

JOINT WORKSHOP

TREATY REFORM BEYOND LISBON?

EUDO (EUROPEAN UNION DEMOCRACY OBSERVATORY),
CENTRE FOR STUDIES ON FEDERALISM,
STALS (SANT'ANNA LEGAL STUDIES)
MAX WEBER PROGRAMME

Villa La Fonte, Conference room
via delle Fontanelle, 10
San Domenico di Fiesole

OVERVIEW

Florence, 18 March 2011

At first glance, the rejection of the Constitutional Treaty by the majority of the French and Dutch voters, and the Irish "No" to the Reform Treaty (RT), may give the impression of an inescapable constitutional crisis for Europe.

Although the RT does not include any reference to the word "Constitution", the substantial continuity between this document and the Constitutional Treaty is evident. As some scholars have stressed, a "constitutional substance" would have been "rescued" despite the elimination of some "dirty words" such as "Constitution", "Law", and "Minister" from the text of the Lisbon Treaty (Ziller 2008). From this point of view, as Corthaut points out, "the Reform Treaty looks more like the (evil?) twin of the Constitutional Treaty than its distant cousin" (Corthaut 2008). Ziller argues that the possible major changes (the primacy clause's disappearance, for example) were just functional to overcome the risk of Member States' refusal. Despite this substantial relative continuity, other authors have stressed the sense of disappointment which would characterise the document, defining it as a (mere) "Postconstitutional Treaty".

The real issue thus concerns the nature of a potential Constitution for Europe: what kind of Constitution would it be? Would the idea of a Constitution as such be applicable to the European Union experience? Has the season of the mega constitutional politics ended? Should we be "satisfied" with the Reform Treaty, by limiting ourselves to the maintenance of what we got after the rejection of the Constitutional Treaty?

This workshop tries to provide an answer to this question, reading the current phase from two very different perspectives: according to the first one, the Reform Treaty will represent just a phase, another link in the chain of the semi-permanent revision of the Treaties. According to the second perspective, the Reform Treaty is a good basis for the EU and no other constitutional phases are possible after the "constitutional failure": the real issue is the implementation of the Reform Treaty (rather than its overcoming) or its "maintenance".

Given the highly interdisciplinary content of the subject of this workshop, we decided to extend the invitation to political scientists and lawyers (experts in EU and public international law, comparative and European constitutional law). All the speakers invited will provide a very interdisciplinary overview of the subject.



CENTRO STUDI SUL FEDERALISMO
PERSPECTIVES ON FEDERALISM



PROGRAMME

09.00 - 09.30 **Bruno de Witte** | University of Maastricht; EUI
Paolo Carrozza | Scuola Superiore Sant'Anna, STALS

PART I THE CONSTITUTIONAL CHANGE: CONSTITUTIONAL REFORMS AFTER THE REFORM TREATY?

09.30 - 10.10 *Chair: Heng Wang* | Max Weber Fellow, EUI

"The idea of the 'mega constitutional politics': borrowing from Canada?"

Giuseppe Martinico | Centre for Studies on Federalism

"Why the mega constitutional politics will continue"

Roberto Castaldi | Centre for Studies on Federalism

10.10 - 10.50 *Discussion*

10.50 - 11.05 *Break*

PART II THE CONSTITUTIONAL MAINTENANCE: THE JUDICIAL "IMPLEMENTATION"

11.05 - 12.00 *Chair: Rebecca Zahn* | Max Weber Fellow, EUI

"Applying the Charter of fundamental rights of the European Union: the latest development in the EUCJ's case-law"

Filippo Fontanelli | Scuola Superiore Sant'Anna, STALS

"Dealing with national identities. Art. 4 EUT"

Giacomo Delledonne | Scuola Superiore Sant'Anna, STALS

"The accession of the EU to the European Convention for the protection of Human Rights"

Andres Delgado Casteleiro | EUI

12.00 - 12.45 *Discussion*

12.45 - 14.30 *Lunch break*

PART III THE CONSTITUTIONAL "MAINTENANCE" THE POLITICAL "IMPLEMENTATION"

14.30 - 15.50 *Chair: Giuseppe Contissa* | Max Weber Fellow, EUI

"External relations: new actors, new policy?"

Emanuele Pollio | Scuola Superiore Sant'Anna, STALS

"So asymmetric: the first cases of enhanced cooperation"

Carlo Maria Cantore | Scuola Superiore Sant'Anna, STALS

15.10 - 15.25 *Break*

"Challenges of the effective implementation of EU law into national law"

Aneta Jurska-Gawrysiak | Max Weber Fellow, EUI

"The European Parliament after Lisbon: Political Groups Policy Position and Coherence"

Edoardo Bressanelli | EUI

16.10 - 16.40 *Discussion*

Final Remarks

Bruno de Witte | University of Maastricht, EUI

For organisational purposes, please register.

Contact: martinico@csfederalismo.it