

**THE DRAFT EU
CONSTITUTION**

The reader friendly edition with highlights, remarks in the margin and a great index to help you move around.

INTRODUCTION

Here you have the new draft EU constitution as prepared by the Convention under the leadership of the former French president, Valéry Giscard d'Estaing.

We have made it "reader friendly" by highlighting the most important words. The highlights are not a part of the constitution. However, if you skim through the highlighted words you will have a quick and comprehensive understanding of the content.

We have also added remarks and comments in the margin making it easier to understand the content.

Finally, all difficult terms are explained in plain and simple English.

Our reader friendly editions are for your free (non-commercial) use. Please feel free to download the full text to your own computer.

This document is based on official convention documents which can be found on <http://european-convention.eu.int>

Best regards
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*The highlights and
remarks in the margin
are not part of the draft
Constitution*

THE DRAFT EU CONSTITUTION

- The reader friendly edition

PREAMBLE

Χρώμεθα γάρ πολιτεία ... καί όνομα μέν διά τό μή ές ολίγους άλλ' ές
πλείονας οικείν δημοκρατία κέκληται ...

*Our Constitution is called a democracy because power is in the hands not
of a minority but of the whole people.]*

Thucydides II, 37

Conscious that Europe is a continent that has brought forth civilisation; that
its inhabitants, arriving in successive waves since the first ages of mankind,
have gradually developed the values underlying humanism: equality of
persons, freedom, respect for reason,

Drawing inspiration from the cultural, religious and humanist inheritance of
Europe, whose values are always present in its heritage, and which has
embedded within the life of society its perception of the central role of the
human person and his inviolable and inalienable rights, and of respect for
law,

Believing that reunited Europe intends to continue along this path of
civilisation, progress and prosperity, for the good of all its inhabitants,
including the weakest and most deprived; that it wishes to remain a
continent open to culture, learning, and social progress; and that it wishes
to deepen the democratic and transparent nature of its public life, and to
strive for peace, justice and solidarity throughout the world,

Convinced that, while remaining proud of their own national identities and
history, the peoples of Europe are determined to transcend their ancient
divisions, and, united ever more closely, to forge a common destiny,

Convinced that, thus "united in its diversity", Europe offers them the best
chance of pursuing, with due regard for the rights of each individual and in
awareness of their responsibilities towards future generations and the Earth,
the great venture which makes of it a special area of human hope,

Grateful to the members of the European Convention for having prepared
this Constitution on behalf of the citizens and States of Europe,

[Who, having exchanged their full powers, found in good and due form, have agreed as follows:]

PART ONE

TITLE I: Definition and objectives of the Union

*Established by both
citizens and states*

Article I-1: Establishment of the Union

*Member States confer
competences on the EU*

1. Reflecting the will of the citizens and States of Europe to build a common future, this Constitution establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise in the Community way the competences they confer on it.

*Open to European
States sharing values*

2. The Union shall be open to all European States which respect its values and are committed to promoting them together.

Values of the Union

Article I-2: The Union's values

*Dignity, liberty,
democracy, equality,
rule of law, human
rights, and tolerance,
justice, solidarity, and
non-discrimination –
must be accepted by all*

The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination.

Objectives of the Union

Article I-3: The Union's objectives

*Peace, values and well-
being*

1. The Union's aim is to promote peace, its values and the well-being of its peoples.

*Area of freedom,
security and justice
without internal
frontiers and a single
market with free
competition*

2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, and a single market where competition is free and undistorted.

Sustainable

3. The Union shall work for a Europe of sustainable development based on

development, balanced growth, social progress, full employment, environmental protection, scientific and technological advances, combat social exclusion, promote social justice, equality between men and women, solidarity between generations, protect children, respect diversity and defend Europe's heritage.

Promotion of its values and interests in the wider world

The Constitution will outline limits to the Union's actions

No discrimination

*Free movement of persons, goods, services and capital.
Freedom of establishment*

No discrimination on grounds of nationality

Union-Member State relations

Obligation to respect national identities

balanced economic growth, a social market economy, highly competitive and aiming at full employment and social progress, and with a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of children's rights.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

The Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

4. In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and protection of human rights and in particular children's rights, as well as to strict observance and development of international law, including respect for the principles of the United Nations Charter.

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

Article I-4: Fundamental freedoms and non-discrimination

1. Free movement of persons, goods, services and capital, and freedom of establishment shall be guaranteed within and by the Union, in accordance with the provisions of this Constitution.

2. 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 I-5: Relations between the Union and the Member States

1. The Union shall respect the national identities of its Member States, inherent in their fundamental structures, political and constitutional,

(not Constitutions)

Member States shall assist the Union to implement EU law

Not jeopardise objectives

Legal personality

The Union will make binding agreements with 3rd countries in all policy areas. The three pillars disappear

EU-CITIZENSHIP

Fundamental Rights

Includes the Charter of Fundamental Rights

Council of Europe's Convention of Human Rights will not affect Primacy of EU-law

Fundamental rights will form the general principles of EU law

EU Citizenship

Double citizenship: national and EU

EU citizens' rights and duties:

including for regional and local self government. It shall respect their essential State functions, including for ensuring the territorial integrity of the State, and for maintaining law and order and safeguarding internal security.

2. Following the principle of loyal cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Constitution.

The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the objectives set out in the Constitution.

Article I-6: Legal personality

The Union shall have legal personality.

TITLE II: Fundamental rights and citizenship of the Union

Article I-7: Fundamental rights

1. The Union shall recognise the rights, freedoms and principles set out in the Charter of Fundamental Rights which constitutes the Part II of this Constitution.

2. The Union shall seek accession 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 in 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 constitute general principles of the Union's law.

Article I-8: 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.

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

- Free movement and residence in the EU

the right to move and reside freely within the territory of the Member States;

- to vote and stand for election in all local and EU elections

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;

- Protection under all Member States' diplomatic authorities

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;

- to write in any Union language and receive a reply in the same language

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 Constitution's languages and to obtain a reply in the same language.

(Rights and duties at EU level, prevail over national constitutions)

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.

EU COMPETENCES

TITLE III: The Union's competences

Fundamental principles

Article I-9: Fundamental principles

Principles governing EU Competence:

- Conferral:
EU laws need legal base in the Constitution or else a Member State competence

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

- Subsidiarity
"Better achieved at Union level"

2. Under the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Member States in the Constitution to attain the objectives set out in the Constitution. Competences not conferred upon the Union in the Constitution remain with the Member States.

Principle of subsidiarity defined in attached

3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence the Union shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The Union Institutions shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and

*protocol National
Parliaments shall
ensure compliance*

*- Proportionality:
“Not exceed what is
necessary”*

***PRIMACY OF UNION
LAW***

*All EU law prevails
over national laws and
national constitutions*

*Require fulfilment of
EU obligations by
Member States*

Exclusive competences
*Only EU legislation can
allow Member States to
legislate.*

Shared competences
*Both EU and Member
States may legislate, but
EU law suppresses
national competence to
legislate*

***Coordination of
economic policies***

***Foreign, Security and
Defence Policy***

Supportive measures
*Member States' can
legislate on their own*

proportionality, annexed to the Constitution. National Parliaments shall ensure compliance with that principle in accordance with the procedure set out in the Protocol.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.

The Institutions shall apply the principle of proportionality as laid down in the Protocol referred to in paragraph 3.

Article I-10: Union law

1. The Constitution, and law adopted by the Union's Institutions in exercising competences conferred on it, shall have primacy over the law of the Member States.

2. Member States shall take all appropriate measures, general or particular, to ensure fulfilment of the obligations flowing from the Constitution or resulting from the Union Institutions' acts.

Article I-11: Categories of competence

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 or for the implementation of acts adopted by the Union.

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 that area. The Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence.

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

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.

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

*Specific legal bases
in Part III*

Exclusive competences

*- competition rules
within the internal
market
- commercial policy
- customs union
- monetary policy
- marine biological
resources*

*- international
agreements when
affects internal
competence*

Shared competence

*General rule: when not
an exclusive
competence or a
supportive action then a
shared competence*

*Non-exhaustive list of
shared competences
(where an EU law
suppress national
competence to legislate)*

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

6. The scope of and arrangements for exercising the Union's competences shall be determined by the provisions specific to each area in Part III.

Article I-12: Exclusive competence

1. The Union shall have exclusive competence to establish competition rules within the internal market, and in the following areas:
monetary policy, for the Member States which have adopted the euro,
common commercial policy,
customs union,
the conservation of marine biological resources under the common fisheries policy.
2. The Union shall have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union, is necessary to enable the Union to exercise its competence internally, or affects an internal Union act.

Article I-13: Areas of 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 I-12 and I-16.
2. Shared competence applies in the following principal areas:

internal market,
area of freedom, security and justice,
agriculture and fisheries, excluding the conservation of marine biological resources,
transport and trans-European networks,
energy,
social policy, for aspects defined in Part III,
economic, social and territorial cohesion,
environment,
consumer protection,
common safety concerns in public health matters.
3. In the areas of research, technological development and space, the Union shall have competence to carry out actions, in particular to define and implement programmes; however, the exercise of that competence may not

Development cooperation and humanitarian aid

result in Member States being prevented from exercising theirs.

