The Right to a Healthy Environment, Fundamental Human Right, Constitutionally Enshrined

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Abstract: - People constantly interact with their environment and these interactions have an impact on the quality of life, the years of healthy living and the health differences; therefore, the fundamental human right to a healthy environment gains an essential position, besides other rights. Obviously, the legal status of a healthy environment as a human right varies in different systems. Many countries have elaborated constitutional provisions, which guarantee the right to a healthy environment, provisions derived from the obligations of the states to adopt the principles reflected in the Declarations from Stockholm, 1972, and Rio, 1992.

Key-words: - human rights, right to a healthy environment, environment protection, European constitutions, comparative legislation

1. Introduction

There is, of course, a direct relation between the right to a healthy environment and other human rights. Environmental degradation affects the right to life, health, work and education. For example, the pollution of lakes and waters in a large number of countries has a severe impact on the fishermen’s possibility to make a decent living through their traditional work, or the pollution of the air and water resulted from the activity of certain plants generates health issues, while intoxications caused by lead-based paints, gas etc. affect the children’s capacity to learn.

The World Health Organization (WHO) defines the environment in relation with health, as being all the physical, chemical, and biological factors external to a person and all the related behaviours[1]. A healthy environment consists in the prevention or control of diseases, lesions and disabilities caused by the interactions between people and the environment.

The current legal regulation highlights the elaboration and enshrinement at national and international level of a fundamental human right to a healthy and balanced environment. The environment is considered healthy when it provides the adequate conditions of living and development to all the beings living at a certain point on Earth. Without a doubt, in order to be healthy, the environment must be ecologically balanced and preserved by any means and protected.

From the perspective of human rights, in the context of a severe environmental degradation, the right to a healthy environment gains an essential position, besides other rights, including the right to development, the right an adequate social environment by countering terrorism, criminality and drugs, the right to peace and security, the right to humanitarian assistance and observance of common humanity patrimony, rights with the generic name of collective solidarity third generation rights. The chronological categorization of human rights remains one of the best known forms of categorization. Thus, there are first-generation human rights, represented by “classic” civil and political rights: the right to life, freedom, physical integrity, freedom of expression etc. The second-generation human rights are represented by the economic, social and cultural rights, which involve the positive intervention of the state, with the purpose of creating the material and social conditions for their exercise. The third-generation rights are represented by the collective, solidarity rights and, with the latest discoveries in medicine and biology the enshrinement of a fourth generation of human rights, which protect the human dignity from certain forms of abuse: genetic engineering, experiments on the human embryo, organ transplantation [2].

Starting from the premise that human rights are applicable only so long as they are stated in the internal legislations as fundamental rights and their
exercise is guaranteed (i.e. only if they are enshrined in the constitutional, legislative and legal system of each state), it is necessary to correlate the internal and international regulations, to this end.

2. International Enshrinement and Content of the Fundamental Human Right to a Healthy and Balanced Environment

The universal instruments proclaiming the human rights are the following: the Charter of the United Nations, signed on June 26th 1945 and the Universal Declaration of Human Rights, proclaimed at the General UN Assembly. They envisage four categories of fundamental human rights: economic and social rights (the right to work, the right to social security, health and others); cultural rights (the right to education, cultural life etc.); civil rights (the right to equal protection before the law, the right to citizenship, freedom and inviolability etc.); political rights (freedom of thought and conscience, the right to elect and be elected etc.). The international assemblies organized under the aegis of UNESCO have progressively led to the creation of the concept of “rights of the peoples”. After the Conference of the Organization of African Unity in 1981, which adopted the African Charter on Human and Peoples’ Rights, at regional level, the general UNESCO Conference in 1983 adopted a resolution on human and peoples’ rights, at international level. The human rights include civil and political rights, social rights, economic and cultural rights, and the right to peace, the right to development, the right to a healthy environment, the right to a common heritage and the right to communication. All these rights are associated with the notions of solidarity and joint responsibility.

