

## **COUNCIL OF EUROPE, EUROPEAN COUNCIL, COUNCIL OF THE EUROPEAN UNION -CONCEPTUAL AND INSTITUTIONAL DISTINCTIONS-**

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### **Abstract**

*We shall analyse throughout this article the structure and mechanisms of the Council of Europe, European Council and Council of the European Union, the goal being identifying the characteristics and distinctions between these entities, given their statutes and different roles, without claiming we hereby exhaust this subject, not infrequently brought to public communication space.*

*The first and most important distinction between the Council of Europe, on the one hand and the European Council and the Council of the European Union, on the other hand, is that, while the Council of Europe is an international organisation, the European Council and Council of the European Union are EU institutions in turn considered to be an international super-state organisation with a sui generis construction.*

*As citizens of Romania, a member of both the Council of Europe and of the European Union, we have the right and duty to know the meaning of these terms, to understand correctly messages on the subject addressed to public opinion, but also to be able to adequately express ourselves in the internal, European or international public space, as appropriate.*

**Keywords:** *Council of Europe, European Council, Council of the European Union, international organisation, institutions.*

**JEL Classification:** *K00*

### **1. Preliminaries**

The analysis of distinctions between the Council of Europe, European Council and Council of the European Union is an issue which has

also been the subject of other specialized studies and articles,<sup>1</sup> given the confusion arising from the similarity of names of these entities, sometimes expressed even in public communication space.

As we know, the **Council of Europe** is an international, intergovernmental and regional organisation uniting all democratic states of the European Union and other countries in Central and Eastern Europe. It is independent of the European Union and is different from the European Council or the Council of the European Union.

The Council of Europe is headquartered in Strasbourg.

Romania's accession to the Council of Europe took place on October 7, 1993.

**European Union (EU)** is an economic and political union, composed of 28 countries, operating through a system of supranational independent and intergovernmental institutions which make decisions by negotiation between Member States. As of December 1, 2009 the date Lisbon Treaty entered into force, the European Union has international legal personality and can conclude treaties. In the legal doctrine, the European Union is considered to be a *sui generis* construction, characterized by *inability to be assimilated to an international organisation, even from the perspective of the Lisbon Treaty* and its institutions are deemed as having a *legal in all particular nature, which does not allow us to assimilate them to the existing institutional patterns.*<sup>2</sup>

The headquarters of the European Council and of the Council of the European Union is Brussels (Belgium).<sup>3</sup>

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<sup>1</sup> In the same vein, see: Oana Mihalache, 10.12.2014, *Care este diferenta dintre Consiliul European, Consiliul Europei si Consiliul UE. Misiune, organizare si caracteristici*, article available on the website: <http://www.wall-street.ro/articol/Politic/176736/care-este-diferenta-dintre-consiliul-european-consiliul-europei-si-consiliul-ue-misiune-organizare-si-caracteristici.html>, accessed on 30.04.2015.

<sup>2</sup> *Uniunea europeana si organizatia internationala. Studiu comparativ de drept international* - Antonescu Virginia Madalina, January 20, 2010, Category: Law and Legal Sciences, Lumen, [www.edituralumen.ro](http://www.edituralumen.ro), [www.librariavirtuala.com](http://www.librariavirtuala.com), Author: Virginia Madalina Antonescu, *Uniunea europeana si organizatia internationala. Studiu comparativ de drept international*, Iasi, 2009. 550 pages, available on the website: <http://edituralumen.ro/2010/01/uniunea-europeana-si-organizatia-internationala-studiu-comparativ-de-drept-international-antonescu-virginia-madalina/>, accessed on 03.05.2015: "Thus, it seems hazardously to us to qualify the EU as being wholly a federal or confederal system, a super-state system or a system fully belonging to an international intergovernmental organisation. (...). The premise we start from herein, i.e. the premise of the original legal nature of the EU institutions, is intended to be a further neo-functional approach, according to which the Union should adapt institutional mechanisms, structure and policy objectives to progressively achieve the political integration of Europe."

<sup>3</sup> European Council, Council of the European Union, available on the website: <http://www.consilium.europa.eu/en/contact/>, accessed on 03.05.2015.

