

*The high lights and remarks in the margin are not part of the draft Constitution.*

*Both peoples and states establish the Union by their will*

*Competences on a federal basis*

*Respect for “ national identities”*

*Open to European states sharing same values*

### **Values of the Union**

*Dignity, liberty, democracy, rule of law, human rights, tolerance, justice and solidarity – must be accepted by all Member States and applicants*

### **Objectives of the Union**

*Peace, its values and people's well-being*

*Sustainable development, balanced growth, social justice, free single market, EMU, full employment, competitiveness and living standards  
Cohesion, equality,*

# THE DRAFT EU CONSTITUTION

*- The reader friendly edition*

## **TITLE I: Definition and objectives of the Union**

### Article 1: Establishment of the Union

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.
2. The Union shall respect the national identities of its Member States.
3. The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them together.

### Article 2: The Union's values

The Union is founded on the values of respect for human dignity, liberty, democracy, the rule of law and respect for human rights, values which are common to the Member States. Its aim is a society at peace, through the practice of tolerance, justice and solidarity.

### Article 3: The Union's objectives

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall work for a Europe of sustainable development based on balanced economic growth and social justice, with a free single market, and economic and monetary union, aiming at full employment and generating high levels of competitiveness and living standards. It shall promote economic and social cohesion, equality between women and men, and environmental and social protection, and shall develop scientific and technological advance including the discovery of space. It shall encourage solidarity between generations and between States, and equal opportunities

*environmental and social protection*

**DISCOVERY OF SPACE**

*Area of Freedom, Security and Justice*

*Promotion of values in the wider world*

*Limits to the Union's actions*

**Legal personality**

*The Union makes binding agreements with 3rd countries in all areas. The three pillars disappear*

**EU-CITIZENSHIP**

**Fundamental Rights**

*The EU Charter of fundamental rights is part of the Constitution*

*Convention of Human Rights of the Council of Europe does not affect Union's competences*

*Fundamental rights are general principles of EU law*

for all.

3. The Union shall constitute an area of freedom, security and justice, in which its shared values are developed and the richness of its cultural diversity is respected.

4. In defending Europe's independence and interests, the Union shall seek to advance its values in the wider world. It shall contribute to the sustainable development of the earth, solidarity and mutual respect among peoples, eradication of poverty and protection of children's rights, strict observance of internationally accepted legal commitments, and peace between States.

5. These objectives shall be pursued by appropriate means, depending on the extent to which the relevant competences are attributed to the Union by this Constitution

Article 4: Legal personality

The Union shall have legal personality.

**TITLE II: Fundamental rights and citizenship of the Union**

Article 5: Fundamental rights

1. The Charter of Fundamental Rights shall be an integral part of the Constitution. The Charter is set out [in the second part of/in a Protocol annexed to] this Constitution.

2. The Union may accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Accession to that Convention shall not affect the Union's competences as defined by this Constitution.

3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as they result from the constitutional traditions common to the Member States, shall

### ***Discrimination***

*No discrimination on grounds of nationality*

### ***EU Citizenship***

*Double citizenship: national and EU  
All EU citizens are equal before the law*

*EU citizens' rights and duties:*  
*- Free movement and residence in the EU*  
*- Vote and stand for election in all local and EU elections*  
*- Protection from all Member States' diplomatic corps*

*- Write to the institutions in any Union language*

*(Rights and duties decided at EU level, prevails over national constitutions)*

### ***EU COMPETENCES***

#### ***Fundamental principles***

*Conflicts between Member States and EU are solved by the EU*

*- Conferral: EU laws need legal*

constitute general principles of the Union's law.

#### **Article 6: Non-discrimination on grounds of nationality**

In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

#### **Article 7: Citizenship of the Union**

1. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship; it shall not replace it. All citizens of the Union, women and men, shall be equal before the law.

2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in this Constitution. They shall have:

- the right to move and reside freely within the territory of the Member States;
- the right to vote and to stand as a candidate in elections to the European Parliament and in municipal elections in their Member State of residence under the same conditions as nationals of that State;
- the right to enjoy, in the territory of a third country in which the Member State of which they are a national is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
- the right to petition the European Parliament, to apply to the Ombudsman, and to write to the institutions and advisory bodies of the Union in any of the Union's languages and to obtain a reply in the same language.

3. These rights shall be exercised in accordance with the conditions and limits defined by this Constitution and by the measures adopted to give it effect.

### **TITLE III: The Union's competences**

#### **Article 8: Fundamental principles**

1. The limits and use of Union competences are governed by the principles of conferral, subsidiarity, proportionality and loyal cooperation.

2. In accordance with the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Constitution to attain

<i>base in the Constitution</i>	the objectives the Constitution sets out. Competences not conferred upon the Union by the Constitution <u>remain with the Member States</u> .
<i>- Subsidiarity “Better achieved at Union level”</i>	3. In accordance with the principle of <u>subsidiarity</u> , in areas which do <u>not</u> fall within its <u>exclusive competence</u> , the Union shall <u>act only</u> if and insofar as the objectives of the intended action <u>cannot be sufficiently achieved by the Member States</u> , but can rather, by reason of the scale or effects of the proposed action, be <u>better achieved at Union level</u> .
<i>- Proportionality: “Not exceed what is necessary”</i>	4. In accordance with the principle of <u>proportionality</u> , the scope and form of Union action shall not <u>exceed what is necessary to achieve the objectives</u> of the Constitution.
<i>Member States shall assist the Union to implement EU law</i>	5. In accordance with the principle of <u>loyal cooperation</u> , the <u>Union</u> and the <u>Member States</u> shall, in full mutual respect, assist each other to carry out tasks which flow from the Constitution.
<b>PRIMACY OF UNION LAW</b>	Article 9: Application of <u>fundamental principles</u>
<i>All EU law prevails over national laws and national constitutions</i>	1. The <u>Constitution</u> , and law adopted by the <u>Union</u> Institutions in exercising competences conferred on it by the Constitution, shall have <u>primacy over the law of the Member States</u> .
<i>Subsidiarity protocol 1/3 of national parliaments can “ring a bell”, but not amend a Commission draft</i>	2. In exercising the Union's <u>non-exclusive competences</u> , the Institutions shall apply the principle of <u>subsidiarity</u> as laid down in the <u>Protocol</u> on the application of the principles of subsidiarity and proportionality annexed to the Constitution. The procedure set out in the Protocol shall enable <u>national parliaments</u> to <u>ensure compliance</u> with the principle of subsidiarity (protocols attached <i>red.</i> ).
<i>Proportionality in the same protocol</i>	3. In exercising the Union's competences, the Institutions shall apply the principle of <u>proportionality</u> as laid down in the <u>same Protocol</u> .
<i>Member States shall fulfil all obligations</i>	4. Member States shall <u>take all appropriate measures</u> , general or particular, to ensure <u>fulfilment of the obligations</u> flowing from the Constitution or resulting from actions taken by the Union Institutions.
<i>Mutual obligation of loyalty</i>	5. In accordance with the principle of <u>loyal cooperation</u> , Member States shall facilitate the achievement of the <u>Union's tasks</u> and <u>refrain from any measure which could jeopardise the attainment of the objectives</u> set out in the Constitution. The Union shall <u>act loyally towards the Member States</u> .
<i>Definition of national identities as stated in Art. 2</i>	6. The Union shall <u>respect the national identities</u> of its Member States, inherent in their <u>fundamental structures</u> and <u>essential State functions</u> , especially their political and <u>constitutional</u> structure, including the

