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# **DRAFT**

# **CONSTITUTION OF THE EUROPEAN UNION**

## **PROPOSAL TO THE „CONVENTION ON THE FUTURE OF EUROPE”**



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## **PREAMBEL**

Conscious of its spiritual and cultural heritage, the Union is founded on the universal values of human dignity, freedom, equality and solidarity. The work of the Union is based on the principles of democracy, the rule of law and respect of the fundamental and human rights which are enshrined in this Constitution and in international treaties which the Union is signatory of. The European Union places the individual at the heart of its activities. It establishes the citizenship of the Union as the expression of a common political and legal identity and creates an area of freedom, security and justice as well as an area of sustainable development.

The European Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of Europe and the identities of the member states and regions.

The Union promotes a balanced, just and sustainable development within the European Union and through its external relations. In all operations the Union respects the principle of subsidiarity and proportionality. The citizens of the Union give themselves the following Constitution:



## **CHAPTER I - FUNDAMENTAL RIGHTS OF THE UNIONCITIZENS**

### **TITLE I DIGNITY**

#### **Article 1 - Human dignity**

(1) Human dignity is inviolable. It must be respected and protected.

#### **Article 2 - Right to life**

(1) Everyone has the right to life.

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

#### **Article 3 - Right to the integrity of the person**

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

(2) In the fields of medicine and biology, the following must be respected in particular:

- the free and informed consent of the person concerned, according to the procedures laid down by law,
- the prohibition of eugenic practices, in particular those aiming at the selection of persons,
- the prohibition on making the human body and its parts as such a source of financial gain,
- the prohibition of the reproductive cloning of human beings.

#### **Article 4 - Prohibition of torture and inhuman or degrading treatment or punishment**

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

#### **Article 5 - Prohibition of slavery and forced labour**

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

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

(3) Trafficking in human beings is prohibited.

### **TITLE II FREEDOMS**

#### **Article 6 - Right to liberty and security**

(1) Everyone has the right to liberty and security of person.

#### **Article 7 - Respect for private and family life**

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

**Article 8 - Protection of personal data**

- (1) Everyone has the right to the protection of personal data concerning him or her.
- (2) Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
- (3) Compliance with these rules shall be subject to control by an independent authority.

**Article 9 - Right to marry and right to found a family**

- (1) 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.

**Article 10 - Freedom of thought, conscience and religion**

- (1) Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
- (2) The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

**Article 11 - Freedom of expression and information**

- (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- (2) The freedom and pluralism of the media shall be respected.

**Article 12 - Freedom of assembly and of association**

- (1) Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.
- (2) Political parties at Union level contribute to expressing the political will of the citizens of the Union.

**Article 13 - Freedom of the arts and sciences**

- (1) The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

**Article 14 - Right to education**

- (1) Everyone has the right to education and to have access to vocational and continuing training.
- (2) This right includes the possibility to receive free compulsory education.
- (3) The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

**Article 15 - Freedom to choose an occupation and right to engage in work**

- (1) Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.
- (2) Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.
- (3) Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

**Article 16 - Freedom to conduct a business**

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

**Article 17 - Right to property**

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

**Article 18 - Right to asylum**

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

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

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



### **TITLE III EQUALITY**

#### **Article 20 - Equality before the law**

(1) Everyone is equal before the law.

#### **Article 21 - Non-discrimination**

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

(2) Within the scope of application of the Constitution, any discrimination on grounds of nationality shall be prohibited.

#### **Article 22 - Cultural, religious and linguistic diversity**

(1) The Union shall respect cultural, religious and linguistic diversity.

#### **Article 23 - Equality between men and women**

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

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

#### **Article 24 - The rights of the child**

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

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

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

#### **Article 25 - The rights of the elderly**

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

#### **Article 26 - Integration of persons with disabilities**

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



## **TITLE IV SOLIDARITY**

### **Article 27 - Workers' right to information and consultation within the undertaking**

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

### **Article 28 - Right of collective bargaining and action**

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

### **Article 29 - Right of access to placement services**

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

### **Article 30 - Protection in the event of unjustified dismissal**

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

### **Article 31 - Fair and just working conditions**

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

### **Article 32 - Prohibition of child labour and protection of young people at work**

(1) The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations. Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

### **Article 33 - Family and professional life**

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



**Article 34 - Social security and social assistance**

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

**Article 35 - Health care**

- (1) 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.

