„NICOLAE TITULESCU" UNIVERSITY OF BUCHAREST
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DOCTORAL THESIS

THE EVOLUTION OF THE DECISION-MAKING PROCESS IN THE EUROPEAN UNION

SUMMARY

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SUMMARY OF THE DOCTORAL THESIS

The Treaties establishing the European Coal and Steel Community and the European Economic Community, the Treaties amending certain provisions thereof, the Treaties on which the European Union is currently founded (TEU and TFEU), the international treaties relevant to the thesis, legal acts of secondary law governing aspects of the conduct of the decision-making process, interinstitutional agreements having effects on that process, legal acts of national law of certain Member States (used as a term of comparison), case-law of the Court of Justice of the Communities and of the European Union respectively, as well as the legal doctrine prior to June 06, 2022 were taken into account in the preparation of the doctoral thesis.

LIST OF ABBREVIATIONS AND ACRONYMS

Abbreviation/ Acronym	Meaning in Romanian language	Meaning in English language
AG/GA	Adunarea Generală (a ONU)	(UN) General Assembly
alin.	alineatul	-
art.	articolul	-
AUE/SEA	Actul Unic European	Single European Act
BCE/ECB	Banca Centrală Europeană	European Central Bank
BEI/EIB	Banca Europeană de Investiții	European Investment Bank
C	cauză soluționată de Curtea de Justiție a Comunităților Europene/ Curtea de Justiție	-
CCR	Curtea Constituțională a României	-
CECO/ECSC	Comunitatea Europeană a Cărbunelui și Oțelului	European Coal and Steel Community
CEE/EEC	Comunitatea Economică Europeană	European Economic Community
CE/EC	Comunitatea Europeană	European Community
CEEA/EURATOM	Comunitatea Europeană a Energiei Atomice	European Atomic Energy Community
CES/ESC	Comitetul Economic și Social	Economic and Social Committee
CIG/IG	Conferința interguvernamentală	Intergovernmental conference
CJUE/EUCJ	Curtea de Justiție a Uniunii Europene	Court of Justice of the European Union
COM	Comunicarea Comisiei	Communication from the Commission
CMC	Concept de Management al Crizelor	Crisis Management Concept
CONOPS	Conceptul Operaţiilor	Concept of Operations
coord.	coordonator/i	-
COSAC/CPCUA	Conferința Organelor Specializate în Afaceri Comunitare	Conference of Parliamentary Committees of Union Affairs
CPS/PSC	Comitetul Politic și de Securitate	Political and Security Committee
dr.	doctor	PhD
f.a.	fără an	-
f.p.	fără pagină	-
JOCE/OJEC	Jurnalul Oficial al Comunităților Europene	Official Journal of the European Communities
JOUE/OJEU	Jurnalul Oficial al Uniunii Europene	Official Journal of the European Union
lit.	litera	-
OTAN/NATO	Organizația Tratatului Atlanticului de Nord	North Atlantic Treaty Organization
nr.	numărul	-
OLAF/EAFO	Oficiul European de Luptă Antifraudă	European Anti-Fraud Office

ONG/NGO	Organizație neguvernamentală	Non-governmental organization
ONU/UNO	Organizația Națiunilor Unite	United Nations Organization
op.cit.	opera citată	-
OPLAN	Planul Operației	Operation Plan
OSC/CSO	Opțiuni strategice civile	Civilian Strategic Options
OSM/MSO	Opțiuni strategice militare	Military Strategic Options
OSP/PSO	Opțiuni strategice polițienești	Police Strategic Options
p.	pagina	-
parag.	paragraful	-
passim	în diverse locuri	-
PCC/CCP	Politica Comercială Comună	Common Commercial Policy
pct.	punctul	-
PESA/ESDP	Politica Europeană de Securitate și Apărare	European Security and Defense Policy
PESC/CFSP	Politica Externă și de Securitate Comună	Common Foreign and Security Policy
CSP/PESCO	Cooperarea Structurată Permanentă	Permanent Structured Cooperation
pp.	paginile	-
prof.	profesor	-
PSAC/CSDP	Politica de Securitate și Apărare Comună	Common Security and Defence Policy
SEAE/EEAS	Serviciul European de Acțiune Externă	European External Action Service
SLSJ/AFSJ	Spațiul de Libertate, Securitate și Justiție	Area of Freedom, Security and Justice
s.n.	sublinierea noastră	-
SUA	Statele Unite ale Americii	United States of America
ș.a.m.d.	și așa mai departe	-
T	cauză soluționată de Tribunalul de Primă Instanță/Tribunalul	-
TCEA/TEEDC	Tratatul de instituire a Comunității Europene de Apărare	Treaty Establishing the European Defence Community
TCECO/TEECSC	Tratatul de instituire a Comunității Europene a Cărbunelui și Oțelului	Treaty Establishing the European Coal and Steel Community
TCEE/TEEC	Tratatul de instituire a Comunității Economice Europene	Treaty Establishing the European Economic Community
TCE	Tratatul de instituire a Comunității Europene	Treaty Establishing the European Community
TUE/TEU	Tratatul privind Uniunea Europeană	Treaty on European Union
TFUE/TFEU	Tratatul privind funcționarea Uniunii Europene	Treaty on the Functioning of the European Union
TVC/CCT	Tariful Vamal Comun	Common Customs Tariff
UE/EU	Uniunea Europeană	European Union

UEM/EMU	Uniunea Economică și Monetară	Economic and Monetary Union
UEO/WEO	Uniunea Europei Occidentale	Western European Union
univ.	universitar	-
vol.	volumul	-

I. The doctoral thesis plan

The thesis is structured in 8 chapters, preceded by "preliminary aspects" and followed by 6 annexes, each chapter being divided into sections, points and sub points. The doctoral thesis plan brings together as follows:

CHAPTER I. INTRODUCTORY CONSIDERATIONS

Section I. The legal order of the European Union - a new order of law

1. The specifics of international law
   - A. Absence of supranational legislative bodies
   - B. The intergovernmental method of adopting international legal instruments
2. The specifics of the legal order of the European Union
   - A. The problem of integration in relation to the cooperation process
     - a. International organizations analyzed according to the way in which legal acts are adopted
     - b. International organizations classified by way of application in the national law of the Member States of the rules contained in their legal instruments
     - c. The European Union and international cooperation organizations in relation to the ranking of their sources of law
     - d. The European Union and the State as subjects of public international law (similarities and differences)
   - B. The 'Community' method for the adoption of European Union legislation
   - C. Intergovernmental method for the adoption of European Union legislation

3. The particularities of the European Union legal order and of the classical international law in relation to the domestic law of the States
   - A. Immediate application
   - B. Direct application and direct effect
   - C. Primacy of EU law. Special view on the constitutions of Romania and the French Republic

Section II. The institutions and bodies of the European Union involved in the decision-making process

Concepts of institutions and bodies of the European Union
- A. Institutions of the European Union
- B. Bodies of the European Union

1. The main EU institutions involved in the decision-making process – general issues
   - A. The European Commission
   - B. Council of the European Union

II. The issues investigated within the doctoral thesis (both in historical and legal context)

Through this doctoral thesis, we analyzed *the evolution of the decision-making process of the European Union*, both from the point of view of the main elements of its development, as well as from that of the identification, definition, description and interpretation of the concepts, principles, paradigms and mechanisms that characterize it.

When we used the phrase *"evolution of the European Union's decision-making process*", we also included in the analysis aspects relating to the decision-making process specific to the European Communities[1], since we consider that, given the organic link between them and the Union which acquired legal personality through the entry into force of the Treaty of Lisbon, the exclusion of community decision-making would deprive the analysis of elements indispensable to identifying the implications of the transformations that have been produced as a result of successive reforms.

We have sought to identify the elements of reform which have influenced the nature of the decision-making process specific to the Communities and, subsequently, the European Union, from its conduct under the Treaties establishing the European Coal and Steel Community and to the present, reforms carried out by means of successive amending treaties.

Given that the reform elements concerned were inspired by the decision-making processes specific to other types of legal orders, including the international legal order (in its component related to the functioning of international cooperation organizations) and the legal orders of the (federal and unitary) Member States of the European Communities or the European Union, during the course of the work we have identified similarities and differences between their specific decision-making process and those of other subjects of public international law or constitutional law of the Member States.

Two international integration organizations were created through the Treaties establishing the ECSC and the EEC, with specific objectives and institutions set up to exercise its powers. The decision-making process specific to these organizations worked in a paradigm that we identified as specific to international cooperation organizations, although the competences assigned to them or the characteristics of the legal acts they adopted corresponded to the category of international integration organizations. This involved, among other things, a marginal role of the parliamentary institution. The adoption, as a rule, of legal acts by qualified majority and the adoption of the budget of the Communities was solely the responsibility of the Council.

[1] The European Coal and Steel Community and the European Economic Community (now the European Community by the Maastricht Treaty), as a similar analysis at the level of the European Atomic Energy Community would not have sufficient specificity for its inclusion in the thesis.

The reforms carried out by means of successive amending treaties have changed the specifics of the Community and subsequently the Union decision-making process, in particular by extending the powers of the parliamentary institution, especially as regards increased participation in the adoption of legislative acts, in more and more areas), extending the use of qualified majority voting in the Council and broadening the scope of the areas of Union competence.

As a result of these reforms, the decision-making process which initially presented itself in a manner specific to international cooperation organizations has acquired more and more important elements of similarity with the decision-making processes specific to legal subjects such as international integration organizations, federations[2] or States. During the thesis we have developed and argued around the existence, manifestations and effects of this temptation, of adopting legal acts that exercise the competences of the Union, in order to achieve its objectives, in ways that include significant elements of statehood, but not only.

III. The location of the topic in the context of scientific research in the field of law, from an interdisciplinary perspective

Since the beginning of the existence of the European Communities, both their powers and the composition, powers and manner in which the Community institutions adopted legal acts, together or separately, have been the subject of studies by specialists of Community law.

For example, author Ernst B. Haas explained, in a particularly comprehensive paper entitled *"The Uniting of Europe"*, first published in 1958 and followed by a series of revised and added editions, the legal remedies that were the basis for the emergence and development of the European Communities, as well as the effects of their existence, on the same plane.

Subsequently, authors such as Vlad Constantinescu[3], Antonio Tizzano[4], Pierre Pescatore[5], Josephine Steiner[6], Renaud Dehousse[7], Charles Zorgbibe[8], Joël Rideau[9], Philippe

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[2] As were, for example, the United States under the rule of the Articles of Confederation and Perpetual Union, signed in 1777.

[3] In works as *Le Parlement européen*, by **Jean-Paul Jacque, Roland Bieber, Vlad Constantinesco** și **Dietmar Nickel**, Editura Economica, Paris, 1984 or *Traite instituant la CEE - Commentaire article par article*, by **Vlad Constantinesco, Jean-Paul Jacque, Robert Kovar** și **Denys Simon**, Economica Publishing House, Paris, 1992.

[4] In treatises as *Code de l'Union européenne : traités institutifs et textes relatifs au fonctionnement. Principes fondamentaux. Citoyens de l'Union et étrangers. Union économique et monétaire. Politique étrangère et de sécurité commune. Justice et affaires intérieures. Avec le texte du traité de Nice,* by **Antonio Tizzano** and **Daniel Vignes**, Bruylant Publishing House, Bruxelles, 2001

[5] In studies as *Le droit de l'intégration: Émergence d'un phénomène nouveau dans les relations internationales selon l'expérience des Communautés européennes*, Editura Bruylant, Bruxelles, 2005 or *L'ordre juridique des communautés européennes: Etude des sources du droit communautaire*, Bruylant Publishing House, Bruxelles, 2007.

[6] For example, in *EU Law*, by **Josephine Steiner** and **Lorna Woods**, Oxford University Press, Oxford, 2009.

[7] In researches as *Une Constitution pour l'Europe?* de **Renaud Dehousse** (coord.), Editura Presses de Sciences Po, Paris, 2002 or *The European Commission of the Twenty-First Century*, by **Hussein Kassim, John Peterson, Michael W. Bauer, Sara Connolly, Renaud Dehousse, Liesbet Hooghe și Andrew Thompson,** Oxford University Press, Oxford, 2013.

[8] For example, in the work *Construcția europeană: trecut, prezent și viitor*, Editura Trei, București, 1998.

[9] In works as *Nature et évolution des institutions de la Communauté européenne*, Congrès européen, Paris, 25-27 avril 1980, *De la communauté de droit à l'Union de droit. Continuités et avatars européens*, L.D.G.J. Publishing House, Paris, 2000 or *Union européenne: commentaire des traités modifiés par le Traité de Nice du 26 février 2001*, L.G.D.J. Publishing House, Paris, 2001.

Manin[10], Richard Corbett[11], Sean van Raepenbusch[12], Paul Craig and Grainne de Burca[13] and others[14] analyzed the phenomenon of European construction from the evolutionary perspective of institutional and material law. Although their work, like the other works mentioned in our thesis, is not exclusively dedicated to the Union decision-making process, they analyze some aspects relating in particular to the functioning of the Union institutions, their powers, Union powers or legal acts adopted by the institutions, which entitles us to include them among the coordinates of the context of scientific research in the field of our endeavor.

More recently, author Robert Schütze analyzed, in a series of reference works (of which we enumerate *European Constitutional Law, from Dual to Cooperative federalism: The changing structure of European Law or European Union Law*), the main elements of the constitutional order of the European Union, such as the competences of the Union, the principles according to which those powers are exercised, the institutions of the Union (with their composition, functioning and interactions) and the Union legal acts (with all the characteristics that give them specificity).

