

Sheet 5

WHO IS RESPONSIBLE FOR WHAT?

The Lisbon Treaty clarifies **the distribution of power between the European Union and the Member States**. It provides an answer to the question "Who is responsible for what?". This is a decisive element in the **democratisation of Europe** in that it strengthens the **responsibilities at various levels of power**.

1) WHAT ARE THE PRINCIPLES OF COMPETENCE SHARING?

The sharing of competence between the European Union and the Member States is as follows:

- The Union enjoys competences conferred on it by the Member States in the Lisbon Treaty;
- All of the other competences continue to be the realm of the State.



The "**principle of conferred powers**" guarantees that the Union cannot extend its competence at the expense of that of the State without their prior agreement.

We should note that the Lisbon Treaty includes **the possibility of giving competences back to the Member States**.

2) WHAT TYPE OF COMPETENCE?

The Lisbon Treaty distinguishes three main categories of competences:

- **The Union's exclusive competences** in areas where it legislates alone:
 - Customs Union;
 - Establishment of competition rules necessary for the functioning of the internal market;
 - Monetary policy for Member States which use the euro as legal tender;
 - Conservation of the biological resources of the sea as part of the common fisheries policy;
 - Common trading policy;
 - The conclusion of an international agreement when this is within the framework of one of the Union's legislative acts or when it is necessary to help it exercise an internal competence or if there is a possibility of the common rules being affected or of their range being changed.
- **Shared competences** between the Union and Member States, with the States exercising their competence if the Union is not exercising its own:
 - Internal market;
 - Social policy with regard to specific aspects defined in the treaty;
 - Economic, social and territorial cohesion;
 - Agriculture and fisheries except for the conservation of the biological resources of the sea;
 - Environment;
 - Consumer Protection;
 - Transport;
 - Transeuropean Networks;
 - Energy;
 - Area of freedom, security and justice;
 - Joint security issues with regard to aspects of public health as defined in the Lisbon Treaty;
 - Research, technological development and space;
 - Development cooperation and humanitarian aid.

- Finally there are areas where the **Member States have exclusive competence** but in which the Union can **provide support or co-ordination** (excluding all aspects of harmonisation) with respect to the European aspects of these areas:
 - Protection and improvement of human healthcare;
 - Industry;
 - Culture;
 - Tourism;
 - Education, professional training, youth and sport;
 - Civil protection;
 - Administrative co-operation.

We should note that the States co-ordinate **their economic and employment policies** within the Union and that the common **foreign and security policy is governed by a special system**.

3) WHAT NEW COMPETENCES WILL THE UNION ACQUIRE?

WITH THE LISBON TREATY

- The Lisbon Treaty does **not grant new exclusive competences** to the Union.
 - The Lisbon Treaty provides a **certain number of new competences which fit into the categories of:**
 - **"shared competences"** (such as space and energy)
 - **"support, co-ordination and complementary action"** (such as civil protection, intellectual property, tourism, administrative co-operation and sport).
-  The **ordinary legislative procedure** (codecision with Parliament and the qualified majority in the Council of Ministers) applies in these areas.
- In addition to this the Lisbon Treaty enhances **the role of the Union in certain areas**, notably in that of **"freedom, security and justice"** (see *Sheet 6 – the Lisbon Treaty and the area of freedom, security and justice*) as well as in terms of **external action and defence** (see *Sheet 10 – The Lisbon Treaty and the Union's external action*).

Hence the Lisbon Treaty opens the way for a truly **European energy policy** by enabling the Union to:

- **legislate** to harmonise the functioning of the energy market;
- **enhance the security of Union's Member States' energy supplies;**
- **promote energy saving and the development of new and renewable forms of energy.**

4) WHAT WILL THE ROLE OF THE NATIONAL PARLIAMENTS BE?

The Lisbon Treaty:

- **establishes the role played by the national parliaments.** They check that competences are being shared between the Union and the Member States thanks to the introduction of an **"early-warning mechanism."**
 -  This mechanism will allow each **national parliament** to indicate when the **subsidiarity principle** is in danger of being violated by the European institutions.
 -  Beyond one third (or one quarter in the area of "Justice and internal affairs") of negative opinions on the part of national parliaments **the Commission must review its proposal.**
- includes the possibility for each House of each national parliament to turn to the **Court of Justice for any violations of the subsidiarity principle.**

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