

The drafting of the Treaty establishing a Constitution for Europe

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Last updated: 08/07/2016



The drafting of the Treaty establishing a Constitution for Europe

In order to facilitate the reform of the Communities and of the European Union (EU), four Treaties were drawn up one after the other between 1986 and 2001, yet they did not succeed in resolving all the questions on the agendas of various intergovernmental conferences (IGCs). The difficult nature of the negotiations on the finalisation of each Treaty and the tendency to defer the resolution of certain points to a future document also showed that the traditional approach of convening an intergovernmental conference for the revision of the treaties had had its day. In addition, the need to face up to the challenge of the biggest ever enlargement of the EU and the need to make the structure and activities of the EU more democratic and transparent called for an in-depth reform of the Union. A number of interested parties then moved to propose the adoption of a new approach to the elimination of the obstacles which had rendered the negotiations on previous treaties so difficult and unproductive.

As a result, a forum, known as the *European Convention*, was convened on the basis of the Presidency Conclusions issued after the European Council meeting held in Laeken on 14 and 15 December 2001. Under the chairmanship of Valéry Giscard d'Estaing, and consisting of representatives from 28 countries (15 Member States, 12 candidate countries and one country which had applied for accession to the Union) and representatives of the Commission and of the European Parliament, it was charged with presenting proposals to the European Council on the necessary reforms and with preparing the work of the future IGC. The solution of a *Convention* had proved very effective for the drafting of the *Charter of Fundamental Rights of the European Union*, signed in Nice on 7 December 2000. The Convention format involved the meetings behind closed doors between government officials being replaced by a forum meeting in public and involving of all parties having a political interest in the process.

The European Convention drew up a **draft Treaty establishing a Constitution for Europe**, which was adopted by consensus on 13 June and 10 July 2003, and presented it to the President of the European Council. On 4 October 2003, an IGC met in Rome in order to negotiate the text of the new Treaty. However, it only made a small number of amendments to the draft which had resulted from the Convention. The Brussels European Council, held on 17 and 18 June 2004, settled the outstanding matters still in dispute and reached agreement on the **Treaty establishing a Constitution for Europe**. The 'Constitutional Treaty' (popularly known as the 'European Constitution') was signed in Rome on 29 October 2004. It will come into force on 1 November 2006 if all the Member States ratify it and will supersede the Treaty establishing the European Community, the Treaty on European Union and the Acts and Treaties supplementing or amending them (including the various Accession Treaties). The Treaty establishing the European Atomic Energy Community will not be repealed but will remain in force as amended by Protocol No 36 annexed to the Constitutional Treaty.