The 1972 UN Conference on the Human Environment held in Stockholm laid down the fundamental human right to a healthy and balanced environment, as a first principle of the 26 principles included in the Declaration on Environment, the first document explicitly acknowledging the relation between environment protection and the human rights, imposing at the same time the obligation of the society to preserve, defend and improve the environment, for the present and future generations (“the human being has the fundamental right to freedom, equality and satisfactory life conditions, in an environment with the proper quality allowing the human being to live with dignity and welfare. It is a duty of honour to protect and improve the environment for the present and future generations”). In order to define the “healthy and balanced environment” phrase, the Stockholm Declaration of 1972 mentions “an environment with the adequate quality to allow the human being to live with dignity and welfare”. Although the importance of this document cannot be contested, it must be noted that it does not acknowledge directly the right to an environment, as such. It is rather an indirect acknowledgement of this right, by determining the relation between the human rights such as the right to life and freedom and the quality of the environment, with emphasis on the fact that the observance of the environmental provisions is a requirement, in order to ensure satisfactory living conditions.

Subsequently, article 24 of the African Charter on Human and Peoples’ Rights (Nairobi, June 28th 1981) stipulates that “all peoples shall have the right to a general satisfactory environment favourable to their development”. Another regional document is the “Additional Protocol” of November 14th 1998 on the economic, social and cultural rights to the American Convention on Human Rights, which acknowledged the “right to a healthy environment”, stipulating that “everyone shall have the right to live in a healthy environment and to have access to basic public services” as well as the obligation of the states to “promote the protection, preservation, and improvement of the environment” (art. 11).

In June 1992, 20 years after Stockholm, the UN Conference on Environment and Development (UNCED) was held in Rio de Janeiro. The purpose of the Conference was the elaboration of strategies and measures to stop and reduce the environmental degradation effects and to consolidate the national and international efforts to promote durable and ecological development in all the countries. UNCED adopted three non-compulsory instruments, including the Declaration from Rio, which identifies 27 principles. Principle 1 states that the human beings are at the centre of the preoccupations for a durable development and have the right to a healthy and productive life, in harmony with nature.

At the level of the European Council, the European Convention on Human Rights does not include any reference to the right to live in an unpolluted environment, on account of the lack of preoccupations concerning the environment, at the moment when this Convention was elaborated and adopted (November 4th 1950). Therefore, it is not surprising that only by the late 70s, considering the new life conditions in Europe, the Commission had the opportunity to take a closer look at the environmental issues, at both the material and the procedural aspects [3]. Then, in the late 80s, the
right to an environment was enshrined jurisprudentially. The judges of the European Court for Human Rights knew how to overcome the obstacle resulting from the absence of a clear enshrinement in the Convention, by extensively interpreting a series of “classic” principles, already stipulated in the respective Convention. In practice, art.2 (the right to life), art.3 (prohibition of inhuman, degrading treatment or torture), art.8 (right to respect for private and family life) and art.1 of the Additional Protocol no. 1 (protection of property), correlated to the articles also enshrining procedural rights: art.6 (right to a fair trial) and art.13 (right to an effective remedy) were most often invoked to this end [4].

Concerning the community law, the Treaty of Maastricht (1999) stipulating that “the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law”, acknowledged and incorporated by indirect reference the fundamental right to an environment, amongst the human rights acknowledged and guaranteed at the level of the community jurisdictional structure.

It is important to mention that the environmental protection is also included in the Charter of Fundamental Rights of the European Union [5], in the chapter “Solidarity”, art. 37 “Environmental Protection” (“A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.”). After the January 1st 2009 enforcement of the Treaty of Lisbon [6], subject to article 6, paragraph (1), first paragraph of the Treaty, the Charter of Fundamental Rights and the treaties have the same legal value, which is also of great significance for the environmental protection.

Guaranteeing the exercise of the fundamental human right to a healthy environment entails the following: the right to information about the environment; the right to participate in taking and enforcing environmental decisions; the right associate in order to protect the environment; the right to repair the environmental damages. The right to an environment, as a fundamental human right, is the object of theoretical disputes, although a series of states (Romania included) either overcame these disputes and created regulation systems for environmental protection, or agreed over the fact that this right has a state-wide legal recognition.

