

GENERAL CONSIDERATIONS ON THE EUROPEAN PARLIAMENT

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ABSTRACT: THIS ARTICLE PRESENTS ONE OF THE INSTITUTIONS INVOLVED IN ADOPTION OF THE UNION LAW – THE EUROPEAN PARLIAMENT AND SHOWS THE CHANGES MADE TO THE LISBON REFORM TREATY SIGNED WITH REGARD TO THIS UNION AUTHORITY.

KEY-WORDS: THE EUROPEAN UNION LAW, LISBON TREATY, THE EUROPEAN PARLIAMENT NATIONAL PARLIAMENT.

I. Introduction

This paper is supported by the legislative changes at the EU level in recent years regarding the institution of the European Parliament, with this respect there are presented general issues related to one of the institutions with legislation responsibilities at EU level, clarifying the elements necessary in our opinion, to the deeper knowledge of this institution and its role in the constitutional system of the European Union. Starting from this consideration, the paper takes into account not only the study of Parliament knowledge, but also the understanding of its relationship with other Union authorities, thus bringing out the significance both to the EU institutions, but also to the national ones.

II. Aspects of the organization and functioning of the European Parliament

Under the Treaty of Rome, the Parliament, then called Joint Assembly, had an advisory role. Later, it called itself the European Parliamentary Assembly, and, since 1962, the European Parliament [1].

Today the European Parliament has three locations: Strasbourg, Brussels and Luxembourg: the plenary sessions are held in Strasbourg, where there are its headquarters, the extraordinary meetings, in Brussels there are the committees and are held the complementary meetings in Brussels, while the General Secretariat is in Luxembourg. [2]

The European Parliament is the only body of the EU directly elected and one of the largest global democratic assembly. Now the institution has 751 members, representing about 375 million EU citizens.[3]

It should be noted that the Parliament has developed a project to establish the provisions necessary to enable the election of its members [4] by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with the principles common to all Member States [5] the Parliament and the Council, acting by

means of regulations in accordance with the ordinary legislative procedure, shall establish regulations to the governing political parties at European level. [6]

The representativeness of the European Parliament has been criticized in the specialty literature, whereas the number of Members allocated to each State is proportional to the population size and small States are disproportionately overrepresented. Thus, the text of the Treaty was amended so that the number of representatives elected in each Member State must ensure an appropriate representation of the people of the community. However there is a unanimous agreement that the number of MPs set to be elected in the present and future Member States is an adequate representation.[7]

Members (MEPs) are elected every five years by voters in the 28 Member States. Once elected, Members are organized according to their political affinities. They have formed political groups to better defend their positions.

Currently the MEPs operate in seven groups: the European People's Party (Christian -Democrats) and European Democrats, the Socialist Group in the European Parliament, Group of the Alliance of Liberals and Democrats for Europe, the group Union for Europe of Nations, Group of the Greens / Free Alliance European, Confederal Group of the European United Left / Nordic Green, Independence and Democracy Group. [8]

Most MEPs activity takes place in the standing *and temporary committees (the special ones)*, pursuing issues in detail and developing opinions, reports that are subsequently put to the vote in plenary. Each Member of Parliament is basically a full member of a committee and an alternate member of another. [9]

Every second Tuesday of March the Parliament meets in an annual meeting, which is the ordinary session. It may meet in extraordinary sessions. In practice, the annual session is never closed, the working periods being recorded within a week of each month, except August. Between-sessions, two weeks are reserved for work in committees. [10]

The agenda for the sessions of the Parliament is established by the Extended Board in collaboration with the Council and Commission. The votes for the items listed on the agenda are grouped for a better evidence, by the end of each session, the meetings being public.

The European Parliament represents all European citizens and the multilingualism of the congregation became one of its most important features. The parliamentary documents are published in all official EU languages, and each Member of Parliament has the right to speak in the official language of their choice. [11]

The Parliament governing bodies are the Bureau of the Parliament, Conference of Presidents, the Conference of Committees Chairs, Chairs of all Delegation Interparliamentary Conference. The Bureau consists of a President and 14 Vice-Presidents, elected by the Assembly for a period of two years and a half.

