

LEGAL PERSONALITY AND POWERS OF THE EUROPEAN UNION

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Rezumat. *Deși prin Tratatul de la Lisabona, Uniunea Europeană dobândește personalitate juridică, în conformitate cu sistemul partajării competențelor între Uniune și statele membre, astfel cum este prevăzut în Tratatul privind Uniunea Europeană și la Tratatul privind funcționarea Uniunii Europene, orice competență care nu este conferită Uniunii prin Tratat aparține statelor membre. În cazul în care Tratatul atribuie Uniunii o competență partajată într-un anumit domeniu, statele membre își exercită competența în măsura în care Uniunea nu și-a exercitat, sau a hotărât să renunțe la exercitarea competenței sale în domeniul în cauză. Reprezentanții statelor membre pot decide să modifice Tratatul pe care se întemeiază Uniunea, inclusiv în sensul sporirii sau reducerii competențelor atribuite Uniunii prin Tratat.*

Abstract. *Based on legal personality, EU won through Treaty of Lisbon, in accordance with the system of division of competences between the Union and the Member States as provided for in the Treaty on European Union and the Treaty on the Functioning of the European Union, competences not conferred upon the Union in the Treaties remain with the Member States. When the Treaties confer on the Union a competence shared with the Member States in a specific area, the Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence. The representatives of the governments of the Member States may decide to amend the Treaties upon which the Union is founded, including either to increase or to reduce the competences conferred on the Union in the said Treaties.*

Keywords: EU legal personality; areas of Union competence; Treaty of Lisbon; Treaty on European Union; Treaty on the Functioning of the European Union.

1. Preliminary considerations

We appreciate that it became known, in October 2007, after Italy¹ and Poland² have obtained what they requested, through compromises specific to the international law, on what it has already entered in the history of the European Union construction, as the Treaty of Lisbon. The Portuguese Prime Minister, Jose Socrates, the country of whom had provided at the time, the EU Council presidency, said: “It is a victory of Europe! With this treaty, we are able to get out of the impasse. Europe is much stronger after this summit”³. This statement is completed by that offered by the European Commission President, José Manuel

¹Italy also received a seat in the European Parliament.

²To solve the problem of Poland, the Treaty was accompanied by a Declaration detailing Ioannina compromise.

³http://www.swissinfo.ch/fre/Dossiers/La_Suisse_et_la_crise_financiere_mondiale/Actualites/LUnion_europeenne_se_dote_dun_nouveau_traite_a_Lisbonne.html?cid=6202710