As far as we are concerned, we note, however, that author Robert Schütze does not place in his work a particular emphasis on the decision-making process, focusing on the other aspects characteristic of the Union legal order, listed above

Regarding Romania, we note, first of all, that the studies regarding the European Communities could not start at the same time as those in their founding States, mainly due to political considerations. Specifically, during the communist regime, this subject would have either not been of interest or, if it had been approached tangentially, it would have been only to emphasize the superiority of the political-legal-economic order in the socialist States. Thus, in Romania, the studies concerning the European Union have consistently started after 1990[15]. This is an important argument in favor of the necessity of a work focused on aspects of the decision-making process as it was carried out under the founding treaties and amending treaties, in order to reveal the developments that have occurred following successive reforms.

In fact, at that time, as noted in the relevant literature, what is today the European Union was "a [*de facto*] (…) Western European organization, only the fall of the Berlin Wall in 1989, opening the prospect of it expanding across the entire European continent west of Russia"[16]. In this situation, it is natural that the main concern for studying this entity belongs to the members of the academic societies of the founding States.

Even in this situation, with our country joining the research efforts in the field of European Union law at a later date, a series of scientific contributions have laid the foundations

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[10] In *Droit international public*, Masson Publishing House, Paris, 1979, *Les communautés européennes, l'union européenne : droit institutionnel*, Editura Pedone, Paris, 1993 sau *Droit constitutionnel de l'Union européenne*, Pedone Publishing House, Paris, 2004.

[11] For example, in *Parlamentul European*, by **Richard Corbett, Francis Jacobs** și **Michael Shakleton**, Editura Monitorul Oficial, București, 2007.

[12] *Drept instituțional al Uniunii Europene*, Editura Rosetti, București, 2014.

[13] *Dreptul Uniunii Europene*. *Comentarii, jurisprudență și doctrină*. Ediția a VI-a, Editura Hamangiu, București, 2017.

[14] Which, in order not to prolong this enumeration excessively, we do not mention here.

[15] An element that we consider relevant from the perspective of the usefulness and originality of our thesis.

[16] **Michelle Egan, Neill Nugent, William E. Paterson,** *Research Agendas in EU Studies,* Palgrave Macmillan Publishing House, London/New York, 2010, p. 1.

for an indigenous research framework in this field, as it follows from the bibliographic list presented in the final part of the thesis.

IV. Main aspects of previous studies on the issue under consideration

We proceed, next, to present the results of the previous approaches of specialists in the field regarding the topic of our work, as well as the synthesis of the ideas they express. In this regard, we can say that, in an extremely succinct approach to the ideas of professors Robert Schütze and other Romanian authors, we have identified the general concept, according to which the European construction started from a state in which the competences, respectively the decision-making process (materialized in the methods of adopting acts having binding legal effects) or the characteristics of these acts, as well as the general level of integration, placed it between "classical" cooperation organizations and legal orders with statehood elements, but much closer to the extreme represented by "classical" international organizations. Following the successive reforms carried out by the amending treaties (notably the Lisbon Treaty), the functioning of the Union is at the opposite extreme, with its decision-making process presenting much more statehood than it did 70 years ago, when the European Coal and Steel Community emerged.

As far as we are concerned, we note that, for example, author Robert Schütze focuses mainly on some features of the European Union such as the dynamics of the relationship between the EU and the Member States, the features of legal acts, the categories of competences and their scope, etc. Thus, although he takes an evolutionary look at the themes listed above, the decision-making process is not its main objective and is therefore only addressed to the extent necessary to achieve the objectives proposed.

In the context of the "uniqueness" (…) [The European Union] in the various forms of intergovernmental cooperation resides in its (...) institutions and the methods of their interaction"[17], some of the doctrinaires focus, to a perhaps greater extent, on the evolutionary aspects of the Community-specific decision-making process and subsequently, the European Union's, by consistently analyzing the evolution of their institutions, their competences and mutual interactions. In support of this statement, it is sufficient to mention, for example, the reference article "*The European Union legislative between unicameralism and bicameralism"*[18].

Despite this vast coverage of the above-mentioned aspects, closely related to the theme of our thesis, we have identified a number of perspectives for the development of new research in the field, such as analysis directly centered on the decision-making process, including its evolutionary component, and on identifying the transformations of its essence through the effect of successive reforms.

In our opinion, the evolutionary research of the Community/Union phenomenon[19] in Romania is based on the relatively low interest for the periods preceding our country's process

[17] **Giandomenico Majone,** *Federation, Confederation and Mixed Government: an EU-US Comparison*, in **Anand Menon, Martin Schain,** *Comparative Federalism: The European Union and the United States in Comparative Perspective*, Oxford University Press, Oxford, 2006, p. 124.

[18] **Augustin Fuerea**, in Dreptul Magazine, no. 7/2017, pp. 187-200.

[19] The Community term shall be used in the case of acts and legal acts governed by the ECSC and EEC Treaties and amending Treaties, while the Union term shall apply to acts and facts governed by the Treaty on European

of accession to the European Union. More specifically, we are identifying a time frame of about 4 decades, during which many reforms of the decision-making process took place within the European Communities, to which the literature of the native space has returned in time to research them only to the extent that this was necessary for the achievement of other research objectives, of greater relevance. We consider that this historic appeal is not without interest, as it has the capacity to highlight trends relevant to the evolution of the intergovernmental or federal character of the European construction, and an appropriate conclusion as to the nature of the union legal order cannot be drawn without the exclusion of the analysis of the transformations that this legal order has undergone since its inception to the present day.

Beyond that, we have also identified a direction in which our research might prove useful. This is a comparative analysis of both the national and the Union decision-making process[20]. This is also a natural continuation of the effort to identify the characteristics of the Union legal order. To this end, using as a point of reference, from a decision-making perspective, well-known international organizations does not appear sufficient, if we take into account the profound differences that, when carefully considered, we can see between the adoption of legal acts of the international organizations concerned and the adoption of legal acts of the European Union.

V. Objectives of scientific research (main, secondary and tertiary)

The fundamental concern that transpires from our approach was to identify the main elements of the decision-making process specific to the Communities and the European Union, respectively, and the main changes this process was subjected to as a result of successive reforms carried out by amending treaties. In other words, this is the main objective of the thesis.

In the alternative, but without considering this second objective to be unimportant, we sought to place the nature of the Union legal order in the conceptual landscape determined by the main categories of subjects of public international law, namely: the International organization and the State, based on the characteristics of the decision-making process of the European Union. In other words, this is the secondary objective of our thesis.

In order to achieve these objectives, we aimed to identify, define and present the concepts, principles, paradigms and mechanisms specific to the above-mentioned decision-making process.

From the research objectives presented above, the tertiary objectives have naturally come, which can also be considered as components of the main and secondary objective, which we will present below.

Union and the Treaty on the Functioning of the European Union. by the Treaty of Lisbon). However, when we refer to the evolution of the decision-making process in the European Union, in order not to make it too difficult to express and to avoid inappropriate repetitions, we have in mind not only its configuration after the entry into force of the Lisbon Treaty, but the entire legal continuum. delimited by the founding treaties and the current TEU and TFEU. We specify, in this sense, that the Treaty establishing the ECSC established a Community whose 50-year existence ceased in 2002, and with regard to the European Community, according to art. 1, para. 3, the last sentence of the TEU, the European Union replaces and succeeds it.

[20] We hereby refer, above all, to the comparative analysis of the functioning of the Union and similar institutions at national level.

1. Identifying and defining the main concepts used

Starting from the above mentioned aspects, we considered that the scientific approach should start with the identification and definition of the main concepts used, namely *the decision-making process, the legal order of the European Union, the Union institutions and bodies,* and *the legal acts (legislative or non-legislative) of the Union.*

In our work, through *decision-making* we understand the way to adopt legally binding acts that are sources of European Union law.

Because, in the context of the thesis, we wish to analyze the process by which the Union adopts acts in order to achieve its objectives, by exercising the powers conferred by the Treaties and in compliance with the procedures contained therein, we consider that, if we had called our research '*the evolution of the legislative process in the European Union*', we would have restricted its subject-matter to legislative acts (a notion which we could understand either in the sense conferred by the TFEU or in the sense accepted by the domestic legal order of Romania, for example, but in none of these variants would we have covered the full spectrum of the analysis we wish to carry out). Also, if our paper were entitled "*legislative procedures applicable in the European Union*", for example, we would have restricted its subject matter to the two legislative procedures, possibly to their fields of application, namely the ordinary legislative procedure and the special legislative procedures.

Having regard to the above, we believe that the right expression is the one for which we have opted, namely '*the evolution of the decision-making process in the European Union*', meaning the procedures whereby the Union adopts the necessary rules for the exercise of the powers conferred by the Treaties by the Member States in order to achieve the objectives set out in Article 3 TEU.

The content of the other concepts listed above is described in detail in chapter I of the thesis, entitled *Introductory considerations.*

In these introductory considerations we sought to present the main features of the European Union legal order (including some aspects of the decision-making process here). In achieving this objective, we have considered, in particular, the elements that differentiate the legal order of the European Union from that of public international law. To that end, it was necessary first of all to present those aspects of the legal order of public international law in relation to which we consider that the Union legal order presents elements of specificity, in the absence of such an approach, our research may appear to be devoid of one of the terms of the comparison (explicit or implicit) that we sought to achieve.

Also, in the same chapter we briefly introduced the main institutions of the European Union participating in the decision-making process, in order to define the institutional framework to which we refer in the following chapters. At the same time, we have presented a number of general issues regarding the legal acts adopted by the institutions of the European Union, seen as a result, as a practical end of the decision-making process.

2. Determining the specifics of the adoption of the fundamental treaties of the European Union

The research continues with the presentation of how to adopt the fundamental treaties of the European Union, taking both an evolutionary look at the successive reforms of the

provisions on the adoption of the fundamental treaties, and a comparative look at the procedure for adopting these treaties according to European Union and international law of the classical type. The proceedings concerned served to identify, on the one hand, the elements of similarity and, on the other hand, the differences between the two legal orders. We find this research objective in Chapter II of our work.

3. Identifying the main reforms of the decision-making process in the European Communities

Whereas the natural consequence of the adoption of treaties establishing new subjects of international law is the establishment and functioning of their institutions in order to achieve the objectives conferred by the States, which in the case of the European Communities is reflected in the conduct of the decision-making process within the said entities, the third research objective was to identify the reforms carried out by successive amending treaties on the decision-making process in the European Communities. This objective was achieved in Chapter III of our work, aiming to quantify the general trend toward the transformation of the decision-making process, manifested over the decades that separate the establishment of the European Communities from the form in which they functioned when the Treaty of Lisbon was signed.

4. Describing and comparing the reforms made in the decision-making process under the Treaty of Lisbon

The next research objective is how the EU decision-making process is currently carried out, as a result of the reforms achieved after the entry into force of the Treaty of Lisbon.

In this regard, Chapter IV of the paper includes those aspects related to: the role of national parliaments in the adoption of Union legislative acts; the implications of the obligation to respect fundamental rights in the adoption of legal acts of the European Union; the competence of the Union to adopt legal acts in different areas and the modalities for the exercise of that power, as well as the specificities of the Union citizens' initiative. The elements of the preceding enumeration are as many peculiarities as make the European Union have a new legal order with many elements of statehood.

5. Presenting the defining issues of Union legislative procedures

In close connection with the above, the fifth objective of our research, which coincides with the fifth chapter, concerns the presentation of the principles governing the adoption of Union legal acts, Union legislative procedures and the identification of their specificity, which differentiates the legal order of the European Union from the other legal orders used for comparison, giving it elements of statehood, common in particular to the federal States. The rationale for treating this objective in a separate chapter, even if one of a smaller scope than the others, was the unique way in which the procedures in question were conducted and their major impact on the Union's classification in the known conceptual categories.

6. Highlighting the specifics of the decision-making process in the field of the European Union's external action

Although the presentation and analysis of the main defining features of the Union legislative procedures lead to the idea of the presence of statehood elements in the legal order of this subject of public international law, there are certain areas where the decision-making process takes place differently. These are: Common foreign and security policy; the common commercial policy and the conclusion by the Union of international agreements (treaties, each in the first three sections of Chapter VI). They demonstrate that the Union's legal order retains certain features specific to international cooperation organizations, which is why we preferred to deal with the above mentioned issues together in a separate chapter, following which we drew the conclusions to which the analysis of the processes outlined led us.

7. Presentation of the main features of the decision-making process in the area of enlargement of the European Union and withdrawal of Member States from it

In the same way, but with a higher degree of intensity of effects, the processes of accession of new States to the Union and the withdrawal of Member States from it (presented in the next two sections of Chapter VI) lead to essentially different conclusions as to the character of the Union legal order, in relation to the aspects outlined in the previous chapters. This justifies the inclusion of the conclusion, drawn on the basis of the elements resulting from this research objective, regarding the qualification conferred on the European Union as a subject of international law, with a new order of law having state elements, mainly inspired by the legal orders of the federal States, and also elements belonging to international cooperation organizations.

8. Analyzing the relevant aspects of the decision-making process within the institutions of the European Union

In our opinion, the conclusions on the share of statehood elements in the Union decision-making process, drawn on the basis of the aspects dealt with in the previous research objectives, could undergo major reviews as a result of an analysis of the internal decision-making process within the Union institutions. The achievement of this research objective, materialized in Chapter VII of our paper, also served to formulate proposals for law and Treaty revisions based on the findings resulting from the analysis of the regulations on the organization and functioning of the institutions involved in the Union decision-making process, namely the European Council, the Commission, the Council and the European Parliament. Furthermore, the investigation of the specificity of each of these institutions has made it possible to identify the arguments for the distinct character of the union legal order resulting from the predominantly intergovernmental aspect of the functioning of institutions that relate to each other in a manner that can be considered as presenting statehood elements or from the partial lack of effects of some rules of primary law with elements of statehood through an intergovernmental-inspired practice. These have been arguments in favor of including this objective in our research.