The foreign literature on the environmental protection issues poses the question of the rightful holder of the right to a healthy environment, in other words, “if we can consider it an individual right” or a “nature’s right”. The advocates of the “human finality” thesis claimed that the right to a healthy environment can only be held by the individual, as the human being is the sole beneficiary of this right. Other authors claimed that nature (which includes the human being as well) has the right to be protected. From the legal perspective, it is indisputable that only the human being can be the holder of the right to a healthy environment. The acknowledgement of this quality as human does not have a negative effect on nature: since the human being is part of nature, protecting the nature, the human being protects herself/himself. In theory, it is considered without reservations that there is an “environment right”, but it is not considered an individual subjective right; instead it is considered a “solidarity right”, such as the “right to development”, a collective right [7]. Other authors consider it either an individual right, or a collective right, on condition that it can be exercised by a single individual. Therefore, it is very difficult to correctly phrase this new fundamental right.

In our opinion, in relation to the human rights, this is a question of anthropocentric perspective, but the right to a healthy environment does not only concern the human being, but also all the other life forms, the biosphere itself. It can be however agreed, in a wider sense, that the right to a healthy environment concerns the human being and all the natural elements surrounding the human being, to the extent in which they form an unbreakable ecological whole. Of course, the matter at hand is a healthy environment, of good quality, proper for the development of the human being, ecologically balanced and adequate for life evolution. More than a human right in strict sense, this is a right which protects both the human being and the environment in which the human being lives.

3. Constitutional Acknowledgement of the Fundamental Right to a Healthy Environment, in the European Union States

At state level, throughout the world, almost 50 countries enshrined the right to a healthy environment in the Constitutions, more or less explicitly, a phenomenon which tends to generalize
with the constitutional reviews or elaborations. The concept of environment has a variable importance, depending on the country, fluctuant content and the exercise of this new right is highly different from one country to another, both from the viewpoint of state force employment and from the viewpoint of variety of repressive and preventive means [8].

Concerning the European Union states, during the past years they have provisioned the guarantee of the right to a healthy environment in their fundamental laws, which they have revised to this end, paying significant importance to the concept of environment. The importance of environmental protection can be assessed not only through the dimension of the material dedicated to this topic in the Constitution, but also through the position of the article in the constitutional text, being placed amongst other rights or, on the contrary, emphasizing its particular nature as well as its relative importance among the fundamental rights.

The visible primacy of this right is visible in France, which in the Preamble of its Constitution reviewed in 2005 stipulates that the French people solemnly proclaims its attachment to the human rights as defined in the Declaration from 1789, confirmed and completed with the Preamble to the Constitution, dated 1946, as well as its attachment to the “rights and obligations defined in the Charter on Environment, proclaims 10 fundamental principles, including the principle of durable development” (art. 5 – Chapter I “The Republic”, of the Constitution in force since 1997). In addition, art. 74 states that the public authorities implement policies which ensure the ecological security of the present and future generations, as environmental protection is their obligation, while article 86 states that “each person must take care of the environment and is responsible for its degradation”.

In the same manner, in the Constitution of Belgium, art. 23 included in Title II, entitled “The Belgians and Their Rights” states that “anyone has the right to lead a life corresponding to the human dignity”. To this end, the legislation guarantees the economic, social and cultural rights and determines the conditions for their exercise. The “right to the protection of a healthy environment” (art. 23 item 4) finds its place among the rights enumerated by the Constitution, such as the right to work, the right to decent housing etc. There were reproaches that the terms of the Belgian Constitution are not very precise and that the adjective “healthy” is not the adequate word to use referring to the environment, because besides being healthy, the environment must contribute to the welfare of the human being and the ecological balance. The environment is a heritage, a reservoir of riches, which requires a proper management, in order to cut the damages caused to the present and future generations. For this reason, opinions were stated that the term “adequate” would have been more appropriate for this context, even though this term would have been susceptible to certain ambiguities [9].

In the Constitution of Finland, adopted in 1999, in Chapter 2 – “Basic Rights and Liberties” – art. 20 entitled “Responsibility towards the Environment” stipulates: “Nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment.”

In 2003, Latvia added to Section 8, “Fundamental Human Rights”, the stipulation that “The State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment” (art. 115).

