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**The institutional dynamics of the  
European Union from Maastricht to  
Lisbon – the neoinstitutionalist  
perspective**

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## ABSTRACT

This paper starts from recognizing the growing interest in institutions in political science and implicitly, in the importance afforded to them by researchers. The political future of Europe constitutes, at the current moment, the most interesting topic for reflection and debates. The European Union, as it was created by the Maastricht Treaty, as a result of a compromise, is a complex and strange structure, being in need itself for a fundamental reform.

The institutional reform is of course the most debated subject in the European Union, but also the most covered one by the media. In a European Union regulated by outdated treaties, with numerous lacunae for the current form and content, the question must not regard the need for a Reform Treaty, but should focus on more dedication and more tendencies towards consensus.

The research methods are various. I have used books of experts in European studies which have focus upon this period, but also specialty paper works of specialists published in well-known reviews in the field. The information sources were accessed at the Satu Mare County Library, but also at the Cluj University Library, while a part of the materials were bought in bookshops.

In the analysis, I have started from the more general framework of the community law and afterwards the attention focused on the Maastricht, Amsterdam, Nice and Lisbon Treaties. As mentioned already, the analysis took into account these primary sources, but also the specialists' opinions on these treaties were pay attention to.

Throughout this work I have tried to capture as well the reform and institutional dynamics of the European Union, analyzing the executive, legislative, juridical, banking and consultative system from the creation of the European Union through the Maastricht Treaty up to the Lisbon Reform Treaty.

**In the first chapter** I make an attempt to define international institutions starting from the theoretical perspectives on this topic. According to a generous and simple definition of social institutions offered by Maurice Duverger, these are „various models of relations that serve as patterns for concrete relations. For this reason, such relations are stable, sustainable and cohesive”<sup>1</sup>. As social science, International Relations maintain the fundamental elements afforded to the understanding of the term, applied to the specificity of this field. „The institutions are seen as sets of rules and practices that prescribe roles, constrain activity and

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<sup>1</sup> M. Duverger, *The Study of Politics*, Nelson, London, 1972, p. 17.

shape the actors' expectations. The institutions can include organizations, bureaucratic agencies, treaties and agreements, as well as informal practices that states accept as binding. The balance of power in the international system is an example of institution."<sup>2</sup>

The specific difference between institutions and organizations seems to become clear from the above specifications: the balance of power is an institution, but not an organization – it can be organized only a cymbal of the balance, but not the entire mechanism (for example, NATO during the Cold War). Moreover, though the influence they exercise, the international organizations become actors of a different nature from that of the state actors: all organizations develop their own life, and they can be regarded as socializing frameworks, as bureaucracies etc., that function many times following a logic which is different from that of the member states<sup>3</sup>.

In what regards „regimes”, these would be, according to one of the most popular definition, that offered by Stephen Krasner, „sets of principles, norms, rules and decision making procedures, implicit or explicit, around which actors expectations converge in a given issue-area”<sup>4</sup>. The term started to be used especially after the attempts to separate, in specialty studies, the action-normative space agreed by all participants to certain interaction from the arrangements like organizations - from the action-normative space agreed by all participants to certain interactions. Even if the specifics of international regimes will be detailed later on (when discussing the security regimes), it can be observed from the above definition that regimes refer to „a certain area of international relations”<sup>5</sup>. Anticipating the discussion on the topic of their features, I will state for the moment that currently the regime is usually considered to be a special type of institution, defined through the fact that the rules according to which the

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<sup>2</sup> P.M. Haas, R.O. Keohane, M. Levy (eds.), *Institutions for the Earth: Sources of Effective International Environmental Action*, MIT Press, London, 1993, p. 4-5, cited in Steven S. Lamy, „Contemporary Mainstream Approaches: Neo-Realism and Neo-Liberalism”, in John Baylis, S. Smith (eds.), *The Globalization of World Politics. An Introduction to International Relations*, Third Edition, Oxford University Press, Oxford, 2005, p. 214. See also L.D. Dîrdală, „Neoliberalismul”, in A. Miroiu, R.S. Ungureanu (coord.), *Manual de Relații Internaționale*, Polirom, Iași, 2006b, p. 146.

