

## **Book Review**

**EU Enlargement and the Constitutions of Central and Eastern Europe.**  
By Anneli Albi. Cambridge University Press, 2005, pp, xxxii, 232, index.

### **Reviewed by Yıldıray Sak**

Sovereignty issue in the EU and constitutional adaptations in the Member States have been most crucial subjects in the EU integration process. While each enlargement has created its own special issues for candidate country, the EU legal order, especially ECJ, have answered the questions about sovereignty and Community law's supremacy by both laying down the principles for the issue and leading the national legal order. Thus, sovereignty and the issues arising from the adaptations of Member States' constitutional orders have become two main elements in the enlargement 'laboratory' which do not have same or invariable conditions in any case.

Taking a glance briefly on the constitutional adaptations in the previous Member States, the book of Albi works in this laboratory for last enlargement of the EU, the countries were call Central and Eastern Europe countries (CEE), by leaving Greek Administration of Southern Cyprus out. The book shows that adaptation to the EU legal order for each state has different views and has not unique legal formula. However, Albi puts therapeutic ways of experienced enlargement for constitutional adaptations in question. Because of special conditions of the CEE countries Albi addressed the adaptation issues in CEE legal order under the task of taking CEE post-Communist period into consideration.

In the beginning of the book, in Part 1 and 2, transfer of sovereign powers for old Member States was examined and, in relation to that examination, the effects of EU Treaty amendments on Member States' legal orders were explained. By considering the previous adaptations experienced in the EU Member States and some specific characters of CEE constitutions, Albi evaluated constitutional issues of CEE legal orders in the pre-accession period in Part 3 and 4, like Europe Agreements, results of pre-accession EU obligations and the issue of democratic deficit. Beside the legislative harmonization in pre-accession period judicial harmonization was another standpoint for application and to interpretation for EU law. Albi, therefore, has given special importance to the judgements of constitutional courts of

the candidate country whether they accepted basic EC law principles, e.g. direct effect or supremacy.

Most detailed analysis of the study was placed into the Part 5-7. Albi reviewed all CEE countries' constitutions and Romania and Bulgaria. After examining the nine countries one by one, Albi highlighted the tightened cords between EU legal order and CEE constitutional order which was formed by some new EU amendments in the accession process of CEE countries. Another important point in these parts, the book covers, is the original approach to the theoretical aspects of sovereignty and democratic legitimacy in the case of CEE. Albi made crucial evaluations and determinations for the some concepts like delegating sovereignty and popular sovereignty. This section of the book was ended with an examination of referendums experienced by CEE countries.

Having looked at the membership of NATO and other international organization from the sovereignty point of view in Part 8, Albi addressed to the well known debate of the European Union law, 'who is the ultimate arbiter of the European constitutional order?', in Part 9 with reference to the CEE constitutional courts' judgements.

In the last part concern was directed to the European Constitution and its status whether it is a treaty or a constitution or a constitutional treaty by referring to national responses. The national position of the CEE countries was focused on the subject of 'constitutional elements of the EU constitution and constitutional limits of CEE countries to integration'.

There seems to be a tendency among the politicians to see the legal arrangements for the accession as formalities to be easily resolved, but the membership results in underestimating the post impacts of those arrangements. Although the book does not explicitly emphasize the importance of those arrangements as the main purpose of the study, but rather mirrors the experiences of CEE countries, it gives a clear sight and guidance with regards to the kind of the arrangements, their impacts and the national responses within the CEE countries to those arrangements.

Having examined almost all aspects of pre-accession of a candidate country and constitutional issues of being a Member State of the EU, Albi's book is a reference book for academics or any other related persons that examine sovereignty issue in the EU and constitutional adaptations in the Member States.