To all the mentioned objectives we add the formulation of conclusions resulting from the research carried out, and also some proposals for law and Treaty revisions, clarifying and improving the regulation of the decision-making process specific to the European Union.

VI. The results of the research carried out

The achievement of the objectives of our research led us, in the end, to the achievement of the result pursued by this scientific endeavor. By presenting the decision-making process specific to the European Union and identifying its main reforms, we have highlighted the progressive evolution from a decision-making process, the specific of which corresponds mainly to international cooperation organizations, to one specific to international integration organizations, with many elements of statehood. The main coordinates of this development were: extending the involvement of the European Parliament in the adoption of Union legal acts[21]; extension of qualified majority voting in the Council; expanding the scope of areas of union competence; deepening the regulation of the principles in accordance with which powers are exercised, based on the model of the relationship between the central public administration authorities and the local public administration in the Member States, etc. In this way we came to the conclusion that the European Union has a new legal order that demonstrates the existence of many elements of statehood.

VII. Methodology of scientific research and legal interpretation. Limits and possibilities of research development

In order to achieve the objectives of scientific research we have used methods specific to the legal field, namely bibliographic research, based on which we focused on the primary sources (those sources of Community or European Union law that regulated or regulate the conduct of the processes investigated), as interpreted by the Court of Justice, in its case-law, and whose understanding we have supplemented with the help of the specialized doctrine, presenting its vision on the issues addressed.

The use of this research method makes sense through interpretation (an operation which designates "*the establishment of the exact meaning of a legal norm"*[22]) carried out by means of those techniques which the literature of the field considers as its components, namely (in a non-exhaustive enumeration present in the literature of the field) "*those of grammar, historicity, teleological* [alongside] *the logical method* [and] *the comparative method."*[23] We will further develop some aspects of the interpretation methods used and the benefits of each of them for the conduct of our research, namely:

1. the historical method, as a *"set of gnoseological means dedicated to the research of concepts, principles, paradigms and legal mechanisms from the perspective of their*

[21] Mainly of the legislative ones, but also of the budget, of the decisions to conclude the international agreements or of the non-legislative acts, in an exemplary enumeration.

[22] **Mihai Bădescu,** *The rationale of law. The role and importance of the logical method of interpretation of legal norms,* The International Conference Challenges of the Knowledge Society, Bucharest, 12th - 13th May 2017, 11th Edition, „Nicolae Titulescu" University Publishing House, 2017, p. 384.

[23] **Raluca Bercea, Alexandra Mercescu,** *O scurtă introducere în drept*, Editura Humanitas, București, 2019, p. 35.

succession in time"[24], has given us the opportunity to analyze the Union decision-making process from an evolutionary perspective and to understand, beyond the technical details, the trends manifested by the process in question over time, as well as their impact on the character of the Union legal order, which, in our opinion, is one of the most important elements of originality of the work. The main moments analyzed from a historical perspective are set out in chapters III and IV of our work. We emphasize the importance of each moment in defining what has become, over time, a decision-making process that presents significant elements of statehood. We would also like to point out, as a limit to research, but also as a possibility of developing it over time, that the historical method of research and interpretation would ideally involve an analysis of the content of successive meetings of the European Council, before it was enshrined in primary law, and the impact of these meetings;

2. The systemic and teleological methods used by the CJEU as methods of interpretation are, in our research, the expression of the findings made, for example, in *the Cilfit case*. According to the judgment in that case, 'every provision of Community law must be placed in its context and interpreted in the light of all the provisions of that right, its aims and the state of its development on the date on which it is to be applied'[25]. In another case settled by the Luxembourg court[26], there are also arguments in favor of the teleological method of interpretation, the Court ruling that 'for the purposes of interpreting a provision of EU law, account must be taken not only of its wording, but also its context and the objectives pursued by the regulation to which that provision forms part."[27] Based on these considerations, we have used the systemic and teleological methods of interpretation used by the CJEU as methods of interpretation. To this end, we organized our approach so that we can analyze the decision-making process of the European Union in a holistic manner, avoiding limiting it to technical issues such as the decision-making procedures enshrined in the Treaty on the Functioning of the European Union. At the same time, we included in the analysis the role of the values of the European Union, its objectives (in relation to the provisions of Article 352 TFEU and their impact on the understanding of Union competences), areas and categories of powers in relation to the principles under which the powers of the European Union are exercised or the role of the obligation to respect fundamental rights in the adoption of Union legal acts with binding effects, before and after the entry into force of the Treaty of Lisbon (especially from a case-law perspective). We have also analyzed the Union decision-making process within the different areas of competence, in particular those that have the potential to raise research problems with an impact on the character of the Union legal order (such as, for example, the CFSP or the accession to the Union or the withdrawal of States from the Union). Thanks to the use of these methods, we believe

[24] **Gheorghe Bocșan**, doctoral thesis on the criminal dimension of the justice area of the European Union, coordinated by professor Augustin Fuerea, PhD., supported at the Doctoral School of the "Nicolae Titulescu" University of Bucharest, 2020, p.16.

[25] CJCE, Judgement of 06 october 1982, *Srl Cilfit și Lanificio di Gavardo SpA împotriva Ministerului Sănătății*, case 283/81, EU:C:1982:335, pct. 20.

[26] CJCE, Judgement of 21 may 2015, *Charlotte Rosselle vs. Institut national d'assurance maladie-invalidité (INAMI), Union nationale des mutualités libres (UNM)*, case C-65/14, EU:C:2015:339.

[27] Idem, pct. 43.

that we have provided the necessary coherence for the results of the research, ensuring the coordination of the various aspects presented and, together with the teleological method, contributing to the interpretation of the provisions of the studied regulations from the perspective of the proposed objectives. In using, in the ways and (especially) with the results described, the methods mentioned with application to the Union decision-making process, we consider that there is a second important element of originality of our thesis;

3. the logical method of interpretation is materialized in the use of correct deductive and inductive reasoning and in the observance of the norms of formal logic. Here we believe that we have managed to ensure the coherence of the research, avoiding logical errors in achieving its objectives;
4. Given the extensive use of foreign literature and, in particular, of relevant sources of law preceding Romania's accession to the European Union that are therefore not available in the Official Journal of the European Communities in Romanian, and given the equal authenticity of the versions of the legal acts of the Union drawn up in all its official languages, the linguistic method of interpretation[28] has also been used consistently. Through this, we sought to identify the correct meanings of the concepts with which we worked, in order to avoid erroneous translations. Given the differences between autonomous concepts of Union law (commonly found in our research) and those, homonyms or not, specific to national legal orders in the States of origin of different authors, including Romania, the use of this method consisted in the analysis of the legal content of concepts that raised problems of interpretation and, subsequently, in the use of grammar and research of the lexical background of the languages in which the various texts were drafted in order to identify the correct meaning of the terms;
5. the objective of identifying the nature of the union construction has required the use, throughout the research, of the comparative method of interpretation, in order to establish those similarities and differences which bring the union legal order closer or further away from that of public international law or domestic law, in order to fit it into one of the known types of subjects of international law (e.g. international organization, Confederation, federal state, etc.) or, on the contrary, to formulate the conclusion that the Union has its own original legal order. And in the latter case, in order to achieve the fundamental objective of the research, it was necessary to identify the dominant features of the Union legal order, which made it necessary to use the comparative method, since the classification of an element into a category is achieved by identifying the similarities or differences between it and the dominant characteristics of the elements already included in that category, taking into account its accepted limits. For this reason, during the course of our work we have used frequent comparisons between the various elements of Union decision-making and decision-making process specific to international organizations or States, as the case may be, or between the functioning of Union institutions and those of international organizations or Member States, in each situation according to the preponderant elements of similarity. Also, during the thesis we made

[28] For further detailes regarding this concept, see, for example, **Irene Otero Fernández,** *Multilingualism and the Meaning of EU Law*, www.cadmus.eui.eu, 2020, accessed 08.01.2021, f.p.

comparisons between the different legal instruments on which the European Union was founded or on which it could have been founded, the comparisons in question representing as many elements of originality of the work;

6. the last of the methods of interpretation used, the philosophical method, "presupposes interpretation based on doctrines belonging to philosophy and the general theory of law." [29] Therefore, in our research we have used it in order to place the elements of the decision-making process identified in the context of the concepts specific to the philosophy of law, especially in those with which the analysis of the concept of *federation operates*, having as important, but not the only source of inspiration, the publication known as *The federalist papers*[30].

The limits of our research are conferred by the fact that the European Union, being a subject of law endowed with a constantly evolving legal order, is likely to experience changes in its organization and functioning, including in the area of decision-making. Depending on the manifestations of the will of the Member States in drawing up any future amendments to the Treaties on which the Union is founded, the conclusions and, in particular, the proposals of the thesis may be confirmed to a lesser or greater extent. Given the difficult predictability of the future of the European Union, which depends on events over which researchers of the present time do not exercise sufficient control, our research will have to go through regular updating processes whenever the evolution of European Union law makes them necessary.

We appreciate that the originality of our work lies in several main elements, to which we shall refer in the following, and some of which have also been mentioned in the analysis of the research and interpretation methods used. First of all, we believe that the detailed evolutionary approach is a first element of originality. Also, another element is represented, in our opinion, by the focus of the work exclusively on the Union decision-making process, unlike the works that address this aspect only tangentially, subsumed to other research objectives. In addition to this, there are possible reflections on legislative proposals useful to the developments that the EU will be able to make.

VIII. Organization of research activities. Stages of research

According to the specialized doctrine, the stages of conducting a research in the field of law are generally circumscribed to a scheme which includes "*the choice of research topic, the documentation (...) the formulation (...) and the verification of the hypothesis and scientific conclusions* (...) *[and] the writing of the work"* [31]. These stages have also governed the conduct of our research.

[29] **Gheorghe Bocșan,** *op.cit.,* p. 21.

[30] **Alexander Hamilton, James Madison, John Jay,** *The Federalist: a collection of essays, written in favour of the new Constitution, as agreed upon by the Federal Convention, september 17, 1787,* Dover Publications, New York, 2014.

[31] **Elena Aramă, Rodica Ciobanu,** *Metodologia dreptului: sinteze pentru seminar*, Editura Universității de Stat din Moldova, Chișinău, 2011, p. 147 și urm.

IX. General presentation of the doctoral thesis

CHAPTER I – **INTRODUCTORY CONSIDERATIONS**

In order to demonstrate the specificity of the Union legal order, different from that of public international law, we proposed, in the first chapter of the thesis, a structure that began with a brief analysis of the legal order of international law, characterized by the absence of supranational legislative bodies and by the use of the intergovernmental method of adopting international legal instruments (in particular the main source of international law, the treaty). The research included the presentation of the specific legal order of the European Union, starting from the issue of the integration process in relation to the cooperation process, and ending with the analysis of the method known in the past as *Community* for the adoption of European Union legislation, and which, at present, we should rename as *the Union method*, taking into account the reforms enshrined in the Treaty of Lisbon.

In the introductory chapter, we analyzed those aspects related to the differences between the legal order of the European Union and that of public international law, respectively to the institutions and bodies of the European Union, to which the legal acts of the Union were added, with their different characteristics. Starting from the statement that "in order to define itself as autonomous, the Union legal order must define its relationship with other legal orders, especially with that of international law"[32], we have presented the general characteristics of international law, of which the most relevant to our approach is the absence of a legislative body, in the absence of which public international law can only have a coordinating role.

Next, we referred to the characteristics of the European Union legal order, and we stressed that it, unlike that of international law, has a legislative authority (composed of Parliament and Council), and the decision-making process specific to this authority differs from that of drafting legal instruments of international law, approaching the specifics of a federal legal order.

Our approach has brought to the fore the institutions and bodies of the European Union which perform functions close to some corresponding institutions in the legal orders of the Member States We can see that, at the level of the European Union, the institutions concerned, using *the Community method*, adopt legal acts, while the use of the intergovernmental method is only an exception, currently limited only to the scope of the common foreign and security policy.

We have also referred to some defining characteristics of the sources of European Union law and have shown how the dispositions of European Union law, as a rule, are inserted directly into the legal orders of the Member States and can create rights or impose obligations on individuals. However, we have also noticed that, although it is not the rule in the matter, the sources of public international law may, in certain situations, have the same characteristics.

In order to reveal the profound meanings of these aspects, it is necessary, in our view, to look at the characteristics of the Union legal order in relation to those of state orders, especially of federal States. Thus, without going into details, "in federal systems, powers are

[32] **Francesca Martines,** *Direct Effect of International Agreements of the European Union*, The European Journal of International Law, Vol. 25, nr. 1/2014, Oxford University Press, pp. 129-147.

divided not only between executive, legislative, and judicial powers, but also between the federal and federal levels. These entities, be they States, regions or provinces, may enjoy substantial prerogatives, and the extent of their rights (and obligations, etc.) is determined by a Constitution[33]. Applied to the European Union, these features are materialized in a certain specific decision-making process, which distances itself from that of international cooperation organizations and includes elements of statehood.

The meeting of all the characteristics which we have stated to distinguish the European Union from other subjects derived from public international law (linked, in particular, to the specificity of its decision-making process) and, more broadly, the legal order of the European Union from that of other subjects derived from international law (concerning, in particular, the characteristics of Union acts), entitles us to say that the European Union has a new legal order, different from that of public international law and which presents many elements of statehood. From the analysis of the evolution of the Union decision-making process, which we have achieved in the course of the following chapters, the presence of these elements has gradually expanded within the Communities and, at present, the European Union. By their specificity, they are the essential elements that differentiate the Union from international cooperation organizations, with integration being its defining feature.

