



NEW REGULATIONS OF THE LISBON-2009 TREATY ON THE COMMON SECURITY AND DEFENCE POLICY WITH AN IMPACT ON NATIONAL SECURITY

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The world is changing and Europe is facing an increasingly complex and uncertain security environment. There is a growing desire for the European Union to become more capable, more coherent and with greater strategic ambitions as a global player. The Union now has a number of tools that can help promote peace and security where needed. A comprehensive approach, however, would be a key asset in combating complex, multi-actor and multidimensional crises and security threats that are increasingly difficult to anticipate, today and tomorrow. The Lisbon Treaty provides an opportunity to strengthen the comprehensive approach to maximizing the effectiveness of the use of the variety of policies and instruments available to the EU, in a coherent and consistent manner, so as to address the full range of challenges, through preparedness and preventive action, through timely response and crisis management, including building, stabilizing and maintaining peace, through recovery, reconstruction and return to long-term development, where appropriate.

Keywords: treaty; politics; security; defence; tools.

A united, peaceful and prosperous Europe was the ideal that inspired the creation of the European Union. The starting point of the economic and political project of the Union, represented by the European Coal and Steel Community, marks the beginning of the idea of sustainable peace to end the bloody conflicts in Europe. Evolving from this point, a set of European objectives and values common to the member countries has emerged as an integral part of the European way of life.

Any action taken by the European Union shall be based on treaties which have been approved voluntarily and democratically by all Member States. The Treaties set out the objectives of the European Union and the rules of procedure of its institutions, as well as the decision-making procedure and the relations between the Union and its Member States. Over time, they have changed every time new Member States joined the Union or occasionally changed to reform the institutions of the European Union and give it new areas of responsibility. The last amending Treaty, the Treaty of Lisbon, entered into force on 1st December 2009.

The previous Treaties are now integrated into the current consolidated version, which includes the Treaty on European Union and the Treaty on the Functioning of the European Union.

The main goal of the European Union is to promote peace, respect the values of the EU and improve the well-being of nations, and the European Parliament and other institutions ensure that these goals are achieved. In short, the objectives of the European Union¹ refer to:

- maintaining and strengthening the peace established between its Member States and its neighbors;
- bringing together European countries in practical cooperation;
- ensuring that European citizens can live safely;
- promoting economic and social solidarity;
- preserving European identity and diversity in a globalized world;
- promoting the values that Europeans share.

The decision-making process is broad and complex, based at EU level on various European bodies and institutions. The essential organizations in the functioning of this construction are, in particular, the following: the European Parliament, which represents European citizens and whose members are elected by the majority of citizens with the right to vote; The European Council, which

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consists of the Heads of State or Government of the Member States; Council of Ministers, representing the governments of EU member states; European Commission, which represents the interests of the Union as a whole. The principle of separation of powers is also present in the organizational structure of the Union, schematically represented in Figure 1.

aimed at strengthening Europe's military and civilian crisis management capacity"⁴. By adopting a common security and defence policy, the Union intends to act as a worthy regional and global player.

For the most dynamic development, the EU has integrated all its efforts in the field of defence by adopting the European Security Strategy,

