

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

*The European Union (EU) established by the will of both citizens and states*

*Member States confer competences on the EU*

*Open to European states sharing the same values*

### **Values of the Union**

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

### **Objectives of the Union**

*Peace, its values and its peoples' well-being.*

*The Union is an area of freedom, security and justice without internal frontiers and a single market with free competition*

# **THE DRAFT EU CONSTITUTION**

*- The reader friendly edition*

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

### Article I-1: Establishment of the Union

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.

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

### Article I-2: The Union's values

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

### Article I-3: The Union's objectives

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

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

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

*Promotion of its values in the wider world*

*The Constitution will outline limits to the Union's actions*

### ***Discrimination***

*Free movement of persons, goods, service and capital, and freedom of establishment guaranteed*

*No discrimination on grounds of nationality*

3. The Union shall work for a Europe of sustainable development based on balanced economic growth, with a social market economy aiming at full employment and social progress.

It shall aim at 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 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.

***Union-Member State relations***

*Obligation to respect national identities*

*Member States shall assist the Union to implement EU law*

***Legal personality***

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

***EU-CITIZENSHIP***

***Fundamental Rights***

*The EU recognises the Charter of Fundamental Rights*

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

*Fundamental rights will form the general principles of EU law*

***EU Citizenship***

*Double citizenship: national and EU*

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, 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 to carry 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 Second Part 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 by this Constitution.

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

*EU citizens' rights and duties:*

- Free movement and residence in the EU
- to vote and stand for election in all local and EU elections
- Protection under all Member States' diplomatic authorities
- to write to the institutions in any Union language and receive a reply in the same language

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

## **EU COMPETENCES**

**Fundamental principles**  
*Principles governing EU Competence:*

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

- *Subsidiarity*  
 "Better achieved at Union level"

*EU shall apply the*

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:

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

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

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

### Article I-9: Fundamental principles

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.

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.

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

<i>principle of subsidiarity according to the attached protocol National Parliament shall ensure that the EU complies with the principle</i>	in the <u>Protocol</u> on the application of the principles of subsidiarity and proportionality, annexed to the Constitution. <u>National Parliaments</u> shall <u>ensure compliance</u> with that principle in accordance with the procedure set out in the Protocol.
<i>- Proportionality: “Not exceed what is necessary”</i>	4. Under the principle of <u>proportionality</u> , the scope and form of Union action shall <u>not exceed what is necessary to achieve the objectives</u> of the Constitution.
<i>The principle shall be applied according to attached protocol (see paragraph 3)</i>	The Institutions shall apply the <u>principle</u> of proportionality <u>as</u> laid down in the <u>Protocol</u> referred to in paragraph 3.
<b>PRIMACY OF UNION LAW</b> <i>All EU law prevails over national laws and national constitutions</i>	Article I-10: Union law  1. The <u>Constitution, and law adopted by the Union's</u> Institutions in exercising competences conferred on it, shall have <u>primacy over the law of the Member States</u> .
<i>Obligation to integrate EU-law into national law</i>	2. Member States shall <u>take</u> all appropriate <u>measures</u> , general or particular, to ensure <u>fulfilment</u> of the obligations flowing from the <u>Constitution</u> or resulting from the Union Institutions' acts.
<b>Exclusive competences</b> <i>Only EU legislation can allow Member States to legislate.</i>	Article I-11: <u>Categories of competence</u>  1. When the Constitution confers on the Union <u>exclusive competence</u> in a specific area, <u>only the Union may legislate</u> 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.
<b>Shared competences</b> <i>Both EU and Member States may legislate, but EU law suppresses national competence to legislate</i>	2. When the Constitution confers on the Union a competence <u>shared</u> 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 <u>Member States</u> shall <u>exercise</u> their competence <u>to the extent that the Union has not exercised, or</u> has decided to <u>cease exercising</u> , its competence.
<b>Coordination of economic policies</b>	3. The Union shall have competence to <u>coordinate</u> the <u>economic and employment</u> policies of the Member States.
<b>Foreign and Security Policy</b> <b>Defence policy</b>	4. The <u>Union</u> shall have <u>competence</u> to define and implement a common <u>foreign and security</u> policy, including the progressive framing of a common <u>defence policy</u> .

***Supportive measures  
can not supersede  
Member States'  
competences***

***Specific legal bases  
in Part Three***

***Exclusive competences***

- internal market  
- competition rules  
- 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 EU law prevails  
over national law)***

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.

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

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 Three,
- economic and social cohesion,
- environment,
- consumer protection,
- common safety concerns in public health matters.

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

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 result in Member States being prevented from exercising theirs.

*Development cooperation and humanitarian aid*

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

### ***Economic coordination***

*The EU shall ensure that the Member States coordinate their economic policies*

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

*The EU shall ensure that the Member States coordinate their employment policies  
Gives the EU the possibility of ensuring coordination of social 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.

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

### ***Foreign and Security Policy:***

*EU is competent in all areas of foreign policy and the Union's security, including the framing of a common defence policy*

Article I-15: The common foreign and security 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.

*Member States will support the policy with loyalty and mutual solidarity. And refrain from actions with potential to undermine*

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*

*No harmonisation under supportive actions*

***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*

*National Parliaments shall be notified*

*Only harmonisation if not forbidden by the Constitution*

***THE INSTITUTIONS***

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

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.

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

Article I-17: Flexibility clause

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

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.

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

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

Article I-18 : The Union's Institutions

1. The Union shall be served by a single institutional framework which shall aim to:
  - advance the objectives of the Union,
  - promote the values of the Union,
  - serve the interests of the Union, its citizens and its Member States,
  - and ensure the consistency, effectiveness and continuity of the policies and actions which it undertakes in pursuit of its objectives.

*The institutions of the Union*

2. This institutional framework comprises :

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

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

3. Each institution shall act within the limits of the powers conferred on it in the Constitution, and in conformity with the procedures and conditions set out in it. The institutions shall practice full mutual cooperation.  
(Note: p.m.: a provision along the following lines "The institutions shall be supported, in discharging their tasks, by an open, efficient and independent public service" should appear elsewhere in the Constitution.)