CHAPTER II. **THE SPECIFICITY OF THE ADOPTION OF THE FUNDAMENTAL TREATIES OF THE EUROPEAN UNION**

In a natural continuation of the aspects presented in the introductory chapter, during the second chapter we analyzed the issue of the Union decision-making process. We started this approach with those aspects related to the adoption of sources that are at the highest level in the hierarchy built over time by the Court of Justice, through its jurisprudence, that is, the fundamental treaties of the EU, to which the specificity of the method of adoption we will refer.

We found that, until the entry into force of the Treaty of Lisbon, the procedure for the adoption and revision of the Treaties as sources of primary Community law was carried out according to a mechanism specific to international law.

At first glance, such a state of affairs could be considered to contradict the idea of the presence within the Union of (incipient) elements of statehood, particularly typical of federal legal orders. However, the use of the historical method of research, based on the identification of precedents that meet the condition of similarity in fact, has led us to different conclusions, which do not undermine, but confirm our thesis, the presence of statehood elements within the Union legal order and their progressive expansion.

If we look at how the best-known examples of federations currently in existence were formed, and how new federative entities join them, we note that the situation of constitution and accession by international agreements is not the rule in this matter. This does not mean that it is the first time in the case of the European Union.

In order to set out the example which, on the basis of historical impact, we can consider the most representative in the matter, we mention that the basis of the emergence of the United

[33] **Kenneth Newton, Jan W. van Deth,** *Foundations of Comparative Politics: Democracies of the Modern World, Second Edition*, Cambridge University Press, Cambridge, 2010, p. 82.

States of America, as we know it today, was the document called *Articles of Confederation and of perpetual Union*[34], which, from the point of view of its signing, followed by ratification in the legislature of each State, takes the form of an international agreement, and from the point of view of its content, which concerns matters relating to the acquisition, exercise and limits of power in the new State, as well as the distribution of power between the federal center and the federal entities, it shows a constitutional nature. Similar conclusions, from the perspective of the composition of the constituent bodies, are also applicable to the Constitution of the United States and are all the more valid since the entry into force of the Treaty of Lisbon, given the consecration of the Convention method.

We concluded that the specificity of the adoption of the fundamental treaties of the European Union was shaped by an evolutionary process whereby differences were established and accumulated from the adoption of the other international treaties, and that this specificity now consists predominantly in the use, for the revision of the Treaties on which the Union is founded, of *the method of the convention.*

CHAPTER III. **THE EVOLUTION OF THE DECISION-MAKING PROCESS IN 1952-2003**

In this chapter, we were able to point out, first of all, that the decision-making process in the European Communities has, since its inception, done through the Treaty establishing the European Coal and Steel Community and continuing with successive reforms, a series of stages during which it oscillated between supranational and international and, respectively, between mechanisms specific to the legal order of public international law and mechanisms with elements of statehood.

We have stated this on the basis of the fact that all the European Communities have aimed at achieving, among the Member States, stronger cooperation than that resulting from cooperation organizations. "With this in mind, they have placed themselves in a closer perspective to federal relations[35]."

Clearly, the decision-making process leading to the conclusion of the agreements of will embodied in the Treaties establishing the European Communities was specific to public international law. However, once these treaties came into force, the specifics of their decision-making process changed fundamentally. For example, within the ECSC, it was dominated by a supranational institution, the High Authority, which had the role of a dynamic element of the decision-making process, but, in certain circumstances, censored by a Council of Ministers, which functioned rather according to the specifics of classical international organizations, that is, it was made up of representatives of the member states and decided unanimously.

In the case of the European Economic Community, the role of the supranational institution, the Commission, was diminished, and it could only adopt acts in exceptional circumstances, submitting proposals for acts to the Council, which decided on their adoption unanimously, until the end of the transitional periods referred to in the thesis, then unanimously

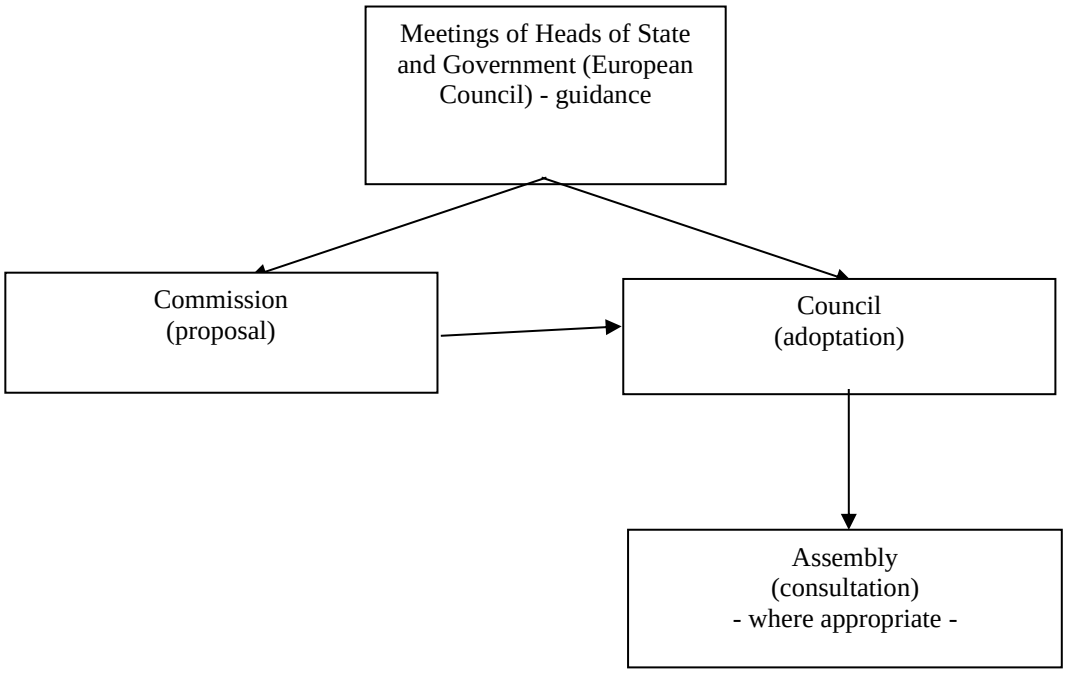
[34] *Articles of Confederation and Perpetual Union*, signed 15 november 1777.

[35] **Augustin Fuerea,** *Drept comunitar al afacerilor*, Ediția a II-a revizuită și adăugită, Editura Universul Juridic, București, 2006, p. 10.

or by qualified majority, as the case may be. Also, depending on the policy-specific regulations of the Member States covered by the EEC, the decision-making process within the EEC could include consultation of the European Parliament (or consultative bodies).

A common denominator of the European Communities, during the periods analyzed, was the marginal role of the parliamentary institution. In practice, it could only exercise political control over the High Authority, namely the Commission, control, in turn, circumvented by regulations that made it excessively difficult in practice and, by excluding the Assembly from appointing a possible new High Authority or Commission, ineffective. During those periods, the parliamentary institution did not participate in the adoption of the most important Community acts (regulations, directives, decisions), which distinguished it from the national parliaments. This would not remain the case for long, as each successive reform of the founding Treaties, starting with the budgetary Treaties of 1970 and 1975 itself, would lead to an increase in the role of the European Parliament, involving it more and more in the decision-making process. In parallel, meetings of Heads of State and Government, originally outside the institutional framework of the Union, would increasingly influence the Union's actions.

In other words, during this third period in the evolution of the decision-making process within the European Communities, this process was generally presented according to the following scheme:



This scheme illustrates that, although it did not participate in the adoption of legislative acts and its existence was not enshrined in the Treaties, the European Council had an undocumented but important influence in practice on the decision-making process. Given the consensus-based decision-making process in the European Council, typical of international cooperation organizations, and the fact that the Commission institution and the representatives of the Member States, meeting within the Council, were implementing, by means of the legislative acts in whose adoption they participated, the aspects contained in the conclusions of

the European Council meetings, we consider that the period we refer to can be characterized as *the international-community period* in the evolution of the European construction.

This continued until the entry into force of the Single European Act and the Maastricht Treaty, which enshrined in the Treaties the forms of non-Community cooperation up to that time. Practically, during the analyzed period, we can put forward that the ensemble made up of the European Communities and the cooperation we referred to evolved from a supranational character, to an intergovernmental and supranational one, in order to return to the supranational character.

Analyzing the evolution of the Community's decision-making process on the basis of the above scheme, we considered that it began at a point between intergovernmental and supranational, but closer to intergovernmental, and then moved back in the intergovernmental direction and returned again, after the entry into force of the Single European Act and, subsequently, the Maastricht Treaty, to the supranational specificity.

CHAPTER IV. **ELEMENTS OF REFORM OF THE DECISION-MAKING PROCESS CARRIED OUT BY THE TREATY OF LISBON**

In this chapter we analyzed the main reform elements achieved as a result of the entry into force of the Treaty of Lisbon, which have relevance to the decision-making process. The first of these, in order of our analysis, was to establish a mechanism by which the national parliaments of the Member States are involved in monitoring compliance with the principles of subsidiarity and proportionality, in the adoption of legislative acts by the Union institutions.

The analysis of the mechanism in question has shown the presence of elements of statehood, stemming from the similarity of the role of national parliaments in Union decision-making with the role of Land representatives in the procedure for establishing the position of the representatives of the German State within the Union institutions of which they belong, involved in the adoption of legislative acts the regulatory objects of which may interfere in the areas of competence of the *Landen*.

Subsequently, our analysis referred to some aspects related to the implications of the obligation to respect fundamental rights in the legislative and administrative work of the Union institutions. It has emerged from the presentation of those aspects that the existence of a catalog of fundamental rights in the basic constitutional charter of the Union confers specificity on that entity. Such regulation and the obligation of the institutions of the Union, when adopting legal acts, to respect the fundamental rights and freedoms contained in the Charter are also a specific element of the fundamental laws of the Member States. Therefore, that obligation and its similar scope to that found in the constitutional law of the Member States constitute another element of the Union’s statehood.

The last section of the chapter included an exposition of the main legal coordinates of the citizens' initiative at EU level, also introduced by the Treaty of Lisbon. From its comparison with the Regulation of the citizens' initiative enshrined in Romanian legislation we could see the many similarities between the two procedures (the Union and the Romanian). The existence of the citizens' initiative at EU level and the regulatory similarities identified were another element of statehood that the way in which the decision-making process is carried out confers on the Union.

Based on the analysis up to this stage, during the thesis, we were able to compile an overview of the conduct of the decision-making process in the European Union.

It shall take as its starting point the adoption by the European Council (as an institution of the Union, as opposed to the previous situation) of general guidelines for Union action in certain priority areas, continuing only those elements which the issuing institutions will need in order to identify the areas in which they are to act, and the general coordinates of that action.

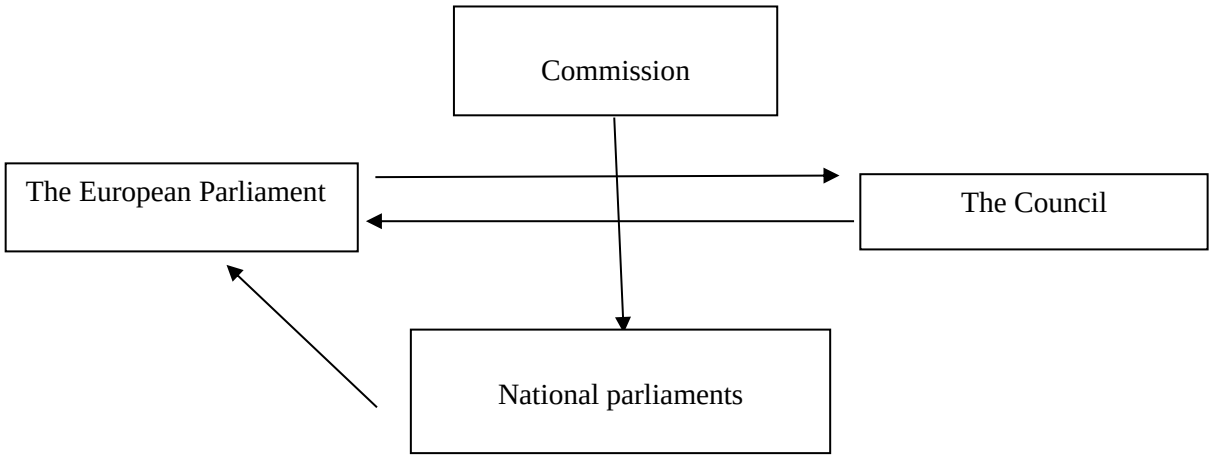
Subsequently, the institution drafting a legal act of the European Union must verify the existence and nature of the Union competence in the field in which it wishes to act. If, following this analysis, it is convinced that the Union is competent in the field or areas concerned and that the competence in question is exclusive, shared, supportive, coordinated and complementary, etc., the institution concerned will be able to act in accordance with the limits and specificities of each category of competence and the special rules governing Union action in each area or policy. In its action, the issuing institution will have to identify the correct legal basis for the draft European Union act, otherwise it may be challenged, for example, by an action for annulment. The Commission shall carry out studies, analyzes, documentation, meetings and debates with experts, representatives of civil society, social partners, etc. relevant to the subject matter of the draft act it intends to draw up. Subsequently, the institution concerned (generally, the Commission) draws up the draft legal act in compliance with provisions of general relevance to Union action in its areas of competence.

