

TABLE OF CONTENTS

First Session

SOVEREIGNTY, DEMOCRACY AND REPRESENTATION AT THE EUROPEAN LEVEL

UMBERTO MORELLI, <i>Introduction. The European Constitution: a step forward or a mockery?</i>	3
1. The federators of European integration	3
2. The design of a European constitution	14
3. The European constituent process	26
LUCIO LEVI, <i>The European Constitution: an unaccomplished project</i>	31
1. A constituent phase	31
2. European unification: the last phase of the crisis of the national State and the first phase in overcoming it	35
3. The European Union in the era of the scientific revolution and globalization	39
4. The evolution of the European institutions	41
5. A Parliament without a State	49
6. A currency without a State	52
7. Constitution without a State or unaccomplished state-building?	54
8. The supranational community: a <i>tertium genus</i> between confederation and federation?	56
9. The nature of federal institutions	58
10. Towards a new federal model	62
11. The transfer of power from the States to the Union. A transition in three stages	64
12. Conclusion	67
ANDREA MANZELLA, <i>Sovereignty, the European Constitution and the constitutional process</i>	69
DUSAN SIDJANSKI, <i>At the heart of the European Constitution: a two-headed presidency and bicameral legislative power</i>	75
1. A two-headed presidency	76
1.1. The distribution of powers	76
1.2. A two-headed presidency at the heart of the community system	79
2. A bicameral legislative power	83
2.1. The Council: confusion or separation of powers?	83
2.2. A Council of States	85

Second Session

THE CONSTITUTIONAL INSTITUTIONS

STEFANO SICARDI, <i>Introduction</i>	93
LUCA ANTONINI, <i>The European path of the regions: a critical analysis and a prospective view</i>	99
1. The European path of the regions	99
2. The “old continent”, the new institutional order and subsidiarity as a “principle of hope” for the European Union	102
3. An overview of the opportunities to strengthen the subsidiarity principle as well as the role of the regions in a European context	107
JÖRG LUTHER, <i>The Union, States and regions: how do we develop multilevel rights & multilevel democracy?</i>	113
1. Introduction: Constitutional federalism	113
2. Constitutionalism bases power on fundamental rights	116
3. Constitutional tools to promote democracy	123
4. Constitutional means of promoting the “rule of law” (brief summary)	135
JEAN-LOUIS QUERMONNE, <i>Existe-t-il une troisième voie entre la confédération d'états et l'état fédéral?</i>	143
1. La fédération d'États nations est-elle un concept?	144
2. Quelles sont les implications institutionnelles de cette “Troisième Voie”?	145
3. Quels peuvent être les fondements ontologiques d'une “Troisième Voie”?	149

Round Table

**THE EUROPEAN CONSTITUTION
AND THE ROLE OF THE CONVENTION**

ALFONSO IOZZO, <i>Introduction</i>	155
FILADELFIO BASILE	157
MERCEDES BRESSO	160
LAMBERTO DINI	165
CRISTIANA MUSCARDINI	173
ELENA PACIOTTI	181

Third Session

EUROPEAN UNION POWERS AND POLICIES

ALBERTO MAJOCCHI, <i>Introduction</i>	191
GIORGIO BROSIO, <i>Cooperation and competition: federalism from an economist's point of view</i>	199

1. Introduction.	199
2. The theory of fiscal federalism.	200
3. Competitive federalism	203
4. Competitive federalism and cooperative federalism	205
5. A brief conclusion.	206
JÖRG MONAR, <i>The European Union as an internal security actor: challenge and response in the fight against international terrorism</i>	
1. Introduction.	207
2. The bases for EU action against international terrorism	209
2.1. Legal bases	209
2.2. Structural bases	212
2.3. Political bases	215
3. EU responses to the 11 th of September.	217
3.1. Internal measures.	218
3.1.1. Legislative measures.	218
3.1.2. Operational measures	223
3.2. External measures	226
3.3. Cooperation with the US	228
4. Concluding evaluation.	230
SERGIO PISTONE, <i>The European Union as a global player</i>	
1. The European Convention must make federal progress	235
2. The European Union and the challenges of the post-bipolar world	242
PIERRE SALMON, <i>Governing the economy of the European Union: what scope for new constitutional provisions?</i>	
1. Current rules governing the economy of the EU constrain economic arrangements in the member countries much more than do, in most of these countries, their own constitutional rules	258
2. As a gradualist and open-ended process, European integration moves forward step by step when opportunities arise and are seized	261
3. Opportunities that are currently arising for the assignment of new powers to the Brussels level are non-economic rather than economic	264

Fourth Session

**PROBLEMS AND PERSPECTIVES OF THE EUROPEAN
CONSTITUTIONAL PROCESS**

MARIO DOGLIANI, <i>Could the European Constitution not be a constitution in a modern sense?</i>	273
ANTONIO PADOA SCHIOPPA, <i>Some remarks on the European constitutional process</i>	287
FRANCO PIZZETTI, <i>The European constitutional process between the enlargement of the Union and the treaty instituting a European Constitution</i>	295