The failure of a treaty or about the Lisbon fear and the role of the nation state

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The idea of the establishment of a **Common Constitution** for the European citizens was connected with the expectations for implementation of a new and higher stage in the development of the European integration.

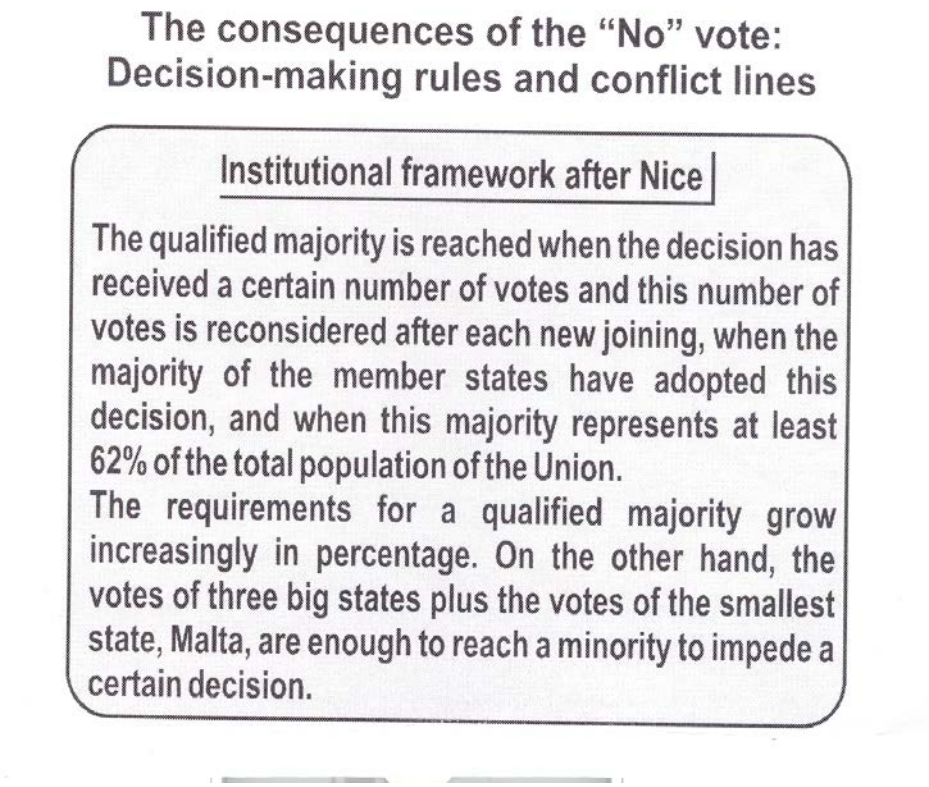
The Common Constitution was assumed as a symbol of developed readiness for **overall integration of the national economies** and the policy of the member states. In institutional aspect, new regulationsfor the ommon behaviour of the systematic whole were expected to be defined and common viewpoints for the control of their observation to be worked out. However, the integration around these common rules of the game did not occur in practice. The operating units and the sequence of intermediary working groups that were expected to prepare the proceedings of the government conference in 2004, were lost in **many problems and differences.** That was another proof, showing that the interests of the leading states have not met the ones of the other member states, yet.

We will mention some of the **reasons for the failure of the Constitutional Treaty,** as well as the results of the "No" vote, that was given in France and the Netherlands.

The negative attitudes of the citizens of the states, which rejected the Constitution, are considered the most essential reason for this failure. Some analysts represent them mainly as problems of the internal policy, but not as problems of the European integration.

A sociological research, which was conducted immediately after the referendum in France, indicated that 24% of the voters saying "no" made use of the referendum in order to express their discontent to their own government. Other 31 % admitted, that by means of their negative vote, they said "no" to the political class as a whole. Similar evaluations are included, for example, in the published surveys of Eurobarometer[1] from July 2005. An interesting fact, in this case, is that in both of the states, France and the Netherlands, the membership in the EU is evaluated positively in general – respectively 53 % and 67 %. That is why, the analysts have good reasons to claim, that to the moment of the referendum, the European scepticism was strongly influenced by the forthcoming expansion of the Union. The social tension was additionally charged by the idea of the possible joining of Turkey.

