

Transformation of Sovereignty: Globalization and European Integration



JEAN MONNET MODULE "EUCOLAW"

THE EUROPEANIZATION OF CONSTITUTIONAL LAW. THE IMPACT OF EU LAW ON NATIONAL SOURCES OF LAW, FORM OF GOVERNMENT, RIGHTS AND FREEDOMS.

PUBLIC LAW, 31-10-2016 PROF. TANIA GROPPI

“State” Definition

- The State is a concentrated legal system, necessary, territorial in nature, focused on general aims, independent and sovereign.
- The constitutive elements of the State are: territory, people and sovereignty
- The State is not the only legal system!!! It is simply one of them
- Other legal systems include the supranational legal systems, i.e. international organizations which can be global or regional

“Sovereignty” Definition

- Sovereignty is one of the elements of the State
- It represents the full right and power of a governing body to govern itself without any interference from others sources or bodies

“Sovereignty” Definition

- Internal sovereignty describes the relationship between a sovereign power and its own subjects
- External sovereignty refers to the relationship between a sovereign power and other states

The Transformation of Sovereignty



The Transformation of Sovereignty

- In democratic pluralistic States, globalisation has changed the idea of sovereignty
- Globalisation describes a process by which national and regional economies, societies, and cultures have become integrated through the global network of trade, communication, immigration and transportation
- As a consequence, States accept the idea of a limitation of sovereignty in a framework of Multi-level Constitutionalism

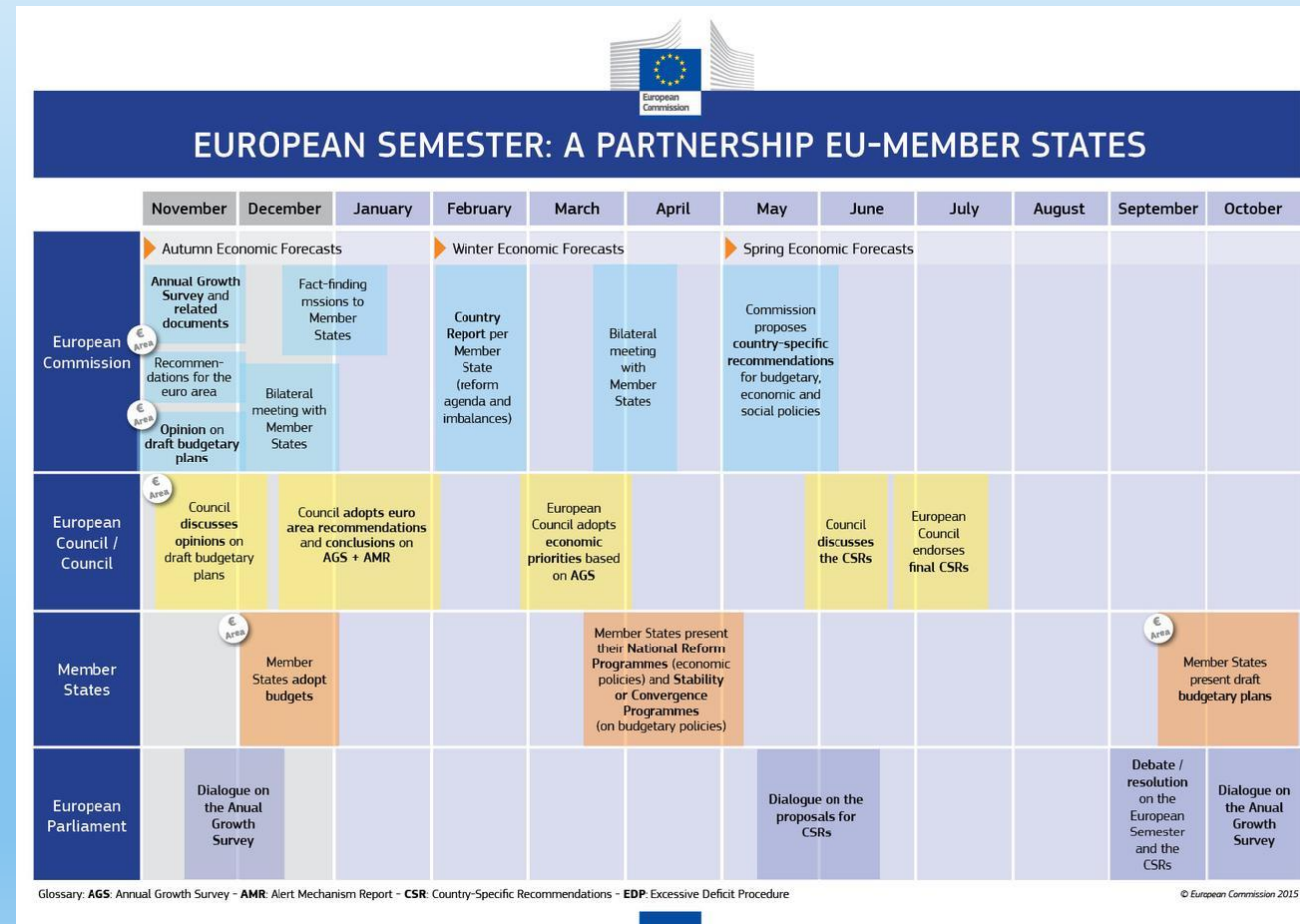
Italian Constitution and the transformation of sovereignty

- Art 10: Italian laws conform to the generally recognized norms of international law
- Art. 11: Italy [...] agrees, on conditions of equality with other states, to the limitations of sovereignty necessary to create an order that ensures peace and justice among Nations; it promotes and encourages international organizations having such ends in view.
- Art. 117: Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from European Union law and international obligations.

The European integration: some evident consequences

- Some constitutional amendments have been approved in order to comply with EU obligations (euro plus pact)
- States approve their budgets with the participation of the European institutions and observing EU constraints
- ...

The European integration: some evident consequences



The European integration: some evident consequences



*A. Ministro
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Rome, 27 October 2016

Dear Valdis, Dear Pierre

Thank you for your letter dated 25 October, in which you seek clarifications concerning Italy's 2017 Draft Budgetary Plan (DBP).

In particular, you are enquiring about the revision of Italy's fiscal targets with respect to the commitments made last spring.

The macroeconomic outlook has worsened since last spring due to external factors, including increased geopolitical risks, which have caused a slowdown in European growth and a lowering of projected global trade growth. Italy's official real GDP growth forecasts for 2016 and 2017 in the DBP have been reduced as a result. The output gap is now projected at -1.7 percent

The European integration: some evident consequences

- But also:
 - European monetary union
 - European citizenship
 - Freedom of movement
 - Right to vote
 - ...

The European integration: some evident consequences

