



Constitutional Problems of the European Union

Trevor Hartley

B L O O M S B U R Y

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**Bernan, Great Britain. Parliament. Joint
Committee on the Draft Constitutional
Renewal Bill**

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The Emerging Constitutional Law of the European Union Adam Bodnar, Michal Kowalski, Karen Raible, Frank Schorkopf, 2003-07-22 Young lawyers from different academic centres in Germany and Poland comment on the ongoing constitutional debate in the EU Each of the more than 20 articles is dedicated to a specific theme i e human rights institutional design current and future function of the EU homogeneity and identity security and defence policy home policy and common values Similarities as well as differences in the perspectives of an old EU Member State on the one hand and an EU Member State to be on the other hand are revealed

The Struggle for the European Constitution Michael O'Neill, 2008-11-28 The European Union EU Constitution was one of the most important developments in the history of the EU aiming to make the EU more transparent relevant and accountable to the citizens of its member states Current anxieties over the pace and direction of EU integration place this comprehensive study at the forefront of the EU governance debate O'Neill goes far beyond a simple account of the EU Constitution focussing also on the response to the current crisis of confidence between the Union and its citizens and how those in power have responded to the challenge Making a substantial contribution to literature on the EU key discussion points include The political crisis behind the Constitution The power politics at work in the negotiations How the Constitution affects EU policymaking The impact on the citizens of the EU This is essential reading for all those wishing to understand the background to one of the key areas within European Politics Michael O'Neill is Jean Monnet Professor in EU Politics at Nottingham Trent University

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

EU Enlargement and the Constitutions of Central and Eastern Europe Anneli Albi, 2005-06-30 In the wake of the EU's biggest enlargement this book explores the adaptation of the constitutions of Central and Eastern Europe CEE for membership in the European Union In response to the painful past these new constitutions were notably closed to transfer of powers to international organizations and accorded a prominent status to sovereignty and independence A little more than a decade later the process of amending these provisions in view of the transfer of sovereign powers to a supranational organization has proved a sensitive and controversial exercise This book analyses the amendments against the

background of comparative experience and theory of sovereignty as well as the context of political sensitivities such as rising euroscepticism ahead of accession referendums **Institutional Challenges in Post-Constitutional Europe** Catherine Moury, Luís de Sousa, 2009-06-09 Brings together leading experts in the field to explore how the European Union's institutional structure rules and processes should be shaped in order to respond to the old and new challenges it is facing

Constitutional Evolution in Central and Eastern Europe Dr Kyriaki Topidi, Professor Alexander H E Morawa, 2013-02-28 This book examines EU enlargement by studying how domestic constitutional evolution in the new member states contributes to European integration In contrast to the usual top down analytical pattern it reverses the paradigm by looking at constitutional developments and dynamics from the bottom up studying how domestic constitutional evolution contributes to European integration The authors analyze constitutional trends from the perspective of new Member States as policy makers and not strictly as policy takers The issue of conditionality is also explored in a discussion of the extent to which pre 2004 and 2007 conditionality has had lasting effects at the level of constitutionalization of different areas and norms and if so of what kind The exploration of Europeanization effects in recent Member States substantiates and demonstrates how enlargement has been an important driving force for the effective export of EU legal rules in this region The book utilizes a comparative approach to highlight the merits and obstacles created by the growing diversity in the constitutional rules and patterns of the new Member States It also contains a section that places the CEE constitutionalizing map in a broader comparative European and global context establishing links with similar transitional regimes in the continent and elsewhere **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

Central European Constitutional Courts in the Face of EU Membership Allan F. Tatham, 2013-03-27 *Central European Constitutional Courts in the Face of EU Membership* explores the enduring German legal influence on other systems of constitutional justice concentrating on the impact of the Federal Constitutional Court's approach to EU integration on its counterparts in Hungary and Poland Such a model aims to protect Germany's constitutional identity or essential core of sovereignty the contents of which are not susceptible to transfer or limitation in the face of the requirements of the Union's

constitutional legal order The influence of this model on the two Central European courts has encouraged them to take an active part in negotiating the new multilayered judicial construct of Europe Tatham thus firmly places the Hungarian and Polish constitutional courts within the overall context of the continuing dialogue between national courts and the Court of Justice in the evolution of the European constitutional space