<sup>3</sup> For example, see in this regard M. Barnett, M. Finnemore, *Rules for the World. International Organizations in Global Politics*, Cornell University Press, Ithaca, NY, London, 2004. The research of the two authors focuses on the ways in which international organizations, as bureaucracies, influence interstate cooperation.

<sup>4</sup> S. Krasner (ed.), *International Regimes*, Cornell University Press Ithaca, NY, 1983, p. 2, cited in R. Little, „International Regimes”, in J. Baylis, S. Smith (eds.), *The Globalization of World Politics. An Introduction to International Relations*, Third Edition, Oxford University Press, Oxford, 2005, p. 373.

<sup>5</sup> Comments on this subject can be found in Beth A. Simmons, Lisa L. Martin, „International Organizations and Institutions”, in Walter Carlsnaes, Thomas Risse, Beth A. Simmons (eds.), *Handbook of International Relations*, SAGE, London, 2002, p. 192-194.

interactions between participants take place and their rights are necessarily mentioned explicitly (important difference from other types, such as the balance of power)<sup>6</sup>.

The term „institution” entered in the vocabulary of field studies following the development of the later. Its acceptance was necessary in order to mark the specific difference from other concepts, such as the one of „regime”, which, as shown, received in time a particular understanding. „The regime literature gave birth to such a definitional confusion, that researchers in the 1990s searched for a simpler concept, as well as for a new label. Currently, the word «institution» largely replaced the term «regime» in the academic literature in the field of International Relations.”<sup>7</sup>

Another term used in this discussion is „multilateralism”, which, according to a definition in the dictionary, implies an agreement which functions on the basis of the nondiscrimination principle (accept the obligations in the treaty without introducing exceptions between participants), of the indivisibility principle (the agreement has effect upon all signatory parties) and the principle of diffuse reciprocity (of continuity in applying the provisions)<sup>8</sup>. John Ruggie proposes a specific understanding for this term, showing that we can talk about a typology of international interactions, depending on the number of participants, differentiating on qualitative basis between bilateral agreements and multilateral ones. If the bilateral agreements can be studied separately, multilateralism brings an additional element, a fact observed from the definition he offers: „Multilateralism is an institutional form that coordinates the relations between three or more state on the basis of some «generalized» principles of behavior – that means the principles that specify the appropriate meaning for a class of actions, without taking into account the particular interest of parties or the strategic demands that could exist in specific circumstances”<sup>9</sup>.

In Ruggie’s conception, the difference between the two types of agreements is that the generalization of principles is an essential element only for multilateralism; the bilateral agreements can be studied from case to case, depending on the specific situation that they describe. The examples he offers – the agreements concluded by Nazi Germany with the satellite states – are obvious for the importance of the distinction: the government in Berlin offered at that time, on the basis of particular considerations, different conditions to each of the state in case, without precise and generalized rules.

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<sup>6</sup> S. Haggard, B.A. Simmons, „Theories of International Regimes”, in *International Organization*, 41 (3), 1987, p. 495-496.

<sup>7</sup> B.A. Simmons, L.L. Martin, „International Organizations and Institutions”, 2002, p. 194. Martin Griffiths,

<sup>8</sup> T. O’Callaghan, *International Relations: The Key Concepts*, New York, London, Routledge, 2002, p. 197-199.

<sup>9</sup> J.G. Ruggie, „Multilateralism: The Anatomy of an Institution”, in *International Organization*, 46 (3), 1992, p. 571.

A third version of the institution identified by Ruggie is the imperialism. In the definition he offers, this is „also an institution that coordinates the relations between three or more states, although, unlike bilateralism and multilateralism, it makes it by denying the sovereignty of states to which it is applied”<sup>10</sup>.