### ***European Parliament***

### **Article I-19 : The European Parliament**

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

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

*Direct elections every 5 years, max. 700 members, 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.*

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

*President elected for 5 years*

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

## **European Council**

*The Prime Ministers  
in “EU-summits”*

*Members of the  
European Council*

*Meets quarterly*

*President may convene  
additional meetings*

*Decisions by consensus,  
not unanimity as at  
present*

## **The EU President**

*Prime Ministers elect  
one of their former  
colleagues for 2 ½  
years – may be re-  
elected once*

*Represents the EU  
in the wider world on  
CFSP issues*

*Tasks of the President*

## **Board of the European Council**

*President can have no  
other mandate*

## 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.
2. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The Foreign Minister shall take part in its work.
3. The European Council shall meet quarterly, convened by its President. When the agenda so requires, its members may decide to be assisted by a minister, and, in the case of the President of the Commission, a Commissioner. When the situation so requires, the President shall convene an additional meeting of the European Council.
4. Except where the Constitution provides otherwise, decisions of the European Council shall be taken by consensus.

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

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

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

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

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

### **Council of Ministers**

- legislates with EP
- carries out policy making
- coordinates

*The representative in the council shall have status as minister  
He/she is the only who can vote and commit the Member State*

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

### **General Affairs Council**

- coordinates

### **Legislative Council**

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

### **Foreign Affairs Council**

*Chaired by the EU Foreign Minister*

### **Other Council configurations**

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

### Article I-22: The Council of Ministers

1. The Council of Ministers shall, jointly with the European Parliament, enact legislation, and shall carry out policy-making and co-ordinating functions, as laid down in the Constitution.
2. The Council of Ministers shall consist of a representative of each Member State at ministerial level for each of its formations. Only this representative may commit the Member State in question, and cast its vote.
3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.

### Article I-23 : Council formations

1. The General Affairs Council shall ensure consistency in the work of the Council of Ministers. With the participation of the Commission, it shall prepare meetings of the European Council.
2. The Legislative Council shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in accordance with the provisions of the Constitution. Each Member State's ministerial representative may be assisted by one or, if necessary, two specialist ministers, reflecting the business on the Council agenda.
3. The Foreign Affairs Council shall, on the basis of strategic guidelines laid down by the European Council, flesh out the Union's external policies, and ensure that its actions are consistent. It shall be chaired by the Union's Foreign Minister.
4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.
5. The Council, in its General Affairs formation, may decide on further formations.

*Rotation of presidency disappears  
Presidents may be elected by consensus, not by unanimity*

**Double qualified majority:**

**1. Majority of Member States**

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

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

**The EU Commission**

**Role:**

- safeguard general interest
- implementation
- coordination
- execution
- management

**Monopoly of initiative:**

*No one else can propose new laws*

**Composition:**

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

**Independence**

*May not take instructions from any one*

**Commission President**

*1. Prime Ministers elect*

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

Article I-24 : Qualified majority

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

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

Article I-25: The European Commission

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

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

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

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

Article I-26: The President of the European Commission

1. Taking into account the elections to the European Parliament, the

*by double qualified majority in light of EP election results*

*2. EP approves with majority of Members*

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

### **Commission members**

*- 3 candidates from each Member State*

*- The proposed Commission president select up to 13 members*  
*- EP approves the college by simple majority*

*- All commissioners must have European commitment*

### **Censure**

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

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

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

### **EU Foreign Minister**

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

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

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

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

4. The Commission shall work to guidelines laid down by its President. He shall decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis. He shall appoint vice-presidents from among the members of the Commission.

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

### Article I-27: The Foreign Minister

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

*Tasks of Foreign Minister*

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

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

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

### ***The EU Court***

#### Article I-28: The Court of Justice of the European Union

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

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

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

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

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

2. The Court of Justice shall consist of one judge from each Member State, and shall be assisted by Advocates-General. The High Court shall include at least one judge per Member State; the number shall be fixed by the Statute of the Court of Justice. The judges of the Court of Justice and the High Court, and the Advocates-General of the Court of Justice, chosen from persons whose independence is beyond doubt and who satisfy the conditions set out at Article [XX] of Part II, shall be appointed by common accord of the governments of the Member States for a term of six years, renewable.

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

3. The Court of Justice shall be competent for :

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

## ***The EU Central Bank***

*Directs the EU system of Central Banks*

*Primary goal is price stability*

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

*It shall have legal personality and must be independent*

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

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

## ***EU Court of Auditors***

*Tasks*

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

## Article I-29: The European Central Bank

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

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

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

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

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

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

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

## Article I-30: The Court of Auditors

1. The Court of Auditors shall carry out the audit.

2. It shall examine the accounts of all Union revenue and expenditure, and shall ensure good financial management.

3. It shall consist of one national of each Member State. In the performance of their duties, its members shall be completely independent.

## **Advisory bodies**

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

*Members of the Committee of the Regions*

*Members of the Economic and Social Committee*

*Representatives in advisory bodies must be completely independent*

*Composition in Part Three (Two)*

## Article I-31: The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.
3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.
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.
5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

## **EXERCISE OF COMPETENCE**

## **TITLE V: EXERCISE OF UNION COMPETENCE**

### Chapter I: Common provision

## **Legal acts**

## Article I-32: The legal acts of the Union

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

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

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

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

*European Framework law:*  
- *binding as to the result, 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.

*transpose*

*A regulation is 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 majority in Council*

*b. Simple majority in EP*

*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*

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 under the ordinary legislative procedure as set out in Article [ex 251]. If the two institutions cannot reach agreement on an act, it shall not be adopted.

In the cases specifically provided for in Article [...] of Part III, laws and framework laws may be adopted at the initiative of a group of Member States in accordance with Article [ex 251].

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 Council with the participation of the European Parliament, in accordance with special legislative procedures.