[1] Евробарометър, юли 2005 г., (Eurobarometer, July 2005)



A significant part of the analysts try to go this far with the conclusions on the rejected Constitution. Some of them even dare to consider that the citizens, who voted negatively, did not read the Constitution and they did not comprehend its meaning. At the same time, a sociological research of IPSOS on public opinion, a year after the referendum, shows that 40 % of the French voters emphasize that the main reason to say "no" is the neoliberal character of the Constitution, and 39 % want new negotiations for improvement of the texts of the Treaty establishing the EU Constitution. There were even other, much more profound analyses, which connect the rejection of the Constitution with the course that it draws for the future of Europe. Among them, we can mention the profound and multifactor analyses of a number of Bulgarian authors, such as Assoc. Prof. Dinko Dinkov, Krasimir Nikolov, Yulia Zaharieva, etc. They pay attention to the fact, that the motives of the French and Dutch "No" vote vary in a wide range " from negation or discontent of the former achievements to **fear of entering in a new higher stage of integration".**[2]

The emphasis is put on the direct relation between the European scepticism and the objectives prescribed by the Constitution. The disconformity between objectives and potential for their implementation was noticed repeatedly on the basis of the historical review of the integration process. Here, we repeat the same conclusion again. The reason for this, is the broad discussion among the citizens, that the document is quite ambitious and assigns **unrealizable**

[2] **Deloche-Godez, F.** European research centre, Political scinces, Paris, 2006

tasks to the society. This conclusion is related logically even to the already launched proposition about the **vague future of the EU** and the absence of a clear vision of **the transformation of the Union in a common political community**.

We should pay attention to the fact that the Constitution in many aspects was seeking **a balance between diametrically opposed viewpoints.** It was trying to make peace between the ones striving for greater integration and the others protecting eagerly the rights of the individual member states. In some spheres, the Constitution was supposed to broaden the scope of issues, which would be settled by a majority voting system. It turns out, that these are exactly the spheres, which are the most difficult in reaching the consensus. Such are, for example, the propositions for joint activity with respect to immigration and refugee integration policy. At the same time, in other spheres of importance, such as defence, foreign policy, taxes, etc., it is envisaged that the states maintain their own policy. Naturally, in this case, questions of this sort: "Why do we need a General President or a General European Foreign Minister?", became the most discussed ones. These questions, in practice, contain uneasiness about **the role and position of the nation state.** Of course, we draw a parallel with the national constitutions, with the role of the head of the state or with the foreign ministers, that the nations perceive as standing closer to the national and state specifics and interests. The main differences are concerned with the variation of the interrelation between the **national and supranational** level of management. Even though not being the most essential, but in this respect the fear was reinforced by the usage of terms, definitions and titles of positions, which, so far, have had only a national meaning. Some experts started speaking about "**the problem with the words". "**Sometimes it is difficult to find the right words in Europe in order to denote a new construction, just because they are missing („unidentified political object" – to repeat the words of Jacques Delors), or they are instrumentalized in order to impose a reality, which does not exist".[3]

The "No" vote to the constitutional treaty is essentially **a disapproval of the rules for decision-making and outlines clearly the conflict lines**, which are another expression of the mood of the citizens.

The blocking of the constitutional treaty is also related to another essential issue: the fundamental for the Union texts become increasingly difficult to elaborate under the present procedures and on the basis of the already overloaded contractual and normative base. Many managerial activities and proceedings are difficult to be carried out under the increased number of member states and the increased number of subjects, located on the three levels of management of the Union. The growing number of member states carries the threat of potential possibility of veto, and more and more often, of turning to referendums during ratifications, that might be used by the Europeans as an expression of opposition attitudes. As far as the fundamental texts, which arrange the functioning and competences of the Union, are concerned, they should be apt to improvement in order to meet the challenges. However, it is not sure that unanimity can be reached, when the number of deputies, of euro commissioners, of ministers, etc., is enlarged.