Romania's accession to the European Union took place on January 1, 2007. We consider that the first and most important distinction between the Council of Europe, on the one hand and the European Council and the Council of the European Union, on the other hand, is that, while the Council of Europe is an international organisation<sup>1</sup>, the European Council and the Council of the European Union are EU institutions in turn considered to be an international super-state<sup>2</sup> organisation, *legally and politically original in nature*<sup>3</sup>.

## 2. Council of Europe

Council of Europe was created in 1949 as “*a force for peace and cooperation, rooted in our common heritage, in human rights and democracy.*”<sup>4</sup>

The Council of Europe is an organisation founded on the principles of respect for human rights and fundamental freedoms, democratic values and the rule of law values and currently has 47 member states<sup>5</sup>.

Romania's accession to the Council of Europe<sup>6</sup> (CoE) occurred following the Decision on October 4, 1993 made by Resolution no. 37/1993 of the Committee of Ministers of the CoE, under which our country was invited to join the Council of Europe. On October 7, 1993 Romania signed statutory documents and the European Convention of Human Rights and

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<sup>1</sup> *Convention of 23 May 1969 on the Law of Treaties*, Concluded at Vienna, Issuer: United Nations, Published: Brochure of May 23, 1969, available on the website: <http://www.monitoruljuridic.ro/act/conventie-din-23-mai-1969-cu-privire-la-dreptul-tratatelor-emitent-organizatia-natiunilor-unite-publicat-n-brosura-36591.html>, accessed on 03.05.2015: “*“international organization” means an intergovernmental organization*”. For further reading, see: Dan Vataman, *Drept European, Organizatii europene și euroatlantice*, C.H. Beck, Bucharest, 2009, Cap. I. *Elemente definitorii ale organizațiilor internaționale interguvernamentale*, pp. 1-18.

<sup>2</sup> Prof. univ. dr. Verginia Vedinas, *Drept administrativ*, 8<sup>th</sup> edition, reviewed and updated, Universul Juridic, Bucharest, 2014, p. 24.

<sup>3</sup> Dr. Madalina Virginia Antonescu, *Institutiile Uniunii Europene in perioada Post Nisa, O perspectiva de Drept constitutional*, Lumen, Iasi, 2009, p.15: “*EU institutions have an original legal and political nature as they cannot be permanently and exclusively classified in one of the existing legal and political patterns, (...), the European Union itself has an original legal and political nature*”; p. 61: “*EU institutions are bodies entrusted by EU Member States under international treaties to exert “political power” at European level and also in relation to Member States*”.

<sup>4</sup> See: *Acte semnate de Romania sub egida Consiliului Europei*, available on the website: <http://www.clr.ro/menu1/ce.htm>, accessed on 04.05.2015.

<sup>5</sup> See: *Permanent Representation of Romania to the Council of Europe (Strasbourg)*, available on the website: <http://coe.mae.ro/node/167>, accessed on 04.05.2015.

<sup>6</sup> *Romania's accession to the Council of Europe*, available on the website: <http://coe.mae.ro/node/1252>, accessed on 17.03.2015.

Fundamental Freedoms, at the first Summit of the Council of Europe (Vienna).

As a full member, Romania is represented by the Foreign Minister within Committee of Ministers and by a delegation of 10 representatives and 10 deputies at the Parliamentary Assembly. Also, Romania is represented by a similar delegation within Congress of Local and Regional Authorities and a judge at the European Court of Human Rights.<sup>1</sup>

### 2.1. Role, organisation and functioning of the Council of Europe Institutions.

**Council of Europe Institutions**<sup>2</sup> are: Committee of Ministers, Secretary General, Deputy Secretary General, Parliamentary Assembly, European Court of Human Rights, Congress of Local and Regional Authorities, Commissioner for Human Rights, Conference of INGOs.

**Committee of Ministers:** is the decision-making body of the Council of Europe, in which each Member State is represented by the Foreign Minister. The Committee shall be chaired by rotation every six months by the Foreign Ministers of the Member States, in alphabetical order. The ministerial sessions conduct system adopted in 2003 consists in the organisation of annual ministerial meetings.

**Secretary General:** has the overall responsibility for the strategic management of the Organisation.

**Deputy Secretary General:** has been responsible for implementing the concrete, day-to-day measures needed to support the Secretary General's far-reaching reform agenda, in line with the decisions and priorities of the Committee of Ministers.

