In the second issue of the new Journal for European Environmental & Planning Law (JEEPL) Peter Beyer published an article on the status of the environment in the future European Constitution.

The article is based on a brochure the author wrote for the project "EcoFuturum - A Sustainable Constitution for Europe" which was co-funded by the European Commission. In the framework of this project Ecologic published a number of policy papers and carried out a series of workshops throughout the enlarged European Union to discuss the impact of the future Constitution on European environmental policy.

Following an introduction (I.) and some general remarks on the character and structure of the new Treaty (II.), the contribution focuses on the articles of the Treaty directly dealing with the environment (III.), although the modifications of the institutional set-up of the Union and the hierarchy of norms might have an even greater impact on the future of environmental policy.

The news that "Europe is giving itself a constitution" made headline in June 2003 when the Convention on the Future of Europe adopted the "Draft Treaty establishing a Constitution for Europe". After 16
months of debate Chairman of the Convention Valéry Giscard
d’Estaing presented the draft Treaty to the European Council as
hosted by the Greek Presidency in Thessaloniki. Reactions
throughout Europe to the draft Constitution varied between
confusion, hope, fear, outrage and boredom. Some considered it "a
lamentable piece of work", while others welcomed it as a big step
forward and an excellent draft.

But both "Federalists" and "Euroskeptics" will certainly agree on
one point: the Constitution is essential to the gradual development
of European primary law and will be decisive for the future of the
European Union. The Thessaloniki Summit welcomed the draft as "a
good basis for starting in the Inter-Governmental Conference". The
Inter-Governmental Conference then debated the draft beginning in
October 2003 with a meeting of the European leaders in Rome. In
the following two months, the Ministers for Foreign Affairs and the
Heads of State or Government met several times to hammer out a
compromise on different controversial issues, in first line the
question of the future arrangements for qualified majority voting in
the Council and the composition of the European Commission.
However, at the end of the year and the Italian Presidency no
overall agreement on the Constitution was reached. This was mainly
due to the fierce opposition from Spain and Poland against the
reform of qualified majority voting in the Council.

The arrangements proposed by the Convention would have meant a
lost of influence for these two countries in comparison to the
current situation under the Nice Treaty. Hence, the Irish Presidency
had to pick up the issue and continue the consultations. On the
basis of a report submitted by the Presidency in March 2004 finally
Member States overcame their power struggles and passed the
European Constitution at their June 2004 summit. In October this
year they will gather again this time in Rome to sign the Treaty
establishing a European Constitution in the same room where the
founding Treaty of Rome was signed in 1957. The new Treaty is
then due to go into effect in 2006 under the condition that all 25
Member States are going to ratify it. Whether this will be the case
is difficult to say as several Member State, including the UK, France
and Poland plan to held referendums on the constitution. The
outcome of these referenda is, especially in the UK, rather
uncertain.

Main Link

Journal Article: The Environment in the Future European Constitution

Citation


Language