The Commission may also receive a proposal for a legislative act from citizens of the Union through the citizens' initiative, but in this case too, the decision on whether to submit that proposal to Parliament and the Council is up to it (the Commission).

Once the draft Union act has been drawn up, the applicable legislative procedure may be initiated. In principle, in particular where the ordinary legislative procedure is applicable, the Commission will initiate the procedure in question by transmitting its draft to the national parliaments, for the purpose of monitoring compliance with the principles of subsidiarity and proportionality, and to the Parliament and the Council, or to the Council, for the conduct of the applicable legislative procedure.

National Parliaments may exercise their powers under the provisions of Protocols 1 and 2 annexed to the Treaty of Lisbon and, after the completion of the procedures in question, assuming that the act is found to comply with these principles, the legislative procedure may continue. This procedure involves either the adoption of the act by Parliament and the Council (according to the rules described in the course of our research), or by Parliament with the participation of the Council or by the Council with the participation of Parliament. Thereafter, once adopted, the legal act shall be signed by the President or Presidents of the institutions which adopted it and will either be published in the Official Journal of the European Union, or communicated to the addressee(s), as appropriate.

Summarizing, we were able to point out, on the basis of what has been presented up to this stage of research, that the Union decision-making process, according to the Treaty of Lisbon, is presented according to the scheme below, within which we considered opportune to include the national parliaments:



This process combines elements specific to international organizations, States and early American federal structures. More specifically, the general paradigm of conducting the Union decision-making process presents elements of statehood corresponding to those stated in the relevant literature[36], according to which one of the constitutional features of federal legal orders is that they allow "federal entities to influence or even block the decision-making process at the level of the federal center", as is apparent from the parallels made with the fundamental law of the Federal Republic of Germany.

CHAPTER V. **SPECIFIC LEGISLATIVE PROCEDURES OF THE EUROPEAN UNION**

From all the things presented in this chapter we could see how, beyond the elements of differentiation from the national legislative processes (such as the fact that the monopoly of the legislative initiative is held by the Commission, the relative correspondent of the national executives, while, at a national level, the legislative initiative of the executive is not the rule, but the exception), the ordinary legislative procedure contributes to the augmentation of the elements of union statehood. Further arguments for this assessment are provided by the fact that the European Parliament, which, in the ordinary legislative procedure, adopts the legislative acts specified in Article 288 TFEU together with the Council, is composed of representatives of the citizens of the Union, elected by direct vote (which may be assimilated to the German Bundestag in this regard), and the Council is composed of representatives of the Member States and can be assimilated, from the point of view of composition, to *the Bundesrat*.

Special legislative procedures, with the initiative and role of adopting acts conferred on the Council, represent an intergovernmental counterweight to those stated above, but the ever-decreasing share of areas in which special legislative procedures are applied is an exception, increasingly rarely applied, to the rule of the ordinary procedure. Even the mere existence of the ordinary legislative procedure would be sufficient to differentiate the European Union from international cooperation organizations, but the extension of its use gives a substantial dimension to this differentiation, an added authenticity and depth, which complements the image of an international integration organization with state features.

[36] **Jan Biela, André Kaiser, Annika Hennl,** *Policy Making in Multilevel Systems: Federalism, Decentralisation, and performance in the OECD countries*, ECPR Press, Colchester, 2013, p. 47.

CHAPTER VI. **THE SPECIFICITY OF THE DECISION-MAKING PROCESS IN THE FIELD OF THE EUROPEAN UNION'S EXTERNAL ACTION AND ACCESSION TO THE EUROPEAN UNION**

From a procedural point of view, the common foreign and security policy of the European Union is carried out by defining, by the European Council, the general guidelines and the adoption of decisions regulating: the actions to be taken by the Union, the positions to be taken by the Union, the modalities for implementing decisions on actions and positions, and the strengthening of systematic cooperation between Member States on the policy orientation of their policies[37].

In this chapter we noted the important participation of the European Council in the concrete implementation of the Common Foreign and Security Policy, which is an important difference compared to the situation encountered in the other policies of the Union. Thus, according to the Treaty of Lisbon, the role of the European Council is generally to guide, to define the broad lines of direction for EU policy. However, in the matter of the Common Foreign and Security Policy, the European Council shall participate directly in the decision-making procedure

The requirement of unanimity in the Council is, in our view, another concession to the intergovernmental approach. In conjunction with the fact that in the institutional architecture of the Union the Council represents the interests of the Member States, the need for unanimity is natural, as this is a guarantee that foreign policy decisions do not harm the interests of any state.

In drawing the conclusions to which the analysis of the common commercial policy and the external action of the Union leads, we find that the intergovernmental elements of the Union are not as pronounced. Firstly, we believe that the Union's external action, along the lines of other policies, also presents a complex of intergovernmental and state characteristics, the former being represented by the Council's role in it and the others by the European Parliament's role as an institution bearing democratic legitimacy and as a representative of the citizens of the Union, as well as the Commission, as a representative of the interests of the Union. Although the literature[38] considers that 'the Treaty of Lisbon has not solved the problem of unity and coherence of the Union in external action but, by multiplying the number of subjects of Union institutional law[39], the treaty has stressed the need for complex negotiations, not only between Member States and the institutions of the Union, but even between the institutions, in their turn"[40], our view is that the procedure applicable to the conclusion of the international agreements in question, although complex, bears many similarities with that applicable in the member states, whose consistency enjoys a wider acceptability and, by involving the European Parliament and having thee Council vote by qualified majority, they present non-specific elements of international cooperation organizations, which we can consider as States.

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[37] According to **Nicoleta Diaconu**, *Dreptul Uniunii Europene. Politicile Uniunii Europene*, Editura Universul Juridic, București, 2017, passim.

[38] **Astrid Boening, Jan-Frederik Kremer, Aukje van Loon (editori),** *Global Power Europe - Vol. 2 Policies, Actions and Influence of the EU's External Relations*, Springer, Berlin-Heidelberg, 2013, passim.

[39] Regaringd the institutionalization of the European Council.

[40] **Astrid Boening, Jan-Frederik Kremer, Aukje van Loon,** op.cit, p. 3

It follows from the case-law of the Court of Justice that international agreements have both a legal force superior to the derived sources of Union law and a priority applicability in relation to the national law of the Member States in situations of conflict, and their dispositions may even benefit from a direct effect. In the procedure for concluding agreements to which the Union is a party, the Commission's negotiating role has significant similarities with the corresponding role of national governments, the relationship between Parliament and the Council and the Commission, also presents similarities with the relationship between national parliaments and governments over which they exercise political control, and the adoption by the Council of decisions on the conclusion of agreements is similar to the ratification of international agreements by the Senate of federal States (composed generally of representatives of federal entities). Even the pronounced role of the Union executive in this procedure is similar to the role of the national executive in negotiating international agreements concluded by States which, in turn, are generally an apanage of the executive.

Looking at the particularities of the procedures for accession and withdrawal to and from the European Union, we could see that they differ, in a number of fundamental aspects, from the other procedures described in this research, and are somewhat similar (although the role of the European Parliament is stronger in the case of the accession of the new States) to the procedures of the CFSP, being, from the point of view of positioning on the imaginary axis of intergovernmental-federalism, second after the CFSP, depending on the proximity to intergovernmentalism.

However, the need for the European Parliament to approve the accession and withdrawal agreements, in conjunction with the fact that in the Member States the conclusion of international agreements is carried out by the Executive and the laws ratifying them are adopted by the Superior Chambers of Parliament, also confers on these procedures elements of statehood. Therefore, they cannot be considered absolute exceptions to the presence of statehood elements in the decision-making process at European Union level.

CHAPTER VII. **THE CHARACTERISTICS OF THE INSTITUTIONAL DECISION-MAKING PROCESS**

During the seventh chapter we were able to observe that the analysis of the decision-making process within the institutions of the European Union was a necessary step, which complemented the understanding of the Union decision-making process as a whole and helped to build a general, complete perspective on the legal phenomena leading to the adoption of legally binding Union acts (whether legislative or not).

This is because, from the analysis of decision-making in its inter-institutional dimension, which concerns only the interactions between the institutions with a view to adopting Union legal acts, this process gives the impression of a character close to the federal one, of a model similar to the process of adopting legislative or administrative acts (where appropriate) in the Member States.

In analyzing the institutions involved in the decision-making process, we concluded that, although the institutions interact according to a model of a state nature, within each institution individually, the decision-making process presents, in two important situations, obvious similarities with the equivalent institutions of international cooperation organizations

(in the case of the European Council and the Council), in one situation, it has pronounced similarities with the equivalent national institution (the situation of the European Commission), and in a fourth and final case (the European Parliament), the institution under investigation is currently presenting a model of the decision-making process that can show strong similarities with the corresponding institution internally. However, there are also provisions in the rules of procedure which give the possibility of interinstitutional negotiations carried out in a framework somewhat similar to international cooperation organizations and, on the other hand, allows the adoption of own positions on draft legislative acts by a small number of members of the analyzed institution.

CHAPTER VIII. **GENERAL CONCLUSIONS AND PROPOSALS FOR LAW AND TREATY REVISION**

In the last chapter of our thesis, we stated its general conclusions (which, for reasons of opportunity, we do not reproduce in this summary) and, most importantly, we formulated certain proposals for law and treaty revision, which concerned both formal and substantive issues, and to which we will refer next.

In matters of form, our proposal came in the context in which the Treaties on which the European Union is founded recognize the existence of institutions, bodies, offices and agencies. For example, Article 15 TFEU States that 'in order to promote good governance and ensure the participation of civil society, the Union's institutions, bodies, offices and agencies shall act with the utmost respect for the principle of transparency' and Chapter III (the 'Union's advisory bodies') of Part six (Entitled "institutional and financial provisions"), the Economic and Social Committee and the Committee of the Regions have two consultative bodies. In other words, the wording of the Treaties does not sufficiently differentiate between these distinct notions. Moreover, Article 7(3)(a) of Protocol (No 2) on the application of the principles of subsidiarity and proportionality defines[41] the legislative body of the Union as being composed of Parliament and the Council and point (b) uses the same concept. In order to avoid this, we state, as a proposal for a Treaty revision, the taking over of the expression used by *the Spinelli project*[42], namely that of *legislative authority.*

By applying this proposal, the new text of Article 7 (3) (a) of the said Protocol would contain the following:

a) before concluding the first reading, ***the legislative authority*** *(the European Parliament and the Council) shall examine the compatibility of the legislative proposal with the principle of subsidiarity, taking into account in particular the reasons invoked and shared by the majority of national Parliaments and the reasoned opinion of the Commission;*

and point (b) would be as follows:

[41] In this regard, see, **Augustin Fuerea,** *Legislativul*..., op.cit., p. 200 și urm.

[42] Draft Treaty establishing the European Union, published in the Bulletin of the European Communities, February 1984, no. 2, pp. 8-26.

*(B) if**, by a majority of 55 % of the members of the Council or by a majority of the votes cast in the European Parliament, the legislative authority** considers that the legislative proposal is not compatible with the principle of subsidiarity, it shall no longer be examined.*

As regards the substantive proposals, they aimed both at supplementing regulations in support of increasing their clarity, and at proposals relating to the course of the decision-making process.

The first proposal, modeled on the Spinelli project, aimed at specifying in primary Union law that, until the Union legislates in a certain area of exclusive competence, the rules contained in the acts of the Member States governing that area continue to have effect.

Once this proposal has materialized, the following text would be added to the content of Article 2(1) TFEU:

Pending the adoption by the Union of legally binding acts in the areas in which the Treaties confer exclusive competence on the Union, the rules contained in the legally binding acts of the Member States, having the same subject-matter of Regulation, shall continue to have effect.

A second proposal aimed at reformulating the provisions relating to the principle of subsidiarity, to specify that, under this principle, the Union can only act to achieve those objectives which can be undertaken more effectively jointly than by the actions of the Member States separately, and in particular those whose implementation requires Union action because their size or effects extended beyond national borders.

To this end, Article 5(3) TEU should read as follows:

*(3) On the basis of the principle of subsidiarity, in areas outside its exclusive competence, the Union shall intervene only if the objectives of the envisaged action can be achieved **more effectively by the Union** than by the Member States, **at regional or local central level, and in particular where**, due to the scale and effects of the envisaged action**, they can only be sufficiently achieved** at Union level.*

Also in relation to the principles of subsidiarity and proportionality, but as regards the monitoring of their compliance by national parliaments, we noted that the current provisions of Protocol No.2 on the application of the principles of subsidiarity and proportionality do not provide the obligation for the institution drafting the legislative act to re-examine the draft - neither where reasoned opinions of the national parliaments, establishing that the draft does not comply with the principles in question, represent one third of the total votes allocated, nowhere reasoned opinions bring together a simple majority of votes[43].

While we have acknowledged that such a regulatory solution is in line with the European Union's character as an international integration organization, facilitating the adoption of draft legislative acts, we considered that a deeper involvement of national Parliaments in the adoption of legislative acts would be consistent with the Union's own character, and its

[43] Situation which, at the date of completion of the doctoral thesis (12.05.2022) had not yet been met in practice.

decision-making process's functioning in the federal paradigm, which takes over some elements of the legal orders of the federal States, adapting them to the specificity of a Union of States.

For this reason, we proposed that the issuing institution should not be required to withdraw the draft legislative act if the threshold of one third of the votes allocated to national parliaments is reached (as the introduction of such a requirement in the event of such a low threshold being reached could be detrimental to the efficiency of the legislative adoption process), but that the issuing institution would have the obligation to withdraw the draft legislative act if the national parliaments' reasoned opinions establishing that it does not comply with the principles of subsidiarity and proportionality constitute a simple majority of the votes cast.