**Parliamentary Assembly:** is the deliberating body consisting of delegates of the 47 national parliaments (the number of representatives of each country is calculated according to its population). Parliamentary Assembly meets four times a year in plenary sessions and once a year a meeting of the specialized committees is organised in one of the Member States or in an observer Member State. Each national delegation is composed to reflect the political representation in the national legislature.

**Congress of Local and Regional Authorities:** consists of elected representatives of local and regional authorities or officials directly accountable to them, who meet once a year. The Congress is an advisory body of the Council of Europe and consists of Chamber of Local Authorities

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<sup>1</sup> *Romania si Consiliul Europei*, available on the website: <http://www.clr.ro/menu1/romania%20si%20europa.htm>, accessed on 04.05.2015.

<sup>2</sup> See: Council of Europe, *Organisation*, available on the website: <http://www.coe.int/en/web/portal/organisation>; Ministry of Foreign Affairs, available on website: <http://www.mae.ro/node/1577>; accessed on 05.05.2015.

and Chamber of Regions. National delegations to the Congress must be representative of the various types of local authorities of each Member State.

**European Court of Human Rights:** headquartered in Strasbourg, in the Palace of Human Rights, is intended to oversee the observance of human rights for the citizens of the 47 member states of the Council of Europe which have ratified the European Convention on Human Rights. It should not be confused with the Court of Justice of the European Union, headquartered in Luxembourg, which ensures compliance with European law, the interpretation and application of EU treaties, nor with the International Court of Justice, the judicial organ of the United Nations, headquartered in Hague.<sup>1</sup>

**Commissioner for Human Rights:**<sup>2</sup> is a non-judicial, independent and impartial institution, created in 1999 by the Council of Europe. Its mission is to promote the compliance with human rights in Member States. Its activities are centred around three areas: country visits and dialogue with national authorities and civil society; thematic reporting and advising on human rights systematic implementation; awareness-raising activities.

**Conference of INGOs:**<sup>3</sup> is the main body representing NGOs with participatory status at the Council of Europe. It ensures proper functioning of participatory mechanism and contributes to the affirmation of the role of civil society in the Council of Europe. Conference of NGOs meets in Strasbourg twice a year within the Parliamentary Assembly session of the Council of Europe.

**European Commission - For democracy through law (Venice Commission):**<sup>4</sup> is an advisory body of the Council of Europe on constitutional matters. Venice Commission's mission is to provide legal advice to its Member States and in particular to help those who want to have their legal and institutional structures in line with international standards and experience of democracy, human rights and the rule of law. It also contributes to the dissemination and development of a joint constitutional heritage; it plays a unique role in conflict management, and provides "*emergency constitutional aid*" to states in transition.

The Commission consists of 60 Member States: 47 Member States of the Council of Europe are members of the Venice Commission and other

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<sup>1</sup> See: *Curtea pe scurt*, available on the website: [http://www.echr.coe.int/Documents/Court\\_in\\_brief RON.pdf](http://www.echr.coe.int/Documents/Court_in_brief RON.pdf), accessed on 05.05.2015.

<sup>2</sup> Council of Europe, The Commissioner for Human Rights, available on the website: <http://www.coe.int/en/web/commissioner/mandate>, accessed on 07.05.2015.

<sup>3</sup> The Conference of International Non-governmental Organisations of the Council of Europe, [http://www.coe.int/t/ngo/conf\\_intro\\_EN.asp](http://www.coe.int/t/ngo/conf_intro_EN.asp), accessed on 07.05.2015.

<sup>4</sup> Council of Europe, Venice Commission, *For democracy through law - The Venice Commission of the Council of Europe*, available on the website: [http://www.venice.coe.int/WebForms/pages/?p=01\\_Presentation](http://www.venice.coe.int/WebForms/pages/?p=01_Presentation), accessed on 07.05.2015.

13 countries, including the United States of America, for example. The Commission is working in three areas: democratic institutions and human rights; constitutional justice and ordinary justice; elections, referendums and political parties.

In conclusion, we note that the Council of Europe is an international organisation founded on the principles of respect for human rights and fundamental freedoms, values of democracy and rule of law.