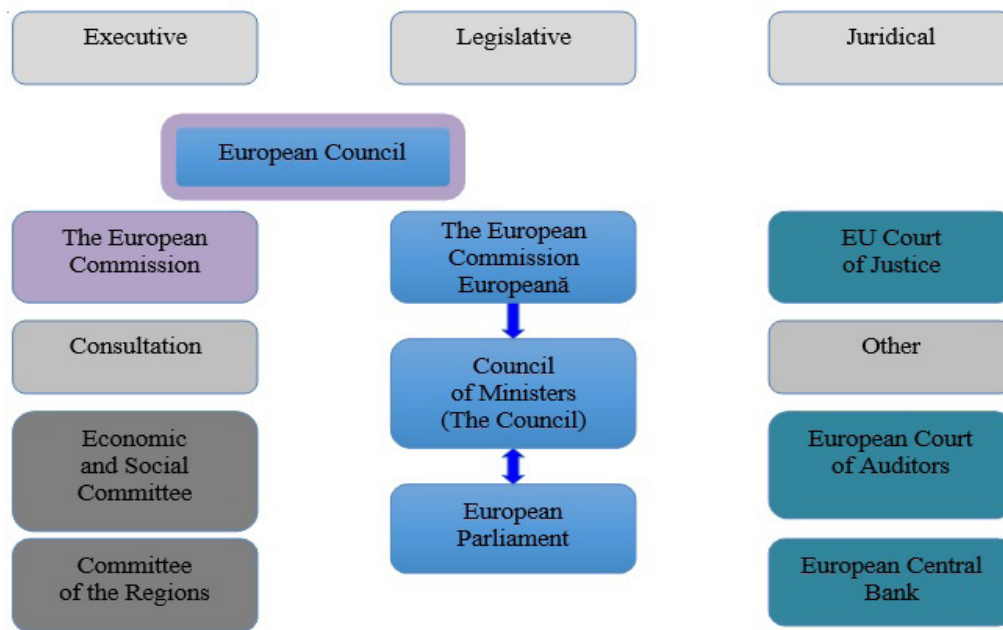


Figure 1 Structures and institutions - overview²

European policy and common security and defence policy

The Common Security and defence Policy (CSDP) is an integral part of the Union's Common Foreign and Security Policy (CFSP). The Treaty on European Union (TEU) provides the framework for funding and provides, for the first time in Europe's turbulent history, provisions on the common security and defence policy as well as protocols and declarations setting out the special role of the European institutions in this field in connection with national elements.

According to the concept launched by Karl Deutch³, the European Union is already a "security community, in which the specter of war between states has disappeared", even if, he said, "Europeans do not realize their aspiration for political union". Thus, the European Common Security and defence Policy, as a separate special branch of the Common Foreign and Security Policy, laid the foundations for "economic, diplomatic and political mechanisms

establishing, for the first time in 2003, clear objectives and principles for promoting security interests, with the strategic goal of having control over European and international security, by converging the assumed intentions of the Member States of the Union. Subsequently, in 2016 the Union adopted a Global Strategy for Foreign and Security Policy based on "A Common Vision, Joint Actions: A Stronger Europe", through which it complements and reaffirms its objectives.

The Lisbon Treaty, through the provisions in the field of the Common Security and defence Policy, clarifies the achievement of enhanced cooperation between the Member States concerned, in particular through permanent structured cooperation. The solution proposed to ensure the necessary European action and coherence was the establishment of the post of the High Representative of the Union for the Common Foreign and Security Policy. It should be noted here that, despite the fact that the establishment of this post is in many

cases assigned to the Treaty of Lisbon, this post is in fact established by the Treaty of Amsterdam, even though the title was slightly different and the responsibilities changed. The European diplomatic service also contributes to these actions, as well as solidarity and mutual defence clauses, already put into practice, which catalyze joint action for a range of threats such as terrorism, disasters of human or natural origin. The Treaty of Lisbon thus proposes, for the first time, significant changes in the field of the common security and defence policy, emphasizing the need to develop general EU capabilities and capabilities to intervene with one voice in the international arena to achieve the proposed objective.

At the same time, the Treaty of Lisbon provided the EU with the necessary legal basis for action in relations with third countries around the world, acquiring the necessary tools to leverage its economic, humanitarian, political and diplomatic strength to promote European interests and values worldwide, while respecting the specific interests of the Member States in the field of foreign affairs⁵.

Through the role that the UE intends to hold at a global level, the Lisbon Treaty also addresses the issue of the Common Security and defence Policy, acknowledging that it is an integral part of the Common Foreign and Security Policy. "The Common Security and defence Policy is an integral part of the common foreign and security policy. It provides the Union with an operational capability based on civilian and military means. The Union may use them in missions outside the Union to ensure the maintenance of peace, the prevention of conflicts and the strengthening of international security, in accordance with the principles of the Charter of the United Nations. The fulfilment of these tasks is based on the capabilities provided by the Member States"⁶.

The institution referred to in the Treaty, which directly contributes to the implementation of the Common Security and defence Policy, is the European defence Agency, which is an institution under the authority of the Council, and participation in it is voluntary. The Agency's responsibilities include helping to identify Member States' capacity requirements; promoting harmonization in procurement as well as defence research; contributing to the identification and implementation of the necessary measures to

strengthen the industrial and technological bases of the defence sector.

The Treaty addresses four relevant issues in the further evolution of ESDP:

- extension of the mission spectrum;
- solidarity clause;
- mutual defence clause;
- permanent structured cooperation.