By adopting this proposal, paragraph 3 of Article 7 of Protocol No 2 on the application of the principles of subsidiarity and proportionality would read as follows:

*(3) Also, under the ordinary legislative procedure, where reasoned opinions on a draft legislative act's failure to comply with the principle of subsidiarity represent at least a simple majority of the votes allocated to national Parliaments in accordance with the second subparagraph of paragraph 1****, the issuing institution is obliged to withdraw the draft legislative act.***

Another proposal referred to the enumeration, in a list system and in a single provision of the Treaties, of the powers of the European Parliament, as an institution bearing democratic legitimacy, in order to make its powers clearer for those directly represented by that institution, namely the citizens of the Union.

Regarding the EU legislative procedure, we proposed to take over the provisions of the Spinelli project, which enshrines a single legislative procedure (along with the elimination of the existing legislative procedures), with the mention that, as far as we are concerned, we propose to grant a right of initiative not only to the Commission, but also to the members of the Parliament and the Council, according to the national model, which would bring these institutions closer to their place and role at member state level.

If these proposals were implemented, the content of the new Article 289 TFEU would be as follows:

The Union legislative procedure *consists of the joint adoption by the European Parliament and the Council of a regulation, directives or decisions, on a proposal from the Commission or on the initiative of one of the members of Parliament or of the Council (...),*

and the current paragraph (2) of the same article would be deleted.
Also, paragraph (2) of Article 294 would have the following content:

2. The Commission ***or one of the members of Parliament or the Council*** *shall submit a proposal to the European Parliament and to the Council.*

Many other provisions of Union primary and secondary law (in particular the Regulations on the organization and functioning of the institutions) would be subject to significant technical and terminological adaptations.

At the same time, we proposed to enshrine, at the level of primary law, the priority of EU law in relation to national rules, in situations of conflict, which would bring more clarity for the recipients of the rights or obligations arising from EU acts, beyond that already brought about by case law.

For example, in Article 47 TEU, the current reference to the legal personality of the Union would become paragraph 1 of that Article, to which would be added a second paragraph, having the following content, inspired by Declaration No 17 attached to the Treaty of Lisbon:

(2) the Treaties and the legislation adopted by the Union on the basis of the Treaties shall take precedence over the law of the Member States

We consider that reference to the case-law of the Court would not be necessary in that provision, since the rules of Union law are already interpreted in accordance with the case-law of the Court, but it can be preserved in that Declaration.

And with regard to the Charter of Fundamental Rights, on the basis of the wording of Article 52(1) of the Charter, in which we identified the use of the term 'by law', we considered that, in the context in which the provisions of the Charter are addressed to both the institutions of the Union and the Member States, when implementing Union law, it may appear appropriate, in relation to the types of acts in the national legal orders of the Member States, but, in relation to Union law, it may create confusion. Of course, if the Treaty establishing a Constitution for Europe had entered into force, it would have included categories of acts such as "European laws" and "European framework laws", but these are among the formal elements that the Lisbon Treaty authors have renounced. At present, however, the concept of a 'legislative act' is common at EU level, which the TFEU understands as any act adopted by a legislative procedure. In order to avoid any confusion, although we considered that the notion of "law" used by the Charter[44] refers to this latter category of acts, we considered that an expression of the type:

'By law, by the Member States, and by law, by the Union'

it would be likely to bring more clarity and predictability to this provision.

In the area of the proper functioning of the institutions, we did not propose the abolition of interinstitutional agreements or of COREPER, although we have made some criticism of their role, as they are, however, important for the smooth implementation of the legislative acts process. Instead, we proposed to introduce, *in the rules of procedure of the European Parliament, the obligation to verify the existence of a quorum at the beginning of each voting session*, in order to ensure the representativeness of the procedure for adopting Parliament's positions.

The current point 2 of Article 168 of the rules of procedure of the European Parliament would thus be supplemented by the statement that:

[44] In Article 52 (1), aforementioned.

"Before the voting begins, the Secretaries shall verify the existence of the meeting quorum using the electronic voting system",

and the first assumption of point 3 would be deleted, with the other relevant provisions of the EP rules of procedure being adapted accordingly.

But perhaps most importantly, even though we stated it at the end, we proposed the general clarification of the provisions of primary law of the European Union by *merging them into a single legal instrument*, following the model of the Treaty establishing a Constitution for Europe. In this situation, the current TEU would take over the rules of the TFEU, systematized in such a way as to be in a logical order, which would facilitate both the identification of the relevant provisions for each subject and their understanding by specialists, and in particular, by the recipients of Union legal rules, benefiting only from a minimum knowledge of European Union law.

The aspects stated throughout the work and its conclusions have demonstrated, on the one hand, the achievement of the objectives of the doctoral thesis and, on the other hand, the usefulness of the scientific approach, consisting both of the conclusions drawn on the evolution of the decision-making process in the European Union, as well as in the wording of the *previous law and Treaty revision proposals*.

X. Selective bibliography

I. Courses, treatises and monographs:

A. Romanian language:

1. **ALDECOA LUZARRAGA**, **Francisco; GUINEA LLORENTE**, **Mercedes,** *Europa Viitorului: Tratatul de la Lisabona*, Editura Polirom, Iași, 2011;
2. **ANGHEL, Ion M.; SILAȘI, Grigore**; **CRĂCIUNESCU, Adrian Dumitru**, *Diplomația Uniunii Europene (și regulile acesteia)*, Editura Universul Juridic, București, 2015;
3. **APOSTOL TOFAN**, **Dana,** *Instituții administrative europene*, Editura C.H. Beck, București, 2006;
4. **APOSTOLACHE, Mihaela-Adina**, *Rolul parlamentelor naționale în elaborarea și aplicarea dreptului european*, Editura Universul Juridic, București, 2013;
5. **ARAMĂ, Elena; CIOBANU**, **Rodica**, *Metodologia dreptului: sinteze pentru seminar*, Editura Universității de Stat din Moldova, Chișinău, 2011;
6. **AURESCU, Bogdan,** *Sistemul jurisdicțiilor internaționale*, Editura CH Beck, București, 2013;
7. **BĂRBULESCU**, **Iordan Gheorghe,** *De la Comunitățile Europene la Uniunea Europeană*, Editura Trei, București, 2001;
8. **BĂRBULESCU**, **Iordan Gheorghe,** *UE: politicile extinderii*, Editura Tritonic, București, 2006;
9. **BERCEA**, **Raluca**; **MERCESCU**, **Alexandra;** *O scurtă introducere în drept*, Editura Humanitas, București, 2019;

10. **BOCȘAN, Gheorghe**, teză de doctorat cu tema *Dimensiunea penală a spațiului de justiție al Uniunii Europene*, susținută în cadrul Școlii Doctorale a Universității „Nicolae Titulescu„ din București, 2020;
11. **CIOCHINĂ-BARBU, Ioan**, *Drept instituțional al Uniunii Europene*, Wolters Kluwer, București, 2010;
12. **CRAIG, Paul; DE BURCA, Grainne,** *Dreptul Uniunii Europene. Comentarii, jurisprudență și doctrină*. Ediția a VI-a, Editura Hamangiu, București, 2017;
13. **DEACONU, Ștefan** (coord.); **MURARU**, **Ioan**; **TĂNĂSESCU**, **Elena Simina**; **BARBU**, **Silviu Gabriel**, *Codex constituțional : constituțiile statelor membre ale Uniunii Europene*, Editura Monitorul Oficial, București, 2015;
14. **DELEANU, Sergiu,** *Drept european al afacerilor: piața internă a Uniunii Europene*, Editura Universul Juridic, București, 2013;
15. **DIACONU, Nicoleta,** *Dreptul Uniunii Europene. Politicile Uniunii Europene*, editura Universul Juridic, București, 2017;
16. **DOBRE**, **Adrian,** *Politica comercială comună a Uniunii Europene*, Editura Universul Juridic, București, 2010;
17. **DRAGOȘ, Dacian Cosmin,** *Uniunea Europeană: instituții, mecanisme*, Ediția 3, Editura C.H.Beck, București, 2007;
18. **DUMITRAȘCU**, **Mihaela-Augustina,** *Dreptul Uniunii Europene și specificitatea acestuia*, Editura Universul Juridic, București, 2015;
19. **DUMITRAȘCU, Augustina; POPESCU, Roxana-Mariana,** *Dreptul Uniunii Europene. Sinteze și aplicații*, Editura Universul Juridic, București, 2015;
20. **ENACHE, Marian; DEACONU, Ștefan**, *Drepturile și libertățile fundamentale în jurisprudența Curții Constituționale*, Editura C.H.Beck, București, 2019;
21. **FUEREA**, **Augustin,** *Drept comunitar al afacerilor, Ediția a II-a revizuită și adăugită*, Editura Universul Juridic, București, 2006;
22. **FUEREA**, **Augustin,** *Manualul Uniunii Europene, Ediția a V-a revizuită și adăugită după Tratatul de la Lisabona*, Editura Universul Juridic, București, 2011;
23. **FUEREA**, **Augustin,** *Manualul Uniunii Europene*, Ediția a VI-a revizuită și adăugită, Editura Universul Juridic, București, 2016;
24. **FUEREA**, **Augustin,** *Dreptul Uniunii Europene: principii, acțiuni, libertăți*, Editura Universul Juridic, București, 2016;
25. **GÂLEA**, Ion, *Tratatele Uniunii Europene: comentarii și explicații*, Editura C.H.Beck, București, 2012;
26. **GÂLEA, Ion,** *Dreptul Tratatelor*, Editura C.H.Beck, București, 2015;
27. **GROZA, Anamaria**, *Uniunea Europeană – Drept Instituțional*, C.H.Beck, București, 2008;
28. **GROZA**, **Anamaria,** *Uniunea Europeană: drept material*, Editura C.H. Beck, București, 2014;
29. **GYULA, Fabian,** *Drept Instituțional al Uniunii Europene*, Editura Hamangiu, București, 2012;
30. **IANCU, Gheorghe; IANCU**, **Vlad Alexandru,** *Teoria ciclurilor constituționale*, Editura Universul Juridic, București, 2015;

31. **MURARU**, **Ioan; CONSTANTINESCU**, **Mihai,** *Ordonanța guvernamentală: doctrină și jurisprudență*, Ediția a II-a revăzută și completată, Editura Lumina Lex, București, 2002;
32. **MURARU**, **Ioan; CONSTANTINESCU**, **Mihai,** *Drept parlamentar românesc*, Editura All Beck, București, 2005;
33. **MURARU, Ioan; CONSTANTINESCU, Mihai; IORGOVAN, Antonie; TĂNĂSESCU**, **Elena Simina,** *Constituția României revizuită: comentariu pe articole*, Editura All Beck, București, 2004;
34. **MURARU, Ioan; TĂNĂSESCU**, **Elena Simina;** *Drept constituțional și instituții politice*, Ediția 13, Editura C.H.Beck, București, 2008;
35. **NĂSTASE, Adrian; AURESCU, Bogdan; JURA, Cristian,** *Drept internațional public. Sinteze pentru examen*, Editura C.H.Beck, București, 2009;
36. **NĂSTASE, Adrian; JURA, Cristian; COMAN, Florin,** *14 prelegeri de Drept Internațional Public*, Editura C.H.Beck, București, 2012;
37. **NĂSTASE, Adrian; AURESCU, Bogdan,** *Drept Internațional Public: Sinteze, Ediția 9 – revizuită și adăugită*, Editura C.H.Beck, București, 2018;
38. **NEAGU, Aurel**, *Drept diplomatic și consular: îndrumar legislativ*, Editura Ministerului de Interne, București, 2001;
39. **PĂTRĂUȘ**, **Mihaela,** *Drept instituțional european*, Editura Pro Universitaria, București, 2018;
40. **POPA, Nicolae,** *Teoria generală a dreptului*, Ediția 3, Editura C.H. Beck, București, 2008;
41. **RAEPENBUSCH**, **Sean van,** *Drept instituțional al Uniunii Europene*, Editura Rosetti, București, 2014;
42. **VĂTĂMAN**, **Dan; DAVID**, **Ion,** *România și Uniunea Europeana – Istorie și actualitate*, editura Pro Universitaria, Bucuresti, 2008;
43. **VĂTĂMAN, Dan**, *Drept instituțional al Uniunii Europene*, Universul Juridic, Bucuresti, 2011;
44. **VEDINAȘ**, **Verginia,** *Drept administrativ, Ediția a V-a revizuită și adăugită*, Editura Universul Juridic, București, 2009;
45. **ZORGBIBE, Charles**, *Construcția europeană: trecut, prezent și viitor*, Editura Trei, București, 1998.