4. 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 theirs.

Economic coordination

Article I-14: The coordination of economic and employment policies

Measures to ensure coordination of economic policies

1. The Union shall adopt measures to ensure coordination of the economic policies of the Member States, in particular by adopting broad guidelines for these policies. The Member States shall coordinate their economic policies within the Union.

Special rules for Euro-countries

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

Measure to ensure coordination of employment policies

3. The Union shall adopt measures to ensure coordination of the employment policies of the Member States, in particular by adopting guidelines for these policies.

Possibility of ensuring coordination of social policies

4. The Union may adopt initiatives to ensure coordination of Member States' social policies.

Foreign and Security Policy:

Article I-15: The common foreign and security policy

Competent in all areas of foreign, security and defence policy

1. The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy, which might lead to a common defence.

Loyalty and mutual solidarity. Refrain from actions against Union interests

2. Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the acts adopted by the Union in this area. They shall refrain from action contrary to the Union's interests or likely to impair its effectiveness.

Supporting actions

Article I-16: Areas of supporting, coordinating or complementary action

Areas of supportive actions

1. The Union may take supporting, coordinating or complementary action.

2. The areas for supporting, coordinating or complementary action shall be, at European level:

- industry
- protection and improvement of human health

education, vocational training, youth and sport
culture
civil protection.

*No harmonisation
under supportive
actions*

3. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part III may not entail harmonisation of Member States' laws or regulations.

Flexibility clause

Article I-17: Flexibility clause

*Extension of EU powers
by unanimity in the
Council and consent
from the EP
No ratification by
national Parliaments or
referenda as per treaty
changes*

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

*National Parliaments
shall be notified*

2. Using the procedure for monitoring the subsidiarity principle referred to in Article I-9(3), the Commission shall draw Member States' national Parliaments' attention to proposals based on this Article.

*Harmonisation if not
forbidden by the
Constitution*

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.

THE INSTITUTIONS

TITLE IV: The Union's Institutions

Chapter I - Institutional framework

Article I-18 : The Union's Institutions

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

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.

*The institutions of the
Union*

2. This institutional framework comprises :
The European Parliament,
The European Council,

...shall act within the limits of the Constitution

European Parliament

*- co-legislates with the Council
- controls politically
- approves the Commission President proposed by the Prime Ministers*

*Direct elections every 5 years, max. 736, min. of 4 members per Member State, the remaining seats will be divided degressively proportional
According to a proposal from the EP this means fewer members from the smaller states than at present.*

EP President

European Council

The Prime Ministers in "EU-summits"

Members of the European Council

The Council of Ministers,
The European Commission,
The Court of Justice,

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.

Article I-19 : The European Parliament

1. The European Parliament shall, jointly with the Council, enact legislation, and exercise the budgetary function, as well as functions of political control and consultation as laid down in the Constitution. It shall elect the President of the European Commission.

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

Sufficiently in advance of the European Parliamentary elections in 2009, and, as necessary thereafter, for further elections, the European Council shall adopt by unanimity, on the basis of a proposal from the European Parliament and with its consent, a decision establishing the composition of the European Parliament, respecting the principles set out above.

3. The European Parliament shall elect its President and its officers from among its members.

Article I-20 : 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. It does not exercise legislative function.

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 Union Minister for Foreign Affairs shall take part in its work.

Meets quarterly

President may convene additional meetings

Decisions by consensus, not unanimity as at present

The EU President

Prime Ministers will for 2 ½ years – may re-elect once

Tasks of the President

Represents the EU in the wider world on CFSP issues

President cannot have a national mandate

Council of Ministers

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

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 European Commissioner. When the situation so requires, the President shall convene an special meeting of the European Council.

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

Article I-21 : 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. In the event of an impediment or serious misconduct, the European Council can end his mandate according to the same procedure.

2. The President of the European Council:

shall chair it and drive forward its work,

shall ensure proper preparation and continuity in cooperation with the President of the Commission, and on the basis of the work of the General Council,

shall endeavour to facilitate cohesion and consensus within the European Council,

shall present a report to the European Parliament after each of its meetings.

The President of the European Council shall at his or her level and in that capacity ensure, the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the responsibilities of the Union Minister for Foreign Affairs.

3. The President of the European Council may not hold a national mandate.

Article I-22: The Council of Ministers

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

Status as minister, the only one to vote and commit the Member State

*Decides by qualified majority
The “Luxembourg compromise” veto disappears*

General Affairs and Legislative Council
*- coordinates Council of Ministers
- prepares and follows-up on European Council meetings*

Legislative Council
- enacts laws

Foreign Affairs Council
Chaired by the EU Foreign Minister

Other Council configurations

*Presidency of Council formations rotate
- national government representative
- minimum 1-year term*

Qualified majority:

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 I-23 : Council formations

1. The Legislative and General Affairs Council shall ensure consistency in the work of the Council of Ministers.

When it acts in its General Affairs function, it shall, in liaison with the Commission, prepare and ensure follow-up to, meetings of the European Council.

When it acts in its legislative function, the Council of Ministers shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in accordance with the provisions of the Constitution. In this function, each Member State's representation shall include one or two representatives at ministerial level with relevant expertise, reflecting the business on the agenda of the Council of Ministers.

2. 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 Minister for Foreign Minister.

3. The European Council shall adopt a European decision establishing further formations in which the Council of Ministers may meet.

4. The Presidency of a Council formation, other than that of Foreign Affairs, shall be held by Member State representatives within the Council of Ministers on the basis of equal rotation, for periods of at least a year. The European Council adopt a European decision establishing the rules of such rotation, taking into account European political and geographical balance and the diversity of all Member States.

Article I-24 : Qualified majority

1. Majority of Member States

2. 60 % of the EU population

(meaning that the 3 biggest states can block a decision sought by 22 Member States)

Super qualified majority

1. 2/3 of Member States
2. 60% of the EU population

Until 2009: qualified majority is 232 of 321 votes from a majority of states and 62% of the EU-population

NB: New deepening clause

European Council can change legislative procedure regarding a Council decision by unanimity

Can change unanimity to qualified majority on their own without ratification and possible referendums

The EU Commission

Role:

- promote general

1. When the European Council or the Council of Ministers 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. When the constitution does not require the European Council or the Council of Ministers to act on the basis of a proposal of the Commission, or when the European Council or the Council of Ministers is not acting on the initiative of the Union Minister for Foreign Affairs, the required qualified majority shall consist of two-thirds of the Member State, representing at least three fifths of the population

3. The provisions of paragraphs 1 and 2 will take effect on 1 November 2009, after the European Parliament elections have taken place, according to the provisions of article I-19.

4. Where the Constitution provides in Part III for laws and framework laws to be adopted by the Council of Ministers according to a special legislative procedure, the European Council can adopt, on its own initiative and by unanimity, after a period of consideration of six months, a European decision allowing for the adoption of such European laws or framework laws according to the ordinary legislative procedure. The European Council shall act after consulting the European Parliament and informing the national Parliaments.

Where the Constitution provides in Part III for the Council of Ministers to act unanimously in a given area, the European Council can adopt, on its own initiative and by unanimity, a European decision allowing the Council to act by qualified majority in that area. Any initiative taken by the European Council under this subparagraph shall be sent to national Parliaments no less than four months before any decision is taken on it.

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

Article I-25: The European Commission

1. The European Commission shall promote the general European interest and take appropriate initiatives to that end. It shall ensure the application of

interest

*- oversee application of Union law
- execute the budget
- implementation
- ensure external representation outside the common foreign and security policy*

Monopoly of initiative:
No one else can propose new laws

Composition:
15 members, no longer one from each Member State

*Rotate on equal basis
- max one term between having a member
- represent demographic and geographical range of the Union*

Non-voting Commissioners from the other states

Effect from 2009

Independence
May not take instructions from any one

the Constitution, and steps taken by the institutions under the Constitution. It shall oversee the application of Union law under the control of the Court of Justice. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions as laid down in the Constitution. With the exception of the common foreign and security policy, and other cases provided for in the Constitution, it shall ensure the Union's external representation. It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements.

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

3. The Commission shall consist of a College comprising its President, the Union Minister of Foreign Affairs/Vice-President, and thirteen European Commissioners selected on the basis of a system of equal rotation between the Member States. This system shall be established by a European decision of the European Council on the basis of the following principles:

(a) Member States shall be treated on a strictly equal footing as regard determination of the sequence of, and the time spent by, their nationals as Members of the College; consequently, the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than one.

(b) subject to point (a), each successive college shall be so composed as to reflect satisfactorily the demographic and geographical range of all Member States of the Union

The Commission President shall appoint non-voting Commissioners, chosen according to the same criteria as apply for Members of the College and coming from all other Member States.

These arrangements will take effect on 1 November 2009.

