

TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

[Annotated Version for ECG discussion as of April 2006.](#)

PREAMBLE

HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE CZECH REPUBLIC, HER MAJESTY THE QUEEN OF DENMARK, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE REPUBLIC OF ESTONIA, THE PRESIDENT OF THE HELLENIC REPUBLIC, HIS MAJESTY THE KING OF SPAIN, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF IRELAND, THE PRESIDENT OF THE ITALIAN REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF CYPRUS, THE PRESIDENT OF THE REPUBLIC OF LATVIA, THE PRESIDENT OF THE REPUBLIC OF LITHUANIA, HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, THE PRESIDENT OF THE REPUBLIC OF HUNGARY, THE PRESIDENT OF MALTA, HER MAJESTY THE QUEEN OF THE NETHERLANDS, THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, THE PRESIDENT OF THE REPUBLIC OF POLAND, THE PRESIDENT OF THE PORTUGUESE REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF SLOVENIA, THE PRESIDENT OF THE SLOVAK REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF FINLAND, THE GOVERNMENT OF THE KINGDOM OF SWEDEN, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

The Heads of State of the Member Governments of the European Union offer to their peoples and to their parliaments for their approval the following Constitutional Treaty. Subject to their consent, the Constitutional Treaty sets out the principles and procedures under which the European Union will strive to provide an area of freedom, peace, cooperation and the rule of law for its citizens. They therefore...

Comment: This revised preamble aims to give a brief preview of what is to come and makes clear that everything is subject to consent and not handed down from above.

HAVE DESIGNATED AS THEIR PLENIPOTENTIARIES:

Gelöscht: DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law,¶
BELIEVING that Europe, reunited after bitter experiences, intends to continue along the path of civilisation, progress and prosperity, for the good of all its inhabitants, including the weakest and most deprived; that it wishes to remain a continent open to culture, learning and social progress; and that it wishes to deepen the democratic and transparent nature of its public life, and to strive for peace, justice and solidarity throughout the world,¶
CONVINCED that, while remaining proud of their own national identities and history, the peoples of r Europe are determined to transcend their former divisions and, united ever more closely, to forge a *4 . common destiny,¶
CONVINCED that, thus `United in diversity', Europe offers them the best chance of pursuing, with due regard for the rights of each individual and in awareness of their responsibilities towards future generations and the Earth, the great venture which makes of it a special area of human hope,¶
DETERMINED to continue the work accomplished within the framework of the Treaties establishing the European Communities and the Treaty on European Union, by ensuring the continuity of the Community acquis,¶
GRATEFUL to the members of the European Convention for having prepared the draft of this Constitution on behalf of the citizens and States of Europe,¶

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HIS MAJESTY THE KING OF THE BELGIANS,

Guy VERHOFSTADT
Prime Minister

Formatiert: Niederländisch
(Niederlande)

Karel DE GUCHT
Minister for Foreign Affairs

THE PRESIDENT OF THE CZECH REPUBLIC,

Stanislav GROSS
Prime Minister

Cyril SVOBODA
Minister for Foreign Affairs

HER MAJESTY THE QUEEN OF DENMARK,

Anders Fogh RASMUSSEN
Prime Minister

Per Stig MOLLER
Minister for Foreign Affairs

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

Gerhard SCHRODER
Federal Chancellor

Joseph FISCHER
Federal Minister for Foreign Affairs and Deputy Federal Chancellor

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

Juhan PARTS
Prime Minister

Kristiina OJULAND
Minister for Foreign Affairs

THE PRESIDENT OF THE HELLENIC REPUBLIC,

Kostas KARAMANLIS
Prime Minister

Petros G. MOLYVIATIS
Minister of Foreign Affairs

HIS MAJESTY THE KING OF SPAIN,

Jose Luis RODRIGUEZ ZAPATERO
President of the Government

Miguel Angel MORATINOS CUYAUBE
Minister for External Affairs and Cooperation

THE PRESIDENT OF THE FRENCH REPUBLIC,

Jacques CHIRAC
President

Formatiert: Französisch
(Frankreich)

Jean-Pierre RAFFARIN
Prime Minister

Michel BARNIER
Minister for Foreign Affairs

THE PRESIDENT OF IRELAND,

Bertie AHERN
Taoiseach

Dermot AHERN
Minister for Foreign Affairs

THE PRESIDENT OF THE ITALIAN REPUBLIC,

Silvio BERLUSCONI
Prime Minister

Franco FRATTINI
Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,

Tassos PAPADOPOULOS
President

George IACOVOU
Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF LATVIA,

Vaira VIKE FREIBERGA
President

Indulis EMSIS
Prime Minister

Artis PABRIKS
Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,

Valdas ADAMKUS
President

Algirdas Mykolas BRAZAUSKAS
Prime Minister

Antanas VALIONIS
Minister of Foreign Affairs

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

Jean-Claude JUNCKER
Prime Minister, Ministre d'Etat

Formatiert: Französisch
(Frankreich)

Jean ASSELBORN
Deputy Prime Minister, Minister for Foreign Affairs and Immigration

THE PRESIDENT OF THE REPUBLIC OF HUNGARY,

Ferenc GYURCSANY
Prime Minister

Laszlo KOVACS
Minister for Foreign Affairs

THE PRESIDENT OF MALTA,

The Hon Lawrence GONZI
Prime Minister

The Hon Michael FRENDU
Minister for Foreign Affairs

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

Dr. J. P. BALKENENDE
Prime Minister

Formatiert: Niederländisch
(Niederlande)