### Article I-34: Non-legislative acts

1. The Council and the Commission shall adopt European regulations or

*"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 until...*

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

### ***Implementing acts***

*Loyal implementation by Member States required*

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

*Rules for Member States control over*

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 and the Commission, and the European Central Bank when so authorised in the Constitution, shall 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 law or framework law.

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

2. The conditions of application to which the delegation is subject shall be explicitly determined in the laws and framework laws; they may consist of the following possibilities:

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

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, and in the cases provided for in Article I-39, on the Council.

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

<i>implementing acts</i>	Union.
<i>Implementation through regulations and decisions</i>	4. <u>Implementing acts</u> of the Union shall take the form of European <u>implementing regulations</u> or European <u>implementing decisions</u> .
<i>Institutions shall decide according to the rules and the principle of proportionality</i>	Article I-37: <u>Principles common to the Union's legal acts</u>  1. Unless the Constitution contains a specific stipulation, the <u>Institutions</u> shall decide, in <u>compliance with the procedures applicable</u> , the type of act to be adopted in each case, in accordance with the principle of <u>proportionality</u> set out in Article I-9.
<i>A law shall state the reasons on which it is based</i>	2. European laws, European framework laws, European regulations and European decisions shall <u>state the reasons</u> on which they are <u>based</u> and shall refer to any proposals or opinions required by this Constitution.
<i>Laws to be signed by the Presidents of the deciding institutions</i>	Article I-38: Publication and <u>entry into force</u>  1. European laws and European framework laws adopted under the ordinary <u>legislative procedure</u> shall be <u>signed</u> by the <u>President</u> of the European <u>Parliament</u> and by the President of the <u>Council</u> . In <u>other cases</u> they shall be signed by the President of the <u>Council</u> or by the President of the European <u>Parliament</u> . Laws and framework laws shall be <u>published</u> in the <u>Official Journal</u> of the European Union and shall <u>enter into force</u> on the <u>date specified</u> in them or, in the absence of such a stated date, on the <u>twentieth day</u> following their publication.
<i>Enter in to force as specified in the law or 20 days after publication</i>	
<i>Regulations and decisions with no concrete addressees also 20 days after publication</i>	2. European <u>regulations</u> and European decisions which do <u>not specify</u> those to whom they are <u>addressed</u> 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 <u>enter into force</u> on the <u>date specified</u> in them or, in the absence of such a stated date, on the <u>twentieth day</u> following their publication.
<i>Other decisions take effect upon notification</i>	3. <u>Other decisions</u> shall be <u>notified</u> to those to whom they are addressed and shall take effect <u>upon</u> such <u>notification</u>
<b>Common foreign and security policy</b>	Chapter II: Specific provision  Article I-39: Specific provisions for <u>implementing common foreign and security policy</u>
<i>Based on:</i> - solidarity among Member States - identification of common interests	1. The European Union shall <u>conduct a common foreign and security policy</u> , based on the <u>development</u> of mutual political <u>solidarity</u> among Member States, the <u>identification</u> of questions <u>of general interest</u> and the achievement of an <u>ever-increasing degree of convergence</u> of Member States' actions.

<i>- convergence of actions</i>	
<i>The European Council shall identify the Union's interests</i>	2. The <u>European Council</u> shall identify the Union's <u>strategic interests</u> and determine the <u>objectives</u> 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 Three of the Constitution.
<i>Prime Ministers and/or Foreign Ministers adopt decisions</i>	3. The <u>European Council</u> and the <u>Council of Ministers</u> shall adopt the <u>necessary decisions</u> .
<i>Shared responsibility for putting the policy into action</i>	4. The common foreign and security policy shall be <u>put into effect</u> by the Union's <u>Minister for Foreign Affairs</u> and by the <u>Member States</u> , <u>using</u> national and Union resources.
<i>Member States shall consult each other before taking action on the international scene</i>	5. Member States <u>shall consult</u> one another within the Council and the European Council on any foreign and security policy issue which is of general interest in order to <u>determine a common approach</u> . <u>Before</u> undertaking <u>any action</u> on the international scene or any commitment which could affect the Union's interests, each Member State <u>shall consult the others</u> within the Council or the European Council. 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 <u>mutual solidarity</u> .
<i>Mutual solidarity among Member States</i>	
<i>EP shall be consulted and be kept informed</i>	6. The European <u>Parliament</u> shall be <u>regularly consulted</u> on the main aspects and basic choices of the common foreign and security policy, and shall be <u>kept informed</u> of how it evolves.
<i>Decisions are taken unanimously here, but with double qualified majority in some cases in Part Three</i>	7. <u>Decisions</u> relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers <u>unanimously</u> , <u>except</u> in the <u>cases</u> referred to <u>in Part Three</u> of the Constitution. <u>Discussion</u> shall be based on a <u>proposal from a Member State</u> , from the Union's <u>Minister for Foreign Affairs</u> or from <u>the Minister with the Commission's support</u> . <u>Laws and framework laws are excluded</u> .
<i>Member States and EU-Foreign Minister have the right of initiative</i>	
<i>Laws and framework laws cannot be used to make foreign and</i>	

*security policy*

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

### ***Defence policy***

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

*Common defence to be decided unanimously*

*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*

*European Armaments and Strategic Research Agency*

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

#### Article I-40:

##### Specific provisions for implementing common defence policy

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.