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

Censure

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

Commission President

*1. Prime Ministers elect by qualified majority
2. EP approves with majority of Members
3. If rejected a new candidate shall be put forward within 1 month*

Commission members

*- 3 candidates from each Member State
- The Commission President selects 13 members
- EP approves by simple majority
- Must have European commitment
- Term: 5 years*

The Commission President decides guidelines and internal organisation, and appoints vice presidents and dismisses members

5. The Commission, as a College, shall be responsible to the European Parliament. The Commission President shall be responsible to the European Parliament for the activities of the Commissioners. Under the procedures set out in Article III-238, the European Parliament may pass a censure motion on the Commission. If such a motion is passed, the European Commissioners and Commissioners must all resign. The Commission shall continue to handle everyday business until a new college is nominated.

Article I-26: The President of the European Commission

1. Taking into account the elections to the European Parliament, and after appropriate consultations, 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 determined by the system of rotation shall establish a list of three persons, in which both genders shall be represented, whom it considers qualified to be a European Commissioner. By choosing one person from each of the proposed lists, the President-elect, shall select the thirteen European Commissioners for their competence, European commitment, and guaranteed independence. The President and the persons so nominated for membership of the College, including the future Union Minister for Foreign Affairs, as well as the persons nominated as non-voting Commissioners, shall be submitted collectively to a vote of approval by the European Parliament. The Commission's term of office shall be five years.

3. The President of the Commission shall:

lay down guidelines within which the Commission is to work;

decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis;

appoint vice-presidents from among the members of the College.

A European Commission or Commissioner shall resign if the President so requests.

EU Foreign Minister

*Prime Ministers elect
by qualified majority in
agreement with
Commission President*

*Tasks of Foreign
Minister*

Double hat
*Foreign Minister also
Vice-President of
Commission for
external relations*

*External service
established in part III*

The EU Court

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

*Ensure right of appeal
to EU*

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

*Competences of the
Court of Justice
- ruling on actions*

Article I-27: The Foreign Minister

1. The European Council, acting by qualified majority, with the agreement of the President of the Commission, shall appoint the Union Minister for Foreign Minister. He shall conduct the Union's common foreign and security policy. The European Council may end his tenure by the same procedure.
2. The Union Minister for Foreign Affairs shall contribute by his proposals to the development of the common foreign policy, which he shall carry out as mandated by the Council of Ministers. The same shall apply to the common security and defence policy.
3. The Union Minister for Foreign Affairs shall be one of the Vice-Presidents of the Commission. He shall be responsible there for handling external relations and for coordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, The Union Minister for Foreign Affairs shall be bound by Commission procedures.

[Footnote 1: The establishment of a Joint European External Action Service, to assist the Minister, will be addressed in a Declaration/Part III.]

Article I-28: The Court of Justice

1. The Court of Justice shall include the European Court of Justice, the High Court and specialised courts. It shall ensure respect for the law in the interpretation and application of the Constitution.
Member States shall provide rights of appeal sufficient to ensure effective legal protection in the field of Union law.
2. The European 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 and the Advocates-General of the European Court of Justice and the judges of the High Court, chosen from persons whose independence is beyond doubt and who satisfy the conditions set out at Article III-256 to III-257, 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:
rule on actions brought by a Member State, an institution or a natural or

- preliminary rulings
- rulings on other cases

legal person in accordance with the provisions of Part III;

give preliminary rulings, at the request of Member State courts, on the interpretation of Union law or the validity of acts adopted by the institutions;

rule on the other cases provided for in the Constitution.

Chapter II: Other Institutions and Bodies

Article I-29: The European Central Bank

The EU Central Bank

Directs the EU system of Central Banks and implements the monetary policy together with Euro-Central banks

Primary goal is price stability

It shall have legal personality, it alone issues the Euro and it 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

1. The European Central Bank, together with the national central banks, shall constitute the European System of Central Banks. The European Central Bank, together with the national central banks of the Member States which have adopted the Union currency, the Euro, shall conduct the monetary policy of the Union.

2. The European System of Central Banks shall be governed by the decision-making bodies of the European Central Bank. The primary objective of the European System of Central Banks 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. It shall conduct other Central Bank tasks according to the provisions of Part III and the Statute of the European System of Central Banks and the European Central Bank.

3. The European Central Bank is an institution which has legal personality. It alone may authorise the issue of the euro. 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.

4. The European Central Bank shall adopt such measures as are necessary to carry out its tasks in accordance with the provisions of Articles III-74 to III-81, and with the conditions laid down in the Statute of the European System of Central Banks and the European Central Bank. 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.

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

*ECB= Central bank
ESCB= the whole
system*

6. The decision-making organs of the European Central Bank, their composition and operating methods are set out in articles III-82 to III-85, as well as in the Statute of the European System of Central Banks and the European Central Bank.

EU Court of Auditors

Article I-30: The Court of Auditors

Tasks

1. The Court of Auditors is the institution which shall carry out the audit.

*One member each -
completely independent*

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.

Advisory bodies

Article I-31: The Union's Advisory Bodies

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

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 either hold a regional or local authority electoral mandate 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 representative of 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 art. III-
288 to III-294*

5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles III-288 to III-294. 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

Legal acts

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

Law:

- binding in its entirety, directly applicable

Framework law:

- binding as to the result, Member States transpose

Regulation now used for implementation of legislation. It is either binding in its entirety and directly applicable or binding as to the result to be achieved

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

Recommendations and opinions: not binding

This is an exhaustive list of legal instruments

Legislative procedure

General rule:

1. Commission proposes

2. EP and Council decides:

a. double qualified

TITLE V: EXERCISE OF UNION COMPETENCE

Chapter I: Common provision

Article I-32: The legal acts of the Union

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 III, European laws, European framework laws, European regulations, European decisions, recommendations and opinions.

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

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

A European regulation shall be a non-legislative act of general application for the implementation of legislative acts and of certain specific provisions of the Constitution. It may either be binding in its entirety and directly applicable in all Member States, or be binding, as regards the result to be achieved, on all Member States to which it is addressed, but leaving the national authorities entirely free to choose the form and means of achieving that result.

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 adopted by the institutions shall have no binding force.

2. When considering proposals for legislative acts, the European Parliament and the Council shall refrain from adopting acts not provided for by this Article in the area in question.

Article I-33: Legislative acts

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 of Ministers under the ordinary legislative procedure as set out in Article III-298. If the two institutions cannot reach agreement on an act, it shall not be adopted.

majority in Council
b. Simple EP majority

In special cases a group of Member States can take initiative - but still the EP and Council decides

Sometimes only the Council or the EP adopts laws - but the other institution participates

Non-legislative acts

"Regulations" and "decisions" to be used for delegation or implementation

The Council, Commission and ECB can adopt recommendations

Delegated regulations

The Commission can be permitted to legislate on its own...

*...but only on non-essential elements
The Commission decide what is essential*

In the act delegating legislative power to the Commission it shall be explicitly stated how the power can be redrawn.

In the cases specifically provided for in Article III-160, laws and framework laws may be adopted at the initiative of a group of Member States in accordance with Article III-298.

2. In the specific cases provided for by the Constitution, European laws and European framework laws shall be adopted by the European Parliament with the participation of the Council, or by the latter with the participation of the European Parliament, in accordance with special legislative procedures.

Article I-34: Non-legislative acts

1. The European Council shall adopt European decisions in the cases specifically laid down in the Constitution and the Commission shall adopt European regulations or European decisions in the cases referred to in Articles I-35 and I-36 and in cases specifically laid down in the Constitution. The European Central Bank shall adopt European regulations and European decisions when authorised to do so by the Constitution.
2. The Council of Ministers and the Commission, and the European Central Bank when so authorised in the Constitution, adopt recommendations.

Article I-35: Delegated regulations

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

The objectives, content, scope and duration of the delegation shall be explicitly defined in the European 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 laws and framework laws; they may consist of the following possibilities:

There are two methods:

- 1) EP or Council can decide to revoke the delegation
- 2) EP or Council shall have the opportunity to express objection

Demands qualified majority in Council or an absolute majority of EP members

Implementing acts

Loyal implementation by Member States

The Commission or Council may implement if uniform conditions are needed

Rules for Member States control over implementing acts:

Implementing regulations and decisions

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

A law shall state the reasons on which it is based

Laws to be signed by the Presidents of the deciding institutions

the European Parliament or the Council of Ministers 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 of Ministers within a period set by the European law or framework law.

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 I-36: Implementing acts

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

2. Where uniform conditions for implementing binding Union acts are needed, those acts may confer implementing powers on the Commission, or, in specific cases duly justified, and in the cases provided for in Article I-39, on the Council of Ministers.

3. The law shall lay down in advance rules and general principles for the mechanisms for control by Member States of Union implementing acts.

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

Article I-37: Principles common to the Union's legal acts

1. Unless the Constitution contains a specific stipulation, the Institutions shall decide, in compliance with the procedures applicable, the type of act to be adopted in each case, in accordance with the principle of proportionality set out in Article I-9.

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 I-38: Publication and entry into force

1. European laws and framework laws adopted under the ordinary legislative procedure shall be signed by the President of the European Parliament and by the President of the Council of Ministers. In other cases

Enter into 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

Common foreign and security policy

Based on:
- solidarity among Member States
- identification of common interests
- convergence of actions

The European Council shall identify the Union's interests

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

they shall be signed by the President of the Council of Ministers or by the President of the European Parliament. European Laws and 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 their publication.

