"Towards a European constitutional model"

In the long Covid 19 pandemic season we have witnessed the re-emergence in the unitary history of Europe of its original solidarity reasons: with the activation of the Recovery Fund, in fact, the unitary responsibility of the Member States in facing a systemic and global health crisis has been expressed.

Without the pandemic being over, the idea and the hope that the structural renewal of the EU can finally begin has been put forward; in this sense there are talks of a New Deal to create new institutional forms, neo-federalist or neo-constitutional (already discussed for many years), being fully democratic and making the EU a political subject capable of having autonomous positions or, at least, of equally interacting with old and new powers of the current multilateral system.

In this sense, already in May 2019, Emmanuel Macron urged the political commitment of the "peoples" to regain "control of their own destiny" and to ensure the EU a future of "freedom, protection, progress" advancing the project of the Conference for the future of Europe which is currently ongoing.

In this perspective, the intergovernmental circuit established by the Treaties for the decision-making processes is inevitably discussed again: with the pandemic, there has finally been some balance between the hitherto exclusive power of the European Council and the power of the European Commission, while leaving the European Parliament's functions of guidance and control still subordinate, meaning the functions of the only supranational Assembly elected by the peoples.

Without denying the many advantages produced over time by the acquis communataire, to transform the aforementioned circuit in a democratic sense, curbing the nationalist and populist waves, we can only move, once again, towards

the definition of a new constitutional structure of powers, therefore towards a new 'form of government'.

Jacques Delors' project to achieve "mutual recognition" among the constitutional models of the EU Member States in order to make democratic Europe "an enriched expression of diversity" has faded. The idea of creating a 'great European state' has dissolved: an idea for which the federalist movement fought in the post-war period, especially considering the different conditions of the member States due to increasing economic and social disparities between the countries of the North and those of the South Mediterranean.

Hence the consideration that the "European revolution" can maintain its objective of eliminating the various political and institutional degenerations accumulated in the relations between national sovereignties only by endowing the European representative bodies with the power necessary to increase and compose, without overlapping, European and national interests and rights.

The outline proposed by some constitutionalists who deal with this serious issue is to limit to sectoral areas the current exorbitant political role assumed over the years by multilevel-governance, alternatively starting a process of multilevel-constitutionalism that commits the parliaments and governments of the member countries to redesign, in successive stages, the entire European system of political powers, integrating, and not only 'acknowledging', with the activation of new contractual modalities, the national constitutional rules and enrolling them on a supranational level.

The unitary redefinition of government structures would call for the elimination of the hierarchical model of relations between the European Council and the European Commission.

It would consequently become almost obvious to repeal the formula of unanimity, replacing it with the activation of the democratic principle of the majority at least on essential matters such as foreign and security policy and financial policy. In this sense, a European constitutional model, that is never static, but always in progress and alien to any form of normative hierarchization, would be affirmed.

The historic disagreement between European sovereignty and the sovereignties of Member States would find forms of composition, not only theoretical, in the area of parliamentary representation to face in a unified way the solution of the great political challenges, from health and security to migration and environmental sustainability.

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