personality, and for a period of 16 years (1993-2009), just as a *sui generis* entity. The three European Communities[6] have still preserved the legal personality, specific to international organizations. The European Union is equipped with 3 pillars on which, until the Treaty of Lisbon (2007/2009), it had supported its existence and operation, namely: pillar I – the community integration pillar, made up of the three European Communities; pillar II – foreign and common security policy / and the 3rd pillar – justice and internal affairs (pillar of cooperation). In the specialized literature, it is considered "that the Treaty of Maastricht, although (...) representing a single international legal instrument, by its content, has a double value: it is an amending treaty in terms of the changes

[3] **A. Dumitrașcu**, **R.-M. Popescu**, *Dreptul Uniunii Europene. Sinteze și aplicații*, 2nd edition, revised and added, Universul Juridic Publishing House, Bucharest, 2014, p. 29.

[4] The Single European Act "represents a particularly important moment in community building, because at the time of its adoption (1986), the last obstacles to free movement were removed, expanding at the same time the community competences" (**L.-C. Spătaru-Negura**, *Protecția internațională a drepturilor omului. Note de curs*, Hamangiu Publishing House, Bucharest, 2019, p. 73).

[5] Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom.

[6] European Coal and Steel Community, European Economic Community/European Community; European Atomic Energy Community (EURATOM).

made to the original treaties and, at the same time, is also an original treaty"[7].

Pursuant to art. A para. (2) TEU, the European Union represents "a new stage in the process that creates a closer union between the peoples of Europe, in which decisions are made as close as possible to the citizens", proposing as its mission, "the organization, in the most coherent and solidary way possible, of the relations between the member states and between their peoples".

The most consistent changes, from the perspective of the name, objectives, community powers and institutions, concern the Treaty establishing the European Economic Community. With the entry into force of the TEU, the name of the European Economic Community and the treaty that established it, changed to "European Community", respectively "Treaty establishing the European Community".

Other new elements, in summary, are the following: the consecration of European Union citizenship, the establishment of the objective of achieving the Economic and Monetary Union (EMU) and the inclusion among the priorities of the European Union, of a political union between the member states, in the sense of a common foreign and security policy, which, on the long term, should also include defence policy, not ignoring the economic dimension of common defence/security.

The Treaty of Maastricht "has improved the functioning of the institutions and strengthened the powers of legislative co-decision and control of the European Parliament"[8].

Pillar II (common foreign and security policy) places particular emphasis on common positions and actions without an express dedication to the field of defence, which, however, we find to be very well outlined within the framework of the 3rd pillar, cooperation in the field of justice and internal affairs.

The treaties establishing the European Coal and Steel Community and the European Atomic Energy Community have undergone changes, exclusively from the institutional point of view, correlated with those of the Treaty establishing the European Economic Community.

B. The Treaty of Amsterdam (1997/1999) "contributed to the transformation (...) of Western and Central Europe into a confederal state, with a single European currency - the euro"[9].

Being included in the category of primary sources of European Union law and with amending character, the reasons for the adoption of that treaty concerned the developments recorded, on the one hand, in the rather large period that passed since the entry into force of the treaties establishing the European Communities and, on the other hand, in the shorter period that passed since the entry into force of the Treaty of Maastricht.

At the centre of attention of the decision-makers at that stage, was the need to update the objectives of the European Union, wishing to create institutions that would transpose the democratic nature of the actions undertaken and in which the citizen could fully express himself.

From institutional perspective, even if through the Treaty of Maastricht, the

[7] **R.-M. Popescu**, *Introducere în dreptul Uniunii Europene*, Universul Juridic Publishing House, Bucharest, 2011, p. 60.

[8] **A. Fuerea**, *Manualul Uniunii Europene*, 6th edition, revised and added, Universul Juridic Publishing House, Bucharest, 2016, p. 70.

[9] **Al. Burian**, *Geopolitica lumii contemporane*, 2nd edition, USM Editorial-Poligraphic Centre Publishing House, Chișinău, 2008, pp. 216-217.

functioning of the institutions registered an important progress, the objective regarding the simplification of the activity, of the functioning of those institutions was far from taking shape (especially in a series of new areas, such as: the single currency and economic cooperation). Those aspects were taken into account by the Treaty of Amsterdam, especially in the part intended for the "simplification of Treaties".