2. European regulations and European decisions which do not specify those to whom they are addressed or which are addressed to all Member States shall be signed by the President of the Institution which adopts them, 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 their publication.

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

Chapter II: Specific provision

Article I-39:

Specific provisions for implementing common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the 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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part III.

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

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

5. Member States shall consult one another within the European Council and the Council of Ministers on any foreign and security policy issue which is of general interest in order to determine a common approach. Before

the international scene

undertaking any action on the international scene or any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council of Ministers.

Mutual solidarity among Member States

Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.

EP shall be consulted and be kept informed

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

Decisions are taken unanimously here, but with qualified majority in some cases in Part Three

7. European 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 III. The European Council or the Council of Ministers shall act on a proposal from a Member State, from the Union Minister for Foreign Affairs or from that Minister with the Commission's support. European Laws and framework laws are excluded.

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

Laws and framework laws excluded

Prime Ministers can unanimously change voting procedure to qualified majority

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

Defence policy

Article I-40:

Specific provisions for implementing common defence policy

*Operational capability: both military and civilian means
Can be used outside the EU for peacekeeping, conflict prevention and strengthening of international security.
The Union shall use national capabilities*

1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capability drawing on assets civil and military. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.

Common defence to be decided unanimously

2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a

Specific character of certain Member States defence policy shall be respected

NATO

Obligation to make military capabilities available to the EU Multinational forces can be part of common defence

Improve military capabilities

European Armaments and Strategic Research Agency

Defence issues implemented by unanimity

A group of states can carry out a Union task

Structured co-operation can be undertaken within Union structure

Mutual defence as enhanced cooperation

decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, under the North Atlantic Treaty, and be compatible with the common security and defence policy established within that framework.

3. Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council of Ministers. Those Member States which together establish multinational forces may also make those forces available to the common security and defence policy.

Member States shall undertake progressively to improve their military capabilities. A European Armaments, Research and Military Capabilities Agency shall be established to identify operational requirements, to promote 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, to participate in defining a European capabilities and armaments policy, and to assist the Council of Ministers in evaluating the improvement of military capabilities.

4. European decisions on the implementation of the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council of Ministers acting unanimously on a proposal from the Union Minister for Foreign Affairs or from a Member State. The Union Minister for Foreign Affairs may propose the use of both national resources and Union instruments, together with the Commission where appropriate.

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to maintain the Union's values and serve its interests. The execution of such a task shall be governed by Article III-206.

6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish structured cooperation within the Union framework. Such cooperation shall be governed by the provisions of Article III-208.

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

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

Justice and Home

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

- operative cooperation, secret services

National parliaments shall be involved in the political monitoring of Europol and Eurojust

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

Terrorism clause

Member States and Union shall act jointly

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 or other, in accordance with Article 51 of the United Nations Charter. In the execution of closer cooperation on mutual defence, the participating Member States shall work in close cooperation with the North Atlantic Treaty Organisation. The detailed arrangements for participation in this cooperation and its operation, and the relevant decision-making procedures, are set out in Article III-209.

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

Article I-41:

Specific provisions for implementing the area of freedom, security and justice

1. The Union shall constitute an area of freedom, security and justice:

by adopting European laws and framework laws intended, where necessary, to approximate national laws in the areas listed in Part III;

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 the competent authorities of the Member States, including the police, customs and other services specialising in the prevention and detection of criminal offences.

2. Within the area of freedom, security and justice, national Parliaments may participate in the evaluation mechanisms foreseen in Article III-156, and shall be involved in the political monitoring of Eurojust's and Europol's activities in accordance with Articles III-169 and III-172.

3. In the field of police and judicial cooperation in criminal matters, Member States shall have a right of initiative in accordance with Article III-160.

Article I-42: Solidarity clause

1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the victim of terrorist attack or natural or man-made

*against terrorism and
disasters*

- Prevention

- Protection

*- Assistance:
* terrorism*

** disaster*

disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

(a)

prevent the terrorist threat in the territory of the Member States;

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;

(b)

assist a Member State in its territory at the request of its political authorities in the event of a disaster.

2. The detailed arrangements for implementing this provision are at Article III-226.

Enhanced cooperation

Chapter III: Enhanced cooperation

Article I-43: Enhanced cooperation

*Can be established within areas of shared competences and supportive actions
Can use the Union's institutions*

1. Member States which wish to establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences may make use of its Institutions and exercise those competences by applying the relevant provisions of the Constitution, subject to the limits and in accordance with the procedures laid down in this Article and in Articles III-318 to III-325.

Should further the Union's goal of integration

Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open to all Member States when it is being established and at any time, in accordance with Article III-321.

Only as last resort

2. Authorisation to proceed with enhanced cooperation shall be granted by the Council of Ministers as a last resort, when it has been established within the Council of Ministers that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that it brings together at least one third of the Member States. The Council of Ministers shall act in accordance with the procedure laid down in Article III-322.

1/3 of Member States must participate

Only the participating States take part in decision making

3. Only members of the Council of Ministers representing the States participating in enhanced cooperation shall take part in the adoption of acts. All Member States may, however, take part in the deliberations of the Council of Ministers.

Only participating Member States are included when calculating qualified majority

Unanimity shall be constituted by the votes of the representatives of the participating States only. A qualified majority shall be defined as a majority of the votes of the representatives of the participating Member States, representing at least three fifths of the population of those States.

Qualified majority is 2/3 of Member States representing 60% of population when Council acting without proposal from Commission of Foreign Minister

Where the Council of Ministers is not acting on the basis of a Commission proposal, or where the Council of Ministers is not acting upon initiative of the Union Minister for Foreign Affairs, the required qualified majority shall be defined as a majority of the votes of two-thirds of the participating States, representing at least three fifths of the population of those States.

*Decisions only bind participating states
Countries do not have*

4. Acts adopted in the framework of enhanced cooperation shall bind only participating States. They shall not be regarded as an acquis which has to be accepted by candidates for accession to the Union.

*to accept decisions
made under enhanced
cooperation to join the
Union*

DEMOCRATIC LIFE

Equality

*Principle of equality of
all EU citizens*

*Principle of
representative
democracy*

*EP represents citizens
directly, governments in
the council are
accountable to national
Parliaments, which
represents citizens*

*Decisions shall be
taken as openly and as
closely as possible*

*European parties form
a European awareness*

*Right to discuss
opinions with the
institutions*

*Channels for dialogue
with civil society*

*Commission shall
consult all parties
concerned*

Title VI: The democratic life of the Union

Article I-44: The principle of democratic equality

In all its activities, the Union shall observe the principle of the equality of citizens. All shall receive equal attention from the Union's Institutions.

Article I-45: The principle of representative democracy

1. The working of the Union shall be founded on the principle of representative democracy.
2. Citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council and in the Council of Ministers by their governments, themselves accountable to national parliaments, elected by their citizens.
3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly as possible and as closely as possible to the citizen.
4. Political parties at European level contribute to forming European political awareness and to expressing the will of Union citizens.

Article I-46: The principle of participatory democracy

1. The Union Institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views on all areas of Union action.
2. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

*Citizens initiative
- a million citizens
required
- can ask Commission
to submit proposal - but
Commission can refuse*

*The Union recognises
and promotes
autonomous social
dialogue*

The Ombudsman

*Appointed by EP.
Receives, investigates,
and reports on
complaints of
maladministration*

Transparency

“as openly as possible”

*Council and EP shall
meet in public
(Does not apply to the
many working groups,
where the real
lawmaking occurs)*

*Right of access to
documents...*

*... after rules decided by
the EP and Council
(An amendment from
over 200 members in*

4. A significant number of citizens, no less than one million, coming from a significant number of Member States may invite the Commission to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing this Constitution. A European law shall determine the provisions for the specific procedures and conditions required for such a citizens' initiative.

Article I-47: The social partners and autonomous social dialogue

The European Union recognises and promotes the role of the social partners at Union level, taking into account the diversity of national systems; it shall facilitate dialogue between the social partners, respecting their autonomy.

Article I-48: The European Ombudsman

A European Ombudsman appointed by the European Parliament shall receive, investigate and report on complaints about maladministration within the Union's Institutions, bodies or agencies. The European Ombudsman shall be completely independent in the performance of his duties.

Article I-49: Transparency of the proceedings of the Union's institutions

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

2. The European Parliament shall meet in public, as shall the Council of Ministers when it is examining and adopting a legislative proposal.

3. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's Institutions, bodies and agencies in whatever form they are produced, in accordance with the conditions laid down in Part III.

4. A European law shall lay down the general principles and limits which, on grounds of public or private interest, govern the right of access to such documents.

the Convention would make openness the automatic rule unless a derogation is agreed by 2/3 majority)

Each body determines own specific rules within the limits of the above mentioned law

Personal data

Protection of personal data

The processing of personal data shall be controlled by an independent authority

Churches

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

EU dialogue with churches

FINANCES

The EU budget

Union budget shall

5. Each institution, body or agency referred to in paragraph 3 shall determine in its own rules of procedure specific provisions regarding access to its documents, in accordance with the European law referred to in paragraph 4.