Handbook on the EU and International Trade Sangeeta Khorana, María García, 2018-08-31 The Handbook on the EU and International Trade presents a multidisciplinary overview of the major perspectives actors and issues in contemporary EU trade relations Changes in institutional dynamics Brexit the politicisation of trade competing foreign policy agendas and adaptation to trade patterns of value chains and the digital and knowledge economy are reshaping the European Union's trade policy The authors tackle how these challenges frame the aims processes and effectiveness of trade policy making in the context of the EU's trade relations with developed developing and emerging states in the global economy

The EU Constitution in Time of War Federico Fabbrini, 2025-02-01 Russia's illegal aggression against Ukraine has been a watershed moment for the European Union EU The return of large scale conventional warfare to the European continent unseen since the Second World War shattered the illusion of perpetual peace and forced the EU to confront the reality of hard power Originally created to maintain internal peace the EU was never conceived to handle the challenges of war Yet the war in Ukraine required the EU to repurpose its machinery of government to do just that Embracing a comparative analytical framework this book examines how the EU constitution has functioned in response to Russia's aggression It scrutinizes the EU's legal reactions across five key policy areas foreign security and defence policy economic and fiscal policy justice and home affairs energy and industrial policy and enlargement and reform In doing so it investigates whether the EU constitution has enabled the EU to respond effectively to the war how EU treaties have been interpreted to authorize war related actions and whether these responses have adhered to constitutional limits Advancing a threefold argument this book asserts that the EU constitution has demonstrated sufficient flexibility to permit wartime actions Secondly it highlights the limitations exposed by the return of conventional warfare in Europe noting structural constraints and governance shortcomings that hinder decisive action and instances where laws inadequately constrain EU action particularly regarding fundamental rights and the rule of law Finally it evaluates the long term constitutional implications of war for EU governance and proposes legal reforms that could shape a more perfect EU for both times of war and peace

Public Law and the UK Supreme Court Lewis Graham, Jenny Russell, 2025-08-15 This volume brings together expert commentators across different fields of public law to comment on key decisions by the UK Supreme Court UKSC Each author explores their case's content as well as its broader implications for public law as a field and the Supreme Court as an institution The work is divided into the following areas constitutional law administrative law and judicial review human rights and criminal law and criminal justice Providing expert commentary on recent authorities of the highest level in one place the collection will enable readers interested in these areas to conveniently locate analysis that will

aid them in their work Taken together the contributions enable identification of persistent themes within subject areas As such it will be an invaluable resource for academics researchers practitioners judges and policymakers *Highs and Lows of European Integration* Luisa Antoniolli, Luigi Bonatti, Carlo Ruzza, 2018-09-03 In light of Europe's prolonged state of crisis this book reassesses the challenges and prospects of the European integration process Scholars from diverse disciplines reflect on various types of integration by analyzing political economic and sociological variables while also taking legal and cultural constraints into account Readers will learn about the dilemmas and challenges of the European transformation process as well as political reforms to overcome these challenges The book is divided into four parts the first of which discusses the external dimension of the European Union including a review of development aid policies and EU foreign policy In turn the second part focuses on institutional change and asymmetrical integration in the EU The third part is devoted to the rise of populism and nationalism including an analysis of the role of civil society organizations in the Brexit In closing the last part highlights the crisis of the Euro as a symbol of European integration and the emerging social and economic divide between countries of the North and South