The holder of the right to a healthy environment, as a right of the individual, is stipulated in the Constitution of Estonia dated 2003, “everyone has a duty to preserve the human and natural environment and to compensate for damage caused to the environment by him or her” (art. 53), with the compensation procedures set by law, as well as in
Slovakia which, by reviewing its Constitution in 2001, Section 6 of Title II entitled “The Right to the Protection of the Environment and the Cultural Heritage”, in the first two paragraphs of article 44 proclaims that “everyone has the right to favourable environment” and that “Everyone shall have a duty to protect and improve the environment and to foster cultural heritage”, while paragraph (4) of the same article states that “the state shall care for economical exploitation of natural resources, for ecological balance and on effective environmental policy, and shall secure protection of determined sorts of wild plants and wild animals”.

The European constitutions display an approach based on the study of fundamentals of life, thus including the right to health frequently referred to as the right to a healthy environment, with guaranteeing the future of new generations as corollary. Thus, in Germany, article 20a added to the Basic Law in 2002, states: “Mindful also of its responsibility toward future generations, the state shall protect the natural foundations of life and animals by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order.” The difficulties of this compromise reflect in the ambiguity of the constitutional article. Undoubtedly, the term “state protection” refers to the obligation of the state to protect the “natural foundations of life”. Although the text does not refer to the human life, it is obvious that this term excludes the protection of the social, cultural, constructed environment etc., referring solely to the natural environment or the biosphere, while the issue of the anthropocentric or ecocentric approach remains open. Systematically interpreting this article, corroborated with article 1 of the German Constitution, which, as a general focus of the Basic Law, sets the protection of human dignity as fundamental principle of the political and constitutional order of the state, certain theoreticians understood the phrase in an anthropocentric manner. In addition, the references to “future generations” would serve confirm this interpretation [10].

The reference to the natural foundations of life cannot be however considered other than through safeguarding the observance of integrity of elements necessary for the development and maintenance of life: water which represents 90% of the mammals’ body, air as the vital ambient and earth which produces the food. To this end, the Constitution of Croatia stipulates that the “sea, seashore, islands, waters, air space, mineral resources, and other natural assets, as well as land, forests, flora and fauna, other components of the natural environment, real estate and items of particular cultural, historical, economic or ecological significance” (art. 52) receive special protection. Among the highest values of the constitutional order, besides freedom, equal rights, multi-party system, respecting the wishes of the human being etc., the Constitution includes the “preservation of nature and human environment” (art. 3), while article 69 reviewed in 2001 states that every human being has the right to a healthy life and to this purpose the state has the obligation to provide its citizens with the “conditions for a healthy environment”.

An aspect of the constitutional approach concerning the environment is the anthropocentric perspective: the human being is no longer an element of nature; instead, nature is considered to be subordinated to the human being [11]. Thus, certain Constitutions evoke the preservation of the life environment, especially the forests and remarkable sites or the economic framework, managing the natural resources and waste products; for example, Bulgaria “shall ensure the protection and reproduction of the environment, the maintenance and diversity of wildlife, and the rational utilization of the natural wealth and resources of the country” (Constitution of 1991, art. 15), while the citizens have “the right to a healthy and favourable environment”, therefore they need to protect the environment (art. 55). In addition, the Czech Republic “sees to it that natural resources are used economically and natural wealth is protected.” (art. 7 of the Constitution from 1993), while Lithuania, in art. 54 of its 1992 Constitution “shall take care of the protection of the natural environment, wildlife and plants, individual objects of nature and areas of particular value and shall supervise a sustainable use of natural resources, their restoration and increase”.

Portugal states that “everyone shall possess the right to a healthy and ecologically balanced human living environment and the duty to defend it”, through several measures which fall upon the state, through the specialized organizations and with the participation of the citizens. These measures refer to: prevention and control of pollution and its effects; organization and promotion of development of the land, in view of a harmonious social-economic development; creation and expansion of natural reservations and parks, in order to preserve the nature and safeguard the cultural values of historical and artistic interest; promotion of economic use of natural resources, saving their capacity to regenerate and the ecological stability; encouraging the environmental quality in rural and urban localities, especially in terms of architecture and protection of historical areas; observance of environmental values and promotion of education in
this field. All these principles are stated in art. 66 of the 1976 Constitution of Portugal, article entitles “Environment and Quality of Life”. Art. 9 concerning the fundamental responsibilities of the state enumerates the promotion of welfare and quality of life, as well as the “exercise of economic, social, cultural and environmental rights”.