Article I-50: Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.
2. A European law shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by the Union Institutions, bodies and agencies, 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. Compliance with these rules shall be subject to the control of an independent authority.

Article I-51: Status of churches and non-confessional organisations

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.
2. The Union equally respects the status of philosophical and non-confessional organisations.
3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

Title VII: Union finances

Article I-52: Budgetary and financial principles

1. All items of revenue and expenditure of the Union shall be included in

include all revenue and expenditure

estimates to be drawn up for each financial year and shall be shown in the budget, in accordance with the provisions of Part III.

Balanced budget

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

Rules on adopting expenditure to be defined in Part III

3. The expenditure shown in the budget shall be authorised for the annual budgetary period in accordance with the European law referred to in Article III-314.

Expenditure requires both money in the budget and a legal act

4. The implementation of expenditure shown in the budget shall require the prior adoption of a binding legal act providing a legal basis for Union action and for the implementation of the expenditure in accordance with the European law referred to in Article III-314. This act must take the form of a European law, a European framework law, a European regulation or a European decision.

The Union has to be sure that it can finance the acts it adopts within the limits of its own resources

5. With a view to maintaining budgetary discipline, the Union shall not adopt any act which is likely to have appreciable implications for the budget without providing an assurance that the proposal or measure in question is capable of being financed within the limit of the Union's own resources and the multiannual financial framework referred to in Article I-54.

Principle of sound financial management

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.

Rules on countering fraud

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 III-317.

Article I-53: The Union's resources

Provide itself with enough resources to attain its objectives

1. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

Financed from own resources

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

A law shall establish the limits of the Union's resources and the categories of the budget. The law shall

3. A European law of the Council shall lay down the limit of the Union's resources and may establish new categories of resources or abolish an existing category. That law shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements. The Council of Ministers shall act unanimously after

*be approved by
Member States*

*Detailed rules by
qualified majority in
Council and EP consent*

*The multi-annual
financial framework
shall determine the
annual ceilings for each
expenditure category*

*Council decides after
consent from EP, which
decides with a majority
of its members*

*Annual budget shall
stay within the
multiannual framework*

*First multi-annual
framework by
unanimity, qualified
majority from 2017*

*EP and Council shall
determine the Union's
budget*

NEIGHBOURS

*Policy towards
neighbour States*

*EU Agreements with
neighbouring countries*

consulting the European Parliament.

4. A European law of the Council shall lay down the modalities relating to the Union's resources. The Council of Ministers shall act after obtaining the consent of the Parliament.

Article I-54: The multiannual financial framework

1. The multiannual financial framework shall ensure that Union expenditure develops in an orderly manner and within the own resources limits. It shall determine the amounts of the annual ceilings for commitment appropriations by category of expenditure in accordance with the provisions of Article III-304.

2. A European law of the Council shall lay down the multiannual financial framework. The Council of Ministers shall act after obtaining the consent of the European Parliament, which shall be given by a majority of its component members.

3. The annual budget of the Union shall comply with the multiannual financial framework.

4. The Council shall act unanimously when adopting the first multiannual financial framework following the entry into force of the Constitution.

Article I-55: The Union's budget

The European Parliament and the Council of Ministers shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article III-306, adopt the European law determining the Union's annual budget.

Title IX: The Union and its immediate environment

Article I-56: The Union and its immediate environment

1. The Union shall develop a special relationship with neighbouring States, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and 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 Article III-

- reciprocal rights and obligations
- joint activities
- periodic consultation

EU MEMBERSHIP

Requirements for membership

Have to respect values in Art. 2

- write to the Council
- inform EP and national Parliaments

Unanimous decision in the Council

Suspension of rights

The Council can decide by 4/5 majority that a Member State is in breach of the Union's values (The *lex-Austria* clause)

Regular verification

The European Council can decide by unanimity that a Member State is persistently and seriously breaching the values of the Union.

222. 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 I-57:

Conditions and procedure for applying for Union membership

1. The Union shall be open to all the European States which respect the values referred to in Article I-2 of the Constitution, and are committed to promoting them together.

2. Any European State which wishes to become a member of the Union may address its application to the Council of Ministers. The European Parliament and the Member States' national Parliaments shall be notified of this application. The Council of Ministers shall act unanimously after consulting the Commission and after obtaining the consent of the European Parliament. The conditions and arrangements for admission shall be the subject of an agreement between the Member States and the candidate State. That agreement shall be subject to ratification by all the contracting States, in accordance with their respective constitutional requirements.

Article I-58: 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 of Ministers, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may adopt a European decision determining that there is a clear risk of a serious breach by a Member State of the values mentioned in I-2. Before making such a determination, the Council of Ministers shall hear the Member State in question and, acting in accordance with the same procedure, may address recommendations to that State.

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

2. The European Council, acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the consent of the European Parliament, may adopt a decision determining the existence of a serious and persistent breach by a Member State of values mentioned in Article I-2, after inviting the Member State in question to submit its observations.

Consent from the EP needed

The Council may by qualified majority suspend certain rights of the Member State, including voting rights

Obligations shall still bind the Member State

Suspension can be revoked by qualified majority

No vote for Member State in question. Abstention shall not count

Consent of the EP requires a 2/3 majority and a majority of its members.

Withdrawal

Any Member State can leave the Union

*Agreement on withdrawal between the Council and the Member State
- qualified majority in the Council and consent of EP
- withdrawing State shall not participate in the discussions*

3. Where a determination under paragraph 2 has been made, the Council of Ministers, acting by a qualified majority, may adopt a European decision suspending 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 of Ministers. In doing so, the Council of Ministers shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The Member State shall in any case continue to be bound by its obligations under the Constitution.

4. The Council of Ministers, acting by a qualified majority, may subsequently adopt a European decision varying or revoking measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.

5. For the purposes of this Article, the Council of Ministers 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.

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.

Article I-59: Voluntary withdrawal from the Union

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

2. A Member State which decides to withdraw shall notify the European Council of its intention; the European Council shall examine that notification. In the light of the guidelines provided by the European Council, 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 of Ministers, acting by a qualified majority, after obtaining the consent of the European Parliament.

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

*Re-entry as for new
members*

The representative of the withdrawing Member State shall not participate in Council of Ministers or European Council discussions or decisions concerning it.

3. This Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, decides to extend this period.

4. If a State which has withdrawn from the Union asks to re-join, that request shall be subject to the procedure referred to in Article I-57.

Charter of fundamental rights of the European Union

PREAMBLE

*Values and goals of the
Union*

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital, and the freedom of establishment.

*Aim is to strengthen the
protection of
fundamental rights*

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter.

This Charter reaffirms, with due regard for the powers and tasks of the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Union and by the Council of Europe and the case-law of the Court of Justice of the European Union and of the European Court of Human Rights. In this context, the Charter will be interpreted by the courts of the Union and the Member States with due regard for the explanations prepared at the instigation of the Praesidium of the Convention which drafted the Charter.

Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

The Union therefore recognises the rights, freedoms and principles set out hereafter.

TITLE I: DIGNITY

*Respect and protect
human dignity*

Article II-1: Human dignity

Human dignity is inviolable. It must be respected and protected.

*Right to life
(Controversial issue:
does this cover
abortion?)*

Article II-2 Right to life

1. Everyone has the right to life.

No death penalty

2. No one shall be condemned to the death penalty, or executed.

*Respect for
- physical and mental
integrity*

Article II-3: Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.

*Within medicine:
- consent of the person
- no selection of
persons based on
eugenic practices
- no financial gain from
human bodies
- no reproductive
cloning of human
beings*

2. In the fields of medicine and biology, the following must be respected in particular:
(a) the free and informed consent of the person concerned, according to the procedures laid down by law,
(b) the prohibition of eugenic practices, in particular those aiming at the selection of persons,
(c) the prohibition on making the human body and its parts as such a source of financial gain,
(d) the prohibition of the reproductive cloning of human beings.

*No torture or degrading
treatment*

Article II-4:

Prohibition of torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

- no slavery

Article II-5: Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.

- no forced labour

2. No one shall be required to perform forced or compulsory labour.

*- no trafficking in
human beings*

3. Trafficking in human beings is prohibited.

Right to:

TITLE II FREEDOMS

- liberty and security

Article II-6: Right to liberty and security

Everyone has the right to liberty and security of person.

- respect for private and family life, home, and communication

Article II-7: Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

- protection of personal data

Article II-8: Protection of personal data

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

- uninhibited access to personal data

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

Independent control

3. Compliance with these rules shall be subject to control by an independent authority.

Marriages protected by national law

Article II-9: Right to marry and right to found a family

The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

Freedom of:

Article II-10: Freedom of thought, conscience and religion

- thought

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

- conscience

- religion

- conscientious objection

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Freedom of:

Article II-11: Freedom of expression and information

- expression

1. Everyone has the right to freedom of expression. This right shall include

- information

freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

- pluralism in media

2. The freedom and pluralism of the media shall be respected.

Article II-12: Freedom of assembly and of association

- assembly

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

- association

- trade unions

- EU parties

2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

Freedom in:

Article II-13: Freedom of the arts and sciences

- art

The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

- science

Right to:

Article II-14: Right to education

- education

1. Everyone has the right to education and to have access to vocational and continuing training.

-free when compulsory

2. This right includes the possibility to receive free compulsory education.

Within the limits of national law parents have the right to educate their children

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

Freedom:

Article II-15:

Freedom to choose an occupation and right to engage in work

- work

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

- of movement for workers, right to establishment and to provide services

2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.

