



HISTORICAL EXHIBITION PRESENTED BY THE GERMAN BUNDESTAG

The Constitution of the European Union – history and prospects

The discussion about a European constitution is older than the European Communities themselves. Back in 1948, the French Christian Democrat **François de Menthon** (1900-1984) presented the draft of a ‘constitution for the United States of Europe’.

In the early 1950s, however, political integration was not yet possible, given the fundamental differences that still existed between nations. In April 1951, the Benelux States, France, Italy and the Federal Republic of Germany signed the **Treaty Establishing the European Coal and Steel Community (ECSC)** and agreed to engage in close economic cooperation as a first step towards eventual closer political cooperation among the Member States. The institutions of the ECSC were a Common Assembly, a High Authority, a Court of Justice and a Council of Ministers. The ECSC Treaty can certainly be regarded as the first ‘contractual constitution’, and it paved the way for practical steps towards a political union of the signatory states.

More ambitious plans for the creation of a European Political Community and a European Defence Community were thwarted in 1954 by the French National Assembly. Instead, the Member States of the ECSC began a process that culminated in the signing on 25 March 1957 of the **Treaties of Rome** establishing the **European Economic Community (EEC)** and the **European Atomic Energy Community (Euratom)**. The Treaties of Rome largely copied the institutional structure of the ECSC, providing for a Council, a Commission and a Parliament. The Council was originally intended to be the sole legislative organ of the Community.

The following decades saw Community activity focused on the implementation of the aims set forth in the Treaties of Rome, namely the creation of a common market, the realisation of basic economic freedoms and the establishment and pursuit of common agricultural, trade and competition policies. The **idea of a European constitution** for the Communities, which had been enlarged in the intervening period, was still alive, particularly in the European Parliament. In 1984 the European Parliament adopted, by a large majority, a draft constitution which had been prepared under the direction of the Italian MEP **Altiero Spinelli** (1907-1986) and which already contained key elements of the draft Constitutional Treaty of 2003. The 1984 draft had a strong influence on the **Single European Act**, signed in 1986, which enshrined **European political cooperation** in the Community Treaties and amended the Council’s decision-making procedure in matters relating to the internal market.

Discussions in the 1990s were characterised by projects for the consolidation of the Community’s institutional foundations and by the impact of the political transformations that occurred on the European continent from 1989 onwards. The **Maastricht Treaty**, signed in 1992, created a **European Union**, bringing together the existing Communities – the EEC, Euratom and the ECSC – and the common policies under one roof. The **Treaty of Amsterdam**, signed in 1997, was designed to supplement the Maastricht instruments and improve the institutional efficiency of the EU. The **Treaty of Nice**, which was signed in 2001, was intended to enable the Union to prepare itself to receive the twelve applicant countries of that time, but it failed to resolve a host of institutional issues arising from the eastward enlargement of the EU and left unanswered the question of the status of the **Charter of Fundamental Rights**, which had been drafted in 1999 by a Convention chaired by **Roman Herzog**

(born 1934), former President of the Federal Republic of Germany. Nevertheless, the aims of the Union and the question of a constitutional framework remained the subjects of intensive discussion.

Since the Convention approach had generally worked well, the Heads of State or Government, meeting in Laeken, Belgium, in December 2001, decided that another **Convention** would meet with an extended mandate to revise the whole of the existing treaty structure. In February 2002 the Convention began its deliberations under the chairmanship of the former President of the French Republic **Valéry Giscard d'Estaing** (born 1926), and in June 2003 it presented the draft of a **Treaty establishing a Constitution for Europe (Constitutional Treaty)**. This draft Treaty consolidates the existing treaties into a single contractual instrument and incorporates the Charter of Fundamental Rights into the text of the proposed constitution. The Constitutional Treaty realigns the institutions of the EU and introduces the office of a European Foreign Minister. It also further strengthens the rights of the European Parliament. In June 2004, the Heads of State or Government of the European Union adopted a draft which was an amended version of the one presented by the Convention. Most of the Member States have now ratified the Constitutional Treaty. In France and the Netherlands, however, the population rejected the Treaty in referenda. The Heads of State or Government agreed on a reflection phase, which is to be used for dialogue between the EU and its citizens.

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