organisation of public administration at national, regional and local level.

Article 10: Categories of competence

**Exclusive competences**  
*EU decides if Member States can legislate*

1. When the Constitution confers on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union.

**Shared competences**  
*EU law suppresses national law*

2. When the Constitution confers on the Union a competence shared with the Member States in a specific area, the Union and the Member States shall have the power to legislate and adopt legally binding acts in this area. The Member States shall exercise their competence only if and to the extent that the Union has not exercised its.

**Coordination of economic policies**

3. The Union shall have competence to coordinate the economic policies of the Member States.

**Foreign and Security Policy**  
**Defence policy**

4. The Union shall have competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.

**Supportive measures**  
*can not supersede Member State competences*

5. In certain areas and in the conditions laid down in the Constitution, the Union shall have competence to carry out actions to coordinate, supplement or support the actions of the Member States, without thereby superseding their competence in these areas.

*Specific legal bases in Part Three (Two)*

6. The Union shall exercise its competences to implement the policies defined in Part Two of the Constitution in accordance with the provisions specific to each area which are there set out.

**Exclusive competences**

Article 11: Exclusive competences

- *free movement of persons, goods, services, and capital*  
- *competition rules*  
- *commercial policy*  
- *customs union*  
- *monetary policy*  
- *marine biological resources*

1. The Union shall have exclusive competence to ensure the free movement of persons, goods, services and capital, and establish competition rules, within the internal market, and in the following areas:

- customs union,
- common commercial policy,
- monetary policy for the Member States who have adopted the euro,
- the conservation of marine biological resources under the common fisheries policy.

- *international agreements when*

2. The Union shall have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative

*affects internal competence*

act of the Union, is necessary to enable the Union to exercise its competence internally, or affects an internal Union act.

***Shared competence***

Article 12: Shared competences

*General rule: when not exclusive competence or supportive actions then shared competence*

1. The Union shall share competence with the Member States where the Constitution confers on it a competence which does not relate to the areas referred to in Articles 11 and 15.

*Scope determined in Part Three (Two)*

2. The scope of shared competences is determined by the provisions of Part Two.

*Member States may only legislate when the EU has not*

3. Where the Union has not exercised or ceases to exercise its competence in an area of shared competence, the Member States may exercise theirs.

*Non-exhaustive list of shared competences (where EU law suppresses national competence)*

4. Shared competence applies in the following principal areas:

- internal market
- area of freedom, security and justice
- agriculture and fisheries
- transport
- trans-European networks
- energy
- social policy
- economic and social cohesion
- environment
- public health, and
- consumer protection.

*Areas where the Union cannot prevent Member States from legislating*

5. In the areas of research, technological development and space, the Union shall have competence to carry out actions, in particular to implement programmes; however, the exercise of that competence may not result in Member States being prevented from exercising their competence.

*Development cooperation and humanitarian aid*

6. In the areas of development cooperation and humanitarian aid, the Union shall have competence to take action and conduct a common policy; however, the exercise of that competence may not result in Member States being prevented from exercising their competence.

***Economic coordination***

Article 13: The coordination of economic policies

1. The Union shall coordinate the economic policies of the Member States, in particular by establishing broad guidelines for these policies.

*Member States shall take into account the common economic interest*

*Special rules for EURO-countries*

***Foreign and Security Policy:***

*Support, loyalty, mutual solidarity. Refrain from actions with potential to undermine*

***Supporting actions***

*Areas of supportive actions*

*Coordination of employment policy*

*No harmonisation under supportive actions*

***Flexibility clause***

*Extension of EU competences by unanimity in the Council and assent from EP  
No ratification by*

2. The Member States shall conduct their economic policies, taking account of the common interest, so as to contribute to the achievement of the objectives of the Union.

3. Specific provisions shall apply to those Member States which have adopted the euro.

Article 14: The common foreign and security policy

1. Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity. They shall refrain from action contrary to the Union's interests or likely to undermine its effectiveness.

Article 15: Areas for supporting action

1. The Union may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.

2. The areas for supporting action are:

- employment
- industry
- education, vocational training and youth
- culture
- sport
- protection against disasters.

3. The Member States shall coordinate their national employment policies within the Union.

4. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.

Article 16: Flexibility clause

1. If action by the Union should prove necessary within the framework of the policies defined in Part Two to attain one of the objectives set by this Constitution, and the Constitution has not provided the necessary powers, the Council, acting unanimously on a proposal from the Commission and after obtaining the assent of the European Parliament, shall take the appropriate measures.

*national parliaments or referendums as per treaty changes*

*National parliaments shall be notified*

*Only harmonisation if not forbidden by the Constitution*

## **THE INSTITUTIONS**

*A single institutional framework for all areas of cooperation (no more pillars)*

*The institutions of the Union*

*...shall act within the limits of the Constitution*

### **European Parliament**

*- co-legislates with the Council*

2. Using the procedure for monitoring the subsidiarity principle referred to in Article 9, the Commission shall draw Member States' national parliaments' attention to proposals based on this Article.

3. Provisions adopted on the basis of this Article may not entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation.

## **TITLE IV: The Union's Institutions**

### Article 14 : The Union's Institutions

1. The Union shall be served by a single institutional framework which shall aim to:

- advance the objectives of the Union,
- promote the values of the Union,
- serve the interests of the Union, its citizens and its Member States,
- and ensure the consistency, effectiveness and continuity of the policies and actions which it undertakes in pursuit of its objectives.

