

CIVIC PARTICIPATION-ELEMENT OF EUROPEAN DEMOCRACY

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Abstract: *Democracy is explained by giving the power to the government, with the consent of citizens, expressing their will, directly or indirectly through voting. Promoting and respecting individual and collective rights and freedoms is the foundation of democracy. Citizen participation is remarkable on two levels in the European government: one, as a citizen of European Union member state, in which exercises the rights and freedoms, the second as a European citizen (in agreement with the Treaty of Maastricht in 1993) which has claimed rights and freedoms recognized by law. Citizens of EU Member States elect, directly or indirectly, representatives (national) in the Community institutions to represent their interests.*

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1. THE DEMOCRATIC PRINCIPLE OF CIVIC PARTICIPATION

„The essence of democracy is lead with and for the people”, expression utilized by Abraham Lincoln in 1863, which keep it’s actuality and today. Democracy can be explain establishing the power at state level in accordance with the citizens opinions, which is done, directly or indirectly, using the vote. Promotion and respecting the rights and individuals and collective liberties constitute fundaments of democracy. The state, through it’s institutions and structures that it created, is the only one who assure the respect of people rights, generally said, and citizens rights, specially, in case of necessity using the force of it’s power to establish the entire rules disposal. Appears in this moment, like a result of democracy the civic participation at government level, to institute and maintain the power inside of state. Civic participation represents the concrete modalities truth the needs, interests, aspirations of citizens are transposed at government level. It can be said that the „engine” which activate and sustained a social politic is civic participation.

Florence Chaltier saying something about the forming process of European Union, assert that „history of communitarian construction is one of progressive born, not without pain, but with a firm

decision, for a new political objective” and go on with some explications about the democracy of member states: „the common denominator of member states is their deep attachment about the democracy principles and state of law” (Chaltier, 2005, p. 55). Through the European institutions those principles find the measure of their applicability. The European Court of Justice recognised the necessity of European democracy meaning a surclassification of national democracy or, with other words a sum of democracy which constitutes the European Union today.

The citizens of member states participate at numerous levels in government process. It is known that communitarian law has applicability on member states, also on citizens of member states from European Union that, directly or indirectly, participate to elaborate the communitarian rules. In this direction enter the action of European Court of Justice, which, through the decision make it in cause that solves pose in evidence a principle of European law, the principle of directly effect. This principle emphasize the directly applicability of communitarian rule at national level creating right and duties for physical and juridical persons. Having those rights, the citizens and juridical persons can use this principle in front of national juridical instances.

2. ELEMENTS OF EUROPEAN DEMOCRACY

The civic participation can be analysed on two levels in European government: one, like citizen of a member states of European Union, who exert rights and liberties, implicit about institute the power in state, and second, having the European citizenship (in according with provisions of Maastricht Treaty from 1993). The European citizen can exert their rights and duties recognised by European law. The citizens of member states of European Union delegate, directly or indirectly, the national representative at European institutions level to represents their interests.

At Europe level, a form of representative democracy can be remarkable at Council of Europe. The Council of Europe is the European body composed by state chiefs and govern of 46 states from Europe, a space of reflection and democratic consolidation. Today, the Council of Europe has a lots of proper bodies, like Ministries Committee, Parliamentary Body who is formed from delegates of national parliaments, also the Congress of local and regional powers of Europe. In this mode can be find the solutions for the problems which appears at different levels of member states. Through their representatives, the European citizens has the convictions that their problems have optimal solutions. An European body which point out the active implications of European citizens at governmental process is European Council. This body was created since 1974 at Paris summit at proposal of French president Valery Giscard d’Estaing and German Chancellor Helmut Schmidt. This new body created was composed from chiefs of states and govern, accompany from ministries

of external affairs, their missions being to think in common about the subjects bided of European construction. The article 4 of European Union Treaty define it's mission:” European Council give to Union the impulses need for it's development and define the general politics orientations”. More exactly, has the role to assure the coherence and continuity of communitarian actions of Union (article 3 from Maastricht Treaty). Synthetically, the missions of European Council are:

- a. Giving the impetus to general politics of European Union;
- b. Defining the general orientations;
- c. Assign the directories lines of general politics of Union;
- d. Watching at coherence of European ensemble;
- e. Express in a solemn manner the common position of member states in problems about external affaires.