- 3rd countries citizens shall have same working conditions as citizens of the Union

3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

Conduct business

Article II-16: Freedom to conduct a business

The freedom to conduct a business in accordance with Union law and national laws and practices is recognised.

Property

Article II-17: Right to property

Right to own, use and dispose of possessions

1. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.

Only deprive a person of possessions if fair compensation is given

Protection of intellectual property

2. Intellectual property shall be protected.

Asylum:

Article II-18: Right to asylum

The Union respects the Geneva Convention on refugees

The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Constitution.

- removal, expulsion and extradition

Article II-19: Protection in the event of removal, expulsion or extradition

- no collective expulsion

1. Collective expulsions are prohibited.

- no expulsion if risk of torture or death penalty

2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

TITLE III: EQUALITY

Equality principle

Article II-20: Equality before the law

Everyone is equal before the law.

Article II-21: Non-discrimination

No discrimination on grounds of:

- sex
 - race
 - colour
 - ethnic or social origin
 - genetic features
 - language
 - religion or belief
 - political opinion
 - national minority
 - property
 - birth
 - disability
 - age
 - sexual orientation
- nationality

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

Respect of cultural, religious and linguistic diversity

Article II-22: Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

Equality between men and women

Article II-23: Equality between men and women

Special advantages for the underrepresented sex are allowed

Equality between men and women must be ensured in all areas, including employment, work and pay.

The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

Protection of children

Article II-24: The rights of the child

Shall be free to express their views, and these shall be considered

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

*Child's best interests
are the main concern*

2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

*Right to contact with
both parents*

3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

Rights of elderly:

Article II-25: The rights of the elderly

*life of dignity and
independence*

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

Disabled persons

Article II-26: Integration of persons with disabilities

*Right to be integrated
into the normal life of
the society*

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

Solidarity

TITLE IV: SOLIDARITY

Article II-27:

Workers' right to information and consultation within the undertaking

*Workers' right of
information and
consultation*

Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Union law and national laws and practices.

Collective bargaining

Article II-28: Right of collective bargaining and action

Right to strike

Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Placement service

Article II-29: Right of access to placement services

Everyone has the right of access to a free placement service.

*Protection against
unjustified dismissal*

Article II-30: Protection in the event of unjustified dismissal

Every worker has the right to protection against unjustified dismissal, in accordance with Union law and national laws and practices.

Working conditions

*Secure workers' health,
safety and dignity*

*Rest periods and paid
leave*

Child labour

*Minimum age of
employment the same
as the minimum school
leaving age*

*Protection of children
against exploitation*

Protection of the family

*- protection from being
fired when pregnant.
- paid maternity leave
- leave for both parents
after birth or adoption*

*Social systems within
the limits of Union law*

Right to social security

*Right to social and
housing assistance for
those who lack*

Article II-31: Fair and just working conditions

1. Every worker has the right to working conditions which respect his or her health, safety and dignity.
2. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

Article II-32:

Prohibition of child labour and protection of young people at work

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogation.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

Article II-33: Family and professional life

1. The family shall enjoy legal, economic and social protection.
2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

Article II-34: Social security and social assistance

1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Union law and national laws and practices.
2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Union law and national laws and practices.
3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the

sufficient resources

rules laid down by Union law and national laws and practices.

Right to health care

Article II-35: Health care

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

High level of health protection

Article II-36: Access to services of general economic interest

Access to services of general interest within the limits of Union law

The Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Constitution, in order to promote the social and territorial cohesion of the Union.

Environment

Article II-37: Environmental protection

High level of environmental protection, not the "highest" 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.

High level of consumer protection, not the "highest" consumer protection

Article II-38: Consumer protection

Union policies shall ensure a high level of consumer protection.

TITLE V: CITIZENS' RIGHTS

Vote and stand as candidate for the EP in the country where you live

Article II-39:

Right to vote and to stand as a candidate at elections to the European Parliament

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.

Direct and secret voting

2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

*Right to vote and stand
for local elections*

*- but not yet for
national elections*

Good administration

*Citizens treated
impartially, fairly and
within a reasonable
amount of time*

Rights include:

- to be heard

- to access

- to reason for decisions

*Right to compensation
for damages caused by
the Union*

*Right to write to the
institutions in any
Constitution language
and receive a reply in
the same language*

Access to documents

*(but only if Union laws
permits)*

Ombudsman

*- Investigates
maladministration*

Article II-40:

Right to vote and to stand as a candidate at municipal elections

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

Article II-41: Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies and agencies of the Union.

2. This right includes:

a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;

b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;

c) the obligation of the administration to give reasons for its decisions.

3. Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

4. Every person may write to the institutions of the Union in one of the languages of the Constitution and must have an answer in the same language.

Article II-42: Right of access to documents

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies and agencies of the Union, in whatever form they are produced.

Article II-43: Ombudsman

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the

(see also article I-48 on the Ombudsman in part I)

Petition to the EP

EU-citizens have the right to petition

Free movement and residence

Nationals of 3rd countries residing in the Union can be given the same right

Protection by all Member States' diplomatic corps

Effective remedies, a fair trial if rights or freedoms guaranteed by the Union are violated

Presumption of innocence

Ombudsman of the Union cases of maladministration in the activities of the Community institutions, bodies and agencies with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

Article II-44: Right to petition

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament.

Article II-45: Freedom of movement and of residence

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.
2. Freedom of movement and residence may be granted, in accordance with the Constitution, to nationals of third countries legally resident in the territory of a Member State.

Article II-46: Diplomatic and consular protection

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he or she is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

TITLE VI: JUSTICE

Article II-47: Right to an effective remedy and to a fair trial

Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law.

Everyone shall have the possibility of being advised, defended and represented.

Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

Article II-48: Presumption of innocence and right of defence

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.

Right to a defence

2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

Legality principle

Article II-49:
Principles of legality and proportionality of criminal offences and penalties

No retroactive effect

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than that which was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable.

Does not prejudice cases based on general principles

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community of nations.

Penalty proportional to the offence

3. The severity of penalties must not be disproportionate to the criminal offence.

Only punishable once

Article II-50:
Right not to be tried or punished twice in criminal proceedings for the same criminal offence

Not be punished again for a crime

No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted within the Union in accordance with the law.

TITLE VII: GENERAL PROVISIONS

Scope:

Article II-51: Field of application

Charter applies to institutions, bodies and agencies of the Union and to Member States when implementing Union law

1. The provisions of this Charter are addressed to the institutions, bodies and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the other Parts of the Constitution.

This Charter does not modify or create any new powers or task for the Union

2. This Charter does not extend the scope of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks defined in the other parts of the Constitution.

Article II-52: "Scope and interpretation of rights and principles"

Limitation to fundamental rights only allowed if in general interest of the Union and provided for by law

1. Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

Rights within the limits of the Treaties

2. Rights recognised by this Charter for which provision is made in other Parts of the Constitution shall be exercised under the conditions and within the limits defined by these relevant Parts.

Interpreted on the basis of the Convention of Human Rights - but Union can give more extensive protection

3. In so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.

Interpreted according to common constitutional traditions of Member States

4. Insofar as this Charter recognises fundamental rights as they result from the constitutional traditions common to the Member States, those rights shall be interpreted in harmony with those traditions.

*Principles can be implemented by the Union
Legality of Union acts can be tried before the Court*

5. The provisions of this Charter which contain principles may be implemented by legislative and executive acts taken by institutions and bodies of the Union, and by acts of Member States when they are implementing Union law, in the exercise of their respective powers. They shall be judicially cognisable only in the interpretation of such acts and in the ruling on their legality.

Full account of national laws and practices

6. Full account shall be taken of national laws and practices as specified in this Charter.

Article II-53: Level of protection

Charter can only be interpreted as raising the level of human rights

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

Article II-54: Prohibition of abuse of rights

No rights to perform activities aimed at destroying rights and

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a

freedoms guaranteed by | greater extent than is provided for herein.
this Charter

FINAL PROVISIONS

**PART FOUR:
GENERAL AND FINAL PROVISIONS**

***Repeal of earlier
Treaties***

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

Article IV-1: Repeal of earlier Treaties

The Treaty establishing the European Community, the Treaty on European Union and the acts and treaties which have supplemented or amended them and are listed in Protocol ... annexed to the Treaty establishing the Constitution shall be repealed as from the date of entry into force of the Treaty establishing the Constitution.

Legal continuity

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

Article IV-2: 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 Treaty establishing the Constitution by virtue of previous treaties, protocols and acts, including all the assets and liabilities of the Communities and of the Union, and their archives.

Case-law maintained

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 under the conditions laid down in Protocol ... annexed to the Treaty establishing the Constitution. The case-law of the Court of Justice of the European Communities shall be maintained as a source of interpretation of Union law.

