

10 Things to Know About the Lisbon Treaty



The Treaty of Lisbon was signed in December 2007 and entered into force on 1 December 2009. The Treaty changes essentially the way the EU functions, by bringing to a successful end the complex negotiations between the member states, passing over the failure of the idea of European constitution. Bulgarian parliament ratified the treaty on 21 March 2008.

Below you will find 10 things any Bulgarian lawyer needs to know about the Lisbon Treaty.

1. Treaty for Amendment

Like the Treaties of Maastricht, Amsterdam and Nice, the Treaty of Lisbon uses the same legal technique and amends the previous EU treaties. It amends the EU's two fundamental treaties - the Treaty on European Union and the Treaty establishing the European Community, as the latter is renamed the Treaty on the Functioning of the European Union.

2. EU law

The Lisbon Treaty abolishes the duality EU / EC. There will be one sole figure – the European Union, which succeeds the European Community (European Communities). The community law shall be henceforth referred to as EU law.

The European Atomic Energy Community (Euroatom) continues to exist in parallel with the EU.

3. The European Parliament is to become a real lawmaking body

The European Parliament is provided with new powers regarding EU legislation. The 'co-decision procedure' with the Council has been significantly extended as a result of which the Parliament acquires a true legislative power in almost all areas.

4. Double majority in the Council

From now on only the most sensitive areas (tax, social security, citizens' rights, languages, seats of the institutions and the main lines of common foreign, security and defence policies) will be unanimously adopted by the Council. With respect to the remaining areas (including justice and interior affairs) a qualified majority will apply.

From 2014 on, a double qualified majority will be introduced: in order to be adopted, an act must be supported by at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union

5. Clearer distribution of powers between the EU and the member states

The treaty clearly defines who is entitled to act in each field. Three categories of powers are defined. In some fields only the Union shall legislate (*exclusive powers*); the Union and the member states share legislative powers in other areas (*shared powers*); As regards the third category, the Union will only support and coordinate actions of the member states.

6. New powers for national parliaments

National parliaments will take a consultative role in the legislative procedure. They will have the right to oppose each draft European legislative act, if they consider that the draft does not comply with the principle of subsidiarity. In this case the Commission must review it. The European Parliament and the Council shall reconsider the legislative process in case over half of all national parliaments oppose an act subject to codecision. In case a legislative act contradicts to the principle of subsidiarity National parliaments will also have the right to challenge it before the European Court of Justice.

7. Delegated acts of the Commission

It is envisaged in the Treaty that a legislative act may delegate to the Commission the power to adopt non-legislative acts of general application to supplement or

amend certain non-essential elements of the legislative act. The latter shall explicitly lay down the conditions to which the delegation is subject.

8. Uniform protection of intellectual property throughout the Union

According to the Treaty the European Parliament and the Council are expected to establish measures for the creation of European intellectual property rights (trademarks, designs, patents, copyright) in order to provide uniform protection of such rights throughout the Union. In the end, a centralised authorisation shall be introduced within the Union. The language arrangements for the European intellectual property rights will be established by the Council.

9. The Charter of Fundamental Rights

By virtue of the Lisbon Treaty the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights, which shall have the same legal value as the Treaties.

10. Right of initiative

One million EU citizens may take the initiative of requesting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required.

....and one interesting fact

Although the name euro was officially adopted by the member states in 1995 in Madrid and the currency entered into circulation in 2002, it became the official currency of the EU by virtue of the Lisbon Treaty, replacing the "European Currency Unit", the *ecu*, in the treaties.

Kalin Bonev

Tsvetkova Bebov & Partners

Attorneys-at-law

9-11 Maria Louisa Blvd., 7th floor

1000 Sofia, Bulgaria

Telephone +359 2 9355 100

Facsimile +359 2 9355 166

www.landwellglobal.com/bg

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