2. This institutional framework comprises :

- The European Parliament,
- The European Council,
- The Council of Ministers,
- The European Commission,
- The Court of Justice of the European Union,
- The European Central Bank,
- The Court of Auditors.

3. Each institution shall act within the limits of the powers conferred on it in the Constitution, and in conformity with the procedures and conditions set out in it. The institutions shall practice full mutual cooperation.

(Note: p.m.: a provision along the following lines "The institutions shall be supported, in discharging their tasks, by an open, efficient and independent public service" should appear elsewhere in the Constitution.)

### Article 15 : The European Parliament

1. The European Parliament shall, jointly with the Council, enact legislation, as well as exercise functions of political control and

- controls politically  
- approves the  
*Commission President  
proposed by the Prime  
Ministers*

*Direct elections every 5  
years, max. 700  
members, min. 4  
members per Member  
State, the remaining  
seats will be divided by  
the degressively  
proportional methode.  
This means less  
members from the  
smaller states than  
today.*

*President elected for 5  
years*

### ***European Council***

*The Prime Ministers  
in "EU-summits"*

*Members of the  
European Council*

*Meets quarterly*

*President may convene  
additional meetings*

*Decisions by consensus,  
not unanimity as today*

### ***The EU President***

*Prime Ministers elect  
one of their former*

consultation as laid down in the Constitution. It shall elect the President of the European Commission.

2. The European Parliament shall be directly elected by universal suffrage of European citizens in free and secret ballot for a term of five years. Its members shall not exceed seven hundred in number. Representation of European citizens shall be degressively proportional, with a minimum threshold of four members per Member State.

3. The European Parliament shall elect its President and its officers from among its members, for a term of five years.

### Article 16 : The European Council

1. The European Council shall provide the Union with the necessary impetus for its development, and shall define its general political directions and priorities.

2. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The Foreign Minister shall take part in its work.

3. The European Council shall meet quarterly, convened by its President. When the agenda so requires, its members may decide to be assisted by a minister, and, in the case of the President of the Commission, a Commissioner. When the situation so requires, the President shall convene an additional meeting of the European Council.

4. Except where the Constitution provides otherwise, decisions of the European Council shall be taken by consensus.

### Article 16a : The European Council Chair

1. The European Council shall elect its President, by qualified majority, for a term of two and a half years, renewable once. The person elected must be,

*colleagues for 2 1/2 years – may be re-elected once*

*Represents the EU in the wider world*

*Tasks of the President*

**Board of the European Council**

*President can have no other mandate*

**Council of Ministers**

*- legislates with EP  
- carries out policy making  
- coordinates*

*Only one representative at ministerial level per member state can vote and commit*

*Decides by double qualified majority vote. The “Luxembourg compromise” veto disappears formally*

**General Affairs Council**  
*- coordinates*

**Legislative Council**  
*- enacts laws*

or have been for at least two years, a member of the European Council. In cases of serious malpractice, the European Council can end his mandate according to the same procedure.

On issues concerning its common foreign and security policy he shall ensure that the Union at his level is effectively represented in the wider world.

2. The President of the European Council shall chair it and drive forward its work, ensuring proper preparation and continuity. He shall endeavour to facilitate cohesion and consensus within the European Council. He shall present a report to the European Parliament after each of its meetings.

3. The European Council may decide by consensus to create a board consisting of three of its members chosen according to a system of equitable rotation.

4. The President of the European Council may not be a member of another European institution or hold a national mandate.

#### Article 17: The Council of Ministers

1. The Council of Ministers shall, jointly with the European Parliament, enact legislation, and shall carry out policy-making and co-ordinating functions, as laid down in the Constitution.

2. The Council of Ministers shall consist of a representative of each Member State at ministerial level for each of its formations. Only this representative may commit the Member State in question, and cast its vote.

3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.

#### Article 17a : Council formations

1. The General Affairs Council shall ensure consistency in the work of the Council of Ministers. With the participation of the Commission, it shall prepare meetings of the European Council.

2. The Legislative Council shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in

*- a minister of European affairs may be assisted by two other ministers*

**Foreign Affairs Council**

*Chaired by the EU Foreign Minister*

**Other Council configurations**

*General Affairs Council can decide by double qualified majority on further council formations*

*Rotation of presidency disappears*

*Presidents may be elected by consensus, not by unanimity*

**Double qualified majority:**

**1. Majority of Member States**

**2. 60 % of the EU population**

*(3 biggest states can block a decision sought by 22 Member States)*

**The EU Commission**

**Role:**

*- safeguard general interest*

*- implementation*

*- coordination*

*- execution*

accordance with the provisions of the Constitution. Each Member State's ministerial representative may be assisted by one or, if necessary, two specialist ministers, reflecting the business on the Council agenda.

3. The Foreign Affairs Council shall, on the basis of strategic guidelines laid down by the European Council, flesh out the Union's external policies, and ensure that its actions are consistent. It shall be chaired by the Union's Foreign Minister.

4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.

5. The Council, in its General Affairs formation, may decide on further formations.

6. The European Council may decide by consensus that the Presidency of a Council formation, other than that of Foreign Affairs, should be undertaken by a Member State for a period of at least a year, taking into account European political and geographical balance and the diversity of all Member States.

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.

2. Within the European Council, its President and the President of the Commission do not vote.

Article 18 : The European Commission

1. The European Commission shall safeguard the general European interest. It shall ensure the application of the Constitution, and steps taken by the institutions under the Constitution. It shall also exercise coordinating, executive and management functions as laid down in the Constitution.

- management

**Monopoly of initiative:**

*No one else can propose new laws*

**Composition:**

*15 members, no longer one from each Member State*

**independence**

*may not take instructions from any one*

**Commission President**

*1. Prime Ministers elect by double qualified majority*

*2. EP approves with majority of Members*

*3. If rejected a new candidate shall be put forward within one month*

**Commission members**

*- 3 candidates from each Member State*

*- The proposed Commission president select up to 13 members*

*- EP approves the college by simple majority*

*- All commissioners must be pro-EU*

**Censure**

*EP can only censure Commission as a single body, not as individual members*

**Commission President**

2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.

3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.

4. In carrying out its responsibilities, the Commission shall be completely independent. In the discharge of their duties members of the Commission shall neither seek nor take instructions from any government or other body.

Article 18a : The President of the European Commission

1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.

