

Preface

Five years after the failure of the Treaty establishing a Constitution for Europe, and only a few months after the entry into force of the Treaty of Lisbon, the European Union found itself in a crisis, caused by the high sovereign debt of a number of its Member States and the demise of their financial institutions. The present Commentary has been drawn up during these years, in which the insufficiencies of the Treaties have progressively manifested. The book contains detailed analyses of the provisions of the Treaty on European Union as amended by the Reform Treaty of Lisbon—although another reform is in due course foreseeable.

The Commentary is the outcome of the research of authors from ten European countries. Searching for a better understanding of the European Union's law, it is inspired by the desire to identify common constitutional traditions, and to create an *idem sentire*. Within the law of the Treaties, the editors have found a strong tendency toward a systematic and dogmatic reconstruction based on a set of general principles, many of which have long characterised the supranational order. However, they have also noticed that the legal structure of the Treaties, beyond a certain limit, does not allow for the formation of European law, which does not have the legal resources sufficient to overcome its impasses and its shortcomings.

Such a situation once more brings up the question of a European Constitution, which would round off the law of the Union, representing the state of unification that has been so far lacking.

The editors are well aware that the idea of a European Constitution, which gives full meaning to the Union, is certainly a matter of legal nature, for which one has to be thankful to the case law so far developed by the Court of Justice of the European Union, whose decisions have spelt out the general principles of the European order. But above all, it is a political question, which resides in the hands of the political class of the Member States, that are called to perfect the “further steps” in the process of European integration. As of July 1, 2013, the number of Member States has increased to 28 with the accession of Croatia. Meanwhile, the “European citizens” are more and more becoming the main actors of this constitutional narrative, as the fate of Europe rests on them.

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