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The European Constitution

Giuliano Amato



The European Constitution:

Understanding the European Constitution Clive H. Church, David Phinnemore, 2005-11-16 The European Union is now entering a crucial phase as the ratification process accelerates and key debates and referenda take place in existing and potentially new member states The Union's Constitutional treaty is often cast as either a blueprint for a centralized and protectionist super state or as the triumph of Anglo Saxon economics Yet it has been little read particularly in the United Kingdom This book puts this right by publishing the full text of the crucial first part of the document and showing that it does not justify either of the extreme interpretations imposed on it Written by two experts of the treaties Understanding the European Constitution sets the Constitutional Treaty in context examining its main themes and content and considering the implications of any rejection It does this in uncomplicated language and with the help of explanatory tables and a glossary Those who wish to make a considered verdict on the basis of the facts will find it invaluable Understanding the European Constitution Werner Weidenfeld, 2010-07-30 The purpose of the European Constitution is to make the European Union more democratic and more accessible to its citizens and to enable it to function more effectively The burgeoning EU is no longer governable through the Treaties as they stand Yet the document that politicians have hailed as historic is needlessly complicated and virtually incomprehensible to ordinary people This was one of the main reasons why the citizens of France and the Netherlands rejected the Constitution in their referenda The European Constitution marks the starting point for a renewed debate about Europe This book makes it easier to understand both the Constitution and the EU in general Using accessible language it guides the reader through the complicated subject matter step by step Concise tables explain the genesis of the Constitution its structure the changes that it will bring about and how decisions in the EU will be made in the years to come Those who wish to play a part in shaping the future of Europe need to be familiar with the basic foundations of the European Union and this demands an understanding of the European Constitution The European Constitution Giuliano Amato, 2009-01-01 I can enthusiastically recommend and endorse this book It serves the very important purpose of collecting key documents together in an elegant and accessible text There currently exists a huge proliferation of material on the EU Constitution this volume makes a very wise selection of this profusion compiling it into a manageable and informative whole Nine chapters deal with the most significant matters concerning the Constitution A short but well written introduction at the start of each chapter precedes following extracts Part of the value of this book lies in the fact that it includes translations of some important documents which are difficult or impossible to access in English for example recent decisions of national courts concerning the European Arrest Warrant All in all this work is a comprehensive but not overwhelmingly large collection of materials on the EU Constitution and it will prove extremely valuable to all those working within this area of law By presenting the Constitution the background to the Constitution and the issues it deals with in this clear and informative way it will shed new light upon and help all of us to form our own judgements on the EU Constitution and its

importance to our lives Sionaidh Douglas Scott King's College London UK Whatever the ultimate fate of the EU's Constitutional Treaty both the events which led to its conclusion and those which occurred afterwards during its ill-fated ratification process have profoundly shaped the future of the European Union as a constitutional project This collection of materials offers an invaluable set of resources for understanding these events in their widest legal and political context The text will be useful to all those who seek to understand both why the EU has reached such a turning point and where it might go in the future Jo Shaw Edinburgh Law School UK This book offers a selection of materials that enable a better understanding of some of the most important changes that would be introduced by the Treaty establishing a Constitution for Europe in the EU legal and political system It also helps to assess the need for the reforms embedded in the Constitutional Treaty as well as the quality of the formulations agreed upon by the signatory Member States The book includes excerpts of the European Convention's work selected statutory and constitutional provisions of the Member States and also related passages from pertinent court decisions from both European courts as well as Member States constitutional courts Institutional and doctrinal analyses and relevant excerpts from the Constitutional Treaty itself are also included Many of these documents directly relate to the provisions of the Constitutional Treaty while the others although not directly related are nevertheless relevant to the debate surrounding it The European Constitution by two of the best experts on the Constitution for Europe will be of great interest to researchers and teachers in the fields of European Law and European politics and also to policy makers in European affairs

The Making of a European Constitution Sonja Puntischer Riekmann, Wolfgang Wessels, 2007-08-19 The aim of this publication is an analysis of the process of European constitutionalisation and its entanglement with relevant national discourses Thus national constitutional traditions in Austria France Germany and the United Kingdom are evaluated with regard to the positions of the respective national representatives in the European Convention Interviews with Members of National Parliaments and of the European Parliament as well as a content analysis of the debate on the future of Europe in print media form the empirical basis of this study

