

Marianne Dony and Lucia Serena Rossi (eds). ***Démocratie, cohérence et transparence. Vers une constitutionnalisation de l'Union européenne?*** Brussels: Editions de l'université de Bruxelles, 2008. Pp. 367. \$35.00. ISBN 9782800414072

This interesting edited book is the outcome of a research project carried out by Bologna University, the Université Libre de Bruxelles, and the University of Nice Sophia Antipolis, and financed by the Jean Monnet Action of the European Commission. The main themes which guided this research are democracy, coherence, and transparency in the European Union. Since these issues pertain to the great challenges currently affecting the constitutional structure of the EU, one welcomes this

choice of the coordinators of this research project. The book includes articles which analyse the strengths and weaknesses of the constitutional system of the EU with respect to these themes. While the original objective was to examine whether the Constitutional Treaty had satisfactorily responded to the demands for democracy, coherence, and transparency, the abandonment of the constitutional path redirected the research to analysing whether the EU would respect these principles with the entry into force of the Treaty of Lisbon.

In spite of the constitutional nature of these principles, a satisfactory level of democracy and transparency in the functioning of the EU has still not been attained, and the coherence of the EU's external action is sometimes more of a goal than a reality. Because of this, the Laeken Declaration on the Future of the Union states that improved democratic legitimacy and transparency of the Union and its institutions are fundamental for bringing European institutions closer to the citizens. Moreover, during the work of the European Convention and the Intergovernmental Conferences of 2004 and 2007, concrete solutions were sought for improving the coherence and effectiveness of the EU's external action.

The first part of the book deals with the principles of democracy and transparency. According to Professor Lucia Serena Rossi, coordinator of the research resulting in the present publication, this study will allow us to delve deeper into the essential character of the new system – stipulated in the Constitutional Treaty and taken up for the most part in the Lisbon Treaty – which is reflected in the relations between institutions, between the institutions and the Member States, and, finally, between the European institutions and private citizens (at 8). The different contributions show that important progress has been made regarding the democratization of the EU, but that nonetheless there are still significant weaknesses in transparency and simplification. However, none of the contributions deals with the clarification of EU competences and the institutional changes brought about by the Constitutional Treaty. Even though all

the chapters are of high quality, the contribution which focuses on the new legal instruments included in the Constitutional Treaty no longer seems relevant, because the EU Member States decided to maintain the current system of acts in the Treaty of Lisbon.

The second part of the work is devoted to the external action of the EU. The external action of the EU which is governed by different rules – depending on the subject matter – has been an endless source of complications. The book thus examines both the coherence among the different European policies which have an external dimension and the coherence of the EU's external action with its internal policies. It also analyses coherence from an institutional perspective, that is, among the institutions and between the Union and its Member States. In this part of the book, special attention is paid to the coherence of the development policy with other external policies, all in light of the changes stipulated in the Constitutional Treaty. The contributions in this part of the book examine different issues of great interest for understanding the EU's external action, among which we can mention the following: the coherence of the external action of the EU in Latin America, the European Defence Agency and the coherence of the external action of the EU, the implementation of Article 17 of the Treaty of the EU, and the Trans-governmental cooperation under the Common Foreign and Security Policy: institutional and normative profiles. The rest of the contributions in this part of the book include a detailed study of issues such as the insertion of international law into the Union legal order, the implications of the ECJ's *MOX* judgment, the implementation of the international rules on intellectual property rights in the EU, and the treaty-making power of the European Commission.

This is a collective work which brings together highly relevant and topical contributions regarding the principles of democracy, coherence, and transparency in the process of European integration, in which the reader can find thought-provoking reflections about the process of reforming the Union, which began with the Constitutional Treaty and

subsequently gave rise to the Treaty of Lisbon. Apart from the introduction and conclusions of the book, the reader will find very few references to the innovations introduced by the Treaty of Lisbon. It seems that most of the contributions were finished before the Treaty of Lisbon was adopted by the EU Member States. However, since most of the changes brought about by the Constitutional Treaty are taken up in the Lisbon Treaty, the contributions which refer to the former are valid also with respect to the latter.

### *Individual Contributions*

*Lucia Serena Rossi*, Introduction;  
*Giacomo Di Federico*, The distinction between legislative and non-legislative acts in the Constitutional Treaty and its possible impact on *locus standi* and non-contractual liability. Some suggestions on the necessary adaptations required by the Treaty reform process;  
*Maria Francesca Portincasa*, The extension of ordinary legislative procedure and the special legislative procedures;  
*Marianne Dony*, La réforme des procédures financières au sein de l'Union européenne;  
*Anne Weyembergh and Veronica Santamaria*, Le contrôle démocratique dans l'espace pénal européen;  
*Lorenzo Picciano*, La dimension régionale de l'Union européenne, facteur de démocratisation dans le système juridique communautaire;  
*Luisa Ficchi*, L'Etat de droit et la jurisprudence communautaire;  
*Federico Casolari*, L'insertion du droit international dans l'ordre juridique de l'Union européenne: analyse à la lumière du processus de réforme institutionnelle en cours;  
*Lucia Serena Rossi*, De l'avis 1/03 à l'arrêt *MOX* : communautarisation des relations extérieures de la Communauté européenne en raison de la cohérence du système;  
*Antonietta Di Blasé*, Implementation of the international rules on intellectual property rights in the European Union;

*Elisa Baroncini*, The treaty making power of the European Commission;  
*Mario Telò*, Le modèle européen d'acteur international : aspects institutionnels;  
*Alix Rancurel*, La cohérence de l'action extérieure de l'Union européenne en Amérique latine;  
*Marie Bourriche*, La cohérence de la politique européenne de coopération au développement;  
*Gaëlle Dusèpulchre*, Dimension politique de la politique communautaire de coopération au développement, quelle cohérence?;  
*Giovanni Grevi*, Trans-governmental cooperation under CFSP: institutional and normative profiles;  
*Luca Paladini*, The implementation of Article 17 of the Treaty on European Union;  
*Louis Balmont*, Agence européenne de défense et cohérence de l'action extérieure de l'Union Européenne;  
*Marianne Dony*, Conclusion

*Juan Santos Vara*

*Associate Professor of Public International Law and European Law, University of Salamanca (Spain)*

Email: [savajuan@usal.es](mailto:savajuan@usal.es)

doi: 10.1093/ejil/chp021