The President of the European Parliament is elected for a period of two and a half (half term), its mandate can be renewed. In carrying out his work, he is assisted by 14 Vice-Presidents and five issues and has the following main duties:

- He presides and pursue the parliamentary deliberations;
- The President opens, adjourn and close the mittings and decides on the admissibility of amendments, on questions directed to the Council and the Commission and on the reports compliance with the regulation;
- The President maintains order during debates, gives the word, declares closed the discussion, votes on issues discussed and proclaims the results of the vote;

- The President submits to the Commissions the communications that concern them;

-He represents the Parliament in international relations at the ceremony, the administrative, legal or financial issues, being able to delegate these powers. [12]

The Vice-Presidents of the European Parliament have been elected in the first round, within the 14 seats that are allocated in order of number of votes cast for candidates who obtain an absolute majority of votes cast. When the number of candidates elected is less than the number of seats to be assigned, it proceeds to a second round, in the same conditions for the allocation of remaining seats. In case of equal votes there are declared elected the oldest candidates. [13]

The Vice Presidents replace the President when he can not act or he doesn't want to participate in parliamentary debates, but they also fulfill specific functions foreseen in the Regulation of the European Parliament. [14]

The Bureau of Parliament is composed of the President, Vice-Presidents and Quaestors [15] and performs the following duties:

- to regulate the financial, organizational and administrative deputies on the internal organization of the Parliament Secretariat and its bodies,

- to regulate the matters concerning the conduct of meetings;

- to adopt the provisions on independent MPs;

- to establish the organisation chart of the General Secretariat and the regulations concerning the administrative and financial situation of the officials and other servants;

- to establish a preliminary estimate of Parliament;

- to authorize the committee meetings outside normal places of work, hearings and study and travel information for rapporteur;

- to appoint the Secretary General;

- to establish the detailed rules on the status of regulations governing the political parties at European level and meeting the implementing regulation, tasks under the Rules of Procedure of the Parliament. [16]

The Conference of Presidents (the Extended Board) consists of the Parliament President and the Presidents of the political groups. The President of a political group can be represented by a member of the group to which it belongs, independent MPs being represented by two delegates without voting. This body aims to achieve consensus on matters on which it is notified. Regarding its activity, there are listed some of its main functions:

- to decide on the organization of the Parliament and legislative issues related programming;

-to perform the competencies specific to the relations with other EU institutions and bodies, national parliaments of the Member States, institutions or organizations outside the EU;

- to determine the composition and powers of parliamentary committees, permanent delegations and ad hoc delegations;

- to present proposals to the Bureau on administrative and budgetary matters of political groups. [17]

Alongside the conference for the functioning of the European Parliament, there is the Conference of Committee Chairs, composed of the Chairs of all Committees and the Chairmen of the Presidents Delegation, which comprises the Chairs of all standing Interparliamentary Delegations. [18]

III. The Parliament's Powers within the Institutional Union

When exercising the powers the European Parliament meets the powers conferred by the Treaty, thus, in legislative matters this one has no attributes of the national parliaments, nor power of initiative, which is reserved for the Commission or power to decide which is reserved to the Council.

Succinctly the Parliament's Powers [19] are the following ones:

- Participating in the legislative process (the adoption of the Community acts);
- Participation in the process of adopting the EU budget (together with the Council) and control its implementation, with the support of the Court of Auditors;
- Exercising the political control over how the Commission and other EU institutions fulfill their duties as follows: the Commission is obliged to answer the parliamentary questions addressed and also, the Commission is required to submit an annual report about the activities, to be debated in Parliament;
- The Members of the Commission may attend the Parliament meetings and be heard, if necessary on Commission behalf;
- The Parliament may constitute temporary inquiry committees to investigate the alleged breaches of law, a power which may be exercised unless the alleged violations are reviewed by a court and as long as the legal jurisdiction proceedings haven't been completed;
- Any citizen or person residing in the Union office, or in a Member State has the right to submit petitions on a matter which comes within the Union's fields of activity;
- The Parliament shall appoint an Ombudsman, empowered to receive complaints concerning instances of maladministration in the EU institutions or bodies, excepting the Court of Justice of the European Union;

The Parliament has the power to determine the resignation of the Commission, by a vote of no confidence, indicating that this form of parliamentary control is addressed solely to the Commission, as a body, not against individual Commissioners. [20]

The European Parliament's legislative role is presented in two ways:

- The European Parliament shall issue appraisals, which, as in case, may be optional, advisory or consistent.