2. Each Member State shall submit a list of three persons, of which at least one must be a woman, whom it considers qualified to be a European Commissioner. The President-elect, taking account of European political and geographical balance, shall, from among the names submitted, select as members of the Commission up to thirteen persons chosen for their competence, European commitment, and guaranteed independence. The President and the persons so nominated for membership of the Commission shall be submitted as a body to a vote of approval by the European Parliament.

3. The Commission, as a body, shall be responsible to the European Parliament. Under the procedures set out at Art. X of the Constitution, it may pass a censure motion on the Commission. If such a motion is passed, the members of the Commission must all resign. They shall continue to handle everyday business until their successors are nominated.

4. The Commission shall work to guidelines laid down by its President. He

*decides guidelines and internal organisation, appoints vice presidents*

*Associated Commissioners, no guarantee of one from each Member State*

### **EU Foreign Minister**

*Prime Ministers elects him/her by double qualified majority in agreement with the Commission President*

*Tasks of Foreign Minister*

*Double hat Foreign Minister is also Vice-President of Commission and handles its external relations*

### **The EU Court**

*Role of the Court of Justice and the EU High Court (currently Court of First Instance)*

*Member States obliged to ensure right of appeal related to EU law*

*One judge from each Member State, plus Advocates-General Appointed by common accord by Member States governments*

shall decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis. He shall appoint vice-presidents from among the members of the Commission.

5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.

### Article 19: The Foreign Minister

1. The European Council, deciding by qualified majority, with the agreement of the President of the Commission, shall appoint the Union's Foreign Minister. He shall conduct the Union's common foreign and security policy.

2. The Foreign Minister shall contribute by his proposals to the development of the common foreign policy, which he shall carry out as mandated by the Council. The same shall apply to the common security and defence policy.

3. The Foreign Minister shall be one of the Vice-Presidents of the Commission. He shall be responsible there for handling external relations and for co-ordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, he shall be bound by Commission procedures.

### Article 20: The Court of Justice of the European Union

1. The Court of Justice, including the High Court, shall ensure respect for the Constitution and Union law.

The Member States shall provide rights of appeal sufficient to ensure effective legal protection in the field of Union law.

2. The Court of Justice shall consist of one judge from each Member State, and shall be assisted by Advocates-General. The High Court shall include at least one judge per Member State: the number shall be fixed by the Statute of the Court of Justice. The judges of the Court of Justice and the High Court, and the Advocates-General of the Court of Justice, chosen from persons whose independence is beyond doubt and who satisfy the

*Competences of the Court of Justice*  
*- ruling on actions*  
*- preliminary rulings*  
*- rulings on appeals against decisions from the High Court*

***The EU Central Bank***

*Directs the EU system of Central Banks*

*Primary goal is price stability*

*Tasks:*  
*- implementation of monetary policy*  
*- issuing the Euro*

*It shall have legal personality and must be independent*

*The Member States who have not adopted the Euro can retain their powers in monetary affairs*

*Central Bank to be consulted on all proposals within its areas of competence*

conditions set out at Article [XX] of Part II, shall be appointed by common accord of the governments of the Member States for a term of six years, renewable.

3. The Court of Justice shall be competent for :

- ruling on actions brought by the Commission, a Member State, an institution or a natural or legal person in the cases and according to the modalities foreseen in article [YY] of Part II;
- preliminary rulings, at the request of Member State courts, on the interpretation of Union law or the validity of acts adopted by the institutions;
- ruling on appeals on decisions given by the High Court or exceptionally reviewing these decisions under conditions laid down in the Statute of the Court.

Article 21: The European Central Bank

1. The European Central Bank shall direct the European System of Central Banks, of which it, alongside the national central banks, forms part.

2. The primary objective of the Bank shall be to maintain price stability. Without prejudice to the objective of price stability, it shall support general economic policies in the Union with a view to contributing to the achievement of the Union's objectives.

3. The Bank shall define and implement the monetary policy of the Union. It alone may authorise the issue of the Union currency, the Euro. It shall conduct other Central Bank tasks according to the provisions of Part II of the Constitution.

4. The Bank shall have legal personality. In the exercise of its powers and for its finances, it shall be independent. Union institutions and bodies, and the governments of the Member States, shall undertake to respect this principle.

5. The Bank shall adopt such measures as are necessary to carry out its tasks in accordance with the provisions of Articles [A-B] of Part II of the Constitution, and with the conditions laid down in the Statutes of the Bank and of the European System of Central Banks. In accordance with these same provisions, those Member States which have not adopted the Euro, and their central banks, shall retain their powers in monetary matters.

6. Within its areas of competence, the Bank shall be consulted on all proposed Union acts, and all proposals for regulation at national level; and may give an opinion.

7. The organs of the Bank, their composition and operating methods are set out in articles X to Y of Part II, as well as in the Statute of the Bank.

**EU Court of Auditors**

Article 22: The Court of Auditors

1. The Court of Auditors shall carry out the audit.
2. It shall examine the accounts of all Union revenue and expenditure, and shall ensure good financial management.
3. It shall consist of one national of each Member State. In the performance of their duties, its members shall be completely independent.

*Tasks*

*One member per Member State - to be completely independent*

**Advisory bodies**

*- Committee of the Regions  
- Economic and Social Committee*

Article 23: The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.

*Members of the Committee of the Regions*

2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.

*Members of the Economic and Social Committee*

3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.

*Representatives in advisory bodies must be completely independent*

4. The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.

*Composition in Part Three (Two)*

5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

**EXERCISE OF COMPETENCE**

**TITLE V: EXERCISE OF UNION COMPETENCE**

**Legal acts**

Article 24: The legal acts of the Union

*Laws, framework laws, regulations, decisions, recommendations and opinions*

1. In exercising the competences conferred on it in the Constitution, the Union shall use as legal instruments, in accordance with the provisions of Part Two, European laws, European framework laws, European regulations, European decisions, recommendations and opinions.

*European law:  
-binding in its entirety,  
directly applicable*

A European law shall be a legislative act having general application. It shall be binding in its entirety and directly applicable in all Member States.

*European Framework law: binding to the result, Member States transform*

A European framework law shall be a legislative act which shall be binding, as to the result to be achieved, on the Member States to which it is addressed, but shall leave the national authorities entirely free to choose the form and means of achieving that result.

*Regulation now an implementing act, no longer a law, but still binding in its entirety and directly applicable in all Member States*

A European regulation shall be a non-legislative act having general application for the implementation of legislative acts and of certain specific provisions of the Constitution. It shall be binding in its entirety and directly applicable in all Member States.