The 1978 Constitution of Spain guarantees that “everyone shall possess the right to a healthy and ecologically balanced human living environment and the duty to defend it.” The public authorities shall watch over a rational use of all natural resources with a view to protecting and improving the quality of life and preserving and restoring the environment (art. 45).

We note that the constitutional texts of certain European Union countries firstly reveal the obligation of the legislative and executive power to take measures and take positive action in order to protect the environment. The legal and practical value of these regulations is that of defining the exercise of other state policies, but also the interpretation and corresponding enforcement of the laws and regulations, since the rule in question is a rule de jure superior, general and objective. Thus, in the Constitution of Greece, reviewed in 2001, art. 1 stipulates the following: “The protection of the natural and cultural environment constitutes a duty of the State. The State is bound to adopt special preventive or repressive measures for the preservation of the environment.” In Luxembourg, article 11bis added to the Constitution based on the 2007 review stipulates: “the state guarantees the protection of the human and natural environment, by creating a durable balance between the preservation of nature, especially its regeneration capacity, and the fulfilment of the needs of present and future generations”. In the 1986 Constitution of the Netherlands, chapter I dedicated to the fundamental rights includes article 21, which stipulates that “It shall be the concern of the authorities to keep the country habitable and to protect and improve the environment”. In the 1991 Constitution of Slovenia, article 72 entitled “Healthy Living Environment” states that “everyone has the right in accordance with the law to a healthy living environment.”

As seen above, the obligation to protect the environment, attributed to the state itself or to the state and its citizens is quite frequent and it is stated in the constitutions of Croatia, Finland, Germany, Latvia, Lithuania, Poland, Portugal, Slovakia and Spain. We can conclude that in the European Union, countries such as Belgium, Bulgaria, Croatia, Finland, France, Portugal, Slovakia and Hungary explicitly added the right to a healthy environment in their Constitutions, while the other states use phrases covering the same principle.

From the chronological perspective, after 1972, following the Stockholm Declaration on Environment, the member states of the European Union stipulated the guarantee of the right to a healthy environment in their fundamental laws (only a few countries had added such a reference, between 1976 and 1990, Portugal and Spain being the first to do so) and after 1990 an increasing number of countries assumed this new concept, while after the European Union extended by including Eastern European countries, all these new members already had added the proper modifications to their new constitutions and revised their Constitutions by adding stipulations concerning this human right. Surprisingly, in our research, we did not find at least a tangential reference to the environment in the Constitution of Denmark and Ireland (as we did in the Constitution of Austria, Italy, Malta or Sweden), as the approach to the institution of the right to a healthy environment is not a constitutional one in these countries.

4. Enshrinement of the Fundamental Human Right to a Healthy Environment in the Romanian Legislation

Art. 35 of the Constitution of Romania amended and republished in 2003, article entitled “The Right to a Healthy Environment” stipulates the following: (1) The State shall acknowledge the right of every person to a healthy, well preserved and balanced environment; (2) The State shall provide the legislative framework for the exercise of such right; (3) Natural and legal entities shall be bound to protect and improve the environment.

The text easily leads to the conclusion that this right is acknowledged both for natural persons, individually, and for legal entities, because the latter benefit from the same legal guarantees, when exercising this right. Moreover, the holders of this right are not only Romanian citizens, but also individual law subjects. However, certain authors consider that the phrase “persons” used in art. 35 of the Constitution is inappropriate and does not fully cover the issue of environmental protection, since the constitutional regulation does not refer explicitly to the persons who do not live on the territory of Romania, yet they pass through the country or travel etc. Therefore, it would be necessary to determine the coverage of the phrase “persons”, by replacing this term for the foreign citizens and stateless persons to
fall under the same obligation to protect the environment, while on the Romanian territory [12].

In order to exercise the right to a healthy environment, the state has the obligation to ensure the necessary legal framework. To this end, a series of fundamental rights such as the following are stipulated and guaranteed: the right to life, bodily and mental integrity, the right to protection of health, the right to information, the right to association etc., as well as the obligation of the state to ensure the “repairing and protection of the environment, as well as maintaining the ecological balance” (art. 135, letter e). Art. 44, paragraph (7) of the Constitution, which stipulates that “the right of property compels to the observance of duties relating to environmental protection”, creates a real “environment-related servitude”.

