INTRODUCTION

The European Parliament, observing both the necessities of the EU and the limitations of the Treaty of Nice, suggested in December 2000 the establishment of a Convention concerned with the future of Europe, a proposition confirmed in December 2001 by the Heads of State or Government. The Convention elaborated new rules for a unified Europe with the objective of spreading democracy, common values, rights, plus transparency and efficiency within the new Europe and the simplification and codification of the existing Treaties.

The European Convention directed a strengthening process of discussion and elaboration starting in February 2002, preparing a draft of a treaty establishing a Constitution for Europe, which was submitted to the European Council in Thessaloniki on 20 June 2003. After an Intergovernmental Conference the European Council approved the draft Constitutional Treaty (CT) on 18 June 2004. This Treaty was signed by every EU Member State on 29 October 2004 in Rome with much ceremony.

Through referendum and/or parliamentary vote, 18 Member States ratified the Constitutional Treaty. In May and June 2005, however, referenda in France and the Netherlands resulted in majorities refusing it. The Constitutional Treaty proposal was blocked. The European Council of June 2007 set up an Intergovernmental Conference (IGC) to prepare a Reform Treaty.

THE ECONOMY FIRST ... EVEN IN THE CT

We begin with a synthesis of the aim and the instruments of the European process of integration resulting in the EU: a political unification putting the economy first. The major responsibilities are economic matters which form the main ‘pillar’ of the community. Related to economic matters are the main EU policies, and in this field the effects of the primacy of the EU in all

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1 Thanks are due to Professor Finn Laursen for his stimulating intellectual task.
the areas, in which it has competences are enormous, as the Court of Justice has repeated more than once. In addition to this we have the ‘second pillar,’ related to foreign policy and defence matters, and the ‘third pillar,’ related to justice and home affairs through interstate cooperation.

From this we can see the place of the economy in the Constitutional Treaty proposal. It is certainly a preferential one, and this is evident when we look at the contents. Much of the debate during the treaty-making process dealt with this question: is the EU and thus the Constitutional Treaty too liberal or too interventionist?

Naturally, the Constitutional Treaty is both liberal, limiting powers, developing the non-discrimination principle and economic liberties, economic freedom and competition, and interventionist with regard to constitutional or juridical acts on public matters. The Constitutional Treaty is relatively liberal, and necessarily so—the inverse would be impossible. The Constitutional Treaty is also necessarily interventionist in the sense that it is the way to solidify selected EU competences and actions.

From the Schuman Declaration and the Treaty of Rome, onward, the economy is at the vanguard. After the frequent wars on the continent it appeared that the political process of uniting Europe would be best begun with the economy, the free movement of people, commodities and capital. The removal of internal borders creates a major free market in which competition shall be unbridled and there is no discrimination by nationality (Brunet, 1999).

Economic and social matters are necessarily important in the Constitutional Treaty. The Constitutional Treaty is a Constitution of/for a contemporary society in which economic policy and all public regulations, services and expenditures are quite important. Compared to Member State Constitutions the Constitutional Treaty is both economically minded and social. The economic preference of the Constitutional Treaty is due to the necessary vocation of the EU to economic matters, and to the usual inclination of state Constitutions to deal with the more political questions. The social orientation of the Constitutional Treaty synthesises the traditional sensibility of the EU for social matters, visible in the existence of the Economic and Social Committee.

A NEW EUROPE AND NEW POLICIES

We see emerging a new Europe, a new European economy, new European economic policies, and a new EU. The Constitutional Treaty reflects most aspects of these nouveautés. In terms of politics, ideology and culture, a new Europe is emerging as the fruit of the suppression of the division between two systems and two separate territories. This is the most important event