According to Florence Deloche-Godez, from the European research centre in Paris, the "No" vote that the French and the Dutch citizens opposed to the constitutional treaty, raises

[3] **Deloche-Godez, F.** The European Convention: discontinuance and continuity. In: G. Amato, H. Bribosia, B. De Witte (eds).Genesis and Destiny of the European Constitution, Bruylant, 2007

another issue of importance – namely, the issue about the place, preserved for the nations in the process of preparation of the European fundamental texts.[4] Such analyses relate the negative vote of the citizens to **the deficiency of democracy.** It is ascertained that, the citizens do not want to establish with their vote the identity of decisions, which are made in secret by the elite and proposed to them as a fait accompli. The constitutional treaty was formed in **the Convention,** which was composed not only by representatives of the national governments, but also by national and European experts. However, in practice, their participation was neither visible enough, nor assumed by the Europeans as a means of influence on the preparation of the texts. Therefore, the interest of the Europeans for participation in the management was not provoked enough again.

From the analysis of the reasons for rejection of the Constitution, we draw **several conclusion**:

– The economic and social situation in each state is directly related to the influence and activity of the EU, despite the fact that most of these issues are solved by the national governments. As we have already noted above, the EU is supposed to react as a state, though, at the same time, there is a serious opposition against any attempt for reduction of the sov ereignty of the states and a movement to the idea of federalization. We associate with the EU all the failures of the national governments, as well as the deformations in the morality and attitude of **the political class and the elite.**

– The most serious conclusion, that can be related directly to the reasons of the institutional crisis, is that **the citizens of the EU feel highly underestimated** as a factor of defining the agenda of the Union, and the periodically arising conflicts are the result of this. The complex mix "community of states" and "community of citizens" is charged with many contradictions, which shoot up periodically.

– In practice, it becomes clear that the citizens of the EU find it difficult to orient themselves between the **supranational and national level** of management of the processes in the Community. That is why, all the national problems are referred to the EU, and the vice versa.

– **The objectives** and the scale of changes by means of the Constitution turned out to be **unmeasured in relation to the realities** and to the readiness of the EU to realize the next level of its integration. Here, we can specify a great number of existing distinctions between the common policies:

- the incomplete **domestic market,** which does not radiate system forming impulses anymore; the resistance of the "service" sector to submit to the rules of this market;
- the new difficulties, caused by the global challenges, in the further development and functioning of **the economic and monetary union,** general power engineering and agricultural policy;
- the crisis of **the European social model** and the failed idea of a global social progress, based in the first version of the Treaty of Lisbon;
- the blocking of some of the **five freedoms**, especially the free movement of persons;

[4] **Deloche-Godez, F.** European research centre, Political scinces, Paris, 2006

- the impossibility to reach a common will with respect to the participation of the European states in **military actions**, initiated mainly by the USA.

– The existing **interests out of the Union,** which provoke disagreements and contribute indirectly with holding back the integration process and its development in a next phase, should not be excluded as a factor.

Such a behaviour is motivated by **threat of the competitive advantages,** which the new EU may gain worldwide.

The after-effects of the French and Dutch "No" vote can be considered as **an essential manifestation of the institutional crisis of the EU,** because, in practice, regardless of the changed realities, its valid contractual basis remained the Treaty of Nice. The Union was supposed to continue functioning in **an institutional frame,** which was unsuitable with its mechanisms of decision-making, complicated procedures and reduced capacity. In fact, the disputed rules of decision-making turned out to be just the external side of the essential contradictions, which rose during the referendums. On the one hand, we should mention again **the strong functional pressure as a result of the willingness not to allow an economy lagging behind the USA and the Asian leaders, and on the other hand – the lack of practical readiness for reformation of the European integration model. The Constitution failure can be defined as an incomplete transition from suprastatal community to union system.**

The denial of France and the Netherlands to adopt the EU Constitution, in practice, blocked the great project, which, along with the expansion, was supposed to give a new impetus to the further development of the EU.

There is no doubt that the period, from the Constitutional Treaty ratification denial to the Reform Treaty signing in Lisbon in December 2008, can be defined as critical for the EU and its future. It is hardly a coincidence that we make explicitly an equation between this period and the definitions of crisis of the EU. In this way, the following questions: "Was the reform of the EU with the formation of the EU Constitution necessary and unavoidable?" and "Was this failure unavoidable?"[5], seem logical and impose an immediate answer. The crisis was also reinforced by other two groups of problems:

– On the one hand, the 18 states, which ratified the Constitution, had to accept that their decision cannot be a reason for action, so they raised the question why they should obey these two countries that said "no". This question was asked very clearly in Greece.[6]

– On the other hand, there were serious reasons to re-evaluate what caused the blocking of the envisaged new steps.