B. Non-romanian languages:

1. **ANDERSEN, Svein S., ELIASSEN, Kjell A.**, *The European Union: How Democratic Is It?*, Sage Publications, London, 1996;
2. **AZOULAI**, **Loic,** *The Question of Competence in the European Union*, Oxford University Press, Oxford, 2014;
3. **BERNARD, Catherine**, **PEERS. Steve**, *European Union Law*, Oxford University Press, Oxford, 2014;
4. **BOENING, Astrid; KREMER, Jan-Frederik; LOON, Aukje van** (editors), *Global Power Europe - Vol. 1: Theoretical and Institutional Approaches to the EU's External Relations*, Springer, Berlin-Heidelberg, 2013;

5. **BOENING, Astrid; KREMER, Jan-Frederik; LOON, Aukje van** (editors), *Global Power Europe - Vol. 2: Policies, Actions and Influence of the EU's External Relations*, Springer, Berlin-Heidelberg, 2013;
6. **BORCHARDT, Klaus-Dieter,** *The ABC of European Union l*aw, Publications Office of the European Union, Bruxelles, 2010;
7. **BROWNLIE**, **Ian; CRAWFORD**, **James,** *Principles of Public International Law*, 8th edition, Oxford University Press, Oxford, 2012;
8. **CHICHA, Emeline,** *Le Conseil Europeen dans le processus decisionnel de l''Union Europeene*, Mémoire de Quatrième année, Séminaire:L'Union Européenne à la croisée des chemins, évaporation, dislocation, élargissement et/ou approfondissement, Sous la direction de Laurent Guihéry (soutenu en Septembre 2011);
9. **COEN, David; RICHARDSON, Jeremy**, *Lobbying the European Union: Institutions, Actors and Issues*, Oxford University Press, Oxford, 2009;
10. **CORBETT**, **Richard; VIGO**, **Íñigo Méndez de,** Committee on Constitutional Affairs, Report on the Treaty of Lisbon (2007/2286(INI)), Annex 3 (*List of legal bases providing for the ordinary legislative procedure in the Treaty of Lisbon*), www.europarl.europa.eu,, f.a;
11. **DĂNESCU**, **Elena Rodica,** *Le compromis de Luxembourg (janvier 1966)*, extras de pe www.cvce.eu, 04.07.2016;
12. **DEBARDELEBEN, Joan; HURRELMANN, Achim,** *Democratic Deilemmas of Multilevel Governance: Legitimacy, Representation and Accountability in the European Union*, Palgrave Macmillan, New York, 2007;
13. **DUGUIT, Léon**, *Traité de droit constitutionnel*, Fontemoing & Co. Editeurs, Bordeaux, 1911;
14. **EGAN**, **Michelle; NUGENT, Neill; PATERSON, William E.,** *Research Agendas in EU Studies*, Palgrave Macmillan, London/New York, 2010;
15. **EMPEL, Martijn van**, *European Union Law, An Introductory Overview. After Lisbon*, LUISS University Press, Rome, 2010;
16. **GRILLER, Stefan; ZILLER, Jacques,** *The Lisbon Treaty: EU Constitutionalism without a Constitutional Treaty?*, Springer, Wien, 2008;
17. **GUȚAN, Manuel, SELEJAN GUȚAN, Bianca,** (editori), *Europeanization and judicial culture in contemporary democracies*, Editura Hamangiu, București, 2014;
18. **HAMILTON, Alexander; MADISON, James**; **JAY**, **John**, *The Federalist: a collection of essays, written in favour of the new Constitution, as agreed upon by the Federal Convention, september 17, 1787*, Dover Publications, New York, 2014;
19. **KACZOROWSKA**, **Alina,** *European Union Law*, Routledge-Cavendish, New York, 2008;
20. **KELSEN**, Hans, *General Theory of Law and State*, The Lawbook Exchange,Ltd., Clark, New Jersey, 2007;
21. **KONIG, Thomas; HUG, Simon,** *Policy-making Processes and the European Constitution A comparative study of member states and accession countries*, Routlege, New York, 2006;

22. **KLAMERT**, **Marcus,** *The Principle of Loyalty in EU Law*, Oxford University Press, Oxford, 2014;
23. **KUBICEK, Paul J.**, *The European Union and Democratization*, Routlege, New York, 2003;
24. **LEHMANN**, **Wilhelm,** studiu publicat pe www.europarl.europa.eu – iunie 2008, tradus pe www.cdep.ro – 10.09.2009;
25. **MCGOWAN, Lee**, *Preparing for Brexit: actors, negociations and consequences*, Palgrave Macmillan, Belfast, 2018;
26. **MENON, Anand; SCHAIN, Martin,** *Comparative Federalism: The European Union and the United States in Comparative Perspective*, Oxford University Press, Oxford, 2006;
27. **MENY, Yves** (coord.), Building Parliament – 50 years of European Parliament History, Office for Official Publications of the European Communities, Luxembourg, 2009;
28. **NEWTON, Kenneth**, **DETH, Jan W. van**, *Foundations of Comparative Politics: Democracies of the Modern World, Second Edition*, Cambridge University Press, Cambridge, 2010;
29. **NIEMANN, Arne,** *Explaining Decisions in the European Union*, Cambridge University Press, Cambridge, 2006;
30. **NUGENT, Neill**, *The Government and Politics of the European Union*, Palgrave Macmmillan, New York, 2006;
31. **O'BRENNAN, John**; **RAUNIO, Tapio** (coord), *National Parliaments within the Enlarged European Union: from „victims" of integration to competitive actors?*, Routlege, New York, 2007;
32. **RAITIIO, Juha**, *The Principle of Legal Certainty in EC Law*, Editura Springer-Science+Business Media, Vienna, 2003;
33. **REHRL, Jochen; WEISSERTH, Hans-Bernhard,** *Handbook on CSDP – The Common Security and Defence Policy of the European Union*, manual editat de Colegiul European de Securitate și Apărare, Vienna, 2010;
34. **ROBERTS, Sir Ivor** (editor), *Satow's Diplomatic Practice*, Oxford University Press, Oxford, 2016;
35. **SCHUTZE**, Robert, *From Dual to Cooperative Federalism*, Oxford University Press, Oxford, 2009;
36. **SCHUTZE**, Robert, *European Constitutional Law*, Cambridge University Press, Cambridge, 2012;
37. **SELCK, Torsten J.,** *Preferences and Procedures: European Union Legislative Decision-Making*, Springer, 2006;
38. **STEINER, Josephine; WOODS, Lorna**, *EU Law*, Editura Oxford University Press, Oxford, 2009;
39. **WESSEL**, **Ramses A.,** *The European Union's Foreign and Security Policy: A Legal Institutional Perspective*, Kluwer Law International, The Hague, 1999;
40. **YATAGANAS, Xenophon A.,** *The Treaty of Nice. The Sharing of Power and the Institutional Balance in the European Union – A Continental Perspective*, The Jean Monnet Program, Jean Monnet Working Paper 1/01

41. ******* *Thirty years of Community Law*, Commission of the European Communities, Office for Official Publications of the European Communities, Luxembourg, 1983.

II. Studies and articles:

1. **AKANDE, Dapo,** *What is the Meaning of "Consensus" in International Decision Making?*, www.ejiltalk.org, 08.04.2013;
2. **ALMĂȘAN, Adriana**, *Legal phrases with no meaning whatsoever*, Analele Universitatii din Bucuresti: Seria Drept 99 (2019);
3. **ANDERSON, David; MURPHY**, **Cian C.,** *The Charter of Fundamental Rights: History and Prospects in Post-Lisbon Europe*, European Institute, Florence, Department of Law, EUI Working Paper LAW 2011/08;
4. **BANTAȘ, Dragoș – Adrian**, *România înainte și după aderarea la Comunitățile Europene/Uniunea Europeană – reperele principale* -, Revista LEX nr. 1/2017;
5. **BANTAȘ, Dragoș – Adrian; BELDIMAN, Elvira,** *Postwar international organizations predecessor of the European Union*, comunicare prezentată în cadrul Conferinței Internaționale „Challenges of the Knowledge Society", organizată de Universitatea „Nicolae Titulescu" din București, în perioada 12-13 mai 2017, și inclusă în volmul Conferinței, intitulat: The International Conference Challenges of the Knowledge Society, Bucharest, 12th - 13th May 2017, 11th Edition, „Nicolae Titulescu" University Publishing House, 2017;
6. **BANTAȘ**, **Dragoș-Adrian,** *Aspects of cooperation between the Parliament and the Government regarding European Affaires*, International Law Review, Vol. III., Special Issue 2017;
7. **BANTAȘ**, **Dragoș - Adrian,** *Considerations regarding the role of the national parliaments in verifying the compliance with the principles of proportionality and subsidiarity*, The International Conference – CKS 2018 – Challenges of the Knowledge Society, Bucharest, 11th - 12th May 2018, 12th Edition, "Nicolae Titulescu" University Publishing House, București, 2018;
8. **BANTAȘ**, **Dragoș-Adrian** *Considerations regarding the choice, by the European institutions, of the legal basis of acts, during the legislative procedures. Overview of the case law of the Court of Justice of the European Union*, The International Conference – CKS 2018 – Challenges of the Knowledge Society, Bucharest, 11th - 12th May 2018, 12th Edition, "Nicolae Titulescu" University Publishing House, București, 2018;
9. **BANTAȘ**, **Dragoș-Adrian,** *Considerations relating to the role of the Council in the Institutional Set-up of the European Union*, The International Conference – CKS 2019 – Challenges of the Knowledge Society, Bucharest, 17th - 18th May 2019, 13th Edition, "Nicolae Titulescu" University Publishing House, București, 2019;
10. **BANTAȘ**, **Dragoș – Adrian,** *The role of the Presidency in the functioning of the EU Council – Challenges and Opportunities*, susținut în Conferinței „CKS 2019, The International Conference – CKS 2019 – Challenges of the Knowledge Society, Bucharest, 17th - 18th May 2019, 13th Edition, "Nicolae Titulescu" University Publishing House, București, 2019;

11. **BANTAȘ**, **Dragoș-Adrian** *Elements of the decision-making process within the Permanent Structured Cooperation on Defense*, Revista Curierul judiciar, nr. 13/2018;
12. **BANTAȘ**, **Dragoș-Adrian,** *Considerations on the role and place of the European Council in the institutional set-up of the European Union*, Suplimentul Revistei Valahia University Law Study, 2019;
13. **BĂDESCU, Mihai,** *The rationale of law. The role and importance of the logical method of interpretation of legal norms*, The International Conference Challenges of the Knowledge Society, Bucharest, 12th - 13th May 2017, 11th Edition, „Nicolae Titulescu" University Publishing House, 2017;
14. **BEBR, Gerhard,** *The European Coald and Steel Community: A political and Legal Innovatian,*Yale Law Journal vol.63/1953, nr.1, nov.1953;
15. **BERCEA, Lucian; CĂRĂMIDARU, Dan-Adrian**, *Ordinea oamenilor liberi. O scurtă incursiune în istoria analizei economice a dreptului*, Studia Universitatis Babeş-Bolyai Iurisprudentia, nr. 4/2020;
16. **BESSON, Samantha**; **D'ASPREMONT**, **Jean,** *The Oxford Handbook of the Sources of International Law*, Oxford University Press, 2017;
17. **BILANCIA**, **Paola,** *The Role and Power of the European and the National Parliaments in the Dynamics of Integration*, în Revista Perspectives on Federalism, Vol. 1, număr unic/ 2009;
18. **BOGDANDY, Armin von,** *The European Constitution and European identity: Test and subtext and of the Treaty establishing a Constitution for Europe*, International Journal of Constitutional Law , Vol. 3 (2-3)/ 1 mai 2005;
19. **BOGDANOVSKAIA**, **I**., *The Legislative Bodies in Law-making Process*, f.a., extras de pe www.nato.int;
20. **BRESSANELLI, Edoardo; CHELOTTI, Nicola**; **LEHMANN, Wilhelm**, *Negotiating Brexit: the European Parliament between Participation and Influence*, Journal of European Integration, Vol. 41/2019;
21. **BUX**, **Udo,** *European Citizens' Initiative*, Fact Sheets on the European Union, www.europarl.europa.eu, 2011;
22. **CIONGARU, Emilian**, *Direct Applicability of European Union Law*, Annals - Juridical Science Series, Constantin Brancusi University, Faculty of Juridical Sciences, vol. 4;
23. **CIONGARU, Emilian**, *Teoria monistă şi dualistă în Dreptul European*, în Revista Acta Universitatis George Bacovia, Nr. 1/2012;
24. **COCATRE-ZILGIEN, André**, *Constitution de 1958, droit international, relations extérieures et politique étrangère*, Annuaire Français de Droit International, Nr. 4, Année 1958;
25. **COLYVAS**, **Kynthia D.,** *European Economic Community: Aproaching Complete Formation Treaty*, Santa Clara High Technology Law Journal, Volume 5, Issue 2, Article 10, January 1989;
26. **COPELAND**, **Nic,** *The EU Accession procedure, Library of the European Parliament*, www.europarl.europa.eu, 26.03.2013;