The Max Planck Handbooks in European Public Law Armin von Bogdandy, Huber Peter M., Christoph Grabenwarter, 2023-04-13 The Max Planck Handbooks in European Public Law series describes and analyzes the public law of the European legal space an area that encompasses not only the law of the European Union but also the European Convention on Human Rights and importantly the domestic public laws of European states Recognizing that the ongoing vertical and horizontal processes of European integration render legal comparison the task of our time for both scholars and practitioners the project aims to foster a better understanding of the specific European legal pluralism and ultimately to contribute to the legitimacy and efficiency of European public law The first volume of the series began this endeavour with an appraisal of the evolution of the state and its administration offering both cross cutting contributions and specific country reports The third volume the second in chronological terms continues this approach with an in depth appraisal of constitutional adjudication in various and diverse European countries Fourteen country reports and two cross cutting contributions investigate the antecedents foundations organization procedure and specific approach to constitutional issues throughout the Continent The fourth volume now compares European constitutional jurisdiction in the European legal space It examines the structures of the organization the appointment of judges the procedures and the methods of argumentation and interpretation their impact on state and society their legitimacy as well as their role in the division of powers and thus completes the picture following the country reports in Volume III This comparative perspective is supplemented by an examination that illustrates the relationship with the ECJ the ECtHR and the Venice Commission as well as their constitutional function Finally Constitutional Adjudication Common Themes and Challenges is devoted to the challenges constitutional jurisdiction in the European judicial area is currently facing The historical political and theoretical foundations as well as the basic dogmatic features of constitutional jurisdiction are presented in such a way that the

discussion about its role and further development in this legal space is sustainably stimulated

Constitutional Reform and Brexit Gary Wilson, 2023-06-30 This book examines the extent to which Brexit has impacted upon the operation of the British Constitution prompting in turn consideration of how some of the factors which contributed to the outcome of the 2016 referendum as well as the event of Brexit itself might inform debates surrounding constitutional reform moving forward The work seeks to make sense of the constitutional implications of Brexit and to revisit some of the key debates that have taken place in respect of particular constitutional reform proposals in order to assess the extent to which recent Brexit related developments inform the perspectives which are taken upon their merits and prospects The book is divided into two parts The first provides some context for the substantive treatment of the potential impact of Brexit on constitutional reform debates which forms the focus of Part II Part II centres on various specific constitutional reform themes or issues which are explored further within the context of Brexit For each such issue the main parameters of the debates which have taken place are sketched out before moving on to consider how it has informed or may come to be informed by the phenomenon of Brexit By so doing it looks to some future directions for constitutional reform which take account of the factors driving the discourses which gave rise to the referendum outcome and subsequent developments as well as offering meaningful responses to these The book will be of interest to academics researchers and policy makers working in the areas of constitutional law constitutional politics philosophy and history

Law and Governance in an Enlarged European Union George A. Bermann, Katharina Pistor, 2004-11 This book's principal aim is to critically address the institutional and substantive legal issues resulting from European enlargement chiefly those relating to the legal foundations on which the enlarged Union is being built The accession of new Member States creates the potential for a stronger and more powerful Europe Realising this potential however will depend on the ability of the EU to develop functional and effective governance structures both at the European level and at the level of the individual Member States While the *acquis communautaire* will ensure that formal laws in the new Member States will be aligned with those of existing members the question remains as to how effective institutions will be in implementing changes and what effects the imposed changes will have on the legitimacy of the new legal framework This book containing the work of leading scholars in law and social sciences examines the current and future legal framework for EU governance and the role that new members will or will not play in the creation of that framework paying particular attention to the specific challenges membership in the EU poses to the acceding states of Central and Eastern Europe It is a book which will contribute to and influence debates over constitutionalism and legal harmonisation in the EU

Brexit and the Northern Ireland Constitution Lisa Claire Whitten, 2023-11-27 Brexit and the Northern Ireland Constitution considers the intersection of two processes the complex and constitutional process of the United Kingdom's withdrawal from the European Union Brexit and the steady yet fragile development of the Northern Ireland constitution deriving primarily from the Belfast Good Friday Agreement of 1998 Interdisciplinary in approach the