The Rise and Fall of the EU's Constitutional Treaty Finn Laursen, 2008-07-31 This book analyses the EU's Constitutional Treaty which emerged in draft form from the European Convention in the summer of 2003 and which was finalised by an Intergovernmental Conference (IGC) in June 2004 It describes the main novelties of the treaty and looks at policies of important actors Member States and Community actors the Commission and European Parliament and the roles played by the Convention and the Italian and Irish Presidencies during the process of deliberation and negotiation that produced the treaty It further studies the failure of ratification in France and the Netherlands and the implications for the process of European integration of this failure It finally touches on the question whether a constitutional equilibrium has been reached Since the new Lisbon Treaty negotiated in 2007 contains much of what was in the Constitutional Treaty the analyses of the book remain pertinent for this latest EU treaty

The EU Constitution Gráinne De Búrca (jurist.), 2005

Based on a lecture presented by the author this book analyzes how the treaty establishing a constitution for Europe adds to Europe's search for an international identity De B rca submits that the boldest of the novel features of the new constitution and the weight of significance of the changes which it has introduced lie in the external domain She launches the challenging question whether the emphasis on Europe's global role and its international identity will be the factor that ultimately will be capable of triggering the public imagination in such a way as to generate sufficient support for the ratification of the constitution and in the long term to generate a sense of European solidarity rather than the internally focussed changes brought about by the constitutional treaty *The Rise and Fall of the European Constitution* NW Barber, Maria

Cahill, Richard Ekins, 2019-01-10 The Draft European Constitution was arguably both an attempt to constitutionalise the Union re framing that project in the language of the state and an attempt to stretch the boundaries of constitutionalism itself re imagining that concept to accommodate the sui generis European Union The partial failure of this project is the subject of this collection of essays The collection brings together leading EU constitutional scholars to consider with the benefit of hindsight the purportedly constitutional character of the proposed Constitutional Treaty the reasons for its rejection by voters in France and the Netherlands the ongoing implications of this episode for the European project and the lessons it teaches us about what constitutionalism really means *The European Constitution* Guy Milton, Jacques

Keller-Noëllet, Agnieszka Bartol-Saurel, 2005 In October 2004 the EU member states signed in Rome a new constitutional treaty to provide the future framework for the expanded European Union Profoundly controversial in many member states the treaty must now be ratified by each of the 25 member states a process likely to take two or more years with several countries planning referendums giving the book great topical interest This book explains how the treaty was negotiated the play of different forces and what it means for Europe

The European Parliament's Opinion on the European Constitution on the Basis of the Report Presented by the Committee on Constitutional Affairs 'on the Treaty Establishing a Constitution for Europe.' Richard Corbett, I. Méndez de Vigo, European Parliament, 2005 The European Parliament adopted the report by Richard Corbett and I igo M ndez de Vigo on 12 January 2005 by 500 votes to 137 with 40 abstentions it has approved the treaty establishing a Constitution for Europe and wholeheartedly supports its ratification

The European Constitution and National Constitutions Anneli Albi, Jacques Ziller, 2007 Whether the Constitutional Treaty will enter into effect and or the prospect of the EU having a constitutional text is pushed back to a much more distant future the ratification of an EU Constitution raises questions of fundamental importance from the point of view of national constitutional law Whilst constitutions have traditionally been linked to states more recent theories such as post national multi level or intertwined constitutionalism recognise the possibility for a constitution to exist in a non state context In this very valuable book which focuses on the ratification of the European Constitutional Treaty twenty eight authorities in constitutional and EU law examine the extent to which such theories have made inroads in national constitutional thinking

The contributors examine the debates and official documents of the political institutions that have been involved in the ratification process in the Member States as well as constitutional court decisions and scholarly discourse. They also cover a range of closely related issues such as the amendment of national constitutions, ratification referendums, and the implications of the codification of the principle of primacy in the European Constitution. The book includes reports from 17 EU Member States as well as a view from a candidate country, Croatia. These reports, along with other papers on the nature and content of the Constitutional Treaty, consider the following issues: the process and legal framework of ratification in each of the examined Member States; the novel category of constitutional treaty constitutional elements in existing EC/EU treaties; types of constitutions and constitutionalism and constitutions in non-state contexts; the implications of the primacy clause; ratification referendums; eurosceptic fears of the development of a super state. The book is based on the proceedings of an international conference that was held in Tallinn, Estonia, in November 2005. By assessing the implications of the European Constitution from the perspective of national constitutional law, this book fills an important gap in the literature. It also makes a contribution to the emergence of a true European-wide constitutional debate by providing both researchers and policy makers with comparative information regarding the constitutional aspects of ratification in Member States. It will be of absorbing interest and value for years to come as the European constitutional debate continues.