We note that the intention was for the Constitution of Romania revised in 2003 to include both the acknowledgement of a subjective right to an environment, by declaring the right to a healthy environment a fundamental right, and the obligation to protect the environment, attributed to the state itself, but also to its citizens.

The same general idea of the Constitution is taken over and developed in the Government Emergency Ordinance no. 195/2005 on environmental protection, with the subsequent amendments and additions, which stipulates in article 5 that “the State acknowledges for all the persons the right to a healthy and ecologically balanced environment”, guaranteeing to this end:

a) access to information concerning the environment, observing the confidentiality conditions stipulated by the legislation in force;

b) association in environmental protection organizations;

c) consultancy in the decision-making process, concerning the development of the environmental policies and legislation, elaboration of regulation documents in the field, elaboration of plans and programmes;

d) the right to address environmental issues, directly or through environmental protection organizations, administrative and/or legal authorities, as the case may be;

e) the right to claim settlement, for the damages suffered.

The right to a healthy environment has complex regulatory content, being both a subjective right and an obligation for any individual law subject. To this end, the law stipulates that the “environmental protection represents the obligation and responsibility of the central and local public administration authorities, as well as the obligation and responsibility of all the legal entities and natural persons” (art. 6).

The entire Romanian legislation reveals important stipulations defending the environment, but a critical analysis of the issue shows that currently the Romanian environmental law is the sum of a series of various regulations, which are not fully correlated and are incomplete in certain aspects, which still do not have a systematic structure. The general principles do not find their full significances in the field of specific regulations. From the quantitative viewpoint, according to certain estimations [13], approximately 1,000 regulations are in force (approximately 225 laws and decrees, over 375 governmental deeds – ordinances, emergency ordinances, decisions – and over 370 department orders and regulations). Most of these regulatory documents – over 750 – were adopted after 2001.

These statistics lead to a few important conclusions. It is firstly ascertained that the main regulatory authority in the field of environmental protection is the executive power (either by delegating the legislative powers and the issuing of ordinances, or by elaborating regulations for the enforcement of the law, through Ministry decisions and orders), as the direct intervention of the Parliament is secondary. The explanation is that, on one hand, the law enforcement procedure is too slow in comparison to the urgent necessity to regulate the ecological domain while on the other hand, the specific technical nature of the environmental legislation entails a careful elaboration, with massive participation of specialists. Secondly, we note the important role played by the international regulation, both through the consistent number of international documents adopted by Romania and through the fact that, according to the Constitution, the treaties ratified according to the law are part of the internal law.

5. Conclusions
The right to a healthy environment was first explicitly acknowledged in the Declarations from Stockholm and Rio. These declarations did not aim at creating legal rights and obligations. However, they contributed to the development of international and national law. Nowadays, the main objective of the European states is the protection of environment and natural resources, the acknowledgement and observance of the fundamental right to a healthy environment; the creation of obligations for natural persons and legal entities to protect the environment or refrain from any action which pollutes it.
Generally, we ascertained the enshrinement of the right to environmental protection in the chapter on fundamental rights, in the national constitutions of the European Union countries. It can be acknowledged as a complete fundamental right and it is enshrined in various fundamental rights and freedoms, without special relief to any of them. Its importance is often reduced, by including it in the chapter of economic and social rights.

It can be stated that guaranteeing the right to a healthy environment in the fundamental laws of the European Union member states is a step forward and a positive action meant to grow awareness and enable the European citizens assume responsibility concerning the necessity to protect the environment.

References
[5] The Charter of Fundamental Rights of the European Union was officially proclaimed by the European Parliament, the Council and the Commission, on December 7th 2000, at the Intergovernmental Conference on the Treaty of Nice. Afterwards, it became part of the Treaty project, representing a Constitution for Europe; after it failed, it regained its standalone status, being signed at Strasbourg on December 7th 2007, by the President of the European Parliament, Hans-Gert Pöttering, by the President of the European Commission, José Manuel Barroso and the President in force of the Union Council, José Sócrates