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 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 (NATO), 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. 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 put forward measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen

	the industrial and technological base of the defence sector, to participate in defining a European capabilities and armaments policy, and to assist the Council in evaluating the improvement of military capabilities.
<i>Defence issues implemented by unanimity</i>	4. Decisions on the <u>implementation</u> of the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting <u>unanimously</u> on a <u>proposal</u> from the Union's <u>Minister for Foreign Affairs</u> or from a <u>Member State</u> . The Minister for Foreign Affairs may propose the use of both <u>national resources and Union instruments, together with the Commission</u> where appropriate.
<i>A group of states can carry out a Union task</i>	5. The Council may entrust the <u>execution</u> of a task, within the Union framework, to a <u>group of Member States</u> in order to maintain the Union's values and serve its interests. The execution of such a task shall be <u>governed by Article [...] of Part Three, Title B, of the Constitution</u>
<i>Enhanced co-operation can be undertaken within Union structure</i>	6. Those Member States whose military capabilities meet higher criteria and which have made more binding commitments to one another in this area with a view to more demanding missions shall <u>establish structured cooperation within the Union</u> framework. Such cooperation shall be governed by the provisions of Article [...] of Part Three, Title B, of the Constitution.
<i>Mutual defence as enhanced cooperation until a common defence is established</i>	7. Until such time as the European Council has acted in accordance with paragraph 2 of this Article, <u>closer cooperation</u> shall be established, in the Union framework, as regards <u>mutual defence</u> . Under this cooperation, if one of the Member States participating in such cooperation is the <u>victim of armed aggression</u> on its territory, the other participating States shall give it aid and <u>assistance</u> 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 <u>close cooperation with the North Atlantic Treaty Organisation</u> . The detailed arrangements for participation in this cooperation and its operation, and the relevant decision-making procedures, are set out in Article [...] of Part Three, Title B, of the Constitution.
<i>Solidarity-clause for countries in the enhanced co-operation, with automatic common military response, from the WEU Treaty Art. 5</i>	
<i>EP shall be consulted and informed</i>	8. The European <u>Parliament</u> shall be <u>regularly consulted</u> on the main aspects and basic choices of the common security and defence policy, and shall be <u>kept informed</u> of how it evolves.
<b><i>Justice and Home</i></b>	Article I-41: Specific provisions for implementing the <u>area of freedom, security and justice</u>
<i>Means for establishing an area of freedom, security and justice</i>	1. The Union shall <u>constitute an area of freedom, security and justice</u> : <ul style="list-style-type: none"> <li>• by adopting European laws and European framework laws intended, where necessary, to <u>approximate national laws</u> in the areas listed in</li> </ul>

- adoption of laws  
- mutual recognition of  
juridical decisions  
- cooperation between  
“all” authorities for  
internal security

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

In police and judicial  
cooperation Member  
States have a right of  
initiative, as well as the  
Commission

### **Terrorism clause**

Member State and  
Union shall act jointly  
against terrorism and  
disasters

- Prevention

- Protection

- Assistance:  
\* terrorism

\* disaster

Part Three of the Constitution;

- by promoting mutual confidence between the competent authorities of the Member States, in particular on the basis of mutual recognition of judicial and extrajudicial decisions;
- by operational cooperation between 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 [...], Part Three, of the Constitution, and shall be involved in the political monitoring of Eurojust's and Europol's activities in accordance with Articles [...] and [...], Part Three, of the Constitution.

3. In the field of police and judicial cooperation in criminal matters, Member States shall have a right of initiative in accordance with Article [...], Part Three, of the Constitution.

### 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 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 [...], of Part Three, Title B, of the Constitution.

	Chapter III: <u>Enhanced cooperation</u>
<b><i>Enhanced cooperation</i></b>	Article I-43: <u>Enhanced cooperation</u>
<i>Can be established within areas of shared competences and supportive actions Can use the Union's institutions</i>	1. Member States which wish to establish <u>enhanced cooperation</u> between themselves within the <u>framework</u> of the Union's <u>non-exclusive competences</u> may make <u>use</u> of its <u>institutions</u> 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 [...] to [...] of Part Three of the Constitution.
<i>Should further the Union's goal of integration</i>	Enhanced cooperation shall <u>aim</u> to further the <u>objectives of the Union</u> , protect its interests and reinforce its <u>integration</u> process. Such cooperation shall be <u>open</u> to all Member States when it is being established and <u>at any time</u> , in accordance with Article [...] of Part Three of the Constitution.
<i>Only as last resort</i>	2. <u>Authorisation</u> to proceed with enhanced cooperation shall be granted by the <u>Council</u> as a <u>last resort</u> , when it has been established within the Council that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a <u>whole</u> , and provided that it brings together at least <u>one third</u> of the Member States. The Council shall act in accordance with the procedure laid down in Article [...] of Part Three of the Constitution.
<i>1/3 of Member States must participate</i>	
<i>Only the participating States take part in decision making</i>	3. Only <u>representatives</u> of the Member States <u>participating</u> in enhanced cooperation shall take part in the <u>adoption</u> of acts adopted within the Council. <u>All</u> Member States may, however, take part in the <u>deliberations</u> of the Council.
<i>Only participating Member States are included when calculating double qualified majority</i>	<u>Unanimity</u> shall be constituted by the <u>participating</u> States only. A <u>qualified majority</u> shall be defined as a <u>majority of the votes</u> of the participating Member States, representing at least <u>three fifths</u> of the <u>population</u> of those States.
<i>Decisions only bind participating states Countries do not have to accept decisions made under enhanced cooperation to join the Union</i>	<u>Acts</u> adopted in the framework of enhanced cooperation shall <u>bind only participating Member States</u> . They shall <u>not</u> be regarded as an <u>acquis</u> which has to be <u>accepted by candidates</u> for accession to the Union.
<b>DEMOCRATIC LIFE</b>	<b>Title VI: The <u>democratic life</u> of the Union</b>
<b><i>Equality</i></b>	Article I-44: The principle of <u>democratic equality</u>
<i>Principle of equality of</i>	In all its activities, the Union shall observe the principle of the <u>equality of</u>

*all EU citizens*

*Principle of representative democracy*

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

*Decisions shall be taken as open and as closely as possible (The Praesidium has not included a proposal on transparency signed by 170 members of the convention)*

*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*

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 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.