Geographical area

All Member States

Article IV-3: Scope

1. The Treaty establishing the Constitution 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, ...

*French overseas depts
Azores, Madeira
Canary Islands*

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

Association

3. The special arrangements for association set out in Part [Four of the TEC] of the Treaty establishing the Constitution shall apply to the overseas countries and territories listed in [Annex II to the TEC].

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 (or Greenland because it is a non-European territory)

Does not apply to UK base areas of Cyprus

Applies partly to the Isle of Man and the Channel Islands

Regional unions

The Union between Belgium, Luxembourg and the Netherlands accepted, no reference to the Nordic Union

Protocols

Old protocols disappear if they are not repeated here

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

5. The establishing the Constitution 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 Treaty establishing the Constitution shall not apply to the Faeroe Islands;

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

(c) the Treaty establishing the Constitution 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 IV-4: 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 said Treaty.

Article IV-5: Protocols

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

Treaty amendments

Member States, the EP and the Commission can initiate amendments

The European Council decides by a simple majority if a Convention should be called

Convention examine

The result shall be decided "by common accord"

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

Article IV-6:

Procedure for revising the Treaty establishing the Constitution

The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of the Treaty establishing the Constitution. The national Parliaments of the Member States shall be notified of these proposals.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the President of the European Council shall convene a Convention composed of representatives of the national Parliaments of the Member States, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The European Council may decide by a simple majority not to convene the Convention should the scope of the amendments not warrant this. In the latter case, the European Council shall define the terms of reference for the conference of representatives of the governments of the Member States.

The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to the conference of representatives of the governments of the Member States provided for in paragraph 3.

3. The conference of representatives of the governments of the Member States shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to the Treaty establishing the Constitution.

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

Article IV-7: Adoption, ratification and entry into force of the Treaty establishing the Constitution

1. The Treaty establishing the Constitution 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 Treaty establishing the Constitution 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.

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

3. If, two years after the signature of the Treaty establishing the Constitution, 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.

Duration

Article IV-8: Duration

"For ever" clause

The Treaty establishing the Constitution is concluded for an unlimited period.

Languages

Article IV-9: Languages

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

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

The Treaty establishing the Constitution, 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.

**DRAFT PROTOCOL ON THE ROLE OF NATIONAL
PARLIAMENTS IN THE EUROPEAN UNION**

THE HIGH CONTRACTING PARTIES,

RECALLING that the way in which individual national Parliaments scrutinise their own governments in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State.

DESIRING, however, to encourage greater involvement of national Parliaments in the activities of the European Union and to enhance their ability to express their views on legislative proposals as well as on other matters which may be of particular interest to them.

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

I. Information for Member States' national Parliaments

1. All Commission consultation documents (green and white papers and communications) shall be forwarded directly by the Commission to Member States' national Parliaments upon publication. The Commission shall also send Member States' national Parliaments the annual legislative programme as well as any other instrument of legislative planning or policy strategy that it submits to the European Parliament and to the Council, at the same time as to those Institutions.

2. All legislative proposals sent to the European Parliament and to the Council of Ministers shall simultaneously be sent to Member States' national Parliaments.

3. Member States' national Parliaments may send to the Presidents of the European Parliament, the Council of Ministers and the Commission a reasoned opinion on whether a legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

4. A six-week period shall elapse between a legislative proposal being made available by the Commission to the European Parliament, the Council of Ministers and the Member States' national Parliaments in the official languages of the European Union and the date when it is placed on the agenda for the Council of Ministers for adoption of a position under a legislative procedure, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or position by the

The organisation of Parliament is a purely national question....

... but the Union would like to encourage them to participate in the activities of the EU

National Parliaments shall have all the strategic documents produced by the Commission at the same time as the EP and the Council

The same applies for legislative proposals

National Parliament can send a reasoned opinion regarding subsidiarity and proportionality

*From when a proposal is made available to it being placed on the Council's agenda, six weeks must pass.
From when a proposal being placed on the*

agenda until it being decided on, 10 days must pass

Shall have minutes from the legislative Council's meetings at the same time as national governments

Inform national Parliaments if change of voting procedures

When change from unanimity to qualified majority Parliaments shall be informed at least four months before

Shall also be sent the report of the Court of Auditors at the same time

This applies to both chambers in cases of a bicameral system

The EP and national Parliaments decide how to cooperate with one another

Conference of European Affairs Committees (COSAC) - may send any contribution to the EP, the Council and the Commission if they see

Council of Ministers. Save in urgent cases for which due reasons have been given, no agreement may be established on a legislative proposal during those six weeks. Ten days must elapse between the placing of a proposal on the agenda for the Council of Ministers and the adoption of a position of the Council of Ministers.

5. The agendas for and the outcome of the meetings of the Council of Ministers, including the minutes of meetings where the Council is deliberating on legislative proposals, shall be transmitted directly to Member States' national Parliaments, at the same time as to Member States' governments.

6. When the European Council intends to make use of the provision of article I-24 (4), first sub-paragraph, national parliaments shall be informed in advance.

When the European Council intends to make use of the provision of article I-24 (4), second sub-paragraph, national parliaments shall be informed at least four months before any decision is taken.

7. The Court of Auditors shall send its annual report to Member States' national Parliaments, for information, at the same time as to the European Parliament and to the Council of Ministers.

8. In the case of bicameral national Parliaments, these provisions shall apply to both chambers.

II. Interparliamentary cooperation

9. The European Parliament and the national Parliaments shall together determine how interparliamentary cooperation may be effectively and regularly organised and promoted within the European Union.

10. The Conference of European Affairs Committees may submit any contribution it deems appropriate for the attention of the European Parliament, the Council of Ministers and the Commission. That Conference shall in addition promote the exchange of information and best practice between Member States' Parliaments and the European Parliament, including their special committees. The Conference may also organise interparliamentary conferences on specific topics, in particular to

fit

debate matters of common foreign and security policy and of common security and defence policy. Contributions from the Conference shall in no way bind national Parliaments or prejudge their positions.

Subsidiarity
Proportionality

All institutions shall ensure compliance with the principle of subsidiarity and proportionality

The Commission shall consult widely before proposing legislation

The EP, the Council and the Commission shall send legislative documents to national Parliaments

The Commission shall justify any proposal with regard to subsidiarity and proportionality
Reasons shall contain:
- assessment of financial impact
- reason for: "better achieved at Union level"
- account of any burden

**PROTOCOL ON THE APPLICATION OF THE PRINCIPLES OF
SUBSIDIARITY AND PROPORTIONALITY**

THE HIGH CONTRACTING PARTIES, WISHING to ensure that decisions are taken as closely as possible to the citizens of the Union,

RESOLVED to establish the conditions for the application of the principles of subsidiarity and proportionality, as enshrined in Article I-9 of the Constitution, and to establish a system for monitoring the application by the Institutions of those principles,

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

1. Each Institution shall ensure constant respect for the principles of subsidiarity and proportionality, as laid down in Article I-9 of the Constitution.
2. Before proposing legislative acts, the Commission shall consult widely. Such consultations shall, where appropriate, take into account the regional and local dimension of the action envisaged. In cases of exceptional urgency, the Commission shall not conduct such consultations. It shall give reasons for the decision in its proposal.
3. The Commission shall send all its legislative proposals and its amended proposals to the national Parliaments of the Member States at the same time as to the Union legislator. Upon adoption, legislative resolutions of the European Parliament and positions of the Council of Ministers shall be send to the national Parliaments of the Member States.
4. The Commission shall justify its proposal with regard to the principles of subsidiarity and proportionality. Any legislative proposal should contain a detailed statement making it possible to appraise compliance with the principles of subsidiarity and proportionality. This statement should contain some assessment of the proposal's financial impact and, in the case of a framework law, of its implications for the rules to be put in place by Member States, including, where necessary, the regional legislation. The reasons for concluding that a Union objective can be better achieved at Union level must be substantiated by qualitative and, wherever possible, quantitative indicators. The Commission shall take account of the need for any burden, whether financial or administrative, falling upon the Union, national governments, regional or local authorities, economic operators and citizens, to be minimised and

Parliament or any chamber of Parliament can send reasoned opinion if there is infringement of the principle of subsidiarity

*Alarm bell:
If parliaments, representing 1/3 of the votes, send a reasoned opinion the Commission shall review its proposal
- unicameral parliaments have two votes, in bicameral parliaments each chamber has one*

The Commission shall give reasons for not following 1/3's reasoned opinion

But the Commission decides on their own

Member States can bring cases of infringement of the principle of subsidiarity before the Court

The Committee of Regions can do the same when it is consulted on legislative acts

The Commission shall

commensurate with the objective to be achieved.

5. Any national Parliament or any chamber of a national Parliament of a Member State may, within six weeks from the date of transmission of the Commission's legislative proposal, send to the Presidents of the European Parliament, the Council of Ministers and the Commission a reasoned opinion stating why it considers that the proposal in question does not comply with the principle of subsidiarity. It will be for each national Parliament or each chamber of a national Parliament to consult, where appropriate, regional Parliaments with legislative powers.

6. The European Parliament, the Council of Ministers and the Commission shall take account of the reasoned opinions issued by Member States' national Parliaments or by a chamber of a national Parliament.