Even if some states continued ratifying the document, the real progress was that the topic, which became a taboo for a certain period of time after the negative referendums in France and the Netherland, was put in discussion again. Exactly in this period, the debate on the essence and future of the EU obtained new emphasis and developed on a wide social basis. The Constitutional Treaty opened up new roads, which were continued by **the Reform Treaty.** The last European convention, in practice, **institutionalized the conventions** as a body for preparation of upcoming

[5] **Захариева, Ю.** От римските договори към бъдещето на ЕС. С., 2008, с.27, (Zaharieva, Y. From the treaties of Rome to the future of the EU. S., 2008, p. 27)

[6] Пътеводител за Договора от Лисабон, (A guidebook for the Treaty of Lizbon) 89

texts with greater possibility of hearing the opinion of the citizens. Many civil associations, as well as other representatives of the civil society had the possibility to participate in various discussions of the Convention, but all the decisions were made by the members of its presidium behind closed doors. The EC proposed "Plan D", by means of which it tried to overcome the deficiency of democracy. However, in reality, there appeared another problem, which the analysts called "communication gap". Such kind of problems are defined reasonably as **pseudo democracy,** which unfortunately is a part of the institutional crisis of the EU.

Motivated to bring the activities for saving the Constitutional Treaty to a good end, the European leaders preferred to turn to reliable methods, which guarantee an easier and faster adoption of new documents. There were proposals for the text of the Constitution to be changed and reduced drastically, in order to be adopted, and the European Commission was introducing parts of it "through the back door", as for example the formation of the European consular services. The choice of a new convention was the first step to the democratic revival of Europe.

The Treaty of Lisbon was signed on 13 December 2007 and it was envisaged to come into force on 1 January 2009. It amends the Treaty on European Union (TEU) (mainly the Treaty of Maastricht), as well as the Treaty Establishing the European Community (TEC) (mainly the Treaty of Rome), which are renamed to the **Treaty on the Functioning of the European Union (TFEU).** Both of the treaties have the same rank of legitimacy. The new Treaty, even if not treated as a constitutional one anymore, retains most of the important achievements of the Treaty establishing a Constitution for Europe. The Treaty of Lisbon is due to improve considerably the democratic character of the Union by extending the authority of the European Parliament, by embedding the Charter of Fundamental Rights in it and by reinforcing the principle of supremacy of the law. The Charter of Fundamental Rights acquires a legally binding char acter and has the same legal status as the treaties, even if its text is not included in the treaties.

There is an advance in order to differentiate more clearly the competences of the Union. There are three categories of **competences: exclusive, shared or accompanying, and complementary or supporting.** They are exercised under the principles of **subsidization and proportionality**. The subsidization is treated by the regional and local dimensions. The provision for flexible application gives authority to the Union even in areas, which are not envisaged by the treaties. The competences are also a variable quantity – they can be either enhanced or reduced.

The Reform Treaty confirms the proposition of the Constitution for common decision-making between the Council and the Parliament and even expands it in the areas of agriculture, fishery, transport and structural funds, in addition to the entire actual "third pillar" of Justice and Home Affairs.

The Treaty of Lisbon places the European Parliament in the envisaged New Budget Procedure as a legislator and participator of equal value. The long-standing financial frame becomes legally binding and should also be approved by the Parliament.

The novelty is the right of the member states to withdraw from the Union.

The Reform Treaty tries to find a solution to the most problematic institutional area – the decision-making method. The qualified majority voting becomes a ground rule of the Council. It is defined as a double majority of 55% of the member states, representing 65% of the citizens (while at least four member states are necessary to reach the blocking minority). Forty subjects of importance, including all the issues of Justice and Domestic Order, change their characteristics of voting from unanimous to qualified majority voting. Only such delicate subjects as taxes, social

security, civil rights, languages and head offices of institutions will be voted with a majority. The ratification of some of these subjects, as for example the adoption of measures against the discrimination, will be held with the consent of the Parliament. There are specific references (passerelles) to the ordinary legislative procedure regarding other subjects, such as the environmental fees.

In fact, the new system will not come into force till 2014 and there will be possibilities to be blocked till 2017. What is more, a new mechanism, based on "Ioannina compromise" will allow 55% of the member states, which form the blocking minority, to insist on postponement and revision of a draft law prior to its adoption. The protocol, contracted at the request of Poland, enacts that the Council can amend or repeal the Ioannina provision only by a consensus. The improved collaboration between nine or more member states allows to the ones, which have a military capacity and a political will, to carry out a permanent structural collaboration in the sphere of defence. The solidarity provision means that the member states would help each other in case of military aggression.

