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### **Sovereignty at the Constitutions of EU's Member-states**

One of the consequences of the integration process and globalization is the process of state sovereignty's leveling. Various interpretations of sovereignty, its contents and sources could be found in the legislation of the European Union and the member-states. It is necessary to consider the basic provisions of the member-states' Constitutions and to determine how the member-states define sovereignty or if the member-states' Constitutions determine the possibility to share the sovereignty between member-states and the EU. This is the purpose of this article.

Foreign researchers made a great impact in developing research of state sovereignty and the problem of its leveling, such as A. Berdyhin, C. Gey, L. Grinin, T. Zonova, A. Kokoshin, N. McCormick, G. Musyhin, A. Negri, C. Ohmae, S. Sassen, A. Snegurin, G. Thompson, P. Hirst and others.

The Constitution of Austria determines that law emanates from the people, pointing that at the article 1, section A. According to Article 9.1 of the Constitution rules of international law are regarded as integral parts of Federal law. The main thesis about state sovereignty is at the second part of this article – “by Law or state treaty may transferred specific Federal competences to other states or intergovernmental organizations. The same way the activity of agents of foreign states or intergovernmental organizations inside Austria and the activity of Austrian agents abroad may be regulated as well as the transfer of single Federal competences of other states or intergovernmental organizations to Austrian agents be provided for.”

Section B of the Austria's Constitution defines its relations with the European Union. Article 23d.1 defines the following – the Federation must inform the Laender without delay regarding all projects within the framework of the European Union which affect the Laender's autonomous sphere of competence or could otherwise be of interest to them and it must allow them opportunity to present their views within a reasonable interval to be fixed by the Federation. Article 23f.1 says that Austria takes

part in the Common Foreign and Security Policy of the European Union by reason of Title V of the Treaty on European Union, as amended by the Treaty of Nice.

According to Belgium's Constitution Belgium is a federal state and composed of Communities and Regions. Article 2 defines that Belgium comprises three Communities: the Flemish Community, the French Community and the German-speaking Community. We cannot find an article that proclaims dividing the sovereignty, but in the article 34 that the exercising of specific powers can be assigned by a treaty or by a law to institutions of public international law. So, if a state decides to share the sovereignty with other community, the state should sign a separate agreement with community. Belgium's Constitution does not define a sovereignty of a state at all, but makes a note concerning a possibility to share the sovereignty.

Bulgaria's Constitution points out that the entire power of the State shall derive from the people. The people shall exercise this power directly and through the bodies established by the Constitution. Article 2.1 stresses that The Republic of Bulgaria shall be an unitary State with local self-government. No autonomous territorial formations shall be allowed to exist therein. By the article 4.5 Republic of Bulgaria shall participate in the building and development of the European Union. Within the article 5.4 International treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be part of the legislation of the State. They shall have primacy over any conflicting provision of the domestic legislation.

As for the Greece's Constitution, popular sovereignty is the foundation of government. All powers derive from the People and exist for the People and the Nation; they shall be exercised as specified by the Constitution. Within the article 28.3 Greece shall freely proceed by law passed by an absolute majority of the total number of Members of Parliament to limit the exercise of national sovereignty, insofar as this is dictated by an important national interest, does not infringe upon the rights of man and the foundations of democratic government and is effected on the basis of the principles of equality and under the condition of reciprocity.

Denmark's Constitution of 1953 says that powers vested in the authorities of the Realm under this Constitution Act may, to such extent as shall be provided by Statute, be delegated to international authorities set up by mutual agreement with other states for the promotion of international rules of law and co-operation.

Estonia is sovereign democratic republic wherein the supreme power of state is vested in the people. The independence and sovereignty of Estonia are timeless and inalienable. Generally recognized principles and rules of international law are an inseparable part of the Estonian legal system, as a lot of courtiers define in their constitutions.

Article 1 of Ireland's Constitution says that the Irish nation hereby affirms its inalienable, indefeasible, and sovereign right to choose its own form of Government, to determine its relations with other nations, and to develop its life, political, economic and cultural, in accordance with its own genius and traditions.

As pointed in others constitutions, according to the Spain's constitution people are the source of sovereignty. International agreements, which are signed by Spain, are a part of Spain's legislation.

Sovereignty in Italy belongs to the people and is exercised by the people in the forms and within the limits of the Constitution. Italy rejects war as an instrument of aggression against the freedom of other peoples and as a means for the settlement of international disputes. Italy agrees, on conditions of equality with other States, to the limitations of sovereignty that may be necessary to a world order ensuring peace and justice among the Nations. Italy promotes and encourages international organisations furthering such ends.