**Article 36 - Access to services of general economic interest**

- (1) 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.

**Article 37 - Environmental protection**

- (1) 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 38 - Consumer protection**

- (1) Union policies shall ensure a high level of consumer protection.

**TITLE V  
CITIZENS' RIGHTS****Article 39 - Right to vote and to stand as a candidate  
at elections to the European Parliament**

- (1) Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.
- (2) Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

**Article 40 - Right to vote and to stand as a candidate at municipal elections**

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

**Article 41 - Right to good administration**

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

(2) This right includes:

- the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
- 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;
- the obligation of the administration to give reasons for its decisions.

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

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

**Article 42 - Right of access to documents**

(1) Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to European Parliament, European Senat and European Commission documents.

**Article 43 - Ombudsperson**

(1) Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the Ombudsman of the Union cases of maladministration in the activities of the Union organs, institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

**Article 44 - Right to petition**

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

**Article 45 - Freedom of movement and of residence**

(1) Every citizen of the Union has the right to move and reside freely within the territory of the Member States.

(2) Freedom of movement and residence may be granted, in accordance with the Constitution, to nationals of third countries legally resident in the territory of a Member State.

**Article 46 - Diplomatic and consular protection**

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

**TITLE VI  
JUSTICE****Article 47 - Right to an effective remedy and to a fair trial**

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

(2) Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

(3) Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.

**Article 48 - Presumption of innocence and right of defence**

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

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

**Article 49 - Principles of legality and proportionality  
of criminal offences and penalties**

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

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

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

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

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



## **TITLE VII GENERAL PROVISIONS**

### **Article 51 - Scope of guaranteed rights**

(1) Any limitation on the exercise of the rights and freedoms in Articles 1- 50 of this Constitution 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.

(2) In so far as this Constitution 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.

### **Article 52 - Level of protection**

(1) Nothing in this Constitution 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 the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

### **Article 53 - Prohibition of abuse of rights**

(1) Nothing in this Constitution 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 Constitution or at their limitation to a greater extent than is provided for herein.

## **CHAPTER II – PRINCIPLES OF THE EUROPEAN UNION**

### **Article 54 – The aims of the Union**

(1) The aims of the European Union are

- peace, democracy, economic and social progress
- an area of freedom, security, and justice
- an economic area without internal borders, guaranteeing a social market economy based on the free movement of persons, employment, goods and capital
- an area of ecological sustainability and fair partnership with countries and peoples throughout the world
- equality between men and women.



### **Article 55 - The European Union**

- (1) The European Union has a single legal personality.
- (2) The Member States have a duty to refrain from undertaking any activity which could damage the European Union or could lead to the aims of the European Union being undermined.
- (3) European Union law has primacy over Member States' laws.
- (4) In addition to the provisions of this Constitution, the Union's policies and further rules are set out in a second part of this Constitution.
- (5) The seat of the European Union is Brussels. The seats of the organs and institutions of the European Union are set down in Part Two of this Constitution.
- (6) The European Union flag consists of a circle of 12 yellow stars on a blue background.
- (7) The European Union anthem uses the tune of the "Ode to Joy" composed by Ludwig van Beethoven.
- (8) In all Articles of this Constitution the masculine form also covers the feminine form.

### **Article 56 - European Union Citizenship**

- (1) Every citizen of a Member State is also a citizen of the European Union. Union citizenship complements and does not replace national citizenship. Union citizens shall enjoy the rights and be subject to the duties which are set out in the Constitution.
- (2) Each Union citizen is entitled to all the guaranteed Fundamental Rights of the European Union as set out in Articles 1 to 53 of this Constitution. In addition, every citizen of the European Union enjoys all rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms.
- (3) Every Union citizen shall have active and passive voting rights in the Member State in which he resides, subject to the conditions established by law.
- (4) Every Union citizen enjoys the right to move freely, remain, settle and exercise a profession within the territory of the European Union.
- (5) Every Union citizen shall enjoy the right to seek help and protection by the diplomatic and consular authorities of any Member State.
- (6) Every Union citizen and any natural or legal person residing or having its registered office in a Member State shall have the right to petition the European Parliament on a matter which comes within the Union's fields of activity and which affects him, her, or it directly
- (7) Every Union citizen and any natural or legal person residing or having its registered office in a Member State has the right to contact the Ombudsman to draw his or her attention to malfunction of the organs or institutions of the Union.
- (8) When contacting the European institutions every Union citizen has the right to a reply in his or her own language.
- (9) Every citizen between the ages of 16 and 25 has the right to serve in a European Volunteer Service devoted to social, cultural, ecological, or other non-profit activities. This European Volunteer Service will be financially supported by the European Union. It will be recognised in all Member States as a means of professional training.