The Treaty of Amsterdam has remained in the history of evolution of the sources of EU primary law, also as the treaty through which the third pillar changed its name from "cooperation in the field of justice and home affairs" to "police and judicial cooperation in criminal matters". The justification for this change is provided by the fact that the treaty enshrines the creation of an "area of freedom, security and justice". The third pillar narrows in terms of the fields that fall under its incidence, in the sense that some of these have been transferred to the first pillar (e.g., migration and asylum).

In addition to the fact that the Treaty of Amsterdam has brought institutional changes, extending the co-decision procedure and the qualified majority to new areas, the powers of the Court of Justice have also been multiplied in direct proportion with the areas that have been transferred from the 3rd pillar to the 1st pillar.

Between 1996 and 1999, Romania had (since 1995) the statute of associated state[10], which is why, of interest to our country, were also those changes regarding the conditions that states had to fulfil in order to adhere. The seat of the matter is represented by art. 49 TUE. Without changing the procedure followed, it is specified that the candidate states must be European states, accept the community acquis and comply with the principles established by art. 6 para. (1) TEU on: freedom, democracy, respect for human rights and fundamental freedoms and the rule of law.

When we refer to the Treaty of Amsterdam, we have in mind that, for almost a year, the negotiations for its finalization did not make much progress, mainly because of the obvious hostilities of Great Britain. In a context in which Euro-optimism was in free fall, giving way to Euro-sceptics, "The European Council in Amsterdam adopts, at 4 o'clock in the morning, on June 18th, 1997, the provisional version of the Draft Treaty of Amsterdam"[11]. "With minor changes, the respective text was definitively adopted on October 2nd, 1997 during the meeting of the Foreign Ministers of the Fifteen[12], organized also in Amsterdam"[13]. The text of the Treaty that entered into force in 1999, was unanimously recognized as an "absolutely disappointing text having as main feature, the postponement of the main decisions for an uncertain future"[14].

C. The Treaty of Nice (2001/2003) has the role of completing, in matters of reform, the institutional reform, the objectives proposed by the Treaty of Amsterdam and remained at the stage of objectives, but also of anticipating the successes of the Treaty of Lisbon.

[10] According to the *Europe Agreement establishing an association between the European Communities and their Member States and Romania*, ratified by Romania through Law no. 20/1993, published in M. Of. of Romania, Part I, no. 73 of April 12, 1993.

[11] ***, *Treaty of Amsterdam*, (Introduction, selection and translation by **T. Tudoroiu**), Lucretius Publishing House, Bucharest, 1999, p. 11.

[12] France was the last country to ratify the Treaty of Amsterdam.

[13] ***, *Treaty of Amsterdam*, *op. cit*., p. 11 (footnote 4).

[14] *Ibidem*, footnote 5.

One of the pending issues was that of the institutional reform, partly achieved by the Treaty of Nice. The partial solution of this problem is related to the largest expansion of the European Union (in 2004[15], 2007[16] and 2013[17]), from 15 states to 25, 27, 28 member states, from the point of view of a possible institutional blockage, taken into consideration by the Treaty of Nice and continued, under the aspect of compromise solutions, by the Treaty of Lisbon. Why? Because, naturally, the institutional system proposed by Jean Monnet was thought to respond to some needs regarding the existence and functioning of the European Communities, as international organizations that were formed of 6 states. Later, they expanded to 9, 10, 12 and 15 member states, which required some adaptations, especially to the decision-making mechanism (the system of unanimous voting, for example, being gradually replaced by that of majority voting, in areas that, also gradually, came under the exclusive competence of the European Union or in which the competence of EU was shared with that of the member states).

An inevitable question is that of the necessity of adopting the Treaty of Nice in 2001 (being signed only two years after the entry into force of the Treaty of Amsterdam), taking into account the fact that, from the entry into force of the Treaty of Nice (in 2003) and until the signing of a new Treaty (of Lisbon, in 2007) no more than 4 years had passed, and from the entry into force of the Treaty of Lisbon (December 1st, 2009) and until now, more than 13 years have passed.

We find the answer, also, in the doctrine of that stage, according to which "after the failure in Amsterdam, a new intergovernmental conference [was to be] launched in (...) March next year"[18] because "proposals abound, already; in the last month alone, no less than four documents on the reform of community institutions[19] were drawn up"[20].