Robert Keohane, prominent representative of liberal institutionalism, uses for institution a definition similar to the one presented at the beginning of this chapter - „persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations” – in order to offer a large understanding to the concept. Keohane determines also a narrow sense, proposing the study of those institutions „that can be identified as connected complexes of rules and norms, identifiable in space and time”<sup>11</sup>. Keohane makes an extra step on the way to a more precise definition, stating that, for institutionalization, „besides constraining the activity and shaping expectations, the rules need to be sustainable and need to prescribe behavioral roles for the actors. This means that institutions differentiate between actors according to their expected roles, the identification of the institution could be made following whether the behavioral models are indeed differentiated by the roles”<sup>12</sup>.

A reformulation of the definition, with emphasize on the international security institutions, is lately offered by Wallender, Haftendorn and Keohane. These three authors state that international institutions would be „persistent and connected set of rules, often adopted by organizations, which operate beyond international borders. The institutions vary from conventions (such as sovereignty) to formal organizations (such as NATO). The security institutions are designed to protect the territorial integrity of states in front of the use of force by adversaries; to maintain the states’ autonomy against the political effects of the threat to use such force; to prevent the occurrence of situations that could jeopardize the vital interests of states, as are they defined by states”<sup>13</sup>.

In the controversy triggered by John Mearsheimer from a neorealist position with the representatives of the other theoretical approaches in 1994/1995<sup>14</sup>, this author considers that a

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<sup>10</sup> *Ibidem*. Ruggie makes referrals, in his text, to Michale Doyle, *Empires*, Cornell University Press, Ithaca, NY, 1986, p. 19-47, and specifies in the footnote that certain arrangements of the Nazi state are very close to the understanding of this term.

<sup>11</sup> R.O. Keohane, „International Institutions: Two Approaches”, in *International Studies Quarterly*, 32 (4), 1988, p. 383.

<sup>12</sup> *Ibidem*, p. 384.

<sup>13</sup> C.A. Wallander, H. Haftendorn, R.O. Keohane, „Introduction”, in Helga Haftendorn, Robert O. Keohane, Celeste A. Wallander (eds.), *Imperfect Unions. Security Institutions over Time and Space*, Oxford University Press, Oxford, 1999, p. 1-2.

<sup>14</sup> I herewith consider the famous dispute which opposed the position of J.J. Mearsheimer, „The False Promise of International Institutions”, in *International Security*, 19 (3), 1994/1995, p. 5-49, to that expressed by Robert O.

fundamental difference between the position that he defends (that of offensive realism, but could be considered in this case as the representative of all types of neorealism) is the importance afforded to institutions in the general economy of the academic perspective. In what regards him, Mearsheimer sees the institutions as a „set of rules that stipulate the ways in which states should cooperate and compete with one another”<sup>15</sup>.

As noticed by Beth Simmons and Lisa Martin, the definition of Mearsheimer has some advantages. Among them it is the stability (he does not make referrals to processes), the separation from behaviors (by comparison with the definition of Keohane, which does not allow the study of the impact of institutions upon activities and expectations, that one is suitable for such a research), as well as its relative theoretical neutrality, which makes it attractive for more perspectives. The institutions are, according to such a statement, explicitly normative<sup>16</sup>.

But for neorealism (especially in its „hard” form of offensive realism represented by Mearsheimer), the response to the above question is more difficult to locate. For no other theoretical approach the anarchy specific to the international system is as constraining for the states, in the sense of considering the reciprocal suspicion as fundamental condition in establishing any strategy towards ensuring the survival. If we accept this image upon the relations between states – in which each one is threatening for the others, and the primary task of each state is to search to maximize its own power in comparison with the other competitors<sup>17</sup> –, it is more than natural to ask ourselves how rules between states are established, how are they formulated, how are they imposed and, moreover, how come they are respected? Mearsheimer’s response is that rules are negotiated between states, and they often take the form of some organizations, and the states themselves decide whether to respect them or not<sup>18</sup>.