**Article 57 – Membership of the Union**

- (1) Every internationally recognised state which shares the principles, aims and values of the European Union and whose territory is either totally or partially situated on the European continent may apply for European Union membership. A state's accession to the European Union requires the assent of the European Parliament, the European Senate, and the Parliaments of the Member States.
- (2) A Member State may apply to leave the European Union. Leaving the Union is subject to the assent of the European Parliament, the European Senate, and the majority of the Parliaments of the Member States.
- (3) Any Member State offending to a significant degree against the values and principles of the European Union may, on the decision of the European Parliament and the European Senate each voting by a two-thirds majority, lose certain of its rights. Further details will be set out in a Union law.

**Article 58 – Financing the Union**

- (1) The European Union has its own financial resources.
- (2) The Union's income and expenditure shall be established in a budget to be drawn up annually.
- (3) The European Union shall be empowered to raise its own financial resources.
- (4) Audit of the European Union's budget shall be the duty of the European Court of Auditors.

**Article 59 – The languages of the European Union**

- (1) All official languages of the Member States are also the official languages of the Union. The working languages of the Union are English, French and German.

**Article 60 – The currency of the European Union**

- (1) The currency of the European Union shall be the Euro. One hundred Cents make up one Euro.

## **CHAPTER III – THE RESPONSIBILITIES OF THE EUROPEAN UNION**

### **TITLE I DIVISION OF COMPETENCES**

**Article 61 – The competences of the European Union**

- (1) The application of competences within the European Union is based on the principles of subsidiarity and proportionality.
- (2) The competences of the European Union are classified under the following three categories: exclusive competences, shared competences, and complementary competences.
- (3) Competences not included in one of these three categories remain with the Member States or with their constitutional authorities at sub-State level.

**Article 62 – The Subsidiarity principle**

(1) In the allocation of policies to the European Union the subsidiarity principle will be applied.

(2) Decisions shall be prepared and concluded at the level which is closest to the citizen and best able to solve the problem in question. The European Union will only take action if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, can be better achieved at the European Union level.

**Article 63 – The Proportionality principle**

(1) In the allocation of policies to the European Union the proportionality principle will be applied.

(2) Any action by the European Union shall not go beyond what is necessary to achieve the objectives of this Constitution.

**Article 64 – Exclusive competences of the European Union**

(1) The European Union has exclusive competence in the following areas:

- The internal market (free movement of goods, capital, persons and services)
- Monetary union
- International trade relations
- Customs policy
- Competition policy
- Foreign and Security policy
- Immigration and Asylum policy
- Area of freedom, security and justice
- Financing the Union's budget.

(2) Detailed provisions on the Union's exclusive competences are contained in Part Two of this Constitution.



### **Article 65 – Shared competences between the Union and Member States**

(1) The European Union and the Member States share competences in the areas:

- Economic policy
- Transport and traffic policy
- Industrial policy
- Energy policy
- Fiscal policy relating to the Internal Market
- Regional and Structural policy
- Agricultural policy
- Fisheries policy
- Employment policy
- Defence policy
- Development cooperation
- Social policy
- Research and technology policy
- Communications policy
- Food safety and consumer protection
- Environment policy
- Promotion of equality between men and women
- Association with overseas countries and territories.

(2) Detailed provisions relating to shared competences are contained in Part Two of this Constitution.

### **Article 66 – Complementary competences**

(1) The European Union and its Member States shall coordinate their policies in the following areas:

- Youth
- Sport
- Education and Further Education
- Health
- Social Security systems
- Spatial planning
- Culture
- Tourism
- Civil protection.

(2) Detailed provisions relating to complementary competences are contained in Part Two of this Constitution.