From the perspective of predictions, then, as well as now, more than 20 years after the entry into force of the Treaty of Nice, the questions, doubts and even uncertainties were and some still are more than obvious. Thus, even in 1999, it was appreciated that "it is very difficult to foresee (...) if the future negotiations will not have the fate of those in Amsterdam and if a new delay will not be resorted to, especially since the initial accession of a small number of new members and the extension of the accession procedures can leave a margin of manoeuvre of five, seven or even ten years, by virtue of the eternal principle *il est urgent d'attendre*"[21]. All this happened with the consideration of the political decision coming from the founding states of the European Communities.

Shortly, the Treaty of Nice "did the *homework* established by the Amsterdam points - left-overs- and created *the capacity*

[15] The states that joined in 2004 are the following: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

[16] Romania and Bulgaria joined that year.

[17] Croatia joined that year.

[18] ***, *Treaty of Amsterdam, op. cit.*, p. 11.

[19] For details, see **A. Fuerea**, *The permanence of the process of institutional reform within the European Union*, Romanian Journal of Community Law no. 2/2003, pp. 9-23.

[20] ***, *Treaty of Amsterdam, op. cit.*, p. 16.

[21] *Ibidem*, p. 17.

for enlargement"[22], the expansion of the European Union.

The changes brought by "Nice", and considered to be essential, are multiple, starting from the aspects that were considered real failures of the Treaty of Amsterdam and culminating with those that anticipated the inevitable expansion of the European Union, an expansion that was necessary to be correlated with the qualitative and quantitative developments registered by the dynamics specific to the 3rd millennium (it is the first European Union treaty of this millennium), in general, and by the legislative one (aiming at the adoption of derivative legislation), in particular.

Analysed from a technical point of view, the Treaty of Nice (which has an appropriate structure for such a legal instrument of international law: preamble, substantive amendments, transitional and final provisions, 4 protocols and 24 declarations) aims at revising the Treaty on European Union.

The Treaty of Nice proposed as its main objective, the achievement of the institutional reform from the perspective of successive expansions that the European Union would experience. They mainly refer to: the weighting of votes within the Council of the European Union; the distribution of seats in the European Parliament, respectively in the composition of the EU executive. "These topics may seem dry, but debates on reform were often fierce, precisely because these issues raised broader considerations about the appropriate power of large, medium and small states in the Community and revealed controversial aspects of power relations between the EU[23] institutions", namely: the legislative power (the Council and the European Parliament), the executive power (the European Commission) and the judicial power (the Court of Justice). All these institutions, to which the Court of Accounts is added, represent, guarantee and defend 3 categories of interests, as follows: the interests of citizens of the European Union (see here the citizens of the member states who also hold a complementary citizenship, that of the European Union), the interests of member states of the Union and, inevitably, the interests of the European Union.

Upon a careful analysis of events taking place at the level of the European Union, we notice that the Treaty of Nice overlapped, temporally, with the negotiations carried out for the adoption of the Treaty establishing a Constitution for Europe. From this perspective, the Treaty of Nice has another merit, this time not institutional, but substantive. "The main substantive development concerned the Charter of Fundamental Rights of the EU"[24], its binding nature being postponed until the Treaty of Lisbon. Over time, it has proven its importance, references being made, quite often by practitioners and legal theorists, similarly to the initial period of application of the Universal Declaration of Human Rights, from December 10th, 1948.

The Treaty establishing a Constitution for Europe aimed, among other things, to resolve some of the important issues regarding the future of Europe and, implicitly, the European Union. Realistically speaking, the decision-makers of that stage, given the "competition"

[22] **G. Fábián**, *Drept instituțional comunitar*, 2nd edition, with reference to the Treaty of Romania's Accession to the EU Constitution, the Civil Service Tribunal and Eurojust, Sfera Juridică Publishing House, Cluj-Napoca, 2006, p. 106.

[23] **P. Craig**, **G. de Búrca**, *Dreptul Uniunii Europene. Comentarii, jurisprudență și doctrină*, 6th edition, Hamangiu Publishing House, Bucharest, 2017, p. 18.

