

# EUROPEANIZATION AND THE LISBON TREATY, REAL BASES FOR FEDERALISM?<sup>1</sup>

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## **Abstract**

*In this paper, we compare the achievements of Lisbon Treaty with the principles of a federalist constitution, specifically that of the United States of America, in the context of Europeanization. The questions of my analysis are: "How far is the European Union from a federation, if you consider the achievements of the Lisbon Treaty and the effects of Europeanization?" In the first part of the paper, we present and analyze aspects and rules of federalist theory and I apply them on the US Constitution. The review is focused on the norms of federalism, on the relation between state and its units and on the institutional aspects. The second chapter of the paper is an evaluation of the political model that the Lisbon Treaty sustains, analyzing the new things it brought, from a political and institutional level. The purpose is to see the evolution of the communitarian and intergovernmental perspectives. In the last part, on the one hand, we compare the two political models, using as criteria the political and institutional relations between the European Union and its Member States, respectively the United States of America and its states and, on the other hand, we present, explore and analyze the phenomena of Europeanization, as a positive environment to the potential federation that EU could be.*

**Keywords:** Lisbon Treaty, Europeanization, federalism, European institutions

## **INTRODUCTION**

The adopting of Lisbon Treaty was one of the greatest achievements of European Union. The new things it brought could be explored in many ways, especially the advantages of the EU system. Many EU analysts believe that the European Union is following a path to become a federation. It's interesting to see how many steps are needed to really get there and how the Lisbon Treaty and the process of Europeanization helped the European Union evolution, as a political and social structure, to get closer to a federation. The originality of this paper consists in the inclusion of the Europeanization concept in the comparison between the US Constitution and the Lisbon Treaty.

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## **Methodology**

The paper is focused more on the institutional, political and administrative aspects of federalism. The comparison between the US Constitution and the Lisbon Treaty and the strengths of Europeanization are points from which the discussion about the “federalist” potential of the Union can begin. We want to see which aspects within the Lisbon Treaty bring closer the European Union to a federation, in theory and how the Europeanization can contribute to a potential federalism.

## **Limits**

The paper has some limits. First of all, I could not cover all the information and theories about federalism and federation states, so the criteria used to analyze the Lisbon Treaty. I also sustain that, for a better view of the novelties that the Lisbon Treaty brought and of the EU federalist potential, it’s necessary a complete and large comparison between EU and different types of federations. Secondly, the concept of Europeanization is full of meanings and can have many approaches, but, in this paper, I analyze its influences on institutions and rules of European Union members.

## **CHAPTER 1: FEDERALISM, ASPECTS AND DIMENSIONS**

### **1.1. Definition and features of federalism**

Federalism is the theory under which federalist states were born, according to which the powers in a state are divided between its central authority and its units. This theory was the basis for the federalist system of government, which implies a central and national government, called the federal government, with specified legislative powers, and regional governments, called states or provinces, which have other specified powers. In a federation, different than in a unitary state, sovereignty is non-centralized, “often constitutionally, between at least two levels so that units at each level have final authority and can be self-governing in some issues area. Citizens thus have political obligations to, or have their rights secured by, two authorities” (Stanford Encyclopedia of Philosophy, 2010). So, they are subjects to two jurisdictions, that of the federal government and that of the states.

Another possible definition of federalism is the combination of two rules: self-rule and shared rule. By this definition, federalism „involves some kind of contractual linkage of a presumably permanent character that: 1) provides for power sharing 2) cuts around the issue of sovereignty, and 3) supplements, but does not seek to replace or diminish prior organic ties where they exist” (Elazar, 1991, 12). Self-rule and shared rule suppose decentralization, a constitutional framework, not based only on the division of powers, conciliation of the concepts of unity and that of diversity, a political association, where the powers are shared and distributed.

Arend Lijphart, in “Non-Majoritarian Democracy: A Comparison of Federal and Consociational Themes” enumerates five principal attributes of federal states (Lijphart, 1985, 8):

1. A written constitution which specifies the division of power and guarantees to both the central and regional governments that their allotted powers cannot be taken away;
2. A bicameral legislature in which one chamber represents the people at large and the other the component units of the federation;
3. Over-representation of the smaller component units in the federal chamber of the bicameral legislature;
4. The right of the component units to be involved in the process of amending the federal constitution, but to change their own constitutions unilaterally;
5. Decentralized government, that is, the regional government's share of power in a federation is relatively large compared to that of regional governments in unitary states.