### 3. European Council

The European Council has acquired the EU institution status under the Treaty of Lisbon, signed on December 13, 2007 and entered into force on December 1, 2009.<sup>1</sup>

European Council<sup>2</sup> was created in 1974 as an informal forum for discussion between Heads of State or Government of the EU Member States. Soon, it became the body that sets the objectives and priorities of the EU. Under Maastricht Treaty of 1992, the European Council has acquired a formal status and role – i.e. to provide impetus and to define general political guidelines of the EU. In 2009, as a result of changes introduced by the Lisbon Treaty, the European Council became one of the 7 EU institutions.

As we know, the Treaty of Lisbon (TL) is a treaty amending and supplementing the existing Treaties - Treaty on European Union (TEU - Maastricht, 1992), which will keep its name, and the European Community Treaty (ECT - Rome, 1957) the latter being renamed the Treaty on the Functioning of the European Union (TFEU).

The European Council is governed by art. 15 to 18 TEU and art. 235-236 TFEU.

Treaty of Lisbon regulates the establishment of a bridge to the European Union with the Council of Europe on *human rights* in that it provides the legal basis for EU accession (henceforth having legal personality) to the European Convention on Human Rights and provides in mandatory terms that “*the Union shall accede to the European Convention on Human Rights and Fundamental Freedoms*” [art. 6 par. 2) TEU], with

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<sup>1</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, Official Journal of the European Union C 83/30.03.2010, Romanian edition, available on the website: [http://www.presidency.ro/static/Versiunea\\_consolidata.pdf](http://www.presidency.ro/static/Versiunea_consolidata.pdf), accessed on 07.05.2015.

<sup>2</sup> European Council, *History*, available on the website: [http://europa.eu/about-eu/institutions-bodies/european-council/index\\_en.htm](http://europa.eu/about-eu/institutions-bodies/european-council/index_en.htm), accessed on 07.05.2015.

the unanimous agreement at the European Council after the approval by European Parliament.<sup>1</sup>

With regard to drafting laws, in the Romanian national law, *the legislative solutions envisaged by the new regulations must take into account the relevant regulations of the EU, the provisions of international treaties Romania is part of, and the case-law of the European Court of Human Rights ensuring compatibility with them [art. 22 par. (1) and (2) of Law no. 24/2000 on legislative technique rules for drafting laws, republished].*<sup>2</sup>

### 3.1. Role of the European Council

The European Council<sup>3</sup> **defines the EU general political directions and sets EU political agenda** by adopting “conclusions”<sup>4</sup> at each meeting, which identifies issues of concern and measures to be taken, but does not exercise legislative functions.

On June 27, 2014 the European Council adopted „*Strategic agenda for the Union in times of change*”<sup>5</sup>, whereby it agreed on five priority areas for EU business orientation over the next five years: 1. *Jobs, growth and competitiveness*; 2. *Empowering and protecting citizens*; 3. *Energy and climate policies*; 4. *Freedom, security and justice*; 5. *The EU as a strong global actor*.

In addition to setting the political priorities of the EU through *strategic agenda* and through its *conclusions*, the European Council has a formal role in the *annual European Semester process in the EU*,

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<sup>1</sup> Dr. Titus Corlatean, *Izvoare conventionale ale Uniunii Europene în domeniul protecției drepturilor fundamentale ale omului*, pp. 246-251, Magazine “Dreptul”, No. 8/2012, Bucharest, Edited by Uniunea Juristilor din Romania, Published in cooperation with Universul Juridic Publishing House, p. 251.

<sup>2</sup> *Law no. 24/2000 on legislative technique rules for drafting laws*, republished in the Official Gazette of Romania, Part I, no. 260 of April 21, 2010. In the same vein, see: Verginia Vedinaș, works cited, p. 55.

<sup>3</sup> The European Council, *What does the European Council do?*, available on the website: <http://www.consilium.europa.eu/en/european-council/>, accessed on 03.05.2015.