The national Parliaments of Member States with unicameral Parliamentary systems shall have two votes, while each of the chambers of a bicameral Parliamentary system shall have one vote.

Where reasoned opinions on a Commission proposal's non-compliance with the principle of subsidiarity represent at least one third of all the votes allocated to the Member States' national Parliaments and their chambers, the Commission shall review its proposal. This threshold shall be at least a quarter in the case of a Commission proposal or an initiative emanating from a group of Member States under the provisions of Article III-160 on the area of freedom, security and justice.

After such review, the Commission may decide to maintain, amend or withdraw its proposal. The Commission shall give reasons for its decision.

7. The Court of Justice shall have jurisdiction to hear actions on grounds of infringement of the principle of subsidiarity by a legislative act, brought in accordance with the rules laid down in Article III-226 by Member States, or notified by them in accordance with their legal order on behalf of their national Parliament or a chamber of it.

In accordance with the same Article of the Constitution, the Committee of the Regions may also bring such actions as regards legislative acts for the adoption of which the Constitution provides that it be consulted.

8. The Commission shall submit each year to the European Council, the

*submit an annual report
on the application of
subsidiarity*

European Parliament, the Council of Ministers and the national Parliaments of the Member States a report on the application of Article I-9 of the Constitution. This annual report shall also be forwarded to the Committee of the Regions and to the Economic and Social Committee.

ANNEX III

**DRAFT PROTOCOL ON THE REPRESENTATION OF CITIZENS
IN THE EUROPEAN PARLIAMENT AND THE WEIGHTING OF
VOTES IN THE COUNCIL**

THE HIGH CONTRACTING PARTIES

HAVE ADOPTED the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1 Provisions concerning the European Parliament

*Seats per Member State
Changes with
enlargement*

1. Throughout the 2004-2009 parliamentary term, the number of representatives elected to the European Parliament in each Member State shall be as follows:

Belgium	24
Czech Republic	24
Denmark	14
Germany	99
Estonia	6
Greece	24
Spain	54
France	78
Ireland	13
Italy	78
Cyprus	6
Latvia	9
Lithuania	13
Luxembourg	6
Hungary	24
Malta	5
Netherlands	27
Austria	18
Poland	54
Portugal	24
Slovenia	7
Slovakia	14
Finland	14
Sweden	19
United Kingdom	78

ARTICLE 2

Provisions concerning the weighting of votes in the European Counciland

the Council of Ministers

Apply until 2009

1. The following provisions shall remain in force until 1 November 2009, without prejudice to Article I-24.

Votes of the Member States

For Council deliberations requiring a qualified majority, members' votes shall be weighted as follows:

Belgium	12
Czech Republic	12
Denmark	7
Germany	29
Estonia	4
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Cyprus	4
Latvia	4
Lithuania	7
Luxembourg	4
Hungary	12
Malta	3
Netherlands	13
Austria	10
Poland	27
Portugal	12
Slovenia	4
Slovakia	7
Finland	7
Sweden	10
United Kingdom	29

Qualified majority

- 1. 232 out of 321 for*
- 2. majority of Member States*
- 3. 62% of the population*

Decisions shall be adopted if there are at least 232 votes in favour representing a majority of the members where, under the Constitution, they must be adopted on a proposal from the Commission. In other cases decisions shall be adopted if there are at least 232 votes in favour representing at least two thirds of the members.

A member of the European Council or the Council of Ministers may request that, where a decision is taken by the European Council or the Council of Ministers by a qualified majority, a check is made to ensure that the qualified majority represents at least 62% of the total population of the Union. If that proves not to be the case, the decision shall not be adopted.

*Adjusted following
enlargement according
to the principles of Nice*

2. When each accession takes place, the threshold referred to in paragraph (1) shall be calculated to ensure that the qualified majority threshold expressed in votes does not exceed that resulting from the table in the Declaration on the enlargement of the European Union in the Final Act of the Conference which adopted the Treaty of Nice.

**DECLARATION ATTACHED TO DRAFT PROTOCOL ON THE
REPRESENTATION OF CITIZENS IN THE
EUROPEAN PARLIAMENT AND THE WEIGHTING OF VOTES
IN THE COUNCIL**

*Number of seats in EP:
Romania: 33
Bulgaria: 17*

In the event of the accession to the European Union of Romania or Bulgaria before the entry into force of the European Council decision referred to in Article I-19(2), the number of their elected representatives to the European Parliament shall be calculated on the basis of the figures of 33 and 17 respectively, corrected according to the same formula as that which determined the number of representatives to the European Parliament of each Member State as indicated in the Protocol on the Representation of Citizens in the European Parliament and the weighting of votes in the Council in Annex III. By way of derogation from Article I-19(2), the number of members of the European Parliament may temporarily exceed 736 for the remainder of the 2004 to 2009 term.

*Weighting of votes
Romania: 14
Bulgaria: 10*

Without prejudice to Article I-24(2), the weighting of the votes of Romania and Bulgaria in the Council shall be 14 and 10 respectively until 1 November 2009. At the time of each accession, the threshold referred to in the Protocol on the Representation of Citizens in the European Parliament and the weighting of votes in the Council shall be decided by the Council.

ANNEX II

ECONOMIC GOVERNANCE

SECTION 3 BIS

PROVISIONS SPECIFIC TO MEMBERS OF THE EUROZONE

Article 1 (taken from article III-86)

Supplementary measures can be adopted for Euro-zone countries

1. In order to ensure that economic and monetary union works properly, and in accordance with the relevant provisions of the Constitution, supplementary measures specific to those Member States which are members of the Eurozone may be adopted, to strengthen the coordination of their economic policies and budgetary discipline. These measures shall concern economic policy guidelines and surveillance of them [Article III-68, paragraphs 2 and 4] and excessive deficits [Article III-3, paragraphs 6, 7, 8 and 11].

*Only Euro-zone members vote
Qualified majority is majority of states representing 60% of Euro-zone population*

2. For those measures set out in paragraph 1, only Member States which are part of the Eurozone shall vote. A qualified majority shall be defined as the majority of the votes of the representatives of the Member States which are part of the Eurozone, representing at least three-fifths of their population. Unanimity of those Member States shall be required for an act requiring unanimity.

Article 2

Provisions on arrangements for meetings between ministers of those Members States which are members of the Eurozone are set out in a protocol attached to the Constitution.

Article 3 (article III-81)

Euro-zone members shall coordinate their international actions

1. In order to secure the euro's place in the international monetary system, Member States which are members of the Eurozone shall coordinate their action among themselves and with the Commission with a view to adopting common positions within the competent international financial institutions and conferences. They shall defend and promote those common positions.

Where appropriate, the European Central Bank, without prejudice to its independence, shall be fully associated with that coordination.

Unified representation within international organisation

2. On the basis of that coordination, the Council, on a proposal from the Commission, may adopt appropriate measures to ensure unified representation within the international financial institutions and conferences.

Council decides by qualified majority

3. For the measures referred to in this article, only Member States which are part of the Eurozone shall vote. A qualified majority shall be defined as the majority of the votes of the representatives of the Member States which are part of the Eurozone, representing at least three-fifths of their population. Unanimity of those Member States shall be required for an act requiring unanimity.

SECTION 4

DISPOSITIONS TRANSITOIRES

Article III-186 (ex-article 122)

Derogations for Member States not fulfilling conditions for euro

1. Member States which the Council has decided do not fulfil the necessary conditions for the adoption of the euro shall have a derogation as defined in paragraph 2 of this Article. Such Member States shall hereinafter be referred to as "Member States with a derogation".

For these Member States, the euro provisions do not apply

2. The following provisions of the Constitution do not apply to the Member State with a derogation:

- (a) adoption of the parts of the broad economic-policy guidelines which concern the euro area generally (ex Article 99(2))
- (b) coercive means of remedying excessive deficits (ex Article 104(9) and (11))
- (c) the objectives and tasks of the European System of Central Banks (ex Article 105(1), (2), (3) and (5))
- (d) issue of the euro (ex Article 106)
- (e) acts of the European Central Bank (ex Article 110)
- (f) measures governing the use of the euro (ex Article 123(4))
- (g) monetary agreements (ex Article 111)
- (h) external representation of the euro (new Article)
- (i) appointment of members of the Executive Board of the European Central Bank (ex Article 112(2)(b)).

In the Articles referred to above, "Member State" shall therefore mean Member State without a derogation.

The exclusion of these

3. Under Chapter IX of the Statute of the European System of

*Member States from the
ESCB is laid down in the
Statute*

*Member States with
derogations have no voting
rights in the Council when it
deals with euro issues*

Central Banks Member State with a derogation and their national central bank are excluded from rights and obligations within the European System of Central Banks.

4. The voting rights of Member States with a derogation shall be suspended for the Council measures referred to in the articles listed in paragraph 2. A qualified majority shall be defined as the majority of the votes of the representatives of the Member States without a derogation, representing at least three fifths of their population. Unanimity of those Member States shall be required for an act requiring unanimity.

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Explanatory note:

- the number before the hyphen indicates which part of the constitution the article is in
 - the first number after the hyphen indicates the article
 - the number after the comma indicates the paragraph
- example: I-3,5 means Article 3, paragraph 5 in Part I

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