<p><i>The union recognises and promotes autonomous social dialogue</i></p>	<p>Article I-47: The <u>social partners</u> and <u>autonomous social dialogue</u></p> <p>The European Union <u>recognises</u> and <u>promotes</u> the role of the <u>social partners</u> at Union level, taking into account the <u>diversity of national systems</u>; it shall <u>facilitate dialogue</u> between the social partners, <u>respecting their autonomy</u>.</p>
<p><b><i>The Ombudsman</i></b></p> <p><i>Appointed by EP. Receives, investigates, and reports on complaints of maladministration</i></p>	<p>Article I-48: The European <u>Ombudsman</u></p> <p>A European Ombudsman <u>appointed</u> by the European <u>Parliament</u> shall <u>receive</u>, <u>investigate</u> and <u>report on complaints</u> about <u>maladministration</u> within the Union's Institutions, bodies or agencies. The European Ombudsman shall be <u>completely independent</u> in the performance of his duties.</p>
<p><b><i>Transparency</i></b></p> <p><i>“as openly as possible”</i></p>	<p>Article I-49: <u>Transparency</u> of the proceedings of the Union's institutions</p> <p>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 <u>as openly as possible</u>.</p>
<p><i>Council and EP shall meet in public (Does not apply to the many working groups, where the real lawmaking occurs)</i></p>	<p>2. The European <u>Parliament</u> shall meet <u>in public</u>, as shall the <u>Council</u> when it is discussing and adopting a legislative proposal.</p>
<p><i>Right of access to documents...</i></p>	<p>3. Any citizen of the Union, man or woman, and any natural or legal person residing or having its registered office in a Member State, shall have a right of <u>access to documents</u> of the Union's Institutions, bodies and agencies in whatever form they are produced, in accordance with the conditions laid down in Part Three.</p>
<p><i>... after rules decided by the EP and Council (An amendment from the vast majority of members in the Convention would make openness the automatic rule unless there is an agreed derogation)</i></p>	<p>4. A European <u>law</u> shall lay down the general <u>principles and limits</u> which, on grounds of public or private interest, govern the right of access to such documents.</p>
<p><i>Each body determines own specific rules within the limits of the</i></p>	<p>5. <u>Each institution</u>, body or agency referred to in paragraph 3 shall <u>determine</u> in its <u>own rules of procedure</u> specific provisions regarding <u>access to its documents</u>, in accordance with the European law referred to in</p>

above mentioned law

paragraph 4 above.

### **Personal data**

#### Article I-50: Protection of personal data

*Protection of personal data*

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

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

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's 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.

### **Churches**

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

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

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.

*EU dialogue with churches*

3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

### **People's Congress**

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

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

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

*No legislative power*

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

*"State of the Union" speech  
Annual legislative programme*

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

*Members of the Congress:  
2/3 from national*

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

parliaments,  
1/3 from the EP

## **FINANCES**

### ***The EU budget***

*Union budget shall include all revenue and expenditure*

*Balanced budget*

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

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

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

*Principle of sound financial management*

*Rules on countering fraud*

*Union shall have enough resources to attain its objectives*

*Financed from own resources*

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

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

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 [ex 279].

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 [ex 279)]. This act must take the form of a European law, a European framework law, a European regulation or a European decision.

5. With a view to maintaining budgetary discipline, the 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.

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

7. The Union and the Member States shall counter fraud and any other illegal activities affecting the financial interests of the Union in accordance with the provisions of Article [...] of Part Three.

### **Article I-53: The Union's resources**

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

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 be approved by Member States*

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 shall act unanimously after consulting the European Parliament.

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

#### Article I-54: The multiannual financial framework

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

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 [...] of Part Three.

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

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

*Annual budget shall stay within the multiannual framework*

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

#### Article I-55: The Union's budget

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

The European Parliament and the Council shall, on a proposal from the Commission and in accordance with the arrangements laid down in Article [ex 272], adopt the European law determining the Union's annual budget.

### **NEIGHBOURS**

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

#### Article I-56: The Union and its immediate environment

*Policy towards neighbour States*

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.

*EU Agreements with neighbouring countries*

2. For this purpose, the Union may conclude and implement specific agreements with the countries concerned in accordance with Article [...] of

- 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*

### *Regular verification*

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

Part Three of the Constitution. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.

## **TITLE X: UNION MEMBERSHIP**

### Article 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 2, 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. The European Parliament and the Member States' national Parliaments shall be notified of this application. The Council 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, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may adopt a decision determining that there is a clear risk of a serious breach by a Member State of the values mentioned in Article 2. Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, may address recommendations to that State.

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 2, after inviting the Member State in question to submit its observations.

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

*Obligations shall still bind the Member State*

*Suspension can be revoked by double 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  
- double qualified majority in the Council  
- withdrawing state shall not participate in the discussions*

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

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

4. The Council, acting by a qualified majority, may subsequently adopt a 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 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, acting by a qualified majority, after obtaining the consent of the European Parliament.

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

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

*A request for re-entry is  
subject to the normal  
application procedure*

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.

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

#### Article II-1: Human dignity

Respect and protection of human dignity

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

	Article II-2 <u>Right to life</u>
Right to life (Controversial issue: does this cover abortion?)	1. <u>Everyone</u> has the <u>right to life</u> .
No death penalty	2. <u>No</u> one shall be condemned to the <u>death penalty</u> , or <u>executed</u> .
Respect for - physical and mental integrity	Article II-3: Right to the <u>integrity of the person</u> 1. Everyone has the right to respect for his or her <u>physical and mental integrity</u> .
Within medicine: - consent of the person - no selection of persons based on eugenic practices - no financial gains from human bodies - no reproductive cloning of human beings	2. In the fields of medicine and biology, the following must be respected in particular: - the free and informed <u>consent of the person</u> concerned, according to the procedures laid down by law, - the prohibition of <u>eugenic practices</u> , in particular those aiming at the selection of persons, - the prohibition on making the <u>human body</u> and its parts as such a <u>source of financial gain</u> , - the prohibition of the <u>reproductive cloning of human beings</u> .
	Article II-4: Prohibition of <u>torture</u> and <u>inhuman</u> or <u>degrading treatment</u> or <u>punishment</u>
No torture of any kind	<u>No</u> one shall be subjected to <u>torture</u> or to <u>inhuman</u> or <u>degrading treatment</u> or <u>punishment</u> .
	Article II-5: Prohibition of <u>slavery</u> and <u>forced labour</u>
- no slavery	1. <u>No</u> one shall be held in <u>slavery or servitude</u> .
- no forced labour	2. <u>No</u> one shall be required to perform <u>forced or compulsory labour</u> .
- no trafficking in human beings	3. <u>Trafficking</u> in human beings is <u>prohibited</u> .
Right to:	TITLE II FREEDOMS
	Article II-6: Right to <u>liberty and security</u>
- liberty and security	Everyone has the <u>right</u> to <u>liberty and security</u> of person.

