



Editorial

This special edition of UNIO celebrates the 40th Anniversary of the Portuguese Constitution and the 30th Anniversary of Portugal's accession to the European Union, which took place in 2016. In order to join the commemorations and to debate both landmarks, the Centre of Studies in European Union Law (CEDU) of the University of Minho alongside with the European Parliament Information Office in Portugal promoted a conference called "***40/30: from the constitutional project to the integration project – hopes, scepticism and reality in a political-constitutional debate***" which was held at the School of Law of the University of Minho on 28th October 2016.

The main purpose of the conference and of the papers we now present was to reflect upon the path walked during these 40 years of Portuguese Constitution, 30 of which in interaction with the European constitutional project: *Have the original goals of both the Constitution and the European Treaties been accomplished? Which adaptations are now needed? Where has this route lead us, so far? Where are we headed?* These questions were asked in an intergenerational perspective and in dialogue between scholars and MEPs.

We open with a text by the Portuguese constitutional scholar Gomes Canotilho, about the democratic State and the rule of law. It is a dense paper, and its English translation was a challenge. The author writes about the 'stress tests' to which the constitutional State founded upon the rule of law is subjected today, namely the changing standards of fundamental rights' protection and their compatibility with economic ideals such as efficiency and effectiveness. Next, and still in the field of constitutional theory, Francisco Balaguer ponders over the concept of *national constitutional identity*, in the European Union's framework, suggesting an understanding that may help to articulate national and EU's constitutional legal orders.

Wladimir Brito's, Maria Lúcia Amaral's and Mariana Canotilho's works are, at the same time, walks down the memory lane and looks to the future. They all depart from the same point of view, that of the Portuguese Constitution and its very own political and legal project, which has been reshaped over time to encompass the needs and demands of European integration. All authors highlight what they see as successes and shortcomings of this historical and constitutional process, and identify the challenges that they deem will be fundamental in the near future.

The next set of papers addresses a fundamental topic: citizenship. Alessandra Silveira and Rui Lanceiro analyse the evolution of *status* of European citizen, especially in what regards equal treatment and the enjoyment of social rights. Having in mind the

essential role that the CJEU has played in the construction of EU citizenship and the recent evolution of the Court's jurisprudence, where do we stand, and where are we headed? Is the condition of being a EU citizen still the link between the Union and its people, granting additional protection that does not derive from national citizenship?

Next, Maria José Rangel Mesquita's work takes a look at questions that arise from the integration process, and the inevitable need of coordination between the national constitutional legal order and the European one. The author tackles the issues of foreign and security policy, of economic governance and of the safeguard of the Union's fundamental values even against a Member State. Sophie Fernandes' paper seems to have a similar approach – that of confronting the EU's and the national legal order – but in this case regarding the guarantee of a good administration and the fundamental rights connected to it.

Last but not least, Pedro Foufe's text concerns one of the biggest issues in the European Union today: its economic constitution and, consequentially, its economic and social project. The author tries to identify the most significant changes of the references to the markets, in the Treaties after Lisbon, and suggests that there might be room to accommodate a more socially engaged vision of the common market, according to the original *ordo-liberal* matrix. Joana Abreu's work also regards the market, but in a more specific dimension, that of the common digital market, which constitutes a new political goal and possibly a fundamental instrument for both States and private citizens and companies in the future.

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