[24] **P. Craig**, **G. de Búrca**, *op. cit.*, p. 18.

between the Treaty of Nice and the Constitutional Treaty[25], for the Intergovernmental Conference of 2004, considered important four objectives, namely: "the delimitation of powers between the EU and the states members; the status of the Charter of Fundamental Rights; the simplification of treaties and the role of national parliaments"[26]. Now, 20 years after the entry into force of the Treaty of Nice, we appreciate that all those objectives were, in fact, real failures of the Treaty of Amsterdam, without denying, however also its successes.

3. The impact of provisions of the Treaty of Nice on the institutional system of the European Union

A. The reform of the institutions that make up the bicameral legislature of the European Union

a. The European Parliament. "The Treaty of Nice emphasizes the role of co-legislator of the Parliament"[27].

The number of members of the European Parliament was re-evaluated, taking into account the expansion of EU from 15 member states to 27, including Romania, in the sense that it "cannot exceed 732"[28]. According to the rule proposed in point 3 of art. 4 of the Treaty of Nice, to replace art. 21 point 6 of the Treaty establishing the European Coal and Steel Community, "The European Parliament establishes the statute and general conditions for the exercise of the functions of its members, with the opinion of the Commission and the approval of the Council, deciding by qualified majority". The same qualified majority system is not applied to rules or conditions relating to the tax regime of members or former members, as these must be approved unanimously.

For the first time, through the Treaty of Nice, seats in the European Parliament were allocated to Romania. The 33 seats that Romania received, could not be filled for the entire 2004-2009 legislature, considering the fact that our country joined on January 1st, 2007. For that reason, the 33 seats were redistributed to the member states since that date (25), and the same happened with those of Bulgaria (17)[29]. That redistribution resulted in an increase in the number of seats both for Romania (which received 35, instead of 33) and for Bulgaria (which received 18, instead of 17). Therefore, for the period 2007-2009, the European Parliament counted 785 seats (732 – as stipulated by the Treaty of Nice, to which the 53 seats allocated to Romania and Bulgaria were added).

b. The Council of the Union remains at the forefront of the legislative activity, side by side with the European Parliament, actively involved in the adoption of legal acts of the European Union. The most important changes aim at speeding up the adoption of decisions, in the conditions of the expected expansion to 27 member states, i.e., the transition from unanimous voting to qualified majority voting in a significant number of areas regulated by the Treaty. The

[25] By not entering into force, the treaty has never produced legal effects, its ratification procedure was interrupted by the negative vote given by France and the Netherlands.

[26] Pursuant to Declaration 23 which was annexed to the Treaty of Nice.

[27] **A. Fuerea**, *The permanence of the process of institutional reform ..., op. cit.*, p 18.

[28] In this sense, see point 1 of Declaration 20 regarding the expansion of the European Union, annexed to the Treaty of Nice, as well as point 5 of art. 4 of the Treaty of Nice, pursuant to which "The number of members of the European Parliament cannot exceed seven hundred and thirty-two" (rule proposed to replace art. 20 par. (2) of the Treaty establishing the European Coal and Steel Community).

[29] The "big" states (France, Germany, the United Kingdom of Great Britain, Italy and Spain) were allocated 2 seats each, out of the 50 seats left unoccupied by Romania and Bulgaria, and the "small" states, one seat each.

qualified majority materializes, with the entry into force of the Treaty of Nice, in the fact that an agreement could no longer be concluded without at least 14 member states, out of a total of 27 expressing their favourable vote. At the same time, it is easy to see that the demography of member states, in the sense of population, has a major influence in the adoption of decisions at the level of the European Union Council, because meeting the minimum number of states (14) that vote in favour of the decision is not enough. To this requirement, another one is added, namely: it is necessary for the 14 member states to bring together at least 62% of the total population found in the territories of the 27 member states, with the status of citizens of the European Union.

Equally, the Treaty enshrines, from the perspective of primary legislation, the possibility for the Council institution involved in the legislative process, to initiate the adoption of regulations regarding the funds allocated to political parties.

B. The Executive of the European Union

Regarding the executive of the European Union - the European Commission - as the engine of its operation, it was rightly appreciated, that in its composition, up to the time of Nice (when the member states were not designating the members equally), it had been quite difficult to still function.