## **TITLE II EUROPE'S WORLD ROLE**

### **Article 67 – Common Foreign, Security and Defence Policy**

- (1) The Union operates a common foreign, security and defence policy.
- (2) In implementing the common foreign, security and defence policy the Union aims to preserve peace, to safeguard human rights, and to promote democracy, justice and sustainable development. The common foreign, security and defence policy must be conducted in accord with the provisions of the United Nations Charter, the principles of the Helsinki Final Act, and the Charter of Paris.
- (3) The implementation of the policies in this area shall be the responsibility of a Vice-President of the European Commission, who acts in the field of common foreign and security policy in cooperation with the European Council and in the field of common defence policy on the instruction of the European Council.

### **Article 68 – European Union Armed Forces**

- (1) In order to carry out its defence tasks and any necessary measures to safeguard peace, common European Union armed forces shall be established.
- (2) European Union armed forces shall engage in operations required by the EU within the context of the Common Foreign and Security Policy and the Common Security and Defence Policy. The use of European Union armed forces in such operations must have the prior approval of the European Parliament and the European Senate.
- (3) The European Union armed forces will be financed out of the European Union budget.

## **CHAPTER IV – EUROPEAN UNION PROCEDURES**

### **TITLE 1 THE INSTRUMENTS OF THE UNION**

#### **Article 69 – The hierarchy of norms**

- (1) The legal order of the European Union consists of three elements:
  - the Constitution
  - the Laws
  - the Regulations
- (2) Laws are enacted by the Legislature. Regulations are enacted by the Executive.

#### **Article 70 – Instruments**

- (1) The European Union possesses the following instruments:
  - The laws of the Union
  - The framework laws
  - Regulations
  - Decisions
  - Coordination of the policies of Member States
  - Enhanced cooperation.

**Article 71 – The laws of the Union**

- (1) The Union's laws are binding on all organs and institutions of the European Union, the Member States, and the Union's citizens.
- (2) The Union's laws are decided by majority voting in the European Parliament and the European Senate.
- (3) The European Commission is responsible jointly with the Member States for the implementation and adherence to the Union's laws.

**Article 72 – Framework laws**

- (1) Framework laws establish binding objectives for the European Union.
- (2) The member states implement the framework laws.
- (3) Framework laws are decided by majority voting in the European Parliament and the European Senate.

**Article 73 – Regulations**

- (1) Regulations are implementation rules relating to the laws and framework laws, and addressed to the Member States and Union citizens.
- (2) Regulations are enacted by the European Commission.

**Article 74 - Decisions**

- (1) Decisions are administrative acts of the European Commission relating to specific facts.

**Article 75 – Coordination of the policies of Member States**

- (1) In cases where objectives in the area of complementary competences can, because of their scope or impact, be better achieved at the European level, coordination between Member States in respect of such measures and policies will be necessary.
- (2) The European Commission has the right of initiative for the coordination of measures and policies. The European Senate decides such cases by unanimity.

**Article 76 – Enhanced Cooperation**

- (1) Member States wishing to move to closer integration in a specific policy area have the possibility of Enhanced Cooperation.
- (2) A group of Member States can decide to embark upon Enhanced Cooperation. Enhanced Cooperation requires the agreement of the European Parliament and the European Senate.
- (3) Enhanced Cooperation must be designed to further the aims and protect the interests of the Union.
- (4) In no circumstances must Enhanced Cooperation damage the cohesion of the Union.
- (5) Enhanced Cooperation must be open to all Member States and must not impair the responsibilities, rights, duties, and interests of any non-cooperating Member State.



## **TITLE II**

### **THE WORKING METHODS OF THE UNION**

#### **Article 77 – Legislative procedure**

##### **Section 1 – The Legislature**

- (1) The legislature of the European Union consists of the European Parliament (Chamber of Citizens) and the European Senate (Chamber of States). Laws require the agreement of both these organs decided in general by majority vote.
- (2) Proposals for legislation may be tabled by the European Commission, the European Parliament, or the European Senate
- (3) The draft budget of the European Union comes into force after being approved by both the European Parliament and the European Senate.
- (4) The legislative process will be conducted in public sessions. A verbatim record of these proceedings shall be published.

##### **Section 2 – The Executive**

- (1) The European Commission is the executive of the European Union.
- (2) The European Commission acting jointly with the Member States implements the laws of the European Union and monitors the compliance with the norms in the Member States.
- (3) In matters concerning the European Union's Defence Policy the European Commission shall act on the instructions of the European Council.