All the attributes are necessary for our analysis. The first attribute is found in the implementation of the US Constitution and the Lisbon Treaty, as the document nearest to a constitution for the European Union. The second attribute refers, in the case of the United States of America, to the Congress, which has a chamber that represents the people at large, United States House of Representatives and a chamber that represents the federation, the Senate and, in the case of the European Union, to the European Parliament, as a correspondent of the chamber of the EU and to the European Union Council, as the legislative chamber of the Member States. The other three attributes match to the United States of America and European Union political systems.

### **1.2. Essential theory of federalism**

The theory of federalism is old and it has its origins in liberal theory. The concept of federalism still remains contested and easy to judge. The normative perspective lies behind all the institutional arrangements so is good to make a review of the important ideas that substantiated the theory of federalism. The classical theory of federalism has two dimensions. One of them is built by European philosophers Johannes Althusius (*Politica Methodice Digesta*, 1603) and Charles de Secondat, Baron de Montesquieu (*The Spirit of Laws*, 1748), and the other one belongs to the American philosophers James Madison, Alexander Hamilton and John Jay and their „The Federalist Papers”. The older tradition, belonging to Althusius and Montesquieu was shaped by the American federalists. Thomas Hueglin compared these two views and discovered that the American Federalists deliberately misinterpreted Montesquieu in building a theory of the federal system for the United States, because they wanted to bring a new model of government (Hueglin 2003, 278-279). According to him, there are significant differences between the two perspectives:

**Table no. 1: Federalist approaches compared**

<b>Althusius and Montesquieu</b>	<b>The American Federalists</b>
Balance of power ultimately tilted in favor of the constituent members of a federation=> Supremacy= assemblage of societies	Federal supremacy over the states=> Perfect Subordination to the Center
Territorial divisions of power as a means of reinforcing the stability of such communities (a Social Community)	Territorial divisions of power as a means of cutting across social community and class
Basis of their arguments= smaller communities would remain fully functioning polities in their own right.(Policy needs)	Basis of their arguments= hierarchical differentiation of national and local policy needs (Policy fields)
Federalism as a form of ongoing deliberation and negotiated compromise	Constitutional model of territorialized rights protection

Source: Author's compilation, based on Thomas Hueglin "Federalism at the Crossroads: Old Meanings, New Significance."

Hueglin's analysis is a proof of the clear difference between American and European Federalism and of the various ways federal countries were born or developed.

Another philosopher, Pierre-Joseph Proudhon, a defender of federalism believed that the federation is the best method for an individual to gain from the state as he sacrificed to it (Proudhon 2005, 61). The federation implies a contract between the communities, cantons, towns or provinces and the state, where the first ones not only have bilateral and commutative obligations, but also more rights, more authority, more property than they abandon. So, entering in these types of associations of the citizens is more profitable than staying out. The state has only the attribute to coordinate, without final authority. Proudhon considered that the idea of federation is isolated, being wary of exaggerated centralization.

### **1.3. The US federalist model**

Federalism is one of the philosophies that stay at the basis of the writing of the United States Constitution, being an exported principle in the world. The American federalism went through many stages. The U.S. Constitution resolved a lot of federalism debates, but tensions between the states and the federal government occur even nowadays.

First of all, we will present some technical details about the United States of America federal system and their institutional design, as is written in the USA Constitution. The first section of the first article of the Constitution (The US Constitution, 1787) - "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of

Representatives”- shows that the legislative power is divided between the House of Representatives and the Senate. The House of Representatives is the „people chamber,” with deputies elected directly by the people, the membership being apportioned according to the population of the states, so large states have many more representatives. The number of representatives fixed by law is 435. In the Senate, the upper chamber, every state has two senators, regardless the populations of states. “The House, directly elected by the people, receives authority to originate all tax bills. The Senate, however, can amend a tax bill, and the support of both houses is necessary for the bill to become law” (The US Constitution Explained, 2003). The executive power is represented by the federal government and the president, elected indirectly by electors every four years. The judicial power belongs to the Judicial Court and its federal courts, its judges must be approved by the Senate. The States have a similar design, with individual legislatures, governors elected directly by the people and different laws, being equal treated by the Congress concerning economical or judicial problems. Other details regarding the United States Constitution will be discussed in section three of the paper.