analysis draws on legal and political theory to develop a novel framework for assessing the progressive impact of Brexit on the Northern Ireland constitution based on systematic definitions of both This approach elucidates dynamics and implications not yet considered in the otherwise extensive debates about Brexit and its impacts on Northern Ireland Based on detailed analysis of the Brexit process it is argued that its impact on the constitution of Northern Ireland has been profound Fundamentally Brexit changed the political and legal environment in which the Northern Ireland constitution had existed for over twenty years Embracing constructive ambiguity the 1998 Agreement recognises and accommodates the concerns of both unionists and nationalists in Northern Ireland it did not therefore solve the constitutional conflict but rather allowed it to be managed differently through an innovative system of multileveled governance within Northern Ireland power sharing devolution on the island of Ireland North South cooperation and between the islands of Great Britain and Ireland East West cooperation all underpinned by a multifaceted principle of constitutional popular and cross community consent By forcing a paradigmatic shift in the way that the systems of government established by the 1998 Agreement operate Brexit disrupted the constructively ambiguous compromise that it represents Completed two years after the legal implementation of UK withdrawal from the EU Whitten concludes by considering the potential longer term constitutional repercussions of Brexit both within and beyond Northern Ireland's recently notorious borders

The Tangled Complexity of the EU Constitutional Process Giuseppe Martinico, 2022-08-05 Offering a fresh view on the EU constitutionalisation process the new edition of *The Tangled Complexity of the EU Constitutional Process* presents three main points the idea of constitutional complexity the tension between constitutional evolutionism and constitutional constructivism in the process of European integration and the functional nature of conflicts in the evolution of the EU Because of its prodigiousness European law produces consternation among constitutionalists accustomed to traditional patterns of power This book argues that while constitutional conflicts have frequently been depicted as elements of disturbance along the path towards legal coherence they are physiological and might even be functional to the development of the European legal order which should not be understood in a deterministic manner The new edition will be of particular interest to academics and students in the disciplines of law international relations and political science

East European Faces of Law and Society: Values and Practices William B. Simons, 2014-10-09 This volume offers readers a multi layer analysis of issues of law and society in Central and Eastern Europe Russia and Ukraine This collection of thought provoking essays deals with a wide range of subject matter including constitutional administrative civil and criminal law as well as aspects of legal culture corruption corporate social responsibility and informal practices of judiciaries Throughout the volume readers are given not only a comparative perspective of current practices but are also offered a historical glimpse of law and philosophy in the region The conclusions and analysis offered by these authors from the East as well as from the West are supported by survey data literature legislation and court practice in the region and abroad

The EU Accession to the ECHR Fisnik Korenica, 2015-08-25 This

book examines the EU accession to the ECHR from a systemic perspective as well as from the specific perspective of the 2013 draft accession agreement negotiated between the relevant body of the Council of Europe and the EU Commission It mainly follows a legal positivist approach to examining the nature and scope of obligations that will regulate the new relationship between EU law and European Convention on Human Rights law concentrating specifically on the issue of jurisdictional interface between the Strasbourg and Luxembourg courts The book offers an in depth examination of the core mechanisms of the draft accession agreement taking into account the remarks in Luxembourg s Opinion 2 13 focusing especially on the issue of attribution of responsibility when a violation of ECHR has been jointly committed by the EU and its Member States the inter party procedure and the prior involvement mechanism The work basically argues that EU accession to the ECHR will have a constitutional impact on the EU legal order and may also have certain implications for the jurisdictional interface between the Strasbourg and Luxembourg courts It also questions the mode of interaction between some normative aspects of ECHR law and EU law offering certain arguments as to the interaction between the Charter of Fundamental Rights and ECHR from overlapping and accommodative perspectives post accession The book concludes that with the EU accession to the ECHR as it stands right now with the draft accession agreement the macro relationship between the Strasbourg and Luxembourg courts will change significantly while their constitutional roles will become vertically accommodated and better specialized

Draft Constitutional Renewal Bill Bernan, Great Britain. Parliament. Joint Committee on the Draft Constitutional Renewal Bill, 2008 The draft Bill and White Paper were included in Cm 7342 I II III ISBN 9780101734226 which follows the Green paper issued in July 2007 Cm 7170 ISBN 9780101717021 and various other Governance of Britain papers

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