

1. Record Nr.	UNINA9910787912203321
Titolo	The constitutionalization of European budgetary constraints // edited by Maurice Adams, Federico Fabbrini, and Pierre Larouche
Pubbl/distr/stampa	Oxford, United Kingdom ; ; Portland, Oregon : , : Hart Publishing, , 2014
ISBN	1-78225-419-6 1-5099-0705-X 1-4742-0164-4 1-78225-418-8
Descrizione fisica	1 online resource (446 p.)
Collana	Modern studies in European law ; ; v. 47
Disciplina	301
Soggetti	Budget - Law and legislation - European Union countries Budget - Law and legislation Conference proceedings. Europe European Union countries
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	"I am pleased to write the foreword to this volume, collecting the proceedings of a Conference held at Tilburg Law School, in the Netherlands on 30-31 May 2013 and organized by Federico Fabbrini, Maurice Adams and Pierre Larouche. This book explores the challenges of effectiveness and legitimacy produced by the constitutionalization of European budgetary rules and is highly recommended to anyone interested in European constitutional law, comparative fiscal federalism and the implications of the euro crisis."--Foreword.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	; Forward: Fiscal capacity and constitutional reform in the EMU -- Miguel Poiates Maduro -- ; Introduction: The constitutionalization of European budgetary constraints: effectiveness and legitimacy in comparative perspective -- Marice Adams, Federico Fabbrini and Pierre Larouche -- ; Part 1. The new constitutional architecture of European Economic and Monetary Union -- Economic governance and the Euro crisis: constitutional architecture and constitutional implications -- Paul Craig -- The use of international law as a tool for enhancing governance in the Eurozone and its impact on EU institutional integrity

-- Angelos Dimopoulos -- Differentiated economic governance and the reshaping of dominium law -- Kenneth A Armstrong -- EU fiscal governance and the effectiveness of its reform -- Alexandre de Stree -- Maastricht revisited: economic constitutionalism, the ECB and the Bundesbank -- Marijn van der Sluis -- The independence of the ECB after the economic crisis -- Stefania Baroncelli -- ; Part 2. The constitutionalization of European budgetary constraints: comparative experiences -- (Un)balanced budget rules in Europe and America -- Pieter-Augustijn Van Malleghem -- A legalization of financial constitutions in the EU? Reflections on the German, Spanish, Italian and French experiences -- Giacomo DelleDonne -- Fiscal stability rules in central European constitutions -- Marek Antos -- Can constitutional rules, even if "golden," tame Greek public debt? -- Lina Papadopoulou -- Mandatory balanced budget in Dutch legislation following examples abroad? -- Michal Diamant and Michiel van Emmerik -- An analysis of the method and efficacy of Ireland's incorporation of the fiscal compact -- Roderic O'Gorman -- ; Part 3. Towards a genuine EMU: democracy, legitimacy and integration -- Domestic courts, constitutional constraints and European democracy: what solution for the crisis? -- Ingolf Pernice -- National parliaments' say on the new EU budgetary constraints: the case of Spain and Ireland -- Sonia Piedrafita -- Who got to adjudicate the EU's financial crisis and why? Judicial review and the legal instruments of the Eurozone -- Samo Bardutzky and Elaine Fahey -- The impact of stronger economic policy co-ordination on the European social dimension: issues of legitimacy -- Francesco Costamagna -- Power and legitimacy in the Eurozone: can integration and democracy be reconciled? -- Peter L Lindseth -- From fiscal constraints to fiscal capacity: the future of EMU and its challenges -- Federico Fabbrini.

Sommario/riassunto

The recently enacted Treaty on the Stability, Coordination and Governance of the Economic and Monetary Union (generally referred to as the Fiscal Compact) has introduced a 'golden rule', which is a detailed obligation that government budgets be balanced. Moreover, it required the 25 members of the EU which signed the Treaty in March 2012, to incorporate this 'golden rule' within their national Constitutions. This requirement represents a major and unprecedented development, raising formidable challenges to the nature and legitimacy of national Constitutions as well as to the future of the European integration project. This book analyses the new constitutional architecture of the European Economic and Monetary Union (EMU), examines in a comparative perspective the constitutionalization of budgetary rules in the legal systems of the Member States, and discusses the implications of these constitutional changes for the future of democracy and integration in the EU. By combining insights from law and economics, comparative institutional analysis and legal theory, the book offers a comprehensive survey of the constitutional incorporation of new fiscal and budgetary rules across Europe and a systematic normative discussion of the legitimacy issues at play. It thus contributes to a better understanding of the Euro-crisis, of the future of the EU, and the reforms needed towards a deeper and genuine EMU