The operation of the EU will be conducted by a permanent President of the European Council (elected with a mandate of two years and a half). It is considered that in this way, the European Council becomes a erfectly complete institution of the Union, controllable by the European Court. Except for the Council of Foreign Ministers, which must be chaired by a High Representative, the other sector Councils must be presided by a team of ministers from three member states for a period of eighteen months. The Council must carry out its legislative activities in public.

The New Treaty introduces the principle of degressive proportionality for the allocation of seats in the European Parliament. As a paradox, this principle was broken immediately by the Intergovernmental Conference (IGC), which gave an extra seat to Italy for the period 2009-2014, claiming that the Parliament will already consist of 750 members plus its President. The biggest member state (Germany) will have 96 members in the European Parliament; the smallest ones (Malta and Luxembourg) will have six members. The Parliament will elect the President of the Commission. He will empower all the Commission, including the High Representative of the Union for Foreign Affairs, who will also be a Vice-President in the Commission. The European Commission will reduce its members to two thirds of the number of member states after 2014, unless the European Council decides unanimously something else. The rotation principle will guarantee the representation of each member state in two teams.

The Parliament obtains the right of initiative. It becomes a part of the Convention, which will represent the way for implementation of the significant amendments of the Treaty. There are simplified procedures of revision, which are introduced for the less significant amendments: the common home policies can be amended by means of unanimous decision of the European Council and by the approval of the national parliaments (after a consultation with the European Parliament); the decision-making can be amended from unanimous voting to qualified majority voting, or from special to normal legislative procedure by an unanimous decision of the Council (and by an approval of the European, as well as of the national parliaments) – the so called "passerelle" (the possibility to shift a certain political topic).

The High Representative of the Union for **Foreign Affairs,** who is in double submission, will chair the Council for Foreign Affairs. He or she will be appointed by the European Council with the consent of the President of the Commission. The Parliament will be advised about the

appointment of the first High Representative, which is envisaged for January 2009. The High Representative will be in charge of a new European office for Foreign Affairs, established as a combination of government officials, the Secretary General of the Council and the Commission. The Foreign Affairs Office will be formed by the Council in 2008 in conjunction with the Commission and after consultations with the Parliament. Since the Foreign Affairs Office will be financed by the budget of the European Union, the deputies of the European Parliament will have the right of control over it.

The jurisdiction of **the European Court of Justice** expands on all the activities of the Union with an emphasized exclusion of the common foreign policy and the defence policy. Yet, the Court has the right of inspection in cases of violation of the procedure or in cases of conflict of competences (in practice, by protecting the border between the first and the second pillar). It can give a hearing to complaints against restrictive measures and to express an opinion on international treaty. In cases when the opinion of the Court is opposite, the envisaged agreement cannot come into force if it is not respectively modified or if the treaties are not revised. The number of the Advocates-General increases from eight to eleven. Specialized courts can be established in conjunction with the Parliament, for example in the sphere of the patent right.

The supremacy of the law of the EU wins recognition, even if quite awkwardly. The member states must provide for adequate resources and the Court as well as the Commission will impose sanctions by means of their jurisdiction in cases of increasing infringements. The expansion of jurisdiction of the Court in the sphere of intellectual property must be approved unanimously.

The Union acquires **the statute of a legal entity** in the international law regarding its entire competence. The member states can only sign international agreements, which are consistent with the law of the EU.

The Parliament must approve all the agreements in the range of ordinary legislative procedure, joining agreements, as well as the ones with budget or institutional content. This means that the "third pillar", which concerns Justice and Home Affairs, will disappear completely after the five-year transition period as a result of the implementation of common policies regarding freedoms, security and justice, as well as the ones regarding Schengen. In fact, the right of the Commission for initiative in the sphere of Justice and Home Affairs is shared with one fourth of the member states. Only the common foreign policy and the security and defence policies, envisaged by the Treaty on European Union (TEU), continue to have specific intergovernmental procedures. However, the mandate of the European Defence Agency is expanded. In accordance with this, while the jurisdiction of the Commission, of the Parliament and of the Court is expanding, ranging over the policies of the Union on Home Affairs, there remains the possibility for the member states to take the initiative in certain cases.