Therefore, the decision-making procedures at the EU level usually involve the Commission's proposal, the Parliament's opinion and decision of the EU Council. In case of the procedure of the institutional cooperation, in which the EU Council uses the majority required for the treaties decision making, the Parliament's appraisal is mandatory and its content is compulsory- as an assent, this becomes a consultative appraisal, when it has to be requested and the decision is made unanimously and voluntary or optional, when the treaties do not require the mandatory consulting of the European Parliament, so that the EU Council may ask this one's opinion.

- The co-decision procedure brings on the same level of the Union law adoption the Parliament and the EU Council, under this aspect a decision cannot be made without the consent of both institutions, this form of decision being a fundamental achievement of the European Parliament in the fight of imposing itself as the Union's legislative body, as any national parliament. [21]

The changes concerning the role of the European Parliament in the legislative process, particularly those incurred by the co-decision procedure, have brought it from the ends of the position of the player community in shaping union legislation. The

Parliament's role in this regard has been further accentuated by regular meetings held by the Council, Commission and European Parliament in the framework of inter-institutional conferences devoted to specific topics or common general issues and the increased contribution of the European Parliament to establish the general legislative agenda. [22]

The European Parliament also has the opportunity to intervene by judicial way, so its jurisdictional Status was stated by the Court of Justice in a series of ruling decisions in different matters, such as:

- The Parliament inviting by the Court to provide information in direct actions or references to obtain preliminary ruling decisions;
- Intervening in the proceeding litigations debated by the Court;
- Submitting an action for failure to act in violation of the Treaty by the Council and the Commission. [23]

Initially, this role was not recognized to the Parliament, of submitting direct actions for annulment against the Council and Commission documents, but this possibility was later clarified, provided that these actions aim at ensuring the Parliament's prerogatives and being sustained based on means resoned exclusively on the violation of these powers, these in order to ensure the institutional balance of the Union. [24].

IV. The Highlighting of the legislative changes introduced by the Lisbon Treaty regarding the European Parliament

The Lisbon Treaty has brought a number of new elements regarding the institution of the European Parliament, so that in this way there are highlighted the main innovative aspects which refer to the number of MPs, legislative powers, external actions, the EU budget, appointing the memebers of other Union institutions, the involvement in solving citizens' problems, revision of the Treaties and the role of the National Parliaments.

a) At the entry into force of the Lisbon Treaty the *number of MEPs* can not exceed 750, plus the President, [25] the representation of citizens shall be decreasing proportionately ensured, with a minimum threshold of six Members per Member State, to any State not being allocated more than 96 seats. The European Council has to adopt unanimously on the initiative of the European Parliament and with its consent, a decision of establishing the composition of the European Parliament.

b) the legislative responsibilities have been permanently extended from a treaty to another, according to the Lisbon Treaty, the Parliament being able to have an equality position with the Council to adopt the major part of the European Union legislation. The Parliament, based on the model followed by the latest treaties, has been increasing its role, the co-decision procedure becoming the ordinary method of working in the legal field. New areas which may apply this method include agriculture, energy, immigration, justice and home affairs, health and structural funds.[26]

c) With respect to the external action,[27] The Treaty of Lisbon provides that the European Parliament will have to give the assent to all international agreements on matters relating to the ordinary legislative procedure.

The Parliament can also guide and promote their development programs and the EU cooperation with all countries in course of developing all over the world, by the Committee on Development and Cooperation within the legislature and the activity of ACP-EU Parliamentary Joint Assembly.

Another novelty element is that one of inviting the Council and / or the High Representative and the Commission to every plenary debate on matters of foreign policy,

security and defense. After the authorization by the Conference of Presidents as a following of a proposal, the competent committee on foreign policy and common security policy may make recommendations to the Council on its areas of competence.

d) With regard to *the Union budget*, pending the adoption of the Lisbon Treaty, on compulsory expenditure (the agricultural expenditure and the related international agreements) the final decision was made by the Council, and the least binding decisions were made by the Parliament, which agreed with the Council.

