

## The constitutionalization of European budgetary constraints

Publication Date	2014
Link	<a href="https://research.tilburguniversity.edu/en/publications/34ffbbed-5087-4ae3-8af9-7a5b4271c57c">https://research.tilburguniversity.edu/en/publications/34ffbbed-5087-4ae3-8af9-7a5b4271c57c</a>
Citation	Fabbrini , F , Adams , M & Larouche , P (eds) 2014 , The constitutionalization of European budgetary constraints . Hart , Oxford .
Download Date	2025-02-06 16:05:11
Rights	<p>General rights</p> <p>Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.</p> <ul style="list-style-type: none"> <li>- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.</li> <li>- You may not further distribute the material or use it for any profit-making activity or commercial gain</li> <li>- You may freely distribute the URL identifying the publication in the public portal"</li> </ul> <p>Take down policy</p> <p>If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.</p>

# The Constitutionalization of European Budgetary Constraints

Edited by  
Maurice Adams  
Federico Fabbrini  
and  
Pierre Larouche



• H A R T •  
PUBLISHING

OXFORD AND PORTLAND, OREGON  
2014

# Contents

Foreword: Fiscal Capacity and Constitutional Reform in the EMU <i>Miguel Poiares Maduro</i>	v
List of Contributors	xv
1 Introduction—The Constitutionalization of European Budgetary Constraints: Effectiveness and Legitimacy in Comparative Perspective <i>Maurice Adams, Federico Fabbrini and Pierre Larouche</i>	1
<b>Part 1</b> <b>The New Constitutional Architecture of European Economic and Monetary Union</b>	
2 Economic Governance and the Euro Crisis: Constitutional Architecture and Constitutional Implications <i>Paul Craig</i>	19
3 The Use of International Law as a Tool for Enhancing Governance in the Eurozone and its Impact on EU Institutional Integrity <i>Angelos Dimopoulos</i>	41
4 Differentiated Economic Governance and the Reshaping of Dominium Law <i>Kenneth A Armstrong</i>	65
5 EU Fiscal Governance and the Effectiveness of its Reform <i>Alexandre de Stree</i>	85
6 Maastricht Revisited: Economic Constitutionalism, the ECB and the Bundesbank <i>Marijn van der Sluis</i>	105
7 The Independence of the ECB after the Economic Crisis <i>Stefania Baroncelli</i>	125
<b>Part 2</b> <b>The Constitutionalization of European Budgetary Constraints: Comparative Experiences</b>	
8 (Un)Balanced Budget Rules in Europe and America <i>Pieter-Augustijn Van Malleghem</i>	151

9	A Legalization of Financial Constitutions in the EU? Reflections on the German, Spanish, Italian and French Experiences <i>Giacomo Delledonne</i>	181
10	Fiscal Stability Rules in Central European Constitutions <i>Marek Antoś</i>	205
11	Can Constitutional Rules, Even if 'Golden', Tame Greek Public Debt? <i>Lina Papadopoulou</i>	223
12	Mandatory Balanced Budget in Dutch Legislation Following Examples Abroad? <i>Michal Diamant and Michiel van Emmerik</i>	249
13	An Analysis of the Method and Efficacy of Ireland's Incorporation of the Fiscal Compact <i>Roderic O'Gorman</i>	273

Part 3

Towards a Genuine EMU: Democracy, Legitimacy and Integration

14	Domestic Courts, Constitutional Constraints and European Democracy: What Solution for the Crisis? <i>Ingolf Pernice</i>	297
15	National Parliaments' Say on the New EU Budgetary Constraints: The Case of Spain and Ireland <i>Sonia Piedrafita</i>	319
16	Who Got to Adjudicate the EU's Financial Crisis and Why? Judicial Review of the Legal Instruments of the Eurozone <i>Samo Bardutzky and Elaine Fahey</i>	341
17	The Impact of Stronger Economic Policy Co-ordination on the European Social Dimension: Issues of Legitimacy <i>Francesco Costamagna</i>	359
18	Power and Legitimacy in the Eurozone: Can Integration and Democracy Be Reconciled? <i>Peter L Lindseth</i>	379
19	From Fiscal Constraints to Fiscal Capacity: The Future of EMU and its Challenges <i>Federico Fabbrini</i>	399
	Index	419

## *List of Contributors*

- Maurice Adams** is Professor of Jurisprudence and 'vfund' Professor of Democratic Governance and the Rule of Law at Tilburg Law School.
- Marek Antoř** is Assistant Professor of Constitutional Law at Charles University, Prague.
- Kenneth Armstrong** is Professor of European Law and the Director of the Centre for European Legal Studies, University of Cambridge.
- Samo Bardutzky** is a Research Associate at the University of Kent, UK.
- Stefania Baroncelli** is Professor of Public Law at the University of Bolzano/Bozen.
- Francesco Costamagna** is Assistant Professor of EU Law at the University of Turin.
- Paul Craig** is Professor of English Law, St John's College Oxford.
- Giacomo Delledonne** is a PhD candidate at Sant'Anna School of Advanced Studies, Pisa.
- Alexandre de Streel** is Professor of EU Law at the Universities of Namur and Louvain and Advisor to the Belgian Deputy Prime Minister.
- Michal Diamant** is a PhD candidate at Leiden University.
- Angelos Dimopoulos** is Lecturer in EU Law at Queen Mary University London.
- Federico Fabbrini** is Assistant Professor of European & Comparative Constitutional Law at Tilburg Law School.
- Elaine Fahey** is a Senior Postdoctoral Researcher at the Amsterdam Centre for European Law and Governance (ACELG), University of Amsterdam, the Netherlands.
- Pierre Larouche** is Professor of Competition Law at Tilburg Law School.
- Peter Lindseth** is Olimpiad S Ioffe Professor of International and Comparative Law, and Director of International Programs, University of Connecticut School of Law (USA).
- Miguel Maduro** is Minister in the Cabinet of the Prime Minister and for Regional Development in Portugal, formerly Professor of Law at the EUI and Advocate General, European Court of Justice.
- Roderic O'Gorman** is Lecturer at Dublin City University.
- Lina Papadopoulou** is Assistant Professor of Constitutional Law at the Aristotle University of Thessaloniki.
- Ingolf Pernice** is Professor Dr jur, Dr h c chair of public, international and European law at the Humboldt-Universität zu Berlin, Direktor of the Walter Hallstein Institute for European constitutional law .

**Sonia Piedrafita** is a Research Fellow at the Centre for European Policy Studies in Brussels.

**Marijn van der Sluis** is a PhD candidate at the EUI.

**Michiel van Emmerik** is Associate Professor of Constitutional and Administrative Law at Leiden University and Deputy Judge at the Amsterdam District Court.

**Pieter-Augustijn Van Malleghem** is a Research Fellow (Research Foundation Flanders), PhD candidate at KU Leuven and SJD candidate at Harvard Law School.