Supposing – according to the realist logic – that hegemonic power is, usually, the one that imposes in the (sub)system that it dominates a set of rules, that allow it to satisfy its

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Keohane and Lisa L. Martin, „The Promise of Institutional Theory”, in *International Security*, 20 (1), 1995, p. 39-51, by Charles A. Kupchan and Clifford A. Kupchan, „The Promise of Collective Security”, in *International Security*, 20 (1), 1995, p. 52-61, by J.G. Ruggie, „The False Promise of Realism”, in *International Security*, 20 (1), 1995, p. 62-70, and that of A. Wendt, „Constructing International Politics”, in *International Security*, 20 (1), 1995, p. 71-81. The reply was given in John J. Mearsheimer, „A Realist Reply”, in *International Security*, 20 (1), 1995, p. 82-93.

<sup>15</sup> J.J. Mearsheimer, „The False Promise...”, 1994/1995, p. 8.

<sup>16</sup> B.A. Simmons, L.L. Martin, „International Organizations and Institutions”, 2002, p. 194.

<sup>17</sup> For a general characterization of the approach of Mearsheimer, see, for example, Steven S. Lamy, „Contemporary Mainstream Approaches...”, 2001, p. 210-211. To be seen also L.D. Dîrdală, „Neorealismul”, in Andrei Miroiu, Radu-Sebastian Ungureanu (coord.), *Manual de Relații Internaționale*, Polirom, Iași, 2006a, p. 131-133.

<sup>18</sup> J.J. Mearsheimer, „The False Promise...”, 1994/1995, p. 8-9.

interest at minimum costs, the problem itself – of defining the authors of international institutions and the conditions in which they make it – does not change. The institutions reflect a certain distribution of power, so that they would have only a marginal importance in the relations between international actors<sup>19</sup>. The way in which each theory defines the term and capitalizes the importance of institutions will be a subject reanalyzed in the next section of the chapter.

Alexander Wendt, the researcher associated with the constructivist perspective to whose conceptions we already made referrals several times, states that the institution is „a relative stable set or a «structure» of identities and interests. Such structures are often codified in formal rules and norms, but have a motivational force only by virtue of socialization and participation of actors to the collective knowledge. The institutions are fundamentally collective entities that do not exist outside the actors’ ideas on how the world functions”<sup>20</sup>. In such a perspective, the institutions are social constructs – they emerge from the interactions, the actors being the ones that, through the exchange of understanding, create rules, respect them or not, develop them or, on the contrary, abandon them. The definition offered by Wendt offers a hypothesis upon the genesis of institutions. These would originate in the structure of identities and interests of each actor, subject to changes following their redefinition through social interaction. The existence of institutions is located at the level of actors’ ideas on their significance.

Constructivism is an intellectual approach of which fundamental assumption can be summed to the consideration of the world as being constructed from the understandings which emerged during the interaction, fact that allows, as we have shown, the observation of an internal dynamic on the long term for the signification of each concept. Actors report themselves to an allied social reality in a continuous change, more or less perceptible, for which the social interaction is, at the same time, cause and effects<sup>21</sup>.

**In the second chapter**, I started from the question „what is an institution?” and tried to formulate a response through the appeal to neoinstitutionalist theory, especially the neoinstitutionalism that has its bases in sociology. It is essential for a paper that analyzes political institutions to present the way in which researchers in social sciences conceive and understand institutions. Therefore, the initial objective is to offer a general view upon the

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<sup>19</sup> *Ibidem*, p. 7-9, 13-14.

<sup>20</sup> A. Wendt, „Anarchy is what States make of It: The Social Construction of Power Politics”, in *Internațional Organization*, 46 (2), 1992, p. 399.