<p>- respect for private and family life</p>	<p>Article II-7: Respect for <u>private</u> and <u>family life</u></p> <p>Everyone has the right to respect for his or her private and family life, home and communications.</p>
<p>- protection of personal data</p> <p>- uninhibited access to personal data</p>	<p>Article II-8: Protection of personal data</p> <p>1. Everyone has the right to the <u>protection of personal data</u> concerning him or her.</p> <p>2. Such data must be <u>processed</u> fairly for <u>specified purposes</u> and on the basis of the <u>consent of the person</u> concerned or some other legitimate basis laid down by law. Everyone has the <u>right of access</u> to data which has been collected concerning him or her, <u>and</u> the right to have it <u>rectified</u>.</p> <p>3. Compliance with these rules shall be subject to <u>control by an independent authority</u>.</p>
<p>Marriages and the founding of families to be protected at national level</p>	<p>Article II-9: Right to <u>marry</u> and right to <u>found a family</u></p> <p>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.</p>
<p>Freedom of:</p> <p>- thought</p> <p>- conscience</p> <p>- religion</p>	<p>Article II-10: Freedom of <u>thought</u>, <u>conscience</u> and <u>religion</u></p> <p>1. Everyone has the right to freedom of <u>thought</u>, <u>conscience</u> and <u>religion</u>. This right includes freedom to <u>change religion</u> or <u>belief</u> and freedom, either alone or in community with others and in public or in private, <u>to manifest religion</u> or belief, <u>in worship, teaching, practice and observance</u>.</p> <p>2. The right to <u>conscientious objection</u> is recognised, in accordance with the <u>national laws</u> governing the exercise of this right.</p>
<p>- expression</p> <p>- information</p> <p>- pluralism</p> <p>- media</p>	<p>Article II-11: Freedom of <u>expression</u> and <u>information</u></p> <p>1. Everyone has the right to <u>freedom of expression</u>. This right shall include freedom to hold <u>opinions</u> and to <u>receive</u> and <u>impart information</u> and <u>ideas</u> without interference by public authority and <u>regardless of frontiers</u>.</p> <p>2. The freedom and <u>pluralism</u> of the <u>media</u> shall be respected.</p>
<p>- assembly</p>	<p>Article II-12: Freedom of <u>assembly</u> and of <u>association</u></p> <p>1. Everyone has the right to freedom of <u>peaceful assembly</u> and to freedom of</p>

- association	<p><u>association</u> at all levels, in particular in <u>political, trade union and civic matters</u>, which implies the right of everyone to form and to <u>join trade unions</u> for the <u>protection</u> of his or her <u>interests</u>.</p> <p>2. <u>Political parties</u> at Union level contribute to <u>expressing</u> the political <u>will</u> of the <u>citizens</u> of the Union.</p>
Freedom in:	Article II-13: Freedom of the <u>arts</u> and <u>sciences</u>
- art	The arts and scientific research shall be free of constraint. Academic freedom shall be respected.
- science	
- education	<p>Article II-14: Right to <u>education</u></p> <p>1. Everyone has the <u>right to education</u> and to have access to <u>vocational</u> and <u>continuing training</u>.</p> <p>2. This right includes the possibility to receive <u>free compulsory education</u></p> <p>3. The freedom to <u>found educational establishments</u> with due respect for <u>democratic principles</u> and the right of <u>parents</u> to ensure the <u>education</u> and teaching of <u>their children</u> in conformity with their <u>religious, philosophical</u> and <u>pedagogical convictions</u> shall be <u>respected</u>, in accordance with the <u>national laws</u> governing the exercise of such freedom and right.</p>
Within the limits of national law parents have the right to educate their children	
Freedom:	Article II-15:
to occupation	Freedom to <u>choose an occupation</u> and right to <u>engage in work</u>
of movement for workers, right to establishment and to provide services	<p>1. Everyone has the <u>right to engage in work</u> and to pursue a freely <u>chosen or accepted occupation</u>.</p> <p>2. Every citizen of the Union has the freedom to <u>seek employment</u>, to <u>work</u>, to exercise the <u>right of establishment</u> and to <u>provide services</u> in <u>any Member State</u>.</p> <p>3. Nationals of <u>third countries</u> who are <u>authorised to work</u> in the territories of the Member States are entitled to working <u>conditions equivalent</u> to those of citizens of the Union.</p>
3rd countries citizens shall have same working conditions as citizens of the Union	
Conduct business	<p>Article II-16: Freedom to <u>conduct a business</u></p> <p>The freedom to <u>conduct a business</u> in accordance with Union law and national laws and practices is recognised.</p>
Right to own, use and	<p>Article II-17: <u>Right to property</u></p> <p>1. Everyone has the right to <u>own, use, dispose</u> of and bequeath his or her</p>

dispose of possession	<u>lawfully acquired possessions</u> . <u>No</u> one may be <u>deprived</u> of his or her <u>possessions</u> , <u>except</u> in the <u>public interest</u> and in the cases and under the conditions provided for by law, subject to <u>fair compensation</u> 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. <u>Intellectual property</u> shall be <u>protected</u> .
Asylum:	Article II-18: Right to <u>asylum</u>
The Union respects the Geneva Convention on refugees	The right to asylum shall be guaranteed with due <u>respect</u> for the rules of the <u>Geneva Convention</u> 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 <u>removal</u> , <u>expulsion</u> or <u>extradition</u>
- no collective expulsion	1. <u>Collective expulsions</u> are <u>prohibited</u> .
- 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 <u>serious risk</u> that he or she would be subjected to the <u>death penalty</u> , <u>torture</u> or other inhuman or degrading treatment or punishment.
	TITLE III: EQUALITY
Equality	Article II-20: <u>Equality</u> before the <u>law</u> <u>Everyone is equal before the law.</u>
	Article II-21: <u>Non-discrimination</u>
No discrimination on grounds of:	1. Any discrimination based on any ground such as <u>sex</u> , <u>race</u> , <u>colour</u> , <u>ethnic</u> or <u>social origin</u> , <u>genetic features</u> , <u>language</u> , <u>religion or belief</u> , <u>political</u> or any other <u>opinion</u> membership of a <u>national minority</u> , <u>property</u> , <u>birth</u> , <u>disability</u> , <u>age</u> or <u>sexual orientation</u> shall be prohibited.
- sex	
- race	
- colour	
- ethnic or social origin	
- genetic features	
- language	
- religion or belief	
- political opinion	
- national minority	
- property	
- birth	
- disability	
- age	