In principle, the Treaty of Nice laid the foundations for the subsequent regulations, taken into consideration by the Treaty of Lisbon. More precisely, until the Treaty of Nice, the "big" states, members of the European Union, used to appoint two commissioners each, while the other states appointed one commissioner each.

The Treaty of Nice starts from the premise of enlargement of the European Union, which is carried out taking into account the increase, by default, in the number of members of the Commission, a fact that affects its proper functioning. Therefore, the maximum number of members of the Commission was set at 27, with the possibility, on the part of each state, to designate one member. It is for the first time that the states register, from this perspective as well, full equality, i.e., "one state - one commissioner", in a composition of the European Union with 27 member states. Exceeding the number of 27 member states should have led to the application of the principle of rotation, a principle enshrined, moreover, by the Treaty of Lisbon (2/3 of the member states appointing one commissioner each), but which has not been, however, applied even until now, although during the period 2013-2021, the Union had 28 states in its composition.

The transition from unanimity to qualified majority also materialized, as for the appointment of the president, respectively of all the members of the Commission. The president acquires new powers, having the possibility to establish, for his 5-year mandate, the responsibilities for each individual portfolio, depending on the strategy he has in mind for this period. He also has the competence to appoint, with the approval of the college, the vice-presidents of the Commission or ask for the resignation, respectively the dismissal of a member. These prerogatives are likely to strengthen the power of the Commission president who has an important role in ensuring the independence and impartiality of Commission members, being responsible for their discipline, thus guaranteeing the interests of the European Union.

C. The judicial power of the European Union

At the level of the European Union, at the time of entry into force of the Treaty of Nice, the judicial power was fulfilled, hierarchically, by the Court of Justice (formed of one judge appointed by each

member state and of general attorneys, in a smaller number , designated by the member states), to which is added the Court of First Instance[30] (having a similar membership, at that stage, to that of the Court of Justice, from the point of view of the number of judges, but without general attorneys). The novelty that the Treaty of Nice brings is the possibility of establishing specialized chambers in some fields. Thus, the Civil Service Tribunal could be established in an important field such as that of labour relations which, not infrequently, generate the appearance of disputes between civil servants of the European Union and its institutions, bodies, offices and agencies. As a result of the expansion of the European Union, this fact also determined, correlatively, the multiplication of public functions and the number of public servants, which also determined the establishment of the Civil Service Tribunal[31].

Given the increasing complexity of resolving disputes in the plenary of a Court of 25, 27, 28 judges (keeping the balance given by the possibility of each state to appoint one judge), for speed, an appeal was made, for that stage, to the solution of the establishment of a Grand Chamber made up of 13 judges that would replace the plenary session of the Court. Thus, an emergency procedure was provided for those more sensitive prejudicial appeals. At the same time, in order for the Court of Justice to be relieved of those large, time-consuming actions, technical prejudicial appeals were included among the powers of the Court of First Instance.

The European Public Prosecutor's Office, as body of the European Union, has known a special consecration, contributing to the protection of the Union's financial interests, pursuant to the Treaty of Lisbon.

D. Budgetary, economic and financial-banking activity

a. Court of Accounts. Consecrating its status as a subject of international law, perfected by the Treaty of Lisbon, by acquiring legal personality[32], the European Union pursues objectives, also of economic nature, paying particular attention to the Court of Accounts and its role in its institutional architecture.

In this case as well, the representativeness of all member states is preserved, even if the members of the Court of Accounts are actively involved in guaranteeing the interests of the EU, and not of the member states, during the 6-year mandate that they fulfil.

Decision-making flexibility is also found in the Court of Accounts from the point of view of appointments by the Council, knowing, in this case too, the transition from unanimity to qualified majority.

Even if it is not a jurisdictional court considering the duties it fulfils, the Court of Accounts borrows for good functioning, from the jurisdictional system, the organization within the Chambers aiming at the swiftness of the adoption of reports, respectively opinions.

Similar to the European Commission, in this case too, the president acquires increased prerogatives with the possibility of establishing a committee to ensure communication with similar institutions at national level. In this way, it is appreciated

[30] The current Tribunal, after the Treaty of Lisbon. Currently, the Tribunal, after taking the powers from the Civil Service Tribunal, is composed of 54 judges, two judges appointed by each member state of the Union.