<sup>21</sup> A previous version of the considerations in this section of the paper can be found in R.S. Ungureanu, „Definirea termenului «instituție» și abordarea teoretică în Relațiile Internaționale”, in *Buletinul Științific al Universității „Mihail Kogălniceanu” Iași*, 16, 2007, p. 138-147.

academic discussions that deal with the nature of political institutions and analyze the different conceptualizations of institutions, but especially those that are part of the sociological neoinstitutionalism. The second objective set is that to explain how this type of neoinstitutionalist theory treats the emergence of institutions, the changes and development of institutions. The third objective is to see how a certain model of organizing puts to test the existing power structure within an established institutional system. I consider as inappropriate the conception according to which the emergence of an institution is a natural response, a reaction of adjustment to the changing conditions from the environment. There is no organizing solution which is functionally „given”. An institutional perspective portrays the institutions as having „their own life” and „having the capacity to resist despite the inadequacy with the environment”<sup>22</sup>. The reform of a political system is many times constrained and determined by the previous institutional choices and concepts such as *historical inefficiency or dependency path* suggest that the emergence of a new institutional structure is not automatic. The birth of new institutions does not take place as response to the new conditions or due to the functional needs, but as extracted from the pre-existing institutional frameworks and mediated by these frameworks.

There is no consensus on what an institution is and there is even less consensus on the way in which institutions interact with individuals to produce decisions<sup>23</sup>. Despite the incredible big number of institutionalist studies, in the last decades, still there is no single definition of political institutions that gathers the large agreement of researchers. On the contrary, we are witnesses of an increasing diversity of ideas on what can be considered an institution and this fact leads to considerable differences when it is put into discussion the way in which we should study institutions, the impact of institutions and even more the degree on which we should conceive institutions as being independent and autonomous or on the contrary tributary to traditions, norms, culture, individual preferences, history.

The interest in the description of the institutions’ effects upon policies and upon political actors was supplemented with the interest for institutional change, for institutions’ modeling and design. The researchers preoccupation has been directed towards the observation of institutions’ stability (how and why they remain stable) as well as towards the observation of institutional chance. The question is: what conditions favor or on the contrary impede change? How can we identify the mechanism through which institutions are born, evolve or fall, and how do the new institutions replace or complement the old ones?

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<sup>22</sup> J.P. Olsen, *Europe in the search of political order*. Oxford, 2007, p. 106

<sup>23</sup> B.G. Peters, *Institutional theory in political science. The 'New Institutionalism*, London, 1999, p. 47.



From the historical point of view the political thought was rather concerned with the necessary conditions of a legitimate order than with the conditions leading to change. The stability and order relations were generally seen as a desirable but precarious result, always threatened by chaos, entropy and disorganization. If the traditional institutionalism neglected the problem of the change of political institutions, considering it as being the product of history and in essence an invariant given, the behaviorists, even though preoccupied with more dynamic topics, such as development, modernization, considered political institutions so malleable and efficient that, virtually, considered them irrelevant, while institutional change was something uninteresting. The democratic governance was seen as efficient and sensitive to any change in the external circumstances (new ideas, new opinions, new technologies, economic changes, social changes) that it will automatically renew itself in response to these changes. The institutional change was regarded as an integral part of the political process and so was unproblematic. But, if governance was so efficient and sensitive to the opinions of the governed ones we ask why was it necessary to pass hundreds of years to offer civil rights to women? Why was it necessary for protests and marches for some problems to get on the political agenda? The institutional change and the problem of change were neglected by both paradigms, although for different reasons.

**In the third chapter** I present the reform and the institutional development of the European Union starting with the Maastricht Treaty up to the Nice Treaty. The Maastricht Treaty, signed on February 7, 1992<sup>24</sup>, is the treaty establishing the European Union.

The European Union is identified also with the following symbols: a flag – twelve yellow stars on a blue font, symbolizing Europe's peoples, form a circle, symbol of the union. Number 12 is symbolic and does not indicate the number of states. The European flag was adopted as symbol by the European Communities on May 26, 1986; an anthem - „Ode to joy” of Ludwig van Beethoven was adopted as European anthem by the heads of states and governments gathered at the Milan European Council (June 1985); a day – May 9 is Europe's Day, in memory of the Schuman Declaration from 1950; a single currency – on January 1, 1999, Euro became the single European currency. The Euro bills and coins entered in circulation on January 1, 2002; a motto for Europe: „United in diversity” (May 4, 2000).