27. **COPPE, Albert,** *The Economic and Political problems of Integration*, în revista Law and Contemporary Problems, Vol. 26, No. 3, Summer, 1961, Duke University School of Law;
28. **COURONNE, Vincent**, teză de doctorat cu tema *La compétence procédurale des États-membres de l'Union Européenne*, Université Panthéon-Sorbonne - Paris I, 2015;
29. **D'AMATO, Anthony,** *The Coerciveness of International Law*, German Yearbook of International Law nr. 52 (2009);
30. **DĂNESCU**, **Elena Rodica,** *Le compromis de Luxembourg (janvier 1966)*, extras de pe www.cvce.eu, 04.07.2016;
31. **DERO-BUGNY,** *The dilution of the Community Method and the diversification of intergovernmental practices*, Revue de l'OFCE / Debates and policies, nr. 134/2014, www.ofce.sciences-po.fr, f.a.;
32. **DUMITRAȘCU**, **Mihaela Augustina,** *Tratatul de aderare a României şi Bulgariei la Uniunea Europeană – prezentare generală*, Revista de Drept Public nr. 2/2005;
33. **DUMITRAȘCU**, **Mihaela-Augustina,** *Evoluţia Comunităţilor Europene de la integrare economică la integrare politică – implicaţii asupra ordinii juridice comunitare*, Analele Universităţii Bucureşti, Seria Drept, nr.III/2006, Editura C.H. Beck, București, 2006;
34. **DUMITRAȘCU, Mihaela-Augustina; BANTAȘ**, **Dragoș-Adrian,** *Construcția europeană între național, interguvernamental și federal. Proiectarea, edificarea și eșecul ratificării Tratatului instituind Comunitatea Europeană de Apărare*, în revista Analele Universității din București, Seria Drept, Anul XVI (2017);
35. **DUMITRAȘCU, Mihaela-Augustina; BANTAȘ, Dragoș-Adrian,** *Construcția europeană între național, interguvernamental și federal. Elaborarea, conținutul, eșecul și moștenirea Planurilor Fouchet*, în Revista Analele Universității din București, Seria Drept, Anul XVII (2018);
36. **EDWARD, David**, *Secondary Community Law, Treaty Law and General Principles of Law*, www.law.du.edu, 1995;
37. **EDWARDS, Richard W. Jr**., *Reservations to Treaties*, Michigan Journal of International Law, Vol. 10, nr. 2/1989;
38. **EISL**, **Andreas,** *How would the EU accesion procedure really improve?*, www.institutdelors.eu, 04.03.2020;
39. **EQBAL, Tabish**, *International Organizations and reservations to treaties: a critical review of the International Law Commission's work*, în Revista Indian Journal of International Law, nr. 58/2018;
40. **FEIX, Marc**, *Subsidiarité, proportionnalité et construction européenne: Essai de généalogie des principes*, Revue d'éthique et de théologie morale, nr. 4;
41. **FEO**, **Alfredo de,** *A History of Budgetary Powers and Politics in the EU: The Role of the European Parliament, Part I: European Coal and Steel Community 1952 – 2002*, EPRS – European Parliament Research Service, Martie 2015;
42. **FEO**, **Alfredo de,** *A History of Budgetary Powers and Politics in the EU: The Role of the European Parliament, Part II: The non-elected Parliament 1957-1978*, EPRS – European Parliament Research Service, Martie 2015;

43. **FERNANDEZ, Irene Otero**, *Multilingualism and the Meaning of EU Law*, www.cadmus.eui.eu, 2020;
44. **FERNANDEZ, Jose Javier Fernandez ; CASANUEVA, Loreto Gil-Robles,** *The new codecision procedure following the Treaty of Amsterdam*, European Parliament, Directorate General for Research, Working document, Political Series W-34, 1997;
45. **FINCK, Michèle**, *Brexit and the European Institutions*, LSE Law Policy Briefing Series, Brexit Special nr. 3, martie 2017;
46. **FUEREA, Augustin,** *Considerentele pe care se întemeiază avizul negativ al Curţii de Justiţie de la Luxemburg referitor la Acordul privind aderarea Uniunii Europene la Convenţia pentru Apărarea Drepturilor Omului şi a Libertăţilor Fundamentale*, Revista de drept public (Universul Juridic) nr. 2/2015;
47. **FUEREA**, **Augustin,** *The exercise of the presidency winthin the European Union*, comunicare științifică susținută în cadrul Conferinței Internaționale „Probleme actuale ale spațiului politico-juridic al UE", Ediția a III-a, 27 octombrie 2016, și publicată în Suplimentul Revistei Române de Drept European, 27 octombrie 2016;
48. **FUEREA**, **Augustin**, *Legislativul Uniunii Europene între unicameralism şi bicameralism*, în Revista Dreptul, nr. 7/2017;
49. **FULE**, **Stefan,** *Copenhagen Crieria – The Backbone of EU Enlargement*, 20 Years that Changed Europe The Copenhagen Criteria and the Enlargement of the European Union Copenhagen 14 May 2013, Conference Report, www.um.dk, 14.05.2013;
50. **GEERAERTS**, **Kristof; FEDRIGO-FAZIO, Doreen**, *The new comitology rules: delegated and implemented acts*, Report by the Institute for European Environmental Policy, Mai 2011;
51. **GOEBEL, Roger J.**, *Supranational?Federal?Intergovernmental?The Governmental Structure of the European Union After Treaty of Lisbon*, în FLASH: The Fordham Law Archive of Scholarship and History;
52. **GOLDSMITH, Jack**; **LEVINSON, Daryl**, *Law for the States: International Law, Constitutional Law, Public Law*, Harvard Law Review, Nr. 7/mai 2009;
53. **GOVAERE, Inge**; **LANNON**, **Erwan**; **ELSUWEGE**, **Peter van**; **ADAM**, **Stanislas** , *The European Union in the World*, Editura Brill, Leiden, 2013;
54. **GOVAERE, Inge**, *To Give of to Grab: The Principle of Full, Crippled and Split Conferral of Powers Post-Lisbon*, College of Europe, Departmment of European Legal Studies, Research Paper in Law No. 4/2016, Bruge, Belgia, 2016;
55. **GUZMAN, Andrew**, *The Consent Problem in International Law*, în Berkeley Program in Law and Economics, Working Paper Series, 03.10.2011, extras de pe www.escholarship.org, 2011;
56. **HATHAWAY, Oona A.**, *Between Power and Principle: An Integrated Theory of International Law*, The University of Chicago Law Review, Vol. 72, Nr. 2 (2005);
57. **HAGEDORN, Franziska**, *The Community method vs. Intergovernmental method in the European Constitution*, CONVEU Conference Paper, Internal Reform and Constitution building Capacities, www.swp-berlin.org, f.a.;
58. **HIX, Simon; HAGEMAN, Sara**, *Could changing the electoral rules fix European parliament elections?*, în Revista Politique européenne, nr. 2 (28)/2009;

59. **HOFMAN**, **Herwig C.H; MIHĂESCU**, **Bucura C.,** *The Relation between the Charter's Fundamental Rights and the Unwritten General Principles of EU Law: Good Administration as a Test Case*, European Constitutional Law Review, Nr. 9/2013;
60. **HONNIGE, Christoph**; **PANKE**, **Diana**, *The Committee of the Regions and the European Economic and Social Committee: How Influential are Consultative Committees in the European Union?*, JCMS Journal of Common Market Studies, nr. 3 (51)/2013;
61. **JOHANSSON, Josefin**; **LINDSTROM**, **Lisa**, *Direct Effect of Directives - An Instrument for Uniformity or the Cause of Incoherence?*, www.semanticscholar.org, 2017;
62. **JUGASTRU, Călina**, *Considerații privind ordinea publică europeană*, Anuarul Institutului de Istorie »George Baritiu« din Cluj-Napoca - Seria HUMANISTICA, nr. 9/2001, Editura Academiei Române;
63. **KAGAN, Julia** *Taxation Without Representation*, hwww.investopedia.com, 07.10.2020;
64. **KASSIM, Hussein**, *The EU: institutions explained*, www. ukandeu.ac.uk, 19.05.2016;
65. **KELSEN, Hans,** *On the Basic Norm*, California Law Review, Volume 47, Issue 1, March 1959;
66. **KRAMER, Tomasz**, *Main characteristics of EU Law: Relations between EU Law and National Legal Systems*, European Institute of Public Administration, 2011, www.ab.gov.tr, 2011;
67. **LAHMER, Marc,** *Moment 1789 et la séparation des pouvoirs*, Jus Politicum, nr. 12/2014;
68. **LAMY, Valentin**, *Le rôle politique du Conseil d'État : prolégomènes*, Les Cahiers Portalis nr. 3/2016;
69. **LAURSEN, Finn**, *The Lisbon Treaty: A First Assessment*, în Revista L'Europe en Formation, nr. 4 (362)/2011;
70. **LINTERN, Snowy,** *The Crisis Management Procedures*, www.europa.eu, f.a.;
71. **MARKTLER, Tanja,** *The Power of the Copenhagen Criteria*, în CYELP Nr. 2/2006;
72. **MARTINES, Francesca**, *Direct Effect of International Agreements of the European Union*, The European Journal of International Law, Vol. 25, nr. 1/2014, Oxford University Press;
73. **MATHIEU, Chloe,** *La séparation des pouvoirs dans la jurisprudence du*
74. *Conseil constitutionnel*, Université Montpellier, 2015;
75. **MAURER, Andreas,** *The European Parliament, the national parliaments and the EU Conventions*, în Revista Politique européenne, nr. 1 (9)/ 2003;
76. **MILANOVIC, Marko**; SICILLIANOS, **Linos-Alexander**, *Reservations to Treaties: An Introduction*, European Journal of International Law, Vol. 24, nr. 4/ noiembrie 2013;

77. **MILLER, Vaughne**, *The Extension of Qualified Majority Voting from the Treaty of Rome to the European Constitutio*n, House of Commons Library Research Paper 04/54, July 2004, www. researchbriefings.files.parliament.uk, 2004;
78. **NOLLKAEMPER, André**, *The Duality of Direct Effect of International Law*, The European Journal of International Law, nr. 1/2014, Oxford University Press, Oxford, 2014, Vol. 25;
79. **NOVAK, Stéphanie**, *Qualified majority voting from the Single European Act to present day: an unexpected permanence*, Notre Europe Studiex & Research Paper nr. 88, 2011;
80. **PASCU**, **Octavian Gabriel; LUMINOSU**, **Caius Tudor,** *The Legal Personality of the European Union – between the Maastricht Treaty and the Draft Treaty Establishing a Constitution for Europe – Reality and Perspectives*, Romanian Journal of European Affairs, Vol.8, No.3/2006;
81. **PIROZZI, Nicoletta**, *The EU's Comprehensive Approach to Crisis Management, Geneva Center for Democratic Control of Armed Forces*, Brussels Office, 2013;
82. **PLUNKETT, David,** *The Planning Theory of Law I: The Nature of Legal Institutions*, în revista Phiosophy Compass nr. 8/2 (2013);
83. **PLUNKETT, David,** *The Planning Theory of Law II: The Nature of Legal Norms*, în revista Phiosophy Compass nr. 8/2 (2013);
84. **PODARU, Ovidiu,**, *Actul administrativ – formă și elemente de formă*, în revista Studia Universitatis Babeș – Bolyai nr. 52/ 2007;
85. **POPESCU, Roxana Mariana**, *Inițiativa cetățenească europeană – expresie a principiului democrației participative la nivelul Uniunii Europene*, în Revista Dreptul, nr. 11/2016;
86. **POPESCU**, **Roxana Mariana,** *Aspecte constituționale ale integrării României în Uniunea Europeană*, Revista Dreptul, nr. 3/2017;
87. **PROST, Mario,** *Hierarchy and the Sources of International Law - A Critical Perspective*, www.eprints.keele.ac.uk, 2017;
88. **SALOMIA, Oana-Mihaela; MIHALACHE, Augustin,** *Principiul egalității statelor membre în cadrul Uniunii Europene*, în Revista „Dreptul", nr. 1/2016;
89. **SALOMIA**, **Oana-Mihaela** *Delegated Acts and Implementing Acts – new legal acts of the European Union,* article presented during The International Conference Challenges of the Knowledge Society, Bucharest, 12th - 13th May 2017, 11th Edition, and published in the Conference volume, „Nicolae Titulescu" University Publishing House;
90. **SCHENKER, Claude Schenker**, *Practice Guide to International Treaties, Edition 2015*, Federal Department of Foreign Affairs, Directorate of International Law, Confederația Elvetică, 2015;
91. **SCHNEIDER, Max**, *The Negotiated Meaning of Brexit: Mapping the Process of a Unique Negotiation*, disertație susținută în cadrul programului de master în domeniul Politici Publice, Institutul de Studii Politice, Paris, coordonator; Colin Hay;
92. **SCHOUTHEETE, Philippe de; ANDOURA**, **Sami,** *The Legal Personality of the European Union*, în revista Studia Diplomatica, Vol. LX, nr.1/2007;

93. **SCHUTZE**, Robert, *Subsidiarity after Lisbon : reinforcing the safeguards of federalism?*, Cambridge law journal, nr. 68 (3), 2009;
94. **STEUTENBERG, Bernard; DIMITROVA, Antoaneta,** *Interests, Legitimacy and Constitutional Choice: The extension of the codecision procedure in Amsterdam*, comunicare științifică susținută în cadrul conferinței „Enlargind or Deepening: European integration at the crossroads", în cadrul„Joint Sessions of Workshops of the European Consortium for Political Research", Mannenheim, Germania, 26-31.03.1999;
95. **TRACY**, **Michael,** *The Decision-making Process in the European Community with Reference to Agricultural Policy*, 1976 International Association of Agricultural Economists Conference, July 26-August 4, 1976, Nairobi, Kenya;
96. **TUORI, Kaarlo**, *The Many Constitutions of Europe*, Oxford Handbooks Online, 2016.
97. **VIOLI, Federica Violi**, *Formal and informal modification of treaties before their entry into force: What scope for amending CETA?*, www.qil-qdi.org, 31 iulie 2017;
98. **WALKER, Nigel; MILLER, Vaughne** *Negotiations on the UK leaving the EU during the extension period, Debate initiated by Julia Lopez MP*, House of Commons Library, 20 mai 2019;
99. **WALKER, Nigel**, *Brexit timeline: events leading to the UK's exit from the European Union*, House of Commons Briefing Paper nr. 7960, 06 ianuarie 2021;
100. *** *Not dead yet. Revisiting the 'Luxembourg Veto' and its Foundations*, European Constitutional Law Review, Nr. 13(1)/2017.

The complete bibliography consisted of: 45 courses, treatises or monographs in Romanian; 41 courses, treatises or monographs in languages other than Romanian; 100 studies and articles: 50 elements of primary or secondary legislation of the European Union, respectively of national legislation of the Member States; 12 declarations or other acts of the Union institutions, without binding legal force; 64 judgments of the European Union's Court of Justice, of the Court of Justice of the European Communities, respectively of the International Court of Justice, as well as decisions of the Constitutional Court of Romania; 9 websites and 5 other sources.