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The Constitution for Europe

A Legal Analysis

Jean-Claude Piris



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THE CONSTITUTION FOR EUROPE

There is much confusion over the 'Constitution', and this book provides an in-depth legal analysis of the key aspects of the Constitutional Treaty which, if ratified by the 25 EU Member States, would govern the European Union. Piris argues that, despite its ratification being rejected by the French and the Netherlands referenda in 2005, the Treaty should not be discarded, as it will inevitably be the point of departure for the future of European integration. He places this analysis in an historical and political context and explains the origin, meanings and legal and political effects of all proposed changes to the present treaties.

JEAN-CLAUDE PIRIS is Director-General of the Legal Service of the Council of the European Union. He is a Member of the French Conseil d'Etat, Paris, a former French diplomat to the United Nations in New York, and former Director of the Legal Service of the OECD, Paris. He was the Legal Adviser and Head of Secretariat of the Intergovernmental Conference (IGC) which adopted the Constitution, as well as the Legal Adviser of the preceding IGCs which negotiated and adopted successively the treaties of Maastricht, Amsterdam and Nice.

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SERIES EDITORS' PREFACE

The adoption of the Constitution for Europe, on 29 October 2004 in Rome, in a return to the venue where the old EEC Treaty was signed, was hoped to be a great leap forward for European integration. Its ratification, however, proved to be a bridge too far for the populations of France and the Netherlands. Significantly, given that many voters simply used the referenda in those countries to express a general dissatisfaction with the political class, Jean-Claude Piris begins this major study of the central and most characteristic aspects of the Constitution for Europe with the question whether the Constitution is now dead and buried. While he rightly concludes that it is too early for the requiem, he gives a careful analysis of the scenarios resulting from these referenda results.

This work makes a seminal contribution to the understanding of the core aspects of the Constitution, with the advantage of the author's unique insights into the processes by which it came about. Whatever the result of the further political deliberations, the Constitution stands as a reference point for the future development of integration, and it may be anticipated that this work will become the focus of much attention by scholars, politicians and others interested in the development of the European Union. Piris points out the innovations and improvements which the Constitution would introduce, building on the unfinished work of Maastricht, Amsterdam, and Nice. He highlights the improvements which it would make in the democratic structure of the Union and in streamlining decision-making, with notable improvements in the protection of fundamental rights within the ambit of the Union's activities and clarification of the Union's competences. In the mists of the political half-truths, deliberate misrepresentation and intentional inaccuracies which have characterised much of the discussion about the Constitution, this work forms a beacon of light to show the way forward. It is elegantly yet accessibly written and is a singularly well-informed and articulate contribution to writings in the field.

Accordingly, it is with great pleasure that we welcome this, the third book in the series *Cambridge Studies in European Law and Policy*, as a combination of law and policy analysis which will be essential reading in the disciplines which it covers.

Laurence Gormley

Jo Shaw

10 October 2005

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