[31] The Civil Service Tribunal ceased its activity in 2016, pursuant to Regulation (EU, Euratom) 2016/1192 of the European Parliament and of the Council of 6 July 2016 on the transfer to the Tribunal, of the competence to rule in first instance on disputes between the European Union and its agents, published in OJ L 200, July 26, 2016.

[32] Art. 47 TEU.

that the economic-financial objectives can be achieved[33].

b. European Central Bank. Pursuant to art. 5 of the Treaty of Nice, the Protocol relating to the Statute of the European System of Central Banks and the Statute of the European Central Bank is amended from the perspective of decisions adopted, respectively recommendations made by the European Central Bank which require a unanimous decision of the Board of Governors.

E. Advisory committees

a. Pursuant to art. 165 of the Treaty on the European Atomic Energy Community, the Economic and Social Committee is formed of "representatives of the various economic and social components of the organized civil society", who carry out a 4-year mandate with the possibility of renewal. The Committee includes representatives, appointed by the Member States, among producers, farmers, transporters, workers, traders and artisans of the liberal professions, consumers and the public interest.

The number of designated representatives is established pursuant to Declaration no. 20 regarding the expansion of the European Union, Romania being allocated 15 seats, in a Union with 27 member states.

By the Treaty of Nice, a total of 344 seats were allocated to the 27 member states, with no possibility of exceeding 350, after some reassessments. Its members cannot be subject to an imperative mandate, pursuing the interests of those who appoint them, and not of those of the European Union.

b. Committee of the Regions. In this case too, the number of members cannot exceed a total of 350, Romania being allocated 15 seats, similarly to the ones allocated within the Economic and Social Committee[34]. Their mandate is also of 4 years, with the possibility of renewal. It is formed of representatives of local and regional communities, holders of an electoral mandate and, by way of consequence, they are politically responsible in front of an elected assembly. An equal number of alternates is added to them, also proposed by the member states, with the possibility of renewing the mandate. The members of the Committee of the Regions must not be bound by any imperative mandate, exercising their job in complete independence, in the general interest of the Union.

4. Conclusions

From the analysis of the treaties successively adopted and applied at the level of the European Union, it follows that the developments registered by the international society, composed of states located on the most different continents, reflect inevitably on the European construction.

The diverse context existing in this first century of the 3rd millennium is different from the one we used to know, more specifically that from the end of the last millennium. Why? Because, we are discussing, currently, of a context essentially marked by the conquests of science and technology (digitalization), to which the pandemic and the armed conflicts, not far from our country, the EU and NATO, are added. Next to these contextual components, we can add, from the perspective of consequences, which are increasingly dramatic, the energy crisis and, above all, the problems of the environment, to which we cannot relate indifferently, but

[33] See Declaration no. 18 regarding the Court of Accounts.
[34] Pursuant to Declaration no. 20 regarding the expansion of the European Union.

responsibly[35]. Compared to all this, the economic-financial crisis remains in the background, without acknowledging that it also determines decisively a series of negative effects closely related to the evolution of mankind.

There are also many other things, added to all these which are likely to trigger some of the most profound reflections of decision-makers at international, universal, regional (European, and not only) level, but also domestically, nationally.

Upon a brief analysis, now that 20 years since the entry into force of the Treaty of Nice have passed, we can conclude that it has essentially achieved the transition from the Treaty of Amsterdam, more precisely from its failure, to the Treaty of Lisbon, which, by its content, constitutes an unequivocal success, especially after the failure of the Treaty establishing a Constitution for Europe. Thus, "over time, European integration has progressed with each new political compromise, materialized in the Single European Act, Maastricht, Nice, Lisbon"[36].

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[35] As one doctrinaire stated, "responsibility is a dimension of the human spirit, in its capacity as axiological entity (valuing and valorizing). Also, responsibility is inherent in the existence of the rule of law and this is necessary both internally and externally" (**E. E. Ștefan**, *Răspunderea juridică. Privire specială asupra răspunderii în Dreptul administrativ*, Pro Universitaria Publishing House, Bucharest, 2013, p. 12).

[36] **M. A. Dumitrașcu**, **O. M. Salomia**, *Dreptul Uniunii Europene II*, Universul Juridic Publishing House, Bucharest, 2020, p. 72.

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