Compared to previous treaties, the Treaty of Lisbon does not replace but reaffirms the commitments of the Amsterdam Treaty, which define common defense, extending the scope and range through Petersberg-type missions. Thus, in addition to the humanitarian rescue and peacekeeping missions or crisis management and peace enforcing missions introduced in Amsterdam, this time European security also targeted joint disarmament operations, support to third countries in combating terrorism and reform in the security sector, missions carried out by fighting forces. The Lisbon Treaty includes military advice, assistance and post-conflict stabilization, stressing that "all these missions can contribute to the fight against terrorism, including support provided to third countries in the fight against terrorism on their territory".

The solidarity clause is perhaps the most important and expected change brought about by the Lisbon Treaty. It reinforces the idea of union and provides that when one of the Member States is the subject of a terrorist attack or a natural or man-made catastrophe, the Union and the other States shall act together in a spirit of solidarity. "The Union shall mobilize all means at its disposal, including the military resources provided by the Member States, to prevent the terrorist threat in the territory of the Member States, to protect democratic institutions and the civilian population against any terrorist attack"⁷. However, at the moment, in the context of the COVID-19 pandemic crisis, it is precisely this clause that is being questioned, with several European countries facing catastrophic health and social situations.

Through the concept of "Mutual Defence", the Union asserts its firm position as a security generator for the Member States through the mutual assistance clause in case of armed aggression. In practice, it is inspired by the provisions of Article 5 of the NATO Treaty, an organization with which it cooperates in the field of security, arguing that



if one of the Member States were to be subjected to armed aggression on its territory, the other participating States provide aid and assistance through all available means, military and any other, in accordance with the provisions of the UN Charter. In order to implement closer cooperation on mutual defense, "Member States shall act in close cooperation with the North Atlantic Treaty Organization, without prejudice to the specific nature of the defence and security policy of other State actors. The commitments and cooperation in this field will be in line with the commitments to NATO, which, for the European countries members of the Alliance, continue to be the foundation of their collective defense"⁸.

At the same time, in order to maximize efforts in the field of CSDP, the Treaty of Lisbon introduces the concept of permanent structured cooperation in the fields of foreign and security policy, which seeks precisely to achieve the premises of closer cooperation between the Member States concerned.⁹ It is based on Member States, which meet more advanced criteria in the field of military capabilities and are willing to make additional commitments to tackle the most difficult missions. Under these conditions, "progress in the field of European Security and defence Policy will maintain some specific decision-making modalities, while facilitating enhanced cooperation within a smaller group of Member States"¹⁰.

To ensure the development of security and defence policy, the European Union Institute for Security Studies (EUISS) has been set up in Paris. With its development, the body becomes the main contributor to specialist consultation by providing analysis and recommendations for security and defence policy and provides analysis and forecasts for the EU and the High Representative for Foreign Affairs and Security Policy. The main task of the institute is to create a global and systemic approach to defining and meeting European security and defence needs, to promote cooperation between EU Member States and last but not least to help the development and overall restructuring of the European security and defence industry.

Conclusions

The entry into force of the Lisbon Treaty represents an important moment in achieving the EU's goal, through the European Security Strategy,

which envisages transforming the Union into a global player in terms of international security. The provisions of the Treaty of Lisbon in the field of foreign and security policy seek to achieve enhanced cooperation between the Member States concerned, especially through permanent structured cooperation. The establishment of the post of High Representative of the Union for the Common Foreign and Security Policy ensures joint European action in these areas of high visibility and coherence. The Lisbon Treaty brings significant changes in the field of the common security and defence policy, with a particular focus on developing the EU 's overall ability to speak with one voice in the international arena in order to achieve its goal in this area.

At Member State level, in the context of some states being NATO members, we consider that the Union's policy is without prejudice to the specific nature of a Member State's security and defence policy, in accordance with the obligations arising from the North Atlantic Treaty for those Member States who consider that their joint defence takes place within the North Atlantic Treaty Organization (NATO) and is compatible with the common security and defence policy established within it. Romania, for the implementation of the Union's common security and defence policy, provides civilian and military capabilities to contribute to the objectives defined by the Council. By ratifying this treaty, Romania has committed itself to gradually improving its military capacities and capabilities. The National Agency for the Development of Defence, Research, Procurement and Armament Facilities identifies operational needs, promotes the necessary measures to meet them, contributes to the identification and, where appropriate, the implementation of any measures useful for strengthening the industrial and technological base in the defence sector, participates in the definition of a European armaments policy by supporting the Council in assessing the improvement of military capabilities¹¹.