<sup>4</sup> European Council meeting (19 and 20 March 2015) - *Conclusions*, available on the website: <http://data.consilium.europa.eu/doc/document/ST-11-2015-INIT/en/pdf>, accessed on 03.05.2015. We present in excerpt the following *Conclusions - 19 and 20 March 2015*: “II. EUROPEAN SEMESTER / GROWTH AND JOBS 4. The European Council held an exchange of views on the economic situation in Europe and on the implementation of key structural reforms undertaken by Member States. It endorsed the three main pillars of the Annual Growth Survey (investment, structural reforms and growth friendly fiscal consolidation) and invited Member States to reflect these priorities in their forthcoming National Reform Programmes and Stability or Convergence Programmes”.

<sup>5</sup> European Council, *Setting the EU's political agenda, A strategic agenda for the EU*, available on the website: <http://www.consilium.europa.eu/en/european-council/role-setting-eu-political-agenda/>, accessed on 03.05.2015.

representing the annual cycle of economic and fiscal policy coordination at EU level.

At the same time, the European Council is responsible for defining *the strategic guidelines for the area of freedom, security and justice* (Art. 68 TFEU). This responsibility has been implemented for the first time by the most recent guidelines, adopted in June 2014 and covers issues such as border control, migration and asylum policy and police and judicial cooperation.

In conclusion, we note that the European Council is the EU institution with a role in defining the guidelines and general political priorities of the EU, through its political agenda and conclusions.

### 3.2. Organisation and functioning of the European Council<sup>1</sup>

European Council is led by a President, elected by qualified majority for a term of two and a half years, with the possibility of renewal once (currently by Donald Tusk - his term began on December 1, 2014 and will end on May 31, 2017).<sup>2</sup>

European Council members are **heads of state or government** of the 28 EU Member States, European Council President and European Commission President. Also, the High Representative of the Union for Foreign Affairs and Security Policy participates in European Council meetings when discussing matters of foreign affairs.

European Council adopts most decisions by *consensus*, and in some cases mentioned in the EU Treaties, decisions are taken *unanimously* or by a *qualified majority*.

Regarding European Council meetings<sup>3</sup>, it meets at least twice every 6 months. Its meetings, known as “*EU summits*” are held in Brussels and chaired by European Council President.

## 4. Council of the European Union

EU Council<sup>4</sup> bore this name until 01.12.2009, when Lisbon Treaty entered into force, date from which it is simply called *the Council*.<sup>5</sup>

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<sup>1</sup> The European Council, *How does the European Council work?*, available on the website: <http://www.consilium.europa.eu/en/european-council/>, accessed on 03.05.2015.

<sup>2</sup> *EU institutions and other bodies*, available on the website: [http://europa.eu/about-eu/institutions-bodies/index\\_ro.htm](http://europa.eu/about-eu/institutions-bodies/index_ro.htm), accessed on 03.05.2015.

<sup>3</sup> The European Council, *European Council meetings*, available on the website: <http://www.consilium.europa.eu/en/european-council/> accessed on 03.05.2015.

<sup>4</sup> The Council of the European Union, available on the website: <http://www.consilium.europa.eu/en/council-eu/>, accessed on 03.05.2015.

<sup>5</sup> Augustin Fuerea, *Manualul Uniunii Europene*, 5<sup>th</sup> edition revised and enlarged after the Treaty of Lisbon (2007/2009), Universul Juridic, Bucharest, 2011, p. 102.

Informally known as the Council of the European Union, the Council is the EU institution **representing the governments of the Member States** and exerts jointly with the European Parliament legislative and budgetary functions.

The EU Council is governed by art. 16 TEU and art. 237-243 TFEU.

#### 4.1. Role and functions of the Council of the European Union

European Union Council performs the following functions:<sup>1</sup>

##### 1. *Negotiates and adopts EU laws - Decision-making process in the Council*<sup>2</sup>

In most cases, the Council decides with the European Parliament through the *ordinary legislative procedure*, also called “*co-decision*”, used for about 85 EU policy areas.

The standard method of voting in the Council is a *qualified majority* (favourable vote by 55% of the Member States), used for about 80% of EU legislation. The Council may vote on a legislative act 8 weeks after the draft law was sent to national parliaments for consideration. National parliaments shall decide whether the draft legislation complies with the *principle of subsidiarity*.<sup>3</sup>

Council meets in public session when debating or voting a proposal for a legislative act and regularly organises public debates on important issues concerning the interests of the EU and its citizens.