The US model of federalism, according to Alfred Stepan, “is „coming-together” in its origin, “constitutionally symmetrical” in its structure and “demos-constraining” in its political consequences” (Stepan 2005, 112). “Coming-together” federalism refers to the starting point of a federation and assumes that the federation is a result of a bargain between the units which give up a part of their sovereignty to the state, because it’s more profitable economically and from the defense and protection of human rights point of view. It is different from “holding-together” federalism, which means that the federation was built from a unitary state that needed to maintain its unity, for example, Spain, India and Belgium. According to Stepan, the US federalism is “constitutionally symmetrical” because it cannot accept collective rights. In other words, USA federation is mononational, not multinational like the federation constituted “constitutionally asymmetrical” as Canada, Belgium, India and Spain. The US Constitution is focused on individual rights, but not on group specific rights. The fundamental document is also very difficult to amend or modify. The absence of collective rights is a proof that the American federalism did not evolve in line with the multicultural changes, even if the human rights are a basis of American democracy. “Demos-constraining” federalism is about the restricted agenda of a state and the potential of the voting system to maintain status-quo and to form a center majority in important decisions to protect the human rights from a populist majority. But, behind these arguments for this type of federalism, is the problem of overrepresentation in the Territorial Chamber. “Yet the principle of equal representation of each state in the upper house is not democratically necessary and may even prove to be a disincentive to multinational polities that contemplate adopting a federal system” (Stepan, 2005, 114).

#### 1.4. Federal systems, desirable?

The supporters of federalism and, by default, of the federal systems sustain that a federation can cause more economic prosperity, protect better the minorities' rights and promote equity: "The federation may promote cooperation, justice or other values among and within member units as well as among and within their constituent units, for instance by monitoring, legislating, enforcing or funding agreements, human rights, immunity from interference, or development" (Stanford Encyclopedia of Philosophy 2010). The principle of economic federalism is fundamental for the economic efficiency, preferring "the most decentralized structure of government capable of internalizing all economic externalities, subject to the constitutional constraint that all central government policies be decided by an elected or appointed "central planner" (Inman and Rubinfeld 1997, 45).

Even if it's not a federation in the complete sense, the European Union is a model of this theory and the many advantages of the federal systems can be seen by analyzing the economical and institutional structure of the European Union. Today, the analysts don't study the advantages or disadvantages of federalism, but more the relation between the state and its units and the way this relation developed over the years, depending of the economic crisis or of social changes. The actual studies on federalism are more concrete, based on empirical verifications, focused on the effects of federalism and its complex nature, emphasizing the manner with which the system dealt with territorial social-economic or demographic inequalities.

## CHAPTER 2: THE LISBON TREATY, A NEW POLITICAL MODEL FOR EU?

Lisbon Treaty, which entered into force on 1 December 2009, represents a step forward for the EU institutions. His signing ended several years of negotiation about institutional issues. Treaty of Lisbon amends the Treaty on European Union and EC Treaties (without replacing them) and provides the Union with the legal framework and tools necessary to meet future challenges and to meet citizens' expectations. *What's new in the Lisbon Treaty?*

### 2.1. The fundamental principles

At the basis of the EU political model are five principles, which define and specify clearly, what are the EU competences in relation with its members. These principles are: the principle of conferral, sincere cooperation, subsidiarity, proportionality and of representative democracy. The first four principles are about the relation of the EU and the Member States and the last one implies the relation of the EU and their citizens with double quality, as European citizens and as citizens of their national state.

**In accordance to article 3 a (1) from the Lisbon Treaty** (The Lisbon Treaty 2007), „competences not conferred upon the Union in the Treaties remain with the Member States”. So, the Union „shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their

fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State.”(Article 3 a (2)). The principle of conferral limits the Union competences, while the principle of sincere cooperation impose that „the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties”(Article 3 a (3)).

Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States” at all the levels, so it’s necessary to be resolved at the European level. The principle of proportionality refers to the fact that „the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties”(Article 3 b (4)).