- sexual orientation	
- nationality	2. Within the scope of application of the Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of <u>nationality</u> shall be prohibited.
Respect of cultural, religious and linguistic diversity	<p>Article II-22: <u>Cultural, religious and linguistic diversity</u></p> <p>The Union shall <u>respect</u> cultural, religious and linguistic diversity.</p>
Equality between men and women Special advantages for the underrepresented sex are allowed	<p>Article II-23: Equality between <u>men and women</u></p> <p>Equality between men and women must be <u>ensured in all areas</u>, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for <u>specific advantages</u> in favour of the <u>under-</u>represented sex.</p>
Child care  They shall be free to express their views, and these shall be considered	<p>Article II-24: The rights of the <u>child</u></p> <p>1. Children shall have the right to such protection and care as is necessary for their well-being. They may <u>express</u> their <u>views freely</u>. Such views shall be <u>taken into consideration</u> on matters which <u>concern them</u> in accordance with their age and maturity.</p>
Child's best interest is the main concern	2. In all actions relating to children, whether taken by public authorities or private institutions, the <u>child's best interests must be a primary consideration</u> .
Right to contact with both parents	3. Every child shall have the right to maintain on a regular basis a <u>personal relationship</u> and direct contact with both his or her <u>parents</u> , <u>unless</u> that is <u>contrary</u> to his or her <u>interests</u> .
Rights of elderly: life of dignity and independence	<p>Article II-25: The rights of the <u>elderly</u></p> <p>The Union recognises and respects the rights of the <u>elderly</u> to lead a life of <u>dignity</u> and <u>independence</u> and to <u>participate</u> in <u>social</u> and <u>cultural life</u>.</p>
Disabled persons  Right to be integrated into the normal life of the society	<p>Article II-26: <u>Integration of persons with disabilities</u></p> <p>The Union recognises and respects the right of persons with disabilities to <u>benefit</u> from <u>measures</u> designed to <u>ensure</u> their <u>independence, social and occupational integration</u> and <u>participation</u> in the life of the <u>community</u>.</p>

Solidarity	TITLE IV: <u>SOLIDARITY</u>
Information and consultation	Article II-27: Workers' right to <u>information</u> and <u>consultation</u> within the undertaking
Workers' right of information and consultation	Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation <u>in good time</u> in the cases and under the conditions provided for by Union law and national laws and practices.
Collective bargaining	Article II-28: Right of <u>collective bargaining</u> and <u>action</u>
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 <u>collective agreements</u> at the appropriate levels and, in cases of conflicts of interest, to <u>take collective action</u> to <u>defend their interests</u> , including <u>strike</u> action.
Placement service	Article II-29: Right of <u>access to placement services</u> Everyone has the right of access to a free placement service.
Unjustified dismissal	Article II-30: Protection in the event of <u>unjustified dismissal</u>
Protection against unjustified dismissal	Every worker has the right to <u>protection</u> against unjustified dismissal, in accordance with Union law and national laws and practices.
Working conditions	Article II-31: <u>Fair</u> and <u>just working conditions</u>
Secure workers' health, safety and dignity	1. Every worker has the right to working conditions which respect his or her <u>health, safety and dignity</u> .
Rest periods and paid leave	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.
Child labour	Article II-32: Prohibition of <u>child labour</u> and protection of <u>young people at work</u>
Minimum age of employment the same as the minimum school leaving age	The <u>employment</u> of <u>children</u> is <u>prohibited</u> . The <u>minimum age</u> of admission to employment may <u>not</u> be <u>lower</u> than the <u>minimum school-leaving age</u> , without prejudice to such rules as may be more favourable to young people and <u>except for limited derogation</u> Young people admitted to work must have <u>working conditions appropriate</u> to their age and be <u>protected</u> against <u>economic exploitation</u> and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.
Protection of children against exploitation	
Protection of the family	Article II-33: <u>Family</u> and <u>professional life</u> 1. The family shall enjoy <u>legal</u> , <u>economic</u> and <u>social protection</u>

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

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

Social systems within the limits of Union law and practices

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.

Right to social security

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.

Right to social and housing assistance for those who lack sufficient resources

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

#### Article II-35: Health care

Right to 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.

#### Article II-38: Consumer protection

High level of consumer

Union policies shall ensure a high level of consumer protection

protection, not the  
"highest" consumer  
protection

## TITLE V: CITIZENS' RIGHTS

### Article II-39:

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

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

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.

### Article II-40:

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

Right to vote and stand  
for local elections, but  
not yet for national  
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.

Administration

### Article II-41: Right to good administration

Citizens treated  
impartially, fairly and  
within a reasonable  
amount of time by all  
institutions

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.

Rights include:

- to be heard

- to access

- to reason for decisions

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.

Right to compensation  
for damages caused by  
the Union

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.