##### 2. *Coordinates member states' policies*

The Council is responsible for coordinating Member States' policies in specific areas such as: economic and fiscal policies, education, culture, youth and sport, employment policy.

##### 3. *Develops the EU's common foreign and security policy*

The Council defines and implements foreign and security policy of the EU on the basis of guidelines set by the European Council. The Council ensures the unity, consistency and effectiveness of EU external action, along with the High Representative of the Union for Foreign Affairs and Security Policy.

##### 4. *Concludes international agreements*

The Council grants the Commission a mandate to negotiate on behalf of the EU, the agreements between the EU and non-EU countries and

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<sup>1</sup> The Council of the European Union, *What does the Council of the EU do?*, available on the website: <http://www.consilium.europa.eu/en/council-eu/>, accessed on 03.05.2015.

<sup>2</sup> Council of the EU, *The decision-making process in the Council, The Council as an EU decision-maker*, available on the website: <http://www.consilium.europa.eu/en/council-eu/decision-making/>, accessed on 03.05.2015.

<sup>3</sup> Council of the EU, *Voting system*, available on the website: <http://www.consilium.europa.eu/en/council-eu/voting-system/>, accessed on 05.05.2015.

international organisations. At the end of negotiations the Council decides on signing and concluding agreements, on a proposal from the Commission, after Parliament gave its approval (required in areas subject to *co-decision*) and after agreement has been ratified by all EU Member States.

The procedure for negotiating and adopting international agreements provided for in art. 207 and 218 TFEU.

The Council may also adopt a decision to suspend the application of an international agreement or terminate an agreement.<sup>1</sup>

#### **5. Adopts the EU budget**

The Council adopts the EU budget jointly with the Parliament.

#### **4.2. Organisation and functioning of the Council**

EU Council Presidency<sup>2</sup> is provided by rotation between EU Member States every six months. Council Presidency was provided by Italy in July-December 2014, is provided by Latvia in January-June 2015, and will be provided by Luxembourg in July-December 2015. Romania will provide the Council Presidency during July-December 2019.

The Presidency has two main missions: planning and conduct of meetings of the Council and its preparatory bodies.

The Council is composed of one representative at ministerial level of each Member State, authorized to commit the government of the Member State he represents and to exercise the right to vote.

The Council decides by *qualified majority*, except where the treaties provide otherwise.

EU Council is a single legal entity, but which meets in 10 “**formations**”<sup>3</sup> different depending on the subject discussed: 1. *Agriculture and fisheries*, 2. *Competitiveness*, 3. *Economic and financial affairs*, 4. *Education, youth, culture and sport*, 5. *Employment, social policy, health and consumer affairs*, 6. *Environment*, 7. *Foreign Affairs*, 8. *General Affairs*, 9. *Justice and home affairs*, 10. *Transport, telecommunications and energy*.

The Council is supported by the Committee of Permanent Representatives of the Governments of the Member States to the European

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<sup>1</sup> For example, in 2010, the Council suspended the art. 96 of the Cotonou Agreement with Zimbabwe, which blocked the payment of development aid granted to this country.

<sup>2</sup> Council of the EU, *The presidency of the Council of the EU*, available on the website: <http://www.consilium.europa.eu/en/council-eu/presidency-council-eu/>, accessed on 05.05.2015.

<sup>3</sup> Council of the EU, *Council configurations*, available on the website: <http://www.consilium.europa.eu/en/council-eu/configurations/>, accessed on 05.05.2015.

Union (Coreper) and over 150 workgroups and highly specialized committees, known as “*Council preparatory bodies*”.<sup>1</sup>

## 5. Conclusions

The basic distinction between the three Councils is that the **Council of Europe** is an international organisation and the **European Council** and the **Council of the EU** are institutions of such organisation, i.e. of the European Union, in other words we can say that the difference between the first and the other two councils is that *from whole to part*, or *from gender to species*.

Regarding the premises of three entities, they are also distinct: Council of Europe is headquartered in Strasbourg (France) and the headquarters of European Council and of the EU Council are in Brussels (Belgium).