**The principle of representative democracy** focuses on the European citizens, who are represented at two levels. On the one hand, they are represented directly, at the Union level, in the European Parliament, where „political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union” (Article 8a (4)). The European citizens elect every four years the politicians who will represent them in Bruxelles. On the other hand, they are represented in the Council of the European Union, the other legislative organism of decision, by their cabinets, which respond democratically to the national parliaments and they are also represented by their presidents or prime-ministers in the European Council. Recording to the Article 8, section a, point 3 of Lisbon Treaty, every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.

What is it new in the Treaty of Lisbon is the possibility that one million EU citizens who belong to a significant number of Member States can come up with a legislative proposal to present to the European Commission. „Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European 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 for the purpose of implementing the Treaties” is written at point 4 of the Article 8b from Lisbon Treaty.

The fact that European citizens can participate directly in the legislative process and can come up with proposals by a simple method, brings them much closer to the institutions and, above all, increases their direct representative and invites them to participate in the legislative process.

Also, an important innovation of the Lisbon Treaty is that after EU accession, any State may choose at any time if it remains or not as member of this structure. This provision provides a greater degree of freedom of Member States and its citizens.

## **2.2. The political model: Institutions**

### **The European Parliament, more powerful**

Since its establishment, the European Parliament's powers have increased steadily over the years, which are not so well known by the European citizens. Treaty of Lisbon does not fundamentally change the institutional structure of the Union, which is built further on the triangle Parliament, Council, and Commission. Although, it introduces some new elements designed to improve efficiency, consistency and transparency of the institutions, so that it can better meet the demands of European citizens.

Thus, by the Treaty of Lisbon, the Parliament will have greater powers in enacting legislation, the budget and approval of international agreements. A new legislative procedure, called "ordinary" will apply to most areas, and Parliament will have the same powers as the Council of the European Union. For the remaining areas, would apply a "special legislative procedure", under which Parliament has the right to agree on a measure of the Council, or vice versa. The old procedure of consultation remains in force, namely the Council, before to vote a proposal of the Commission must consult the Parliament and take account of its proposals.

More specifically, the main changes to the powers of Parliament by the entry into force of the Treaty of Lisbon are:

1. Co-decision procedure is extended significantly and becomes the ordinary legislative procedure. Therefore, the European Parliament becomes a legislator with the same power as the Council for 95% of European legislation. Because of this, the democratic legitimacy of EU law will increase.
2. New budgetary procedure ensures full parity between Parliament and the Council regarding the approval of the overall EU budget (not the distinction between compulsory and non-compulsory expenditure) and financial framework, which becomes legally binding.
3. Parliament and the Council will have equal powers as regards the definition of delegated and implemented acts of control.
4. A clear and precise division of powers is introduced, with a flexibility clause, similar to the existing one, but the Parliament must now give its consent.
5. The Commission President will be elected by Parliament, by a majority vote. The candidate will be proposed by the European Parliament, who will nominate a qualified majority, taking into account the results of elections to the European Parliament and after holding necessary consulting meetings. Parliament votes also for the investiture of the whole Commission, including the High Representative for Foreign Affairs.
6. Simplified procedures for amending the treaties on policies and procedures of the Treaty provide that the policies and internal actions

can be modified by unanimous decision of the European Council with the agreement of the Member States and the European Parliament.

7. The new permanent President of the European Council (elected for a period of two years by the Heads of State and Government) will report to the Parliament after each of its meetings.
8. The terms and procedure whereby a Member State can leave the Union, the so-called exit clause stipulates the obtaining of European Parliament consent.

Powers and "rights" increased of the Parliament are very important because automatically increase the communitarian powers of the EU, and the European deputies sent by each Member State have more important positions in the decision making process.

Parliament has had a positive evolution in the legislative process and in its relationship with the Council because it, although it has "a contested election authority because of the low rate of participation in European elections in some states" (Walace and Walace 2004, 25) it is a necessary partner of the Council, with power to influence legislation. The increased legislative powers helped to consider non-economic factors, like that concerning the environment, social and regional issues, that can produce a higher level of cohesion among EU members.

### **The roles of National Parliaments in the European construction**

According to the Treaty of Lisbon, national parliaments will have greater powers, especially with regard to any reform of the Treaty on European Union, to the response to any new application for membership to EU and judicial cooperation in civil matters. Thus, national parliaments will participate in a greater extent in the activities of the European Union. This new mechanism allows them to ensure that their powers will be enforced only when it can get better results at EU level, which is closely, linked to the principle of subsidiarity. Along with the strengthened role of the European Parliament, national parliaments' involvement will lead to enhance democracy and increase the legitimacy of the Union actions.