##### **Section 3 – The Judiciary**

- (1) The European Court of Justice is the judiciary of the European Union.
- (2) The duty of the European Court of Justice is to ensure that the laws and other legal acts are in line with the Constitution of the European Union.

#### **Article 78 – Transparency**

- (1) The working practices of the European Union respect the principle of transparency.
- (2) The sessions of the European Parliament and of the European Senate shall be held in public. There shall be open access to documents.
- (3) Every citizen of the European Union has the right to approach the European Parliament's Petitions Committee and the Ombudsperson.

#### **Article 79 - European Parties**

- (1) European Parties help to foster political awareness among the Union's citizens. Their internal organisation must be in line the fundamental principles of democracy. They must publicly account for the origin and use of their financial resources and their capital.
- (2) The Statutes and financing of the European Parties will be subject to regulation under Union law.

**Article 80 – Direct democracy**

- (1) The Union's citizens have the possibility of taking part in the Union's legislative process by petitioning for a referendum and voting in a referendum.
- (2) If five per cent of the Union's citizens (subject to a maximum of thirty percent from any one Member State) sign a petition calling for a referendum, the European organs shall be obliged to submit the draft legislation or proposal for amending the Constitution in question to a referendum.
- (3) The European Parliament and the European Senate may decide by majority vote to submit a draft law or a constitutional amendment to a referendum.
- (4) The draft legislation or proposal for amending the Constitution shall be adopted if supported by a majority of Union citizens but only on condition that at least fifty percent of the electorate participate in the referendum.

## **CHAPTER V – THE ORGANS AND INSTITUTIONS OF THE EUROPEAN UNION**

**Article – 81 – The institutional structure of the European Union**

- (1) The organs of the European Union are as follows:
  - The European Parliament
  - The European Senate
  - The European Commission
  - The European Court of Justice
  - The European Court of Auditors.
- (2) In addition to the above-mentioned organs the European Union has the following institutions:
  - The European Central Bank
  - The European Investment Bank
  - The Economic and Social Committee
  - The Committee of the Regions
  - The Ombudsperson.
- (3) All organs and institutions are responsible for their own working procedures.



## TITLE I THE ORGANS OF THE EUROPEAN UNION

### Article 82 – The European Parliament

- (1) The European Parliament represents the citizens of the European Union.
- (2) The Parliament together with the European Senate is responsible for legislating at the European level.
- (3) The Parliament together with the European Senate draws up the budget of the European Union.
- (4) Members of the European Parliament shall be elected in general, direct and universal elections. Their term of office shall be five years. Ninety per cent of the members shall be returned by geographical constituencies which may extend across national borders. Ten per cent of the members shall be elected by means of a voting system based on European lists.
- (5) The Parliament elects the President of the European Commission.
- (6) The Parliament monitors the European Commission. The Parliament may vote to express its lack of confidence in the Commission or any Commission member.
- (7) Together with the European Senate the Parliament ratifies the EU's international treaties and agreements.
- (8) The Parliament shall decide by a majority of its members unless this Constitution states otherwise.
- (9) Sessions of the Parliament and its Committees are held in public except in cases where a rule to the contrary exists.

### Article 83 - The European Senate

- (1) The European Senate represents the Member States of the European Union.
- (2) The Senate together with the European Parliament is responsible for legislating in the European Union.
- (3) The senate together with the European Parliament decides on the budget of the European Union.
- (4) The Senate consists of an assembly of ministers for European Affairs or other members of the cabinets of the member states.
- (5) The European Senate presidency shall be held in turn by the Member States. The particular modalities of the rotation (period of office, order, and other issues) shall be agreed.
- (6) The Senate shall take its decisions by a majority of its members unless specified otherwise by this Constitution.
- (7) Meetings of the Senate shall be held in public.