The United Kingdom and Ireland have special protocols, which permit them to decide whether to join or not the common policies of the EU regarding Schengen and the areas of freedom, security and justice. They can exercise this privilege under certain conditions and terms. Nevertheless, it is obvious that **the double standard in the EU maintains** and even becomes legitimate. For example, the United Kingdom obliged its partners to raise higher the barrier to the free movement of workers. So now, each member state can put a veto on the labour mobility law, claiming that it concerns "important" (compared to "fundamental") aspects of their social security. The European Council can suspend the legislative process.

The Reform Treaty **sets high the role of the national parliaments.** They can discuss the draft laws in a time period, which is extended from six to eight weeks. It is made possible, for one third of the national parliaments to be able to oppose a proposition, related to the draft laws, by basing their argument on violation of the subsidiary principle – " the yellow card". Then the Commission would reconsider it. In addition, if a majority in the national parliament continues opposing, the Commission brings the well-grounded opposition to the Council and to the Parliament, in order to settle the problem – "the orange card". A special provision describes all the formal functions, which the national parliaments must perform in connection with the operation of the EU.

The dialogue between the institutions and the civil society, including the church, is already at a higher level. **The Committee of the**

Regions gains the right to approach the European Court of Justice. The Treaty gives weight to the tripartite meetings with the **social partners.** A new legal basis is implemented for the intellectual property rights, sport, space research, tourism, society defence and administrative collaboration. The environmental protection policy is supplemented in relation to the fight against the climate changes. The common energy policy is reinforced in relation to safety, interrelation between the deliveries, and solidarity. Now, the policy of expansion must take into consideration the criteria of Copenhagen. The role of the Commission increases in cases of excessive deficit procedures. As far as the competition is no longer one of the primary goals of the EU, the statute of the competition policy remains the same.

The economy management of the Union will be carried out with greater independence of the activities of the Eurogroup, including in the international financial institutions. There is a special statutory base for services of common economic interest. The new horizontal provisions guarantee that, in defining and implementing its policies, the Union will take into consideration **the social dimensions of the common market,** the stable development and the fight against discrimination. **A new hierarchy of norms** is established and it draws a distinction between legislative acts, delegated acts and application acts. The Parliament and the Council have commensurable power to decide how to control the delegated acts and the application acts (comitology).

If the Treaty of Lisbon is ratified successfully, it will be a crucial step forward to the **constitutional growth of the European Union.** From a historical viewpoint, the Treaty of Lisbon is at least as significant as the Treaty of Maastricht, which introduced the common currency and created preliminary provisions for the foreign policy, as well as for the security and co-operation in police and juridical issues.

The agreement for the new Treaty will mark the end of a contradictory **political integration** period, which started with the Convention for the Charter of Fundamental Rights of the European Union in 1999 and then was elaborated on by the Treaty of Nice (2000), the Laeken Declaration (2001), the Convention on the Future of the European Union (2002-2003), the Treaty Establishing a Constitution for Europe (2004), the referendums in France and the Netherlands (2005) and the recent "period of reflections".[7]

[7] The documents are available on the web-site of the Council:
(http://www.consilium.europe.eu/cms3_fo/showPage.asp?id=1317&lang= fr&mode=g).
For detailed information visit the documents of Gaëtane Ricard- Nihoul on the web-site of New Europe http://www.notre-europe.eu/

The Union will not have the necessity and will not demand assignment of new competences by the member states, when the new Treaty comes into force. The system of management from Lisbon 2007 generates, in its essence, expectation for stability and realism. However, the question concerning the rationalization and simplification of the overloaded normative frame remains only partially solved.