The new national parliaments' powers increase European deputies' accountability requirement in national legislative bodies. This will involve more the deputies in the European process.

Another aspect which may be brought into question is whether the provisions concerning the active involvement of national parliaments is not intended to balance the powers between Member States and the Union. In other words, these provisions are a counterweight to the increasing role of the European Parliament, which came to have almost the same powers as the principal intergovernmental body, the Council of the European Union. In this way, Member States may intervene through the competences of national legislative bodies.

### **The vote system in the Council of the European Union**

The Council is, above all, an institution which has no equivalent in the world. Through it, Member States adopt the communitarian legislation and seek to

resolve disputes or differences between them, within or between them and the communitarian institutions. The Presidency has a term of six months and is held in turn by each Member State.

Being composed of one representative from each Member State, depending on the issues discussed, the Council of Ministers is the "intergovernmental side" of the European Union, which gives a particular importance for Member States, which can present and sustain their preferences and influence the final decision. Thus, it is, on the one hand, a communitarian institution and, on the other hand, it is an institution where Member States are represented. However, it is perceived by Member States more than a legislative body (although it has executive power) that preserves the autonomy and individuality of the Member States. Council appears as "a bargaining place," "a machine for making compromises" (Defarges 2002, 43), a place of mediation between the private interests of States and the communitarian ones.

As regards the Council, important changes occurred in the Lisbon Treaty refers to the voting system within its highly relevant factor for Member States. From 2014, it will be introduced a new procedure for making decisions - the double majority.

The Article 205, paragraph 3 of the Treaty on the Functioning of the European Union, states: "From 1 November 2014 and subject to the provisions established by the Protocol on transitional provisions, if not all Council members vote, the majority be defined as follows:

“(a) A qualified majority is defined as at least 55% of Council members representing Member States comprising at least 65% of their population. A blocking minority must include at least the minimum number of members representing more than 35% of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.” (TEC, 2008)

This new system streamlines the voting procedure and accelerates the decision making process, because the main defect of voting rules in the Treaty of Nice was the low efficiency of decision-making mechanisms. Being much easier, this voting procedure is better understood.

However, the decision has aroused much disagreement from Poland, who had an uncompromising attitude, even to reject the document. It refused this voting system because this country believed it gives too much power and rich big states, especially Germany.

It must be recognized that the double majority voting system creates a balance between big countries - which have the largest population and are the biggest contributors to the EU budget - and other countries, which are more numerous, but have less populated and are, in general, net beneficiaries of EU funds.

### **The European Commission**

The European Commission is the only institution which has not undergone any major changes regarding its powers and its procedures in the Lisbon Treaty.

Also, the members of the European Commission could be reduced from 27 to 18, since 2014, implying that the new system for a period of five years (how much the European Commission's mandate lasts), so in a cycle of 15 years, each Member State will not be represented in the Commission. Also regarding this institution, the Treaty stipulates that the appointment of the Commission will be closely linked to the European Parliament election results, which can dismiss any of the Commissioners. A smaller number of commissioners means low bureaucracy, which is a positive result, but raises questions about how they will be split between the states.

### **The European Council, officially an institution**

Another provision of the Lisbon Treaty is the European Council official transformation into an institution of the European Union, which will be headed by a President elected for a term of two and a half years. He will not have more executive powers, but will organize and watch the ensuring consensus among Member States. In addition, the President of the European Council is incompatible with any national office. This position will help at the better development of the Council works.

One of the most important innovations introduced by the Lisbon Treaty refers to the establishment of the office of EU High Representative for Foreign Affairs and Security Policy. The High Representative has a double role: to represent the Council on matters relating to common foreign and security policy (CFSP) and holds the position of vice-chairman of the Commission, Commissioner for External Affairs.

This position works at the international image of the European Union, there is now a person who speaks in the name of the Union in all negotiations and discussions, like a common voice that EU never had. Thus, it will strengthen the EU's presence in the world and will facilitate the diplomatic communication between the Union and Member States. From an institutional perspective, these provisions could support a federalist perspective regarding the future of the European Union.