*Decision: also binding in its entirety, but only to the addressee*

A European decision shall be a non-legislative act, binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

*Recommendations and opinions: not binding*

Recommendations and opinions adopted by the institutions shall have no binding force.

*This is an exhaustive list of legal instruments*

2. When considering proposals for legislative acts, the European Parliament and the Council shall refrain from adopting acts not provided for by the Constitution.

**Legislative procedure**

Article 25: Legislative acts

(Note: Article 29 will stipulate that legislative acts cannot be used for the CFSP)

*General rule:  
1. Commission proposes  
2. EP and Council decides:  
a. double qualified majority in Council*

1. European laws and European framework laws shall be adopted, on the basis of proposals from the Commission, jointly by the European Parliament and the Council in accordance with the rules of the legislative procedure referred to in Article X (Part Two of the Constitution). If the two institutions cannot reach agreement on an act, it shall not be adopted.

Specific provisions shall apply in the cases referred to in Article Z (ex-third

*b. Simple majority in EP*

*Special status for the former third pillar (police and juridical cooperation)*

*Sometimes only Council adopts laws*

*Public meetings when adopting laws, but does not cover the real negotiations in the many Council working groups*

***Non-legislative acts***

*Typical regulations and decisions typical to be used for delegation or implementation*

***Delegated regulations***

*The Commission can legislate on its own...*

*...but only on non-essential elements. (Basic problem: Who decides what is essential?)*

*Commission laws can only be blocked in one of the following ways:  
\* revocation  
-absolute majority in EP  
-double qualified majority in Council,*

*pillar).*

2. In the specific cases provided for by the Constitution, European laws and European framework laws shall be adopted by the Council.

3. When acting under any procedure for the adoption of a European law or a European framework law, the European Parliament and the Council shall meet in public.

Article 26: Non-legislative acts

The Council and the Commission as well as the European Central Bank, shall adopt European regulations or European decisions in the cases referred to in Articles 27 and 28 and in cases specifically laid down in the Constitution.

Article 27: Delegated regulations

1. European laws and European framework laws may delegate to the Commission the power to enact delegated regulations in order to supplement or amend certain non-essential elements of the law or framework law.

The objectives, content, scope and duration of the delegation shall be explicitly defined in the laws and framework laws. A delegation may not cover the essential elements of an area. These shall be reserved for the law or framework law.

2. The conditions of application to which the delegation is subject shall be explicitly determined in the law or framework law; they shall consist of one or more of the following possibilities:

- the European Parliament and the Council may decide to revoke the delegation;
- the delegated regulation may enter into force only if no objection has been expressed by the European Parliament or the Council within a period set by the law or framework law;

\* *Objection*  
-absolute majority in EP  
-double qualified majority in Council,  
\* Automatic "sunset clause"

**Implementing acts**

*Loyal implementation required by Member States*

*Commission or Council may implement if uniform conditions are needed*

*Rules for adoption of control mechanisms*

*Implementation through regulations and decisions*

**Common Foreign and security policy**

- solidarity among Member States  
- convergence of actions

*The European Council shall identify the Union's interests*

- the provisions of the delegated regulation are to lapse after a period set by the law or framework law. They may be extended, on a proposal from the Commission, by decision of the European Parliament and of the Council.

For the purposes of the preceding paragraph, the European Parliament shall act by a majority of its members, and the Council by a qualified majority.

Article 28: Implementing acts

1. Member States shall adopt all measures of national law necessary to implement the Union's legally binding acts.

2. Where uniform conditions for the implementation of the Union's binding acts are needed, those acts may confer implementing powers on the Commission or in specific cases and in the cases provided for in Article [CFSP], on the Council.

3. Implementing acts of the Union may be subject to control mechanisms which shall be consonant with principles and rules laid down in advance by the European Parliament and the Council in accordance with the legislative procedure.

4. Implementing acts of the Union shall take the form of European implementing regulations or European implementing decisions.

Article 29: [Common foreign and security policy]

1. The European Union shall undertake to conduct a common foreign and security policy based on the progressive development of mutual political solidarity among Member States, the progressive identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.

2. The European Council shall identify the Union's strategic interests and determine the objectives of its common foreign and security policy. The Council of Ministers shall frame this policy in accordance with the arrangements in Part Two of the Constitution.

*Prime Ministers and/or Foreign Ministers adopt decisions*

*Shared responsibility for putting the policy into action*

*Member States shall consult each other before taking action on the international scene*

*Mutual solidarity among Member States*

*EP shall be consulted and be kept informed*

*Decisions are taken unanimously here, but with double qualified majority in most cases in Part Two*

*Member States and EU-Foreign Minister have the right of initiative*

*Prime Ministers can unanimously change voting procedure to double qualified majority*

***Defence policy***

*Operational capability: both military and civilian means  
Can be used outside the EU without UN mandate*

*Common defence to be*

3. The European Council and the Council of Ministers shall adopt the necessary decisions.

4. The common foreign and security policy shall be put into effect by the Union's Minister for Foreign Affairs and by the Member States, using national and Union resources.

5. Member States shall consult one another within the Council and the European Council on any foreign and security policy issue which is of general interest in order to determine a common approach. Before undertaking any action on the international scene or any commitment which could affect the Union's interests, each Member State shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member State shall show mutual solidarity.

6. The European Parliament shall be consulted on the main aspects and the basic choices of the common foreign and security policy, and shall be kept informed of how it develops.

7. Decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers unanimously, except in the cases referred to in Part Two of the Constitution. They shall act on a proposal from a Member State or from the union's Minister for Foreign Affairs, alone or together with the Commission.

8. The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to Part Two of the Constitution.

Article 30: [Common defence policy]

1. The common security and defence policy, which is an integral part of the common foreign and security policy, shall provide the Union with an operational capability which makes use of military and civilian means. The Union may deploy them on tasks outside the Union to preserve peace and strengthen international security in accordance with the principles of the United Nations Charter.

