

CONSTITUTIONAL DEVELOPMENTS AFTER THE ENTRY INTO FORCE OF THE CONSTITUTION FOR EUROPE

by
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Dear Friends,
Dear Colleagues,

I have to confess I feel deeply content having overcome the phase of the ratification of the Constitutional Treaty!

Being aware that - as it was previously mentioned - as we speak:

- a. multilevel information programmes are put into force with view to achieving the peoples' highest possible awareness on the Constitution's important elements and
- b. that very many different discussions on the coordination of actions between the European Institutions and the Member States, with regard to the ratification, are under way.

I can only hope that people will recognise that the draft Constitution entrenches to a significant extent the values, objectives, principles, structures and institutions of Europe's constitutional heritage leading the ratification processes to a positive outcome.

A Constitution though is not acquired the moment it is voted through. A Constitution can only meet its role through practice. Because it is through practice that its values will gain their meaning. It is through practice that the notions become precise. Therefore, the day after ratification is merely the day when the Constitution commences to meet the challenge of fulfilling its meanings.

Nevertheless, every stage of completion can only be temporary. Values such as peace, democracy, freedom, equality, linguistic and cultural diversity, the rule of law, social justice, solidarity, the rights of minorities, cohesion and many more, can never be deemed to have been definitely achieved but must be kept under constant review as to their meaning and must be fought for anew through historical developments and over generations. It is in that way that the Constitution will remain alive. The day after ratification is a non-ending procedure. The day after ratification marks in fact the Constitution's first step towards its continuous evolution.

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We shall deal with the new practices and institutions a few of which I will mention indicatively:

- a. the European Union will consolidate its legal order into a constitutional order binding on its Member States and citizens, even if the Constitution is ultimately approved in the form of an international treaty,
- b. of the primacy of the Constitution and of Union law over the law of the Member States is for the first time explicitly recognised,
- c. the Charter of Fundamental Rights, although not exhaustive, shall be an integral, legally binding part of the Constitution,
- d. the Union will acquire a single legal personality and the pillar system will disappear,
- e. an hierarchy and simplification of the legal acts of the Union is introduced,
- f. parliamentary author, both on European and national level is reinforced,
- g. the respective competences of the Member States and of the Union are clarified with the retention of a certain level of flexibility to allow for future adaptations in an evolving Union comprising twenty five or more Member States,
- h. shaping the institution of a president for the Council elected for two and a half years remains to be carefully seen,
- i. the creation of the office of the Union Minister for Foreign Affairs will enhance the Union's visibility and capacity for action on the international stage (even if caution is needed with regard to the institutions' balance).

But the new provisions, no matter how innovative or progressive they might be, will have to be tested with respect to the challenges presented in the enlarged Union.

The Constitution's fate will be depended on the twenty-five member-states' will. The Constitution's future will be decided by the countries' and peoples' engagement to think and act, when possible, as one and when this seems impossible to demonstrate their will in search of a compromise.

This Constitution, Ladies and Gentlemen, will have a future if each and every one of us decide to speak as "US" and not as "I". We shall give this Constitution a future only if we try to consider -not forgetting the shortcomings and always struggling for more- how our lives would be without it, meaning without what the Constitution protects and provides for.