### **2.3. Charter of Fundamental Rights**

A novelty of the Lisbon Treaty is the inclusion in the document of the Charter of Fundamental Rights. For the EU's political model, this brings "a plus for democracy" in the enlarged construction. The Charter contains largely the same rights as those included in the European Convention on Human Rights and some extras. It requires respect for human dignity, such as the right to life, prohibition of torture and inhuman or degrading treatment, right to liberty and security, respect for privacy. The Charter refers to the civil, political, economic and social rights. Poland and Britain are the only states that have obtained opt-outs from its application.

*The Lisbon Treaty strengthens the EU's political model by increasing the role of the European Parliament and that of national parliaments.*

## **CHAPTER 3: FEDERALISM AND EUROPEANIZATION: HOW FAR IS THE EUROPEAN UNION FROM A FEDERATION?**

### **3.1. Comparative Analysis between the Lisbon Treaty and the US Constitution**

The European Union “nature” was often discussed and analyzed by scientists, politicians and even businessmen. Is the European Union a type of federation, a confederation or just a supranational structure? The United States of America, being the model of federalism in history, is the entity with which European Union can be compared. Other reason to make this comparison is their starting point. USA has a “coming-together” type of federalism; EU was born at the end of the Second World War as a necessity to unite the European countries for surviving better to the shortcomings of war.

The idea of United States of Europe was a challenge and a possibility for the states involved to have profit especially economically. One of the European Idea fathers and supportive thinkers, Altiero Spinelli, wrote in 1944 the "Draft Statement Federalist," (Ivan 2009, 112) in which he pledged to create the United States of Europe. He was also part of a movement of resistance of the European intellectuals, who came together and wrote the "Draft Declaration of the European Resistance Movements". This document has inspired both the federalist stream in European construction, the one that refers to federal institutions and a federal constitution, and the functionalist current, because it included a supranational executive enjoying large competences. The document also established a link between the need to rebuild war-devastated Europe and the European construction.

In other words, the European states came together to build the Union in a similar manner like USA. Other aspect of the comparison is that there are two versions of federalism: “a more conventional view centered on federal state and a more philosophical position that sees federalism in terms of a set of legal principles that take us beyond notions of the state.” (Bellamy and Castiglione 2005, 295). In this comparison, the first meaning is taken into account, but the second meaning is used whenever it’s necessary.

#### **A written constitution that specifies the division of power**

The US Constitution and the Lisbon Treaty have a very important frame difference. The Lisbon Treaty is not a constitution. Its text is in large part the same the European Constitution which did not been adopted, but the name “constitution” did not appear in the document. The Lisbon Treaty is the most important document of EU and the novelty is that it stipulates that the Union has legal personality.

The division of power between the federal state and the states, in the case of United States of America and between the Member States and the Union, in case of the European Union is very specific explained in the US Constitution, as in Lisbon Treaty. The United States of America is a constitutional republic, based on a system with checks and balances and shared power between the federal government and the states. The states are enjoying a high level of autonomy, having their own governments and legislative structures and even their own

constitutions. The American Congress is forced to treat all the states equally in all the problems. "Congress cannot favor one state against another while regulating trade" (The US Constitution Explained 2003).

The European Union, on the other hand, is composed from sovereign, independent states, which makes EU, from this point of view, only a union of independent states. The principles from the Lisbon Treaty refer to the fact that the EU will interfere only in problems that concerns it or in the moment that it is needed. These principles can found correspondents in the fundamental idea of federalism, but the difference is that the units, in its case, the EU members, have the power of decision, they share that power, but give a moderate part of it away. The self-power is much more significant than the shared-power.

Also, in the US Constitution, there is no clause about the possibility of states to withdraw, clause that appeared in the Lisbon Treaty and it is considered as being an important novelty the document brings in the EU structure.

### **The separation of powers and the bicameral legislative body**

Both the US Constitution and Lisbon Treaty provide the separation of powers. There's a bicameral legislative structure, an executive and a judicial body. The European Parliament can be correlated as a meaning with the House of Representatives. In both chambers, the deputies are directly elected; their number is according to the number of each state population and the structures have legislative powers and contribute at the decisions about the budget. The Senate is not so similar with the Council of European Union, because the Council did not have a strict composition, its reunions depending on the problem discussed. The House of Representatives has more powers at some levels than the Senate and between them it's a necessary equilibrium, but between the European Parliament and Council of European Union it's evident that the Council has a lot much more influence.