After the Single European Act, it represents the second fundamental review of the Community, offering a single juridical framework to the three communities: ECSC, EURATOM and EEC.

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<sup>24</sup> The Maastricht Treaty enters into force on November 1, 1993.

This treaty decided to rename formally the European Economic Community (EEC) in European Community (EC), transforming it from only an economic community into a union that had also political competences.

From the structural point of view, the treaty can be compared to a temple supported by three pylons and dominated by a fronton: the fronton indicates the EU objectives – European citizenship, single market, economic integration, common foreign policy; the central pylon is formed by the three initial European communities (ECSC, EURATOM and EEC) and includes the internal market, the common economic policies (social, regional, agricultural, environment, education and health), such as the Monetary Union; the lateral pylons regard the common foreign and security policy, respectively cooperation in justice and home affairs.

Apart from some special structures, the European Union organs are in fact those of the European Community. But these organs were designed and created some decades ago, according to the then configuration of the Communities and according to the needs of the first phase of the integration process. They seem today to be totally inappropriate for the European Union's objectives and aims, especially in the view of receiving a large number of new members. The concerns related to the old community organs lead to the convocation of the Intergovernmental Conference from Turin (1996-1997), for to prepare the European Council meeting in Amsterdam, from June 16-17, 1997, dedicated to the review of the Maastricht Treaty. The proposals of the Turin Conference were not adopted in Amsterdam, due to the controversies related especially to the Commission's composition and the voting mechanism in the community institutions. The problem of the institutions' reform and of the community mechanisms was to be resumed at a new intergovernmental conference in 2000, which preceded the adoption of the Nice Treaty at the end of the same year. The fierce disputes on the occasion of the adoption of this treaty and the fear of not putting into danger the European integration determined the Nice Treaty not to be as radical as initially desired. However, the treaty laid the basis for the reform of the community institutions or, at least, launched the reform process of these institutions<sup>25</sup>.

At the level of the Commission it was decided that, starting with 2005, each member state will have the right to a single commissioner. Nevertheless, when the number of member states of the Union will get to 27, the Council decides with unanimity the number of commissioners, which cannot be higher than the number of states. At the same time, it was

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<sup>25</sup> V. Vese and A. Ivan, *Tratatul de la Nisa*. p. 137 and following.

decided, to change the procedure for electing the president of the Commission, the competences of whom were substantially increased.

At the level of the Council of the Union, it was established a new scale for the allocation of votes, starting from 3 to 29 votes, depending on the demographic share of each state<sup>26</sup>. Related to the decision making in the Council, unanimity, which until now constituted the rule, will become an exception, being generalized instead the qualified majority.

Regarding the European Parliament, it was stipulated that it could not have more than 728 members<sup>27</sup>.

Criticized for its half measures, as through the compromised solutions it postponed practically an actual reform, the Nice Treaty only gave satisfaction to candidate states, which saw themselves formally integrated in the future united Europe.

In any case, the institutional reform had to be finalized until 2004, in order to facilitate the integration of the 10 states named in the Laeken Declaration.

For the well functioning in the future of the European construction there are also considered other reforms. The Nice Treaty open the way for an intensified and strengthened cooperation, which allows for a limited number of states to advance faster than the others, in certain areas. Although contested by many, the so-called Europe „with two speeds” becomes, with every day that passes, a reality and would be inequitable to keep in place a group of states and their peoples until the other will be able to catch up. Instead, the Nice Treaty could not come with new solutions in delicate areas regarding common policies: the agricultural policy, the regional policy and the fiscal policy. These areas are still waiting for reforms.

A big future problem is also that of financing the community expenses, especially in the period following the enlargement, as the community budget will have to bear an additional burden, which is not at all insignificant.