Thus, it can be considered that the Lisbon Treaty is the foundation of the new European dimensions for Romania as well, likely to lead to a significant increase in the efficiency of addressing issues of interest to all citizens, starting from the socio-economic dimension of the Lisbon Strategy and continuing with on the environment

and energy, international terrorism, cross-border organized crime, asylum and immigration, as well as the growing position of the European Union as a major international player in the context of globalization. With its entry into force, through its elements of innovation, the Treaty contributes, to a significant extent, to strengthening the democratic legitimacy of the Union and the European decision-making process, to strengthening the role of international actor, national parliaments becoming, in turn, important actors for the consolidation of the community construction, and the citizens being offered the possibility to get involved in the decisions that concern them.

NOTES:

1 Fontaine Pascal, *Europe in 12 lessons*, European Commission, Publications Office of the European Union, Luxembourg, 2017, p. 5.

2 [Directorate for European Affairs DEA], *The European Union*, Swiss Confederation, 2018, p. 24.

3 K.W. Deutsch, *The analysis of international relations*, Prentice Hall, USA, 1988, p. 256.

4 *European Union Foreign Security and Defence Policy: basic documents*, Romanian Institute of International Studies "Nicolae Titulescu", Bucharest, 2003, p. 49.

5 <https://dreptmd.wordpress.com/teze-de-an-licenta/politica-externa-si-de-securitate-comuna-dusa-de-catre-statele-membre-ue-prin-prisma-prevederilor-tratatului-de-la-lisabona/>, accessed on 13.05.2020.

6 *Tratatul de la Lisabona de modificare a Tratatului privind Uniunea Europeană și a Tratatului de instituire a Comunității Europene*, art. 28 A, alin. 1, https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-defence_en.pdf, accessed on 13.05.2020.

7 Gabriel Naghi, "Tratatul de reformă al UE (Lisabona) – moment important în afirmarea uniunii ca actor global în securitatea internațională", *Perspectivile securității în Europa*, Vol. II, "Carol I" National Defence, Bucharest, 2009, p. 116, http://www.europedia.moussis.eu/books/Book_2/3/8/2/3/?all=1, accessed on 13.05.2020.

8 *Consolidated texts of the EU Treaties as amended by the Treaty of Lisbon*, <https://assets.publishing.service.gov.uk>, accessed on 12.12.2019.

9 Prof. Deirdre Curtin, PhD & Ige Dekker, PhD, *The European Union from Maastricht to Lisbon Institutional and Legal Unity out of the Shadows*, 2010 p. 14.

10 Gabriel Naghi, *op.cit.*, p. 116.

11 http://www.en.pollub.pl/files/17/attachment/106_Treaty_on_European_Union.pdf, accessed on 13.05.2020; http://www.hamangiu.ro/upload/cuprins_extras/tratatele-uniunii-europene-actualizat-26-octombrie-2017-extras.pdf, accessed on 10.05.2020.

REFERENCES

*** *Tratatul de la Lisabona de modificare a Tratatului privind Uniunea Europeană și a Tratatului de instituire a Comunității Europene*.

[Directorate for European Affairs DEA], *The European Union*, Swiss Confederation, 2018.

[Romanian Institute of International Studies "Nicolae Titulescu"], *European Union Foreign Security and Defence Policy: basic documents*, Bucharest, 2003.

Prof. Curtin Deirdre, PhD & Dekker Ige, PhD, "The European Union from Maastricht to Lisbon Institutional and Legal Unity out of the Shadows", SSRN, 2010.

Deutsch K.W., *The analysis of international relations*, Prentice Hall, USA, 1988.

Naghi Gabriel, „Tratatul de reformă al UE (Lisabona) – moment important în afirmarea uniunii ca actor global în securitatea internațională”, *Perspectivile securității în Europa*, vol. II, "Carol I" National Defence University Publishing House, Bucharest, 2009.

Pascal Fontaine, *Europe in 12 lessons*, European Commission, Publications Office of the European Union, Luxembourg, 2017.

<https://eeas.europa.eu/>

<https://dreptmd.wordpress.com/>

<https://ec.europa.eu/commission/>

<http://www.europedia.moussis.eu/>

<https://assets.publishing.service.gov.uk>

<http://www.en.pollub.pl/>

<http://www.hamangiu.ro/>