From a functional perspective, we can say that the Committee of Ministers of the **Council of Europe** - its decision-making body (in which each Member State is represented by Foreign Minister) is the counterpart of the **EU Council** (the place where ministers from all EU countries meet) which exercises the legislative function jointly with the European Parliament. An important and distinctive element in the exercise of legislative function by the EU Council is the role of national Parliaments which are consulted and must decide whether the draft legislation complies with the *principle of subsidiarity*.

Regarding the **European Council** also an EU institution, a status acquired with the entry into force of the Lisbon Treaty, we see that such an institution involved in defining the political action directions of the Union, cannot be found in the Council of Europe, aspect denoting the originality of this construction and the fact that EU integration is an evolutionary ongoing process, according to the *neo-functional approach*.

A constant characteristic of Romania, as a member of the Council of Europe and of the European Union, is that it is represented in all the institutions of the two organisations.

## Selected bibliography

### 1. Courses, treatises, monographs

- Augustin Fuerea, Manualul Uniunii Europene, 5<sup>th</sup> edition revised and enlarged after the Treaty of Lisbon (2007/2009), Universul Juridic, Bucharest, 2011.

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<sup>1</sup> Council preparatory bodies, available on the website: <http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/>, accessed on 05.05.2015.

- Dan Vataman, *Drept european, Organizatii europene si euroatlantice*, C.H. Beck, Bucharest, 2009.
- Verginia Vedinas, *Drept administrativ*, 8<sup>th</sup> edition revised and updated, Universul Juridic, Bucharest, 2014.
- Virginia Madalina Antonescu, *Institutiile Uniunii Europene in perioada Post Nisa, O perspectiva de Drept constitutional*, Lumen, Iasi, 2009.
- Virginia Madalina Antonescu, *Uniunea europeana si organizatia internationala. Studiu comparativ de drept international*, Iasi, 2009. 550 pages, January 20, 2010, Category: Law and Legal Sciences, Lumen, [www.edituralumen.ro](http://www.edituralumen.ro), [www.librariavirtuala.com](http://www.librariavirtuala.com), available on the website: <http://edituralumen.ro/2010/01/uniunea-europeana-si-organizatia-internationala-studiu-comparativ-de-drept-international-antonescu-virginia-madalina/>.

## 2. Articles, studies, other publications

- Oana Mihalache, 10.12.2014, *Care este diferenta dintre Consiliul European, Consiliul Europei si Consiliul UE. Misiune, organizare și caracteristici*, article available on the website: <http://www.wall-street.ro/articol/Politic/176736/care-este-diferenta-dintre-consiliul-european-consiliul-europei-si-consiliul-ue-misiune-organizare-si-caracteristici.html>.
- Titus Corlatean, *Izvoare conventionale ale Uniunii Europene in domeniul protectiei drepturilor fundamentale ale omului*, pp. 246-251, Magazine "Dreptul", Nr. 8/2012, Bucharest, Edited by Uniunea Juristilor din Romania, Published in cooperation with Universul Juridic Publishing House.

## 3. Legislation

- *Convention of 23 May 1969 on the Law of Treaties* concluded in Vienna Issuer: United Nations, Published: Brochure of May 23, 1969, available at website: <http://www.monitoruljuridic.ro/act/conventie-din-23-mai-1969-cu-privire-la-dreptul-tratatelor-emitent-organizatia-natiunilor-unite-publicat-n-brosura-36591.html>.
- *Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union*, Official Journal of the European Union C 83/30.03.2010, Romanian edition, available on the website: [http://www.presidency.ro/static/Versiunea\\_consolidata.pdf](http://www.presidency.ro/static/Versiunea_consolidata.pdf).
- *Law no. 24/2000 on legislative technique rules for drafting laws*, republished in the Official Gazette of Romania, Part I, no. 260 of April 21, 2010.

#### **4. Websites, Internet links**

- Legislative Council of Romania:

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

Council of Europe: <http://www.coe.int/en/>

European Union: <http://europa.eu/about-eu/institutions-bodies/>

Ministry of Foreign Affairs –

Government of Romania: <http://www.mae.ro/>

Permanent Representation of Romania to the Council of Europe:

<http://coe.mae.ro/>

The Council of the European Union:

<http://www.consilium.europa.eu/en/council-eu/>

The European Council: <http://www.consilium.europa.eu/en/european-council/>