The European Court of Justice and the American Supreme Court are similar regarding the structure and functions and relations with the states' courts.

### **The representation of the units**

The states from USA have less power in relation with the federal government that members have in relation with EU. The national parliaments have more legislative powers than the legislatures of the American states. Actually, the increased implication on the national parliaments in EU problems is a tendency to maintain the „intergovernmental discipline”.

Member States have also individual membership in international bodies, like United Nations and their own trade international contracts. In United States, the Constitution stipulates that „states may not interfere with the international trade of the United States”.

## **Other aspects**

### **1. The economical perspective**

One of the reasons that make federations so profitable is the economic aspect. The similarities between USA and EU are that they have a single market and special trade provisions and a clause of mutual cooperation between states that help each member to develop economically. But, there are important differences like the fact that USA possesses a single currency and freedom of movement, things partially achieved within the EU. The Union has the Euro, but it is not adopted by all the EU countries. Under Schengen Agreement, not all EU members benefit of its dispositions, but non EU members like Switzerland, Norway and Iceland do. So, the many types of economical agreements between European countries are a proof that even from the economic point of view, EU is not so consolidated like United States.

Another difference is that the EU doesn't perceive taxes like the US government directly from its citizens, but from the states depending on their gross national income.

### **2. Foreign relations and defense perspective**

The European Union has a Common Foreign and Security Policy and two clauses in the Lisbon Treaty related to the defense perspective. The clause of solidarity says that „The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster” (The Lisbon Treaty 2007, art. 222). The other clause is the mutual defense one. The Treaty of Lisbon introduces for the first time a mutual defense clause, specifically binding EU Member States, which stipulates that if a Member State is the victim of an armed attack on its territory, it can rely on the aid and assistance of the other Member States, which are obliged to help. Yet, the mutual defense clause does not affect the security and defense policy of certain Member States and the commitments made under the framework of the North Atlantic Treaty Organization. So, even if states are obliged to help each other, the defense system is very different than that of the United States, where „as Commander in Chief, the president controls the military forces. Presidents have also cited this power as extending to their control of national and foreign policy in war and peacetime. Congress may not restrain the president's power to pardon, except in impeachment cases” (Bellamy and Castiglione 2005, 17). United States of America has an army and the possibility to declare war. Member States have individually national control of the foreign and defense policy and the use of armed force.

As an international actor, the European Union has its own representative and takes common position in different problems, but the Member States can have their own positions, different from those of the Union, thing that in USA never happens.

### 3. Meanings and aspects of Europeanization

Europeanization is, above all, a direct consequence of the evolution of EU's influence on Member States or third countries. However, this does not mean that the process did not appear before the European Union. Europeanization is also considered a way to assimilate European values by countries, populations and individuals who were not on the Old Continent.

Currently, however, Europeanization is closely related to the European Union and it can be defined as a process of assimilation of European values and standards by institutions and individuals from Europe, involving phenomena and changes. First, Europeanization implies change, so it can be analyzed depending on what it changes in the organization and functioning ways of a Member State:

From this perspective, Europeanization could mean (Olsen 2002, 923-924):

- Changes in external boundaries: Europe as a continent is trying to become a single political space.
- Developing institutions at the European level: These institutions require a certain normative order.
- Central penetration of national systems of governance: European, national, regional and local level. Europeanization involves the division of responsibilities and powers between levels, and adapting policy to European standards.
- Exporting forms of political organization and governance specific to Europe beyond Europe. This feature need not be linked to the European Union, as certain European values that existed before the occurrence.
- A political unification project, aimed to create a strong Europe united politically.

Europeanization is a process related to the European Union's evolution and functioning. It promotes the Union's standards and rules, which sooner or later must and would be embraced by Member States. Europeanization may be an exogenous process, as Member States set their own rules according to the general EU's norms or can be an internal process, which is dependent on the populations that reach to comply with the European rules without necessarily being constrained

The stakeholders, as the Member States prefer to cooperate and coordinate their policies at European level, which they outline the after-their aggregate interests. Then they, according to these preferences, enter into a kind of game "arena" for the European Union to choose the types of institutional arrangements to maximize the reliability of their own that they want to cooperate. In other words, states choose the best rules for them (Jupille and Caporaso 1999, 433).