Cyprus's Constitution defines Cyprus as a sovereign state. No provision of the Constitution shall be deemed to annul laws enacted, acts done or measures taken by the Republic which become necessary by reason of its obligations as a member state of the European Union, nor does it prevent Regulations, Directives or other acts or binding measures of a legislative character, adopted by the European Union or the European Communities or by their institutions or competent bodies thereof on the

basis of the Treaties establishing the European Communities or the Treaty of the European Union, from having legal effect in the Republic.

Latvia's and Lithuania's Constitutions also defines people as a source of the sovereignty.

Within the Malta's Constitution of 1964 with amendments through 2011 defines Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance.

The Constitution of Netherlands, article 92, says that legislative, executive and judicial powers may be conferred on international institutions by or pursuant to a treaty, subject, where necessary, to the provisions of Article 91 paragraph 3.

One of the most complete defining of sovereignty and its possibility to be shared is at the Constitutional law of Federal Republic of Germany. With a view to establishing a united Europe, the Federal Republic of Germany shall participate in the development of the European Union that is committed to democratic, social and federal principles, to the rule of law, and to the principle of subsidiarity, and that guarantees a level of protection of basic rights essentially comparable to that afforded by this Basic Law. To this end the Federation may transfer sovereign powers by a law with the consent of the Bundesrat. The establishment of the European Union, as well as changes in its treaty foundations and comparable regulations that amend or supplement this Basic Law, or make such amendments or supplements. Article 24 defines that the Federation may by a law transfer sovereign powers to international organisations. With a view to maintaining peace, the Federation may enter into a system of mutual collective security; in doing so it shall consent to such limitations upon its sovereign powers as will bring about and secure a lasting peace in Europe and among the nations of the world.

Portugal's Constitution of 1976 with Amendments through 2005 defines of the people and committed to building a free, just and solidary society. Article 7 says Portugal shall make every effort to reinforce the European identity and to strengthen the European states' actions in favour of democracy, peace, economic progress and

justice in the relations between peoples. The rules and principles of general or common international law shall form an integral part of Portuguese law.

Romania's Constitution of 1991 with Amendments through 2003, article 2, stresses that national sovereignty shall reside within the Romanian people which shall exercise it through its representative bodies, resulting from free, periodical and fair elections, as well as by referendum. No group or individual may exercise sovereignty on its own behalf.

Within Slovakia's Constitution the Slovak Republic is a sovereign, democratic and law governed states. It is not bound by any ideology or religion. The Slovak Republic may, on the basis of its own decision, enter into a union with other states. The entry and withdrawal is decided by a constitutional law, which is confirmed by referendum.

Article E of Hungarian's Constitution point out that in order to enhance the liberty, prosperity and security of European nations, -- Hungary shall contribute to the creation of European unity. With a view to participating in the European Union as a member state, Hungary may exercise some of its competences arising from the Fundamental Law jointly with other member states through the institutions of the European Union under an international agreement, to the extent required for the exercise of the rights and the fulfilment of the obligations arising from the Founding Treaties.

Finland's Constitution of 1999 with Amendments through 2011 says that Finland is a sovereign republic. Finland participates in international co-operation for the protection of peace and human rights and for the development of society. Finland is a Member State of the European Union. Chapter 8 of the Constitution regulates country's international relations. The foreign policy of Finland is directed by the President of the Republic in co-operation with the Government. However, the Parliament accepts Finland's international obligations and their denouncement and decides on the bringing into force of Finland's international obligations in so far as provided in this Constitution. The Parliament considers those proposals for acts, agreements and other measures which are to be decided in the European Union and

which otherwise, according to the Constitution, would fall within the competence of the Parliament.

National sovereignty shall vest in the people, who shall exercise it through their representatives and by means of referendum according to the France's Constitution. No section of the people nor any individual may arrogate to itself, or to himself, the exercise thereof. Title XV regulates relations with the European Union. The Republic shall participate in the European Union constituted by States which have freely chosen to exercise some of their powers in common by virtue of the Treaty on European Union and of the Treaty on the Functioning of the European Union, as they result from the treaty signed in Lisbon on 13 December, 2007. The government shall lay before the National Assembly and the Senate drafts of European legislative acts as well as other drafts of or proposals for acts of the European Union as soon as they have been transmitted to the Council of the European Union.

So, the vast majority of the constitutions of member-states define people as a source of sovereignty. A lot of member-states delegate a part of sovereign rights to international organizations and communities such as the European Union, pointing this at their constitutional acts.