2. The common security and defence policy shall include the progressive

<i>decided unanimously</i>	<u>framing of a common defence policy</u> for the Union. This <u>will lead to a common defence, when</u> the European Council, acting <u>unanimously</u> , so <u>decides</u> . It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.
<i>Special character of certain Member States defence policy shall be respected</i>	The policy of the Union in accordance with this Article shall not prejudice the <u>specific character</u> of the security and defence policy of <u>certain Member States</u> and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation ( <u>NATO</u> ), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.
<i>NATO</i>	
<i>Obligation to make military capabilities available for the EU</i>	3. Member States shall <u>make military and civilian capabilities available</u> to the common security and defence policy, to contribute to the objectives defined by the Council.
<i>European Armaments and Strategic Research Agency</i>	Member States shall undertake progressively to <u>improve their military capabilities</u> . A European <u>Armaments and Strategic Research Agency</u> shall be established to identify operational requirements, to put forward measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, and to assist the Council in evaluating the improvement of its military capabilities.
<i>Multinational forces can be part of common defence</i>	Those Member States which establish <u>multinational forces</u> together may also make those forces available to the common security and defence policy.
<i>Defence issues by unanimity</i>	4. Decisions on the <u>implementation</u> of the common security and defence policy, including those initiating a task as referred to in this Article, shall be adopted by the Council acting <u>unanimously</u> on a <u>proposal</u> from the Union's <u>Minister for Foreign Affairs</u> or from a <u>Member State</u> . The Minister for Foreign Affairs may propose the use of both <u>national resources and Union instruments, together with the Commission</u> where appropriate.
<i>A group of states can carry out a Union task</i>	5. The Council may entrust the <u>execution</u> of a task, within the Union framework, to a <u>group of Member States</u> . The execution of such a task shall be governed by Article 18 in Part Two, Title B, of the Constitution.
<i>Enhanced co-operation can be undertaken within Union structure</i>	6. Those Member States which fulfil higher criteria for <u>military capabilities</u> and which have made more <u>binding commitments</u> to one another in this area with a view to more demanding tasks shall <u>establish structured cooperation within the Union</u> framework. Such cooperation shall be governed by the provisions of Article 20 of Part Two, Title B, of the Constitution.

*Mutual defence as enhanced cooperation until a common defence is established*

*Solidarity-clause for countries in the enhanced co-operation with automatic common military response, from the WEU Treaty Art. 5*

*EP shall be consulted and informed*

### **Terrorism clause**

- Prevention
- Protection
  
- Assistance

### **Home and Justice**

*Means for establishing an area of freedom, security and justice*  
*- adoption of laws*  
*- mutual recognition of juridical decisions*  
*- cooperation between "all" authorities for internal security*

*National parliaments shall be involved in the political monitoring of*

7. Until such time as the European Council has acted in accordance with paragraph 2 of this Article, closer cooperation shall be established, in the Union framework, as regards mutual defence. Under this cooperation, if one of the Member States participating in such cooperation is the victim of armed aggression on its territory, the other participating States shall give it aid and assistance by all the means in their power, military and other, in accordance with Article 51 of the United Nations Charter. The detailed arrangements for participation in this cooperation and its operation, and the relevant decision-making procedures, are set out in Article 21 of Part Two, Title B, of the Constitution.

8. The European Parliament shall be consulted on the main aspects and basic choices of the common security and defence policy, and shall be kept informed of how it develops.

### Article X

In application of the principle of solidarity, the Union shall mobilise all the instruments at its disposal, including military resources, to:

- prevent the terrorist threat;
- protect democratic institutions and the civilian population from any terrorist attack;
- assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack .

The detailed rules for implementing this provision appear in Article X of Part Two, Title B, of the Constitution.

### Article 31: Implementation of the area of freedom, security and justice

1. The Union shall ensure an area of freedom, security and justice:
  - by adopting laws and framework laws intended in particular to approximate national laws in the areas listed in Part Two of the Constitution;
  - by promoting mutual confidence between the competent authorities of the Member States, in particular on the basis of mutual recognition of judicial and extrajudicial decisions.
  - by operational cooperation between all competent authorities of the Member States for internal security.
2. Within the area of freedom, security and justice, national parliaments may participate in the evaluation mechanisms foreseen in Article [4, Part Two] of the Constitution, and shall be involved in the political

*Europol*

*In police and judicial cooperation Member States have a right of initiative besides the Commission*

***Common principles for the acts of the EU***

*Institutions shall decide according to the rules and the principle of proportionality*

*A law shall state the reasons on which it is based*

***Signature***

*Laws to be signed by the Presidents of the deciding institutions*

*Enter in to force as specified in the law or 20 days after publication*

*Regulations and decisions with no concrete addressees also 20 days after publication*

*Other decisions take effect upon notification*

monitoring of Europol's activities in accordance with Article [Article 22, Part Two) of the Constitution.

3. In the field of police and judicial cooperation in criminal matters, Member States shall have a right of initiative under the arrangements set out in Article [8, Part Two] of the Constitution.

Article 32: Principles common to acts of the Union

1. Unless the Constitution contains a specific stipulation, the institutions shall decide, in compliance with the procedures applicable, on the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article 8.

2. European laws, European framework laws, European regulations and European decisions shall state the reasons on which they are based and shall refer to any proposals or opinions required by this Constitution.

Article 33: Publication and entry into force

1. European laws and European framework laws adopted in accordance with the legislative procedure shall be signed by the President of the European Parliament and by the President of the Council. In other cases they shall be signed by the President of the Council. European Union laws and European Union framework laws shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence of such a stated date, on the twentieth day following that of their publication.

2. European regulations of the Commission or of the Council and European decisions which do not specify those to whom they are addressed or which are addressed to all Member States shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence of such a stated date, on the twentieth day following that of their publication.

3. Other decisions shall be notified to those to whom they are addressed and shall take effect upon such notification.

**DEMOCRATIC LIFE**

**Title VI: The democratic life of the Union**

**Equality**

Article 33: The principle of democratic equality

*Principle of equality of all EU citizens*

The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.

**Right to participate**

Article 34: The principle of participatory democracy

*Participation in the democratic life of the Union*

1. Every citizen shall have the right to participate in the democratic life of the Union.

*Right to discuss with the institutions*

2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.

*Dialogue with civil society*

3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

**The Ombudsman**

Article 35: The European Ombudsman

*Receives, investigates, and reports on complaints for maladministration*

An Ombudsman shall be appointed to receive, investigate and report on complaints concerning instances of maladministration within the Union institutions.

**Transnational parties**

Article 35a: Political parties at European level

*Forming a European awareness and expressing the citizens will*

Political parties at European level contribute to forming a European awareness and to expressing the political will of the citizens of the Union.

**Transparency**

Article 36: Transparency of the proceedings of the Union's institutions

*“as openly as possible”*

1. In order to promote good governance and ensure the participation of civil society, the Union institutions shall conduct their work as openly as possible.