**Article 84 - The European Commission**

- (1) The European Commission is the Executive of the European Union. It carries out the laws and other decisions of the European Union together with the Member States.
- (2) The Commission monitors Member States' adherence to the objectives of the European Union and its legislative acts.
- (3) The term of office of the European Commission shall be five years.
- (4) The Commission consists of a President, three Vice-Presidents and further Commission members.
- (5) The President of the European Commission shall be elected by the European Parliament.
- (6) The Vice-President of the European Commission responsible for Foreign, Security and Defence Policy shall be elected by the European Parliament on a proposal from the European Senate.
- (7) The President of the European Commission shall decide on the number of additional Commission members up to a maximum of thirteen.
- (8) The President of the European Commission has the right, after consulting the Governments of the Member States, to choose the members of the Commission. The European Parliament and the European Senate must assent to the nomination of Commission members.
- (9) The President has the competence to set the political guidelines of the European Commission. He or she leads and organises the work of the European Commission and decides on the responsibilities of the various departments.
- (10) The Commission shall represent the European Union in international organisations.
- (11) In the performance of their duties, the members of the European Commission shall neither seek nor take instructions from any national parliament nor any other body other than the Commission itself.
- (12) The President of the European Commission puts questions of confidence to the European Parliament. Should a vote of no confidence be passed in the European Parliament by a majority of its members a new President of the European Commission shall be elected in accordance with Article 84, Paragraph 5, and a new Vice-President shall be elected in accordance with Article 84, Paragraph 6. The new President shall, in accordance with Article 84, Paragraphs 7 to 9, select a Commission which will take over from the dismissed Commission for the remainder of its legislative term of office. If no new Commission has been formed within a period of three months the Parliament shall be automatically dissolved.

### **Article 85 - The European Court of Justice**

- (1) The European Court of Justice is the highest judicial authority in the European Union. The Court ensures that the law is safeguarded through the interpretation and application of this Constitution.
- (2) Every Member State, every sub-state unit with legislative competences, the Committee of the Regions, the European Parliament, the European Senate and the European Commission may bring an action before the Court against any infringement of their rights by the European Union.
- (3) Every citizen of the Union whose attested rights under this Constitution have been infringed may bring the matter before the Court.
- (4) The Court of Justice shall consist of fifteen judges. On a unanimous request from the Court the number of judges may be increased.
- (5) After election by the European Parliament Judges and Advocates-General shall be appointed by the European Council for a six-year term of office.
- (6) Judges and Advocates-General should be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are lawyers of recognised and outstanding competence.
- (7) The Court shall sit in plenary session. In addition, the Court shall constitute a Chamber of Competence made up of approximately five judges and in which infringements of subsidiarity shall be judged, and a Chamber of Fundamental Rights in which breaches of the provisions of Articles 1 to 53 are investigated. The European Court of Justice may further set up from among its members Chambers of some three, five or seven judges to undertake certain preparatory work or to take decisions in certain specified areas of legal work.
- (8) The European Court of Justice shall be supported by eight Advocates-General.

### **Article 86 - The European Court of Auditors**

- (1) The European Court of Auditors shall audit the accounts of the European Union. In this task it is required to cooperate with the auditors of the Member States.
- (2) After election by the European Parliament members of the European Court of Auditors shall be appointed by the European Council for a six-year term of office.
- (3) The European Court of Auditors consists of fifteen members.
- (4) Members of the Court of Auditors should be chosen from among persons who belong or have belonged in their respective countries to external audit bodies or who are specially qualified for this office. Their independence must be beyond doubt.
- (5) The European Court of Auditors shall elect the President of the Court of Auditors from among its members for a term of three years. The President may be re-elected.
- (6) The members of the Court of Auditors shall conduct their work in a fully independent manner and for the general good of the Union. In performance of their duties they may not seek nor take instructions from any government or from any other body. They must refrain from any action incompatible with their duties.



## **TITLE II**

### **THE INSTITUTIONS OF THE EUROPEAN UNION**

#### **Article 87 – The European Council**

- (1) The European Council provides the necessary stimulus for the further development of the European Union and establishes the general political objectives of the European Union.
- (2) The European Council is made up of the Heads of States or Governments of all Member States together with the President of the Commission.
- (3) The Presidency of the European Council rotates between the Member States. The particular modalities of the rotation (period of office, order, and other issues) shall be agreed.
- (4) The European Council shall meet at least twice during each presidency.
- (5) The European Council decides by a majority of its members unless specified otherwise by this Constitution.

