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”European Union” in the Constitution of Finland

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Abstract

In the paper, the focus is in multiple manners in which the national Constitutions, especially the Constitution of Finland, deal with European Union membership and the various relations between the state and the EU. Based on a comparison of the national Constitutions of the EU Member states and of constitutional doctrines, there is no common European understanding about how the national constitution should refer to the EU membership as part of the basic national constitutional solutions. In national Constitutions, there are many different references to the EU and to the membership in the Union. Surprisingly many national constitutions remain silent about the EU and membership. However, one cannot deny the importance of EU membership in the Member State’s political life: All State organs are deeply affected by the membership. EU membership is relevant also from the citizens’ point of view, both in their relation with the public power and with one another.

The national constitutional provisions on EU and EU membership have many functions. For example, they have defensive and competitive elements. As regards the EU Treaties, they have certain dialectic functions and also include a balancing aspect. There seems to be many reasons for not mentioning the EU in the national Constitution. Today, linkages between the national constitutions and the EU constitution, including the EU Treaties, can be seen in the light of a multilevel understanding about the European constitution, and as such as a part of European constitutionalism.

The Constitution of Finland contains a few articles where EU membership can be directly seen or assumed. They belong mainly to the category of "EU articles" concerning the national division of powers and the participation of the national Parliament in EU affairs. The Constitution of Finland does not mention EU membership as such as one of the basic characteristics of Finnish organisation of State, nor does it have any "Europe" article. The paper deals with these aspects of the Constitution, as well as with current pressure towards mentioning EU membership as a part of the fundamental provisions of the Constitution are discussed. Mentioning the membership in the Constitution would increase the informativeness, but also have some normative aspects and consequences.

Keywords: Constitutional Law, European Law, Constitution, European Union