*Council and EP shall meet in public  
Does not cover the real lawmaking in the many working groups*

2. The European Parliament shall meet in public, as shall the Council when it is discussing a legislative proposal.

*Right of access to documents, unless...*

*...rules decided by the EP and Council (An amendment from the vast majority of members in the Convention makes openness the automatic rule unless there is an agreed derogation)*

*Each body determines own specific rules*

### **Personal data**

*Protection of personal data*

*Council and EP to adopt specific rules*

### **Churches**

*The EU respects the status under national law, but the constitution does not permit any differentiation between, say Christians, Muslims or Atheists*

3. Any citizen of the Union, man or woman, and any natural or legal person residing in a Member State, shall have a right of access to European Parliament, Council and Commission documents in whatever form they are produced, and to those of the agencies and bodies created by those institutions.

4. General principles, conditions and limits which, on grounds of public or private interest, govern the right of access to documents shall be determined by the European Parliament and the Council in accordance with the legislative procedure.

5. Each institution, agency or body referred to in paragraph 2 shall determine in its own Rules of Procedure specific provisions regarding access to its documents.

#### Article 36a: Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.

2. The Parliament and the Council, in accordance with the legislative procedure, shall adopt the rules relating to the protection of individuals with regard to the processing of personal data by the Union's institutions and bodies, and by the Member States when carrying out activities which come under the scope of Union law, and the rules relating to the free movement of such data.

#### Article 37: Status of churches and non-confessional organisations

1. The European Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.

*EU dialogue with churches*

**Peoples Congress**

*Congress of the Peoples of Europe meets at least once a year*

*No legislative power*

*'State of the Union' speech  
Legislative programme*

*Members of the Congress:  
2/3 from national parliaments,  
1/3 from the EP*

**FINANCES**

*Union financed by own resources*

*Unanimity for adopting system of "own resources", EP only consulted*

**The EU budget**

*Union budget shall include all revenue and expenditure*

*Balanced budget*

2. The European Union equally respects the status of philosophical and non-confessional organisations.

3. The Union shall maintain a regular dialogue with these churches and organisations, recognising their identity and their specific contribution.

Article X : to be inserted in Title VI on "The Union's Democratic Life"

1. The Congress of the Peoples of Europe shall provide a forum for contact and consultation in European political life. It shall meet at least once a year. Its meetings shall be public. The President of the European Parliament shall convene and chair them.

2. The Congress shall not intervene in the Council's legislative procedure.

3. The President of the European Council shall report on the State of the Union. The President of the Commission shall present the annual legislative programme.

4. One third of the Congress shall be members of the European parliament: two thirds shall be representatives of national Parliaments. The total shall not exceed seven hundred.

**Title VII: Union finances**

Article 38: The Union's resources

Without prejudice to other revenue, the Union's budget shall be financed wholly from own resources.

The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, shall lay down provisions relating to the system of own resources of the Union, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements.

Article 39: The budgetary and financial principles

1. All items of revenue and expenditure of the Union shall be included in estimates to be drawn up for each financial year and shall be shown in the budget, in accordance with the provisions of Part II of the Constitution.

2. The revenue and expenditure shown in the budget shall be in balance.

*Rules on adopting expenditure to be defined in Part Two*

*Expenditure requires both money in the budget and a legal act*

*Commission provides assurance that a proposal can be financed within the limits of the Union's own resources*

*Principle of sound financial management*

*Rules on countering fraud*

***Budget procedure***

*EP and Council adopt budget*

*The budget will comply with the financial perspective*

***NEIGHBOURS***

3. The expenditure shown in the budget shall be authorised for the annual budgetary period in accordance with the law referred to in Article B (*Part II, ex-279: Financial Regulation*).

4. The implementation of expenditure shown in the budget shall require the prior adoption of a binding legal act which provides a legal basis for Union action and for the implementation of the expenditure in accordance with the law referred to in Article B (*Part II, ex-279: Financial Regulation*). This act must take the form of a European law, a European framework law, a European regulation or a European decision.

5. With a view to maintaining budgetary discipline, the Commission shall not make any proposal for a Union act, or alter its proposals, or adopt any implementing measure which is likely to have appreciable implications for the budget without providing the assurance that that proposal or that measure is capable of being financed within the limit of the Union's own resources.

6. The Union's budget shall be implemented in accordance with the principle of sound financial management. Member States shall cooperate with the Union to ensure that the appropriations entered in the budget are used in accordance with the principles of sound financial management.

7. The Union and the Member States shall counter fraud and any other illegal activities affecting the financial interests of the Union in accordance with the provisions of Article Z (*Part II, ex-280 TEC*).

Article 40: The Union's budgetary procedure

The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article W (*ex-272 TEC, Part II of the Constitution*), jointly adopt the Union's annual budget. (Note: This expression, "on a proposal from the Commission", does not prejudice the voting rules in the Council which will be the subject of the "arrangements laid down in Article W". This is not a matter of extending the consequences of the Commission's initiative to the budgetary procedure.)

The Union's budget shall be established in compliance with the multiannual financial perspective referred to in Article Y (*Part II of the Constitution*).

**Title IX: The Union and its immediate environment**

Article 42: The Union and its immediate environment

*Policy towards  
neighbour States*

*EU Agreements with  
neighbouring countries  
- reciprocal rights and  
obligations  
- joint activities  
- periodic consultation*

## **EU MEMBERSHIP**

*Requirements for  
membership  
- share values Art. 2  
- accept the  
Constitution  
(This means no new  
Member States with  
permanent derogations)*

*Application for  
membership  
- write to the Council  
- inform EP and  
national parliaments*

*Unanimous decision in  
the Council*

## **Suspension of rights**

*Council can decide by  
4/5 majority that a  
Member State is in  
breach of the Union's  
values*

1. The Union shall develop a special relationship with its neighbouring States, aiming to establish an area of prosperity and good neighbourliness characterised by close and peaceful relations based on cooperation.

2. For this purpose, the Union may conclude and implement specific agreements with the countries concerned in accordance with of Article X on Part Two of the Constitution. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.

## **TITLE X: UNION MEMBERSHIP**

### Article 43: Criteria to be eligible for Union membership

The Union shall be open to all European States whose peoples share the values referred to in Article 2, and who respect them and are committed to promoting them together. Accession to the Union implies acceptance of its Constitution.

### Article 44: Procedure for applying for Union membership

Any European State which wishes to become a member of the Union may address its application to the Council. The European Parliament and the national parliaments shall be notified of this application. The Council shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. The conditions and arrangements for admission shall be the subject of an agreement between the Member States and the applicant State. That agreement shall be subject to ratification by all the contracting States, in accordance with their respective constitutional requirements.