The new Treaty has eliminated the distinction between the two types of expenditure, so that now the Parliament and the Council will have a balanced role in the adoption of the budget.[28]

e) The direct link between the results of the European elections and the election of candidates for the presidency of the European Commission is a novelty, [29] so the Parliament will have to approve the College Commission and High Representative of the Union for Foreign Affairs and Security Policy.

The Parliament will also elect the President of the European Commission based on the proposals made by the European Council, but only taking into account the results of the legislative elections. When the candidate is elected, the President shall inform the Council thereof, inviting this one to propose, in agreement with the elected President, the candidates for the various posts of Commissioners. If the Parliament does not approve the person designated, the President invites the Council to nominate a new candidate.

Regarding the appointment of the High Representative of the Union for Foreign Affairs and Security Policy, who will hold also the position of Vice-President, before this appointment, the President of the Council and the Chairman of the Committee have been invited by the President to make a statement before Parliament.

Also, after the appointment of the new High Representative for Foreign Affairs and Security Policy, and before overtaking the official functions, this is invited by the President to make a statement before the competent committee and answer questions. [30]

f) Under the Lisbon Treaty, the Parliament *will have new tools to protect the rights and freedoms of citizens* and will allow them to take part in the political Union process. [31] In this respect the legislature will have to ensure that the new Charter of Fundamental Rights of the European Union will be implemented in an efficient manner.

As a novelty is to be retained the *citizens' initiative*, whereby one million from several European Union countries will be able to present a legislative proposal on the areas of competence of the Union and more than that, the Parliament will defend their rights of the national parliaments to object against the legislative proposals at the Union level, if they consider that the principle of subsidiarity has been violated.

g) The Parliament has gained since the adoption of the Lisbon Treaty, *the right to initiate revisions of the constituent treaties, as well as the take part in the review process*.

h) An important aspect brought for the first time by the new Treaty is given by the regulating of the *participation of national Parliaments in the Union decision-making process*.

Thus, the national parliaments can act as guardians of the principle of subsidiarity, may influence the decisions at an early stage of their development of a proposal before this one has to be examined in detail by the European Parliament and the Council of Ministers.

Therefore, the draft legislation submitted to the European Parliament and the Council have to be forwarded to national Parliaments, the projects issued by the Commission are directly forwarded to the national Parliaments, at the same time they are

submitted to the European Parliament and the Council and the draft legislation issued by the European Parliament are directly transmitted by this one to the national Parliaments. Also, the draft legislative acts originating from a group of Member States, the Court of Justice, the European Central Bank or the European Investment Bank have to be forwarded to the national Parliaments. [32]

In the same context of the novelty element, the national Parliaments are able to submit to the President of the European Parliament, to the Council, respectively to the Commission a reasoned appraisal concerning the conformity of a legislative document draft by the subsidiarity principle.

There have been identified in the Treaty as a new element, *the conference of Parliamentary Committees for Union Affairs*, [33] an institution which has to submit to the Council and the Commission any contribution it deems appropriate. Furthermore, this one promotes the exchange of information and sharing of the best practice between the national Parliaments and the European Parliament, including their special committees, organizing Interparliamentary conferences on specific topics.

Also, with the adoption of the Lisbon Treaty the national parliaments will have new skills, [34] such as:

- they will participate in the upcoming revision procedures of the Treaties;
- they will be informed about the applications for accessing to the EU;
- they will participate in the evaluation of the implementation of the EU policies on domain of interior affairs: migration [35], border surveillance[36], refusal of illegal trafficking of people, weapons, drugs [37];
- they will be involved in overseeing the activities of Europol and Eurojust.[38]

V. In conclusion, it is to be believed that by tackling general issues, without going too much into details concerning this Union institution, it has been succeeded to clarify the basics regarding one of the most important authorities with legislative role of the European Union, and by highlighting the innovations introduced by the Lisbon Treaty, it has been shown that the role of the European Parliament has increased lately, assigning new skills of reinforcing the importance of the legislative power in the institutional system of the European Union.

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