The political future of Europe constitutes, at the current moment, the most interesting topic for reflection and disputes. The European Union, as created at Maastricht, as result of a compromise, is a complicated and strange structure, being itself in need for a fundamental reform. Aware of the necessity to simplify and make more efficient the functioning of a European Union with 27 members, the heads of states and governments gathered at Laeken in December 2001 decided the establishment of an European Convention, conceived as a forum for dialogue and debate at which to participate representatives of the member states, as well as representatives of the candidate states. Opened on February 28, 2002, the Convention worked

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<sup>26</sup> Becoming member of the European Union, Romania has 14 votes in the Council.

<sup>27</sup> Romania will have the right to 33 places.

for one year, and at the end it had to present the project for a new treaty or even for a European Constitution, which could eventually lay the foundations for the United States of Europe. Starting from the idea that the European Union needs to define its role in a changing world and understanding that it should manifest openness and transparency, the Convention addressed to the European public opinion, asking the civil society and the interested parties to contribute to the debate on the future of Europe. If it would be opted in the end for a union of national states or for some type of federation or for a confederation, it remains to be seen. Once started, the construction of a united Europe will have to continue, as there is no way back, while the reform process within the Union will be a permanent one following its enlargement.

**In chapter four** I analyze the structure and the dynamic of the Lisbon Reform Treaty. The Lisbon Treaty reconfigured the European Union's structure. If until now it had a composition structured on pylons, the new treaty creates a coherent structure that will open the perspective for the Union's federalization. Although named the Lisbon Treaty, we actually speak of two treaties, The Treaty on the European Union and the Treaty on the Functioning of the European Union.

Generally the history of the European construction includes enlargement periods and deepening periods of the integration process. These are usually intercalated. The period before the Lisbon Treaty does not fit this model. This is on one side because of the rejection of the European constitution, and on the other side we have an exception of the enlargement process as two states, Romania and Bulgaria, although decoupled from the initial extension wave, were politically accepted to become part of the EU. This determined practically two enlargement waves to have at their base the same treaty, the Nice Treaty.

The analyze starts from the Laeken European Council, the one that generated the European Convention. The convention, under the leadership of Valery Giscard d'Estaing will elaborate the European Constitution. The Treaty establishing a Constitution for Europe had a federalist direction, giving birth to a strong opposition movement. Despite the fact that the convention was headed by a French, this people will reject it, following a referendum. Nevertheless, we need to underline the values incorporated in this constitution as they are unanimously accepted as being part of the European identity.

After the failure of ratifying the constitution, Europe had to look towards the future and needed to find a way for this. It was renounced to the term of constitution in order to create a new treaty. The differences are too small because, as Mr. Iordan Gheorghe Bărbulescu noticed in one of his conferences, there is a decision of the German federal court that stipulates that the

European Union Treaties have the value of a constitution. The new French-German couple formed by Chancellor Angela Merkel and the French president Nicolas Sarkozy will start a real offensive for recovering the European constitution through an extensive treaty that lays on new basis the functioning of the European Union. It will be named reform treaty as the European Union needed a treaty that would ensure not only its functioning but also offer a new base for development. A concern was also the external visibility of the EU. This fact owed to the new conditions on the international arena: the war against terrorism, the American unilateralism.

The Lisbon Treaty is in 95% a revaluation of the European Constitution. Quitting symbolism is only by omission, as it is not mandatory and only results from a lack of express stipulation of this fact. The Reform Treaty is analyzed starting from the objectives, structure, innovations, changes in functioning and the structure of institutions, their competences, the Union policies in the new framework offered by the treaty, the external relations, and last but not least the rights, values and principles that stay at the basis of the reform.

**In the last chapter** I underlined the institutional development and dynamic of the European Union by analyzing the executive, legislative, banking, juridical and consultative system since the creation of the European Union through the Maastricht Treaty up to the Lisbon Reform Treaty.