### Article 45: Suspension of Union membership rights

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the Commission, the Council, acting by a majority of four fifths of its members after obtaining the assent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values mentioned in Article 2. Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, may address recommendations to that State.

*Regular verification*

The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

*The European Council can decide by unanimity that a Member State is persistently and seriously breaking the values of the Union. Assent from EP needed*

2. The European Council (*note: Depending on the articles on the European Council in the section on the Institutions*), acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of values mentioned in Article 2, after inviting the Member State in question to submit its observations.

*If a serious and persistent breach is determined, the Council may by double qualified majority suspend certain rights of the Member State, including voting rights*

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Constitution to the Member State in question, including the voting rights of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

*Obligations shall still bind the Member State*

The obligations of the Member State in question under the Constitution shall in any case continue to be binding on that State.

*Suspension can be revoked by double qualified majority*

4. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.

*No vote for Member State in question. Abstention of other countries shall not count*

5. For the purposes of this Article, the Council shall act without taking into account the vote of the Member State in question. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 2.

This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 3.

*Assent of EP requires 2/3 majority and a majority of its members.*

6. For the purposes of paragraphs 1 and 2, the European Parliament shall act by a two-thirds majority of the votes cast, representing a majority of its Members.

## ***Withdrawal***

### Article 46: Voluntary withdrawal from the Union

*Any Member State can leave the Union*

1. Any Member State may decide to withdraw from the European Union in accordance with its own constitutional requirements.

*Agreement on  
withdrawal between the  
Council and Member  
State*

*- double qualified  
majority in the Council  
- withdrawing state  
shall not participate in  
the discussions*

*A state can withdraw  
after 2 years even if no  
agreement is reached*

2. A Member State which decides to withdraw shall notify the Council of its intention. Once that notification has been given, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the assent of the European Parliament.

The withdrawing State shall not participate in the Council's discussions or decisions concerning it.

3. This Constitution shall cease to apply to the State in question as from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2.

**FINAL PROVISIONS**

***Repeal of earlier treaties***

*All previous treaties disappear including protocols unless they are repeated in this Constitution*

***Legal continuity***

*All rights and obligations continue unless they are in breach of this new all-prevailing Constitution*

***Geographical area***

*All Member States*

*French overseas depts  
Azores, Madeira  
Canary Islands*

**PART THREE:  
GENERAL AND FINAL PROVISIONS**

Article A: Repeal of earlier Treaties

The Treaty establishing the European Community of 25 March 1957, the Single Act of 17 February 1986, the Treaty on European Union of 7 February 1992, the Treaty of Amsterdam of 2 October 1997 and the Treaty of Nice of 26 February 2001 shall be repealed as from the date of entry into force of the Constitutional Treaty. The acts and treaties listed in the Annex shall also be repealed.

Article B: Legal continuity in relation to the European Community and  
the European Union

The European Union shall succeed to all the rights and obligations of the European Communities and of the Union, whether internal or resulting from international agreements, which arose before the entry into force of the Constitutional Treaty by virtue of previous treaties, protocols and acts, including all the assets and liabilities of the Communities and of the Union, and their archives.

The provisions of the acts of the Institutions of the Union, adopted by virtue of the treaties and acts mentioned in the first paragraph, shall remain in force insofar as they are compatible with the Constitution. The case-law of the Court of Justice of the European Communities shall be maintained as a preferential source of interpretation of the Constitution and acts prior to its entry into force.

Article C: Scope

1. The Constitutional Treaty shall apply to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland, ...

2. The Constitutional Treaty shall apply to the French overseas departments, the Azores, Madeira and the Canary Islands in accordance with Article ... of Part Two.

3. The special arrangements for association set out in Part [Four of the TEC] of the Constitutional Treaty shall apply to the overseas countries

*Association*

*UK overseas countries not included*

*Applies to European territories, which are externally represented by the Union*

*Åland Islands*

*Does not apply to the Faroe Islands (and Greenland because it is a non European territory)*

*Does not apply in UK part of Cyprus*

*Applies partly to Island of Man and Channel Islands*

***Regional unions***

*The Union between Belgium, Luxembourg and the Netherlands accepted, but not the Nordic Union*

***Protocols***

*Old protocols disappear if they are not repeated here*

***Treaty amendments***

*Member States and Commission can initiate amendment*

and territories listed in [Annex II to the TEC].

The Constitutional Treaty shall not apply to overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in that list.

4. The Constitutional Treaty shall apply to the European territories for whose external relations a Member State is responsible.

5. The Constitutional Treaty shall apply to the Åland Islands in accordance with the provisions set out in Protocol 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

6. Notwithstanding the preceding paragraphs:

(a) the Constitutional Treaty shall not apply to the Faeroe Islands;

(b) the Constitutional Treaty shall not apply to the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus;

(c) the Constitutional Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed on 22 January 1972.

Article D: Regional unions

The Constitutional Treaty shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the Constitutional Treaty.

Article E: Protocols

The protocols annexed to this Treaty shall form an integral part thereof.

Article F: Procedure for revising the Constitutional Treaty

The government of any Member State or the Commission may submit to the Council proposals for the amendment of the Constitutional Treaty. The national Parliaments shall be notified of these proposals.

*Council decides with double qualified majority*

*EU President calls for a conference with representatives of all governments*

*Ratification by all Member States*

***Adoption, ratification and entry into force***

*Ratification by all EU Member States  
Instruments of ratification (a letter) must be deposited in Rome*

*Date*

*Political decision among Prime Ministers if up to 20 % of the Member States fail to ratify within 2 years*

***Duration***

"For ever" clause

If the Council, after consulting the European Parliament and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to the Constitutional Treaty. The Council of the European Central Bank shall also be consulted in the case of institutional changes in the monetary area.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

Article G: Adoption, ratification and entry into force of the Constitutional Treaty

1. The Constitutional Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.

2. The Constitutional Treaty shall enter into force on ..., provided that all the instruments of ratification have been deposited, or, failing that, on the first day of the month following the deposit of the instrument of ratification by the last signatory State to take this step.

3. If, two years after the signature of the Constitutional Treaty, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council.

Article H: Duration

The Constitutional Treaty is concluded for an unlimited period.

**Languages**

Article I: Languages

(To be adjusted in accordance with the Act of Accession)

*All versions are equal,  
(but it is clever to  
consult the French  
version if there is doubt  
over interpretation)*

The Constitutional Treaty, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish, Swedish and ... languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.