#### **Article 88 – The European Central Bank**

- (1) The European System of Central Banks (ESCB) consists of the European Central Bank (ECB) and the central banks of the Member States.
- (2) The primary objective of the ESCB shall be to maintain price stability. The ESCB sets the monetary policy of the European Union and puts it into effect. In this way it underpins the economic policy of the European Union.
- (3) The European Central Bank and the central banks of the Member States issue the currency of the European Union, namely the Euro. The banknotes issued by the ECB and the central banks of the Member States are the only banknotes which have legal validity in the European Union.
- (4) The highest committee of the ECB is the ECB Council which consists of members of the ECB directorate and the Presidents of the national central banks.
- (5) The Directorate consists of the President, the Vice-President and four other members. All members of the Directorate shall be elected by the European Parliament on a proposal from the European Council for an eight-year term. Reelection for a second term is not possible.
- (6) When carrying out their tasks and duties, neither the ECB nor the central bank of any Member State, nor any member of its decision-making bodies shall seek or take instructions from Union institutions or bodies, nor from any Member State government.
- (7) The European Central Bank has legal personality.



**Article 89 - The European Investment Bank**

- (1) The task of the European Investment Bank is to provide financial support for the projects of the European Union and to promote the political and economic development of third countries through providing credit.
- (2) The work of the Investment Bank may not serve to build up additional resources for the European Investment Bank or for the European Union.
- (3) The Council of the European Investment Bank consists of the Finance Ministers of the Member States, the President of the European Commission and the President of the European Parliament. The Council of the European Investment Bank decides on the bank's policies and on the projects which should receive support.
- (4) The Investment Bank has legal personality.

**Article 90 – The Economic and Social Council**

- (1) The Economic and Social Committee advises the European Parliament and the European Senate on draft legislation. The Economic and Social Council represents the interests of the different groups in economic and social life.
- (2) The members of the Economic and Social Council will be in part selected by the Member States and in part by the European Parliament, in accordance with the principles set out in an additional protocol.
- (3) The members of the Economic and Social Council shall not be bound by any instructions. They shall be fully independent in carrying out their tasks for the general good of the Union.

**Article 91 – The Committee of the Regions**

- (1) The Committee of the Regions advises the European Parliament and the European Senate on draft legislation. The Committee of the Regions represents the interests of regional and local authorities.
- (2) The members of the Committee of the Regions, together with a matching number of substitute members, shall be elected by the European Parliament for a term of five years on a proposal from the Member States. In this matter the Member States are required to find a method of selection which ensures a geographical and political balance in their representation. A member of the Committee of the Regions may not simultaneously be a member of the European Parliament.
- (3) Members of the Committee of the Regions shall not be bound by any instructions. They shall be fully independent in carrying out their tasks for the general good of the Union.



### **Article 92 – The European Ombudsperson**

- (1) The European Parliament shall elect an Ombudsperson whose task will be to receive and investigate complaints from natural and legal persons concerning malfunction of the organs and institutions of the European Union. The person chosen shall hold his or her office for five years.
- (2) The Ombudsperson shall submit an annual report with the results of his or her investigations into these complaints.
- (3) If the Ombudsperson fails to fulfill the required duties the European Parliament is empowered to dismiss him or her from the post.
- (4) In carrying out these duties, the Ombudsperson shall neither seek nor accept instructions from any organ, institution or other official body of the European Union, nor from the government of any Member State.
- (5) During his or her period of office in this post the Ombudsperson shall not undertake any other unrelated duties for which financial compensation is paid.

## **CHAPTER VI – GENERAL AND FINAL RULES**

### **Article 93 – General and Final Provisions**

- (1) This Constitution may be amended at the request of the European Parliament, the European Senate, or the European Commission.
- (2) Amendments to this Constitution must be agreed by a Constitutional Convention and ratified by majority vote in the European Parliament and the national parliaments.
- (3) Amendments to Part Two of this Constitution require a two-thirds majority in both the European Parliament and the European Senate.

### **Article 94 – Acceptance of the Constitution**

- (1) This Constitution shall come into force after it has been approved in a referendum by a majority of the Union's citizens and a majority of the Member States.
- (2) Member States in which this Constitution is not ratified may decide whether they nevertheless wish to participate on the basis of this Constitution, or whether they wish to leave the European Union. In this latter case the provisions of Article 57, Paragraph 2, will apply.
- (3) This Constitution shall come into force two months after ratification.