Right to write to the

4. Every person may write to the institutions of the Union in one of the

institutions in any Union language and receive a reply in the same language	official languages of the Union and must <u>have an answer</u> in the same language.
Access to documents  (but only if Union laws permits)	Article II-42: Right of <u>access to documents</u>  Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a <u>right of access to documents</u> of the institutions, bodies and agencies of the Union, <u>in whatever form they are produced</u> .
Ombudsman  - Investigates maladministration (see also article on the Ombudsman in part I)	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 <u>refer to the Ombudsman</u> of the Union cases of <u>maladministration</u> 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.
Petition to the EP  EU-citizens have the right to petition	Article II-44: Right to <u>petition</u>  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 <u>petition the European Parliament</u> .
Movement and residence	Article II-45: Freedom of <u>movement and of residence</u>
Free movement and residence	1. Every citizen of the Union has the right to <u>move and reside freely within</u> the territory of the <u>Member States</u> .
Nationals of 3rd countries residing in the Union can be given the same right	2. Freedom of movement and residence may be granted, in accordance with the Constitution, to nationals of <u>third countries</u> legally resident in the territory of a Member State.
Protection of all Member States' diplomatic corps	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 <u>protection</u> by the <u>diplomatic or consular authorities of any Member State</u> , on the same conditions as the nationals of that Member State.
	TITLE VI: JUSTICE
Effective remedies, a	Article II-47: Right to an <u>effective remedy</u> and to a <u>fair trial</u>  Everyone whose rights and freedoms guaranteed by the law of the Union are

fair trial if rights or freedoms guaranteed by the Union are violated	<p>violated has the right to an <u>effective remedy</u> before a <u>tribunal</u> in compliance with the conditions laid down in this Article.</p> <p>Everyone is entitled to a fair and public hearing within a <u>reasonable time</u> by an <u>independent</u> and <u>impartial tribunal</u> previously established by law.</p> <p>Everyone shall have the possibility of being <u>advised</u>, <u>defended</u> and <u>represented</u>.</p> <p><u>Legal aid</u> shall be made available to those who <u>lack sufficient resources</u> in so far as such aid is necessary to ensure effective access to justice.</p>
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Article II-48: Presumption of innocence and right of defence

Presumption of innocence	1. Everyone who has been charged shall be <u>presumed innocent</u> until proved guilty according to law.
Right to a defence	2. Respect for the <u>rights</u> of the <u>defence</u> of anyone who has been charged shall be guaranteed.

Article II-49:

Principles of legality and proportionality of criminal offences and penalties

Criminal offences	
No retroactive effect	1. No one shall be held guilty of any criminal offence on account of any act or omission which <u>did not constitute</u> a criminal <u>offence</u> under national law or international law at the time <u>when</u> it was <u>committed</u> . <u>Nor</u> shall a <u>heavier penalty</u> be imposed than that which was <u>applicable</u> at the time the criminal <u>offence</u> was <u>committed</u> . 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 <u>criminal according to the general principles</u> recognised by the community of nations.
Penalty proportional to the offence	3. The severity of <u>penalties</u> must not be <u>disproportionate</u> to the criminal <u>offence</u> .

Article II-50:

Right not to be tried or punished twice in criminal proceedings for the same criminal offence

Only punishable once	
Not be punished again for a crime	<u>No</u> one shall be liable to be <u>tried or punished again</u> 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: Scope

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 of guaranteed rights

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 part.

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

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

laws and practices

this Charter.

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

Article II-53: Level of protection

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.

No rights to perform activities aimed at destroying rights and freedoms guaranteed by this Charter

Article II-54: Prohibition of abuse of rights

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 greater extent than is provided for herein.

## **FINAL PROVISIONS**

### ***Repeal of earlier Treaties***

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

### ***Legal continuity***

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

### ***Geographical area***

*All Member States*

*French overseas depts  
Azores, Madeira  
Canary Islands*

*Association*

## **PART FOUR: GENERAL AND FINAL PROVISIONS**

### 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.

### 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.

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.

### 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, ...

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.

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*

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.

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

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

*Åland Islands*

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.

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

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;

*Does not apply to UK base areas of 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.

*Applies partly to the Isle of Man and the Channel Islands*

### ***Regional unions***

#### **Article IV-4: Regional unions**

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

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.

### ***Protocols***

#### **Article IV-5: Protocols**

*Old protocols disappear if they are not repeated here*

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*

*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,

*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*

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

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

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.

*The same applies for  
legislative proposals*

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

*National Parliament  
can send a reasoned  
opinion regarding  
subsidiarity and  
proportionality*

3. Member States' national Parliaments may send to the Presidents of the European Parliament, the Council 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.

*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*

4. A six-week period shall elapse between a legislative proposal being made available by the Commission to the European Parliament, the Council and the Member States' national Parliaments in the official languages of the European Union and the date when it is placed on a Council agenda for adoption or 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 common position. Save in urgent cases for which due reasons have been given, no agreement may be

*on, 10 days must pass*

established on a legislative proposal during those six weeks. Ten days must elapse between the placing of a proposal on the Council agenda and the adoption of a common position.

*National Parliaments shall have minutes from the legislative Council's meetings at the same time as national governments*

5. The agendas for and the outcome of Council meetings, 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.

*National Parliaments shall also be sent the report of the Court of Auditors at the same time*

6. 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.

*This applies to both chambers in cases of a bicameral system*

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

## **II. Interparliamentary cooperation**

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

8. 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.

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

9. The Conference of European Affairs Committees may submit any contribution it deems appropriate for the attention of the European Parliament, the Council 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 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 prejudice their positions.

## 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:

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

1. Each Institution shall ensure constant respect for the principles of subsidiarity and proportionality, as laid down in Article I-9 of the Constitution.

*The Commission shall consult widely before proposing legislation*

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.

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

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. The European Parliament and the Council shall send their legislative resolutions and common positions respectively, upon adoption, to the national Parliaments of the Member States.

*The Commission shall justify any proposal with regard to subsidiarity and proportionality*

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

*Reasons shall contain:*

- assessment of financial impact
- reason for: "better achieved at Union level"
- account of any burden

*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*

*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 submit an annual report on the application of subsidiarity*

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 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 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 [...] of Chapter X of Part Three of the Constitution 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 [230] 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 European Parliament, the Council and the national Parliaments of the Member States a report on the application of Article 8(3) of the Constitution. This annual report shall also be forwarded to the Committee of the Regions and to the Economic and Social Committee.