It is normal for EU Member States to be wary when it comes to adapt, especially from a political perspective, to the European standards, but should not be taken into account and not the perception of citizens who have the ability to change from within national institutions and may themselves to adhere to European values.

Western Europe has seen a great number of important shifts in state's responsibilities from one level to another since 1980s. More specifically, authority has been shifted from the nation state both downwards, to the subnational level,

and upwards, to the European Union. (Muller 2003, 373). The Member States from west side of the European Union have also other economic standards.

The states from Central and East Europe face a problem with Europeanization because still face problems with affiliation at EU standards, more than rules, imposed by the Western Member States. The whole accession process had an 'executive bias' because of the structure of negotiations and the fact that EU actors mostly see the process of adopting EU norms as an administrative exercise. The danger for democracy in the enlarged Union is that only the top layer of central state officials will have become 'Europeanized', while the public remains excluded from European integration – reducing the prospects for a pan-European *demos* to emerge and exacerbating the democratic deficit (Grabbe 2001, 1029).

Also, there are a lot of differences between the Member States at an economic level that influences the evolution of the Europeanization process. "Economically advanced countries are more likely to act as pace-setters and policy makers at the European level since they have strict regulations and a strong incentive as well as the necessary resources to upload them. Economically less advanced countries, by contrast, lack both their policies and the action capacity necessary for uploading" (Borzel 2002, 208). The "two-speed" European Union needs the process of Europeanization to homogenize itself. One of the big differences between the US federation and the EU construction is that the EU needs a process like Europeanization to become a structure more related to a federation, while the United States of America was centuries ago in this position. So, the moment of the EU formation being recent also influences the institutional evolution of the construction.

The Europeanization is more than a vision of the European Union. Many voices say that this process is inefficient and that the Member States are reluctant when it comes to changes so they need to adapt because this means a reform of national institutions and a form that states give up their power to adapt to the European Union rules. However, the adoption and entry into force of the Lisbon Treaty which takes the place of a European constitution are evidence of the growing influence of European Union in the Member States, this document being the most "institutional" side of the Europeanization process. Also, for European Union to embrace a federal perspective the Europeanization is obligatory.

## CONCLUSION

The Lisbon Treaty brought a lot of improvements to the European Union legislation. The decisions taken by the European Parliament are more transparent. European Parliament and national parliaments have an enhanced role, so citizens are now able to define more clearly what can be done at European and national level. The fact that citizens can interfere with legislative proposals indicate an effective communication between them and European institutions and their involvement in the political process. The vote in the Council is an important step forward in streamlining the working methods, simplified voting procedures. The existence of high-level functions gives greater stability and visibility in the

international relations. The Lisbon Treaty, as the other EU documents, is part of the institutional and political directions of Europeanization. The Treaty enforces the process of Europeanization and legitimates it in front of Member States national institutions.

Although, all these accomplishments are not enough and, even if they are an important stage in the European Union's evolution, keep the Union far away from a federation. The comparison with the United State of America, a federalist model, shows that are some points in which the European Union gives signs that is very difficult to become a federation such as the powers of the Council of European Union, the Common Foreign and Security Policy and even the impossibility of a European Constitution for the moment. On the other hand, there are some aspects similar to a federation like the economical unity, the institutional design, the powers of the European Parliament and the European Court of Justice.

The Lisbon Treaty can be considered an important step towards "federalizing" the Union and a mirror of a democratic political model, efficient, transparent and, above all, unique. Can now be built a genuine European federation, which has a specific place on the international scene and harmonizes the economic and political relations between more "Europeanized" Member States?

The Europeanization of the political process can be understood both as a construction of a European and national policies for adaptation to the European ones. The process of integration is closely related to the Europeanization because they can develop in parallel, being dependent on each other. The integration process involves the transformation of the traditional nation-state, which do not enjoy total freedom in making decisions. It must comply with the European Union treaties, if not; it has a lot to lose. Integration involves the changing role of the state as an individual actor. Of course, in this context, Europeanization can contribute to institutional change, as the integration process and to the proper application of Lisbon Treaty. Europeanization is a major cause for the way Member States' progress .

So, if it will be needed and desired a potential federation of EU's Member States, Lisbon Treaty as part of Europeanization and the process of Europeanization itself, understood and applied today are not enough. And if European Union will be someday a federation, has many chances to be one as powerful as the United States of America.

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