The European Constitution in the Making Kimmo Kiljunen, 2004

(Un)Doing Europe Michał Krzyżanowski, Florian Oberhuber, 2007

After successive waves of enlargement, the European Union has been struggling with political integration. The project of the constitutionalisation of the EU was therefore launched to cater to a growing need of institutional reform, but it also intensified debates about the underlying conceptions, norms, and values of the European polity, as well as the meanings and identities of entire Europe. This book approaches the ongoing legal and political reconstruction of the EU through a focus on the Convention on the Future of Europe (2002-2003), which produced a draft of the EU's first constitution. The Convention is studied from a multidisciplinary perspective, integrating approaches from ethnography of institutions, political sociology, and linguistically based discourse analysis. Drawing on extensive fieldwork and multiple textual data, the book offers an inside perspective on the multitude of ways in which politics in supranational environments works in practice. The book also contributes to the ongoing research on the discursive re-negotiations of meanings of Europe and European integration in the institutions of the European Union.

Governing Europe under a Constitution Herm.-Josef Blanke, Stelio Mangiameli, 2010-02-12

The volume contains articles from high-ranking experts from politics and academia of different Member States about the basic principles of the actual constitutional law of the European Union and its need of reform through a Constitution for Europe. By analysing the rules to govern a Europe of 25 and in time 28 and more Member States, the publication intends to make a contribution to the emerging *Ius Publicum Europaeum*.

A Constitution for the European Union Charles Beat Blankart, Dennis C. Mueller, 2004

The leaders of the European Union member states have declared that a

European constitution should have the aim of bringing institutions closer to the citizens This text looks at how a common policy could be agreed as well as discussing what powers it might have *The Rise and Fall of the European Constitution*, 2019 The Draft European Constitution was arguably both an attempt to constitutionalise the Union re framing that project in the language of the state and an attempt to stretch the boundaries of constitutionalism itself re imagining that concept to accommodate the sui generis European Union The partial failure of this project is the subject of this collection of essays The collection brings together leading EU constitutional scholars to consider with the benefit of hindsight the purportedly constitutional character of the proposed Constitutional Treaty the reasons for its rejection by voters in France and the Netherlands the ongoing implications of this episode for the European project and the lessons it teaches us about what constitutionalism really means Bloomsbury Publishing *Democracy Needs Dispute* Cornelia Bruell, Monika Mokre, Markus Pausch, 2009 In 2005 hopes for closer European integration were dealt a potentially fatal blow when French and Dutch voters rejected the proposed new European Union constitution Going beyond the instant analysis of journalists which placed blame for the failed vote on the two nations internal politics *Democracy Needs Dispute* examines a collection of media accounts of European policy debates to argue that the problem with the EU is its relative lack of vibrant political conflict *Democracy Needs Dispute* offers both up to date analysis and a rich theoretical understanding of the problems facing further efforts at European integration *The European Union Constitutional Treaty* Esther Brimmer, 2004 Europeans have long sought to form an ever closer union through the European Union and its predecessors Can a closer union be based on the constitutional treaty signed at the June 2004 summit meeting What will it mean for Americans This volume offers perspectives on these questions as it reviews the process by which the treaty was concluded compares it to the American constitution and discusses the treaty s prospects for passage Contributors include Stefan Fr hlich University of Erlangen Nuremberg Stephen Breyer associate justice U S Supreme Court Robert Cottrell Financial Times Esther Brimmer Center for Transatlantic Relations G nter Burghardt Delegation of the European Commission to the U S and Lamberto Dini senator Republic of Italy **The Unity of the European Constitution** Philipp Dann, Michal Rynkowski, 2010-05-10 This book collects the contributions to a conference of a group of young Polish and German public law scholars on the Constitutional Law of the European Union The articles present a multi faceted examination of unity and its realization in the primary and constitutional law of the EU an analysis of EU constitutional structure in the face of diversity and the independence of EU law from international common law among other topics *Developing a Constitution for Europe* Erik Oddvar Eriksen, John Erik Fossum, Agustín Menéndez, 2004-08-02 The European Union is currently in the midst of a comprehensive process of reform and the aim of this book is to address the challenge of forging a legitimate Constitution for the EU These authors clarify the constitutional status of the EU to take stock of the European Charter of Fundamental Rights and Convention of the Future of Europe as vehicles to foster and create a European constitution *The European Constitution and Its Ratification Crisis*

Nina Eschke, 2006

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