Assoc. Prof. Dinko Dinkov evaluates entirely the content and the character of the outlined reforms and makes a critical analysis of the institutional development of the European Union. According to him "it is obvious that the process of transition from the concept of an interstate community to a union system, of transformation of the European communities into a European Union, has not finished yet".[8] The main reason for this evaluation, which Assoc. Prof. Dinko Dinkov gives, is that the reforms do not meet sufficiently the new challenges of globalization. The author points out: " If Europe remains wrapped up in itself, it will lose touch with the new tendencies, which determine the future of humanity and will not participate properly in establishing the agenda of the world". The author puts the emphasis on the necessity to walk in a rapid step to the ratification of the Treaty of Lisbon, so that it comes into force before the elections for the European Parliament in 2009. He also lays the stress on the concern of avoiding ratification through referendums, which proved to be not so much a form of direct democracy, but a means of veto. In the context of the declared willingness to show more transparency, the people are expected to express their opinion, after examining closely the content of the Treaty. But as Assoc. Prof. Dinko Dinkov points out: "it is a hard reading". The Reform Treaty is not independent. It includes texts, which introduce amendments in the former treaties. This gives rise to serious complications while reading it and casts doubt on the degree of simplification and rationalization of the contractual framework (Acquis communautaire) of the EU. The Treaty of Lisbon is focused on the institutional mechanism of the European Union. The most important amendments concern the following institutional changes:

– The transformation of the European Union from a mechanism of intergovernmental cooperation into a European Institution has been in progress.

– The correlations between the competences on the three levels of management in the EU have been changed.

– New subjects have emerged (President of the European Council, High Representative of the Union fir Foreign Affairs and Security Policy, Secretary General of the Council, etc.)

– The pillar architecture of the Union has been changed. The third pillar – the common policy on Justice and Home Affairs, merges with the first pillar, which means growth of the scope of the regulations on a supranational base.

Only the second pillar remains a subject of intergovernmental cooperation – the common policy in the sphere of foreign relations and security.

– A new balance is established in the institutional mechanism (with reinforced legislative functions of the European Parliament, with a new role of the Council in the process of formation of the European Commission and the figure of the High Representative of the Union for Foreign Affairs and Security Policy, and the resident of the European Council.

– **The European Parliament** becomes a political and legislative body.

– **The European Commission** will not be an independent supranational institution as it is now.

[8] **Dinkov, D.** Instead of constitution, a repair of the old treaty basis of the European Union. 2008

The reforming treaty makes an attempt to give competences to the Union to "cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence". The common foreign and security policy shall be defined and implemented by the European Council and the Council of Foreign Affairs acting unanimously. The common foreign and security policy shall be put into effect by the High Representative of the Union for Foreign Affairs and Security Policy and by the Member States. The passage of legislative acts shall be excluded.

The reforming treaty directs the role of the European Union to priority global problems such as energy and climate changes, immigration. However, few are the instruments that guarantee effective policies in solving the problems of the sustainable development.

The Treaty of Lisbon, like every compromise, might not meet thoroughly the demands of the camps, formed in connection with the discussions on the Constitution in the European Union. Summarizing the expectations of the states and the degree of their contentment, Assoc. Prof. Dinko Dinkov writes: "According to some, the Treaty of Lisbon is a slight advance in the establishment of the union structure, to others, it is a rash acceleration of the supranational origin in the development of the European Union, which is undoubtedly difficult to comprehend and define, and a substantially new factor in the international system".

José Manuel Durão Barroso declared flatly that: "Europe has come out of the crisis", after the summit in Lisbon in 2007. This declaration is based on the decision to implement the basic features of constitutionalism by means of ratification by the national parliaments and no longer by referendums. We dare to express our doubts on whether this will ride out the crisis in Europe or not, because the essence of the problems is somewhere else. It is a **result of the degree of development of the systematic whole and actual readiness of its participants to release another part of their sovereignty in favour of the supranational management**. This stronghold will probably be taken ***step by step adequately to the degree of decrease of the heterogeneity of the Union. This is a more realistic model of development of the euro integration process in reply to the new challenges and the accumulated negatives.***

Some authors claim that, the crises acquire a permanent character in the post-industrial society. The proof of this is already present. The energy crisis goes hand-in-hand with the ecology crisis. The financial crisis grew fast in the mortgage one. The economic crisis along with the demographic one and the socially oriented models of development of the countries are mutually supplemented and determined. Then, do we have the reason to consider Europe as an isolated island not touched by the crisis winds? Of course, not. Furthermore, its institutional crisis is only one of the damages caused by these winds. Other authors, dispute the possibility of prevention or avoidance of the crises. Then, the best way will be to take firmly the positions of realism and being acquainted with the factors and reasons , which give rise to crisis phenomena, to learn to live and manage our life, minimizing the time and price of adaptation to the provocations in the objective course of history.