The European body which represents the interests of member states, implicit of citizens of them, is the Council of European Union, named also the Council of ministries, or simple, Council (word used also in our argumentation). The Council is made from one representative from each member state of European Union, like a rule, from a ministry, thus being preview in article 203 from Treaty of European Community. Today is formed from 27 representatives of member states depending on day order. With other words, depends on problem posed in discussion. For examples, if is debate a problem about agricultural politic of European Union, than the member states has being represents from the agricultural ministries of each member state.

3. RIGHTS DETERMINED BY PRINCIPLE OF DEMOCRACY

The principle of *participation* brings together three complementary elements: the right to participate, the right to contest and the right to being protected. At states level, these rights are found in fundamentals acts. At European Union level, those rules are edicted in primary legislation (European treaties), also secondary legislation (acts of communitarian institutes). The participations of European citizens at governmental level it's realized by offering the possibilities to manifest free their wishes about the concrete modalities about leading and applying the politics at European level. The right to vote and to participate at elections are recognised in equal measure to European citizens. All citizens of member states of European Union have right to vote and can be elected in European elections, even at municipalities level. The vote right is an extension of the fact that the individual leaves on certain territory, but the right to being elected at level of administrative-territorial units constitute a major innovation.

The principle to elect the European Parliament through the direct suffrage was adopted in 1976, and the Maastricht Treaty, which affirms the subsidiary principle, stipulated the fact that all the citizens of the European Union can vote at their residence place at the level of European elections. The electoral districts rest on nationals, but candidatures and votes remain multinationals.

At the municipalities level we can discuss about local democracy, the right of European citizens residents of a member state of the European Union, to vote and being elected in local governmental structures (is a right affirmed also by our Constitutional Law, revised in 2003, 16th article). Is a concrete modality to express democracy, like a direct effect of civil society implications at governmental level.

Another right recognised to European citizens is to contest. Anybody, physical or juridical persons which consider that an act or fact of an European institution are harmful (carrying out or through non achievement an act or a fact give like responsibility to a European civil servant) have right to contest the act or fact in front of European Parliament or European Mediator.

The right to be protected is manifested by the right to benefit of diplomatic and consular protection of the Union in foreign countries. The democratic character of European construction was renewed in May 1999, through the Amsterdam Treaty who proclaimed the European Charter of Fundamental Rights. The article 7 stipulated the fact that, if a member state doesn't respect the principles of liberty, state of law and democracy, it can be deprived the rights that have like member states of the Union. Is a radical modality through those fundamental principles are respected. The European Charter of Fundamental Rights, proclaimed in December 2000, represents the „sum” of rights and liberties of European citizens. It's about also about the rights exert individually and those which are exert collectively. The member states doesn't according to this act a juridical fundament, in this way to assure it's respect need a jurisprudential action.

The project of European Constitution give juridical power to the Charter because includes it's provisions in its text. We can notice the importance that constitutional treaty offers to Charter giving an entire title.

The project of European Constitution presents some effects on European democracy. The provisions about European citizenship is present, also the concrete modalities for the European citizens to vote their representatives at supranational level.

The rights of citizens are stipulated in Title V from the Project of European Constitution. First article (Article II-99) is *the right to vote and to be elected in European Parliament – “any citizen of European Union has the right to vote and to be elected as part of European Parliament, in the member state that he belong, in the same conditions like the resortisants of the state.”* Is a good

example for the applicability of democratic principle of democracy which point out the importance of civic participation at European government.

The principle of subsidiary is also applicable for democratic participation, because the actions of communitarian institutions must have the impact and solve the problems of local communities.

4. CONCLUSIONS

The European Union represents an ideal of democracy and prosperity for the member states. Offering the real possibilities for the citizens to express their opinions about the power and the institution of this power at the national level is equal with the democracy. The European citizenship created by European Treaty of Maastricht gives the right to express the convictions through the European institutions. Protections of these rights are assured by the European Court of Justice and by the European Court of Human Rights.

REFERENCES

Burban, J.L. (2005), *Les institutions européennes*, Vuibert, Paris.

Chaltier, F. (2005), *Manuel de droit de l'Union européenne*, PUF, Paris.

Manolache, O. (2004), *Tratat de drept comunitar*, All Beck Publishing, Bucharest.

Proiectul asupra Tratatului Constituțional European (2005), European Institute of Romania, Bucharest.