Dr. B. R. BOT
Minister for Foreign Affairs

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

Dr. Wolfgang SCHUSSEL
Federal Chancellor

Dr. Ursula PLASSNIK
Federal Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF POLAND,

Marek BELKA
Prime Minister

Włodzimierz CIMOSZEWICZ
Minister for Foreign Affairs

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

Pedro Miguel DE SANTANA LOPES
Prime Minister

Antonio Victor MARTINS MONTEIRO
Minister for Foreign Affairs and the Portuguese Communities

THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,

Anton ROP

President of the Government

Ivo VAJGL
Minister for Foreign Affairs

THE PRESIDENT OF THE SLOVAK REPUBLIC,

Mikulas DZURINDA Prime Minister

Eduard KUKAN
Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

Matti VANHANEN
Prime Minister

Formatiert: Niederländisch
(Niederlande)

Erkki TUOMIOJA
Minister for Foreign Affairs

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

Goran PERSSON
Prime Minister

Laila FREIVALDS
Minister for Foreign Affairs

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND,

The Rt. Hon Tony
BLAIR Prime
Minister

The Rt. Hon Jack STRAW
Secretary of State for Foreign and Commonwealth Affairs

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

PART I

MAIN PROVISIONS.

TITLE I

DEFINITION AND OBJECTIVES OF THE UNION

Article 1-1

Establishment of the Union

1. Reflecting the will of the citizens and States of Europe to build a common future, this Constitutional Treaty establishes the principles and procedures under which the European Union shall operate.

Comment: Para.2 is repeated later in Part I and does not need to be in two places.

Article 1-2

The Union's values

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, before the law and respect for human rights, including the rights of persons belonging to minorities.

Comment: Less is more!

Article 1-3

The Union's objectives

1. The Union's aim is to promote peace and the democratic and market freedoms of its peoples.

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

Gelöscht: , 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 on a Community basis the competences they confer on it.¶

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

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Gelöscht: ,

Gelöscht: rule of

Gelöscht: These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

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Gelöscht: ,

Gelöscht: its values and the well-being

Gelöscht: 3. The Union shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.¶

¶ It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.¶

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

Gelöscht: It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

Comment: This article tries to promise everything to everybody and confuses the rules of political association with politics under the rules.

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4. In its relations with the wider world, the Union shall contribute to the development of international law, including respect for the principles of the United Nations Charter.

Gelöscht: shall uphold and promote its values and interests. It

Gelöscht: peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and

5. The Union shall pursue its objectives within the limits of the competences which are conferred upon it in this Constitutional Treaty.

Article 1-4

Fundamental freedoms and non-discrimination

Gelöscht: by appropriate means commensurate with

Gelöscht: e

1. The free movement of persons, services, goods and capital, and freedom of establishment shall be guaranteed within and by the Union, in accordance with the Constitution al Treaty.

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

Comment: This provision is too sweeping and can be abused to intervene and to override subsidiarity even in cases where national specificity is justified.

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Article 1-5

Relations between the Union and the Member States

[1. The union shall respect the equality of Member States as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security.

Gelöscht: before the constitution

2. Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Constitution al Treaty.

The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Constitution al Treaty or resulting from the acts of the institutions of the Union. '

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

Comment: This article is part rhetorical and part substantive and could be omitted or simplified by eliminating para.1 and para2 subpara.3.

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Article 1-6

Union law

Comment: Too sweeping as drafted. The status of Union law is specified below in relation to the distribution of competences between the Union and the Member States.

Gelöscht: The Constitution and law adopted by the institutions of the Union in exercising competences conferred on it shall have primacy over the law of the Member States

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Article 1-7

Legal personality

The Union shall have legal personality.

Article 1-8

The symbols of the Union

Comment: Providing the Union with the symbolic attributes of a state is a misplaced symbolism because it confuses the special nature of the Union.

Gelöscht: The flag of the Union shall be a circle of twelve golden stars on a blue background.¶
The anthem of the Union shall be based on the 'Ode to joy' from the Ninth Symphony by Ludwig van Beethoven.¶
The motto of the Union shall be: 'United in diversity'.¶
The currency of the Union shall be the euro.¶
Europe day shall be celebrated on 9 May throughout the Union.

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TITLE II

FUNDAMENTAL RIGHTS AND CITIZENSHIP OF THE UNION

Article 1-9

Fundamental rights

1. The Union shall recognise the rights drawn from the Charter of

Gelöscht: , freedoms and principles set out in

Fundamental Rights which are set out in Part II.

Gelöscht: constitutes

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Comment: Part II as amended is limited to procedural rights and excludes substantive rights that hugely complicate the subsidiarity principle and the distribution of competences.

2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Constitutional Treaty.

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-10

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 and shall not replace it.

2. Citizens of the Union shall enjoy the rights drawn from the Charter of Fundamental Rights which are set out in Part II.

Gelöscht: and be subject to the duties provided for in the Constitution.

Gelöscht: They shall have:¶

¶ (a) the right to move and reside freely within the territory of the Member States;

Gelöscht: (b) the right to vote and to stand as candidates 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

Gelöscht: (c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals 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

Gelöscht: (d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Constitution's languages and to obtain a reply in the same language.¶

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These rights shall be exercised in accordance with the conditions and limits defined by the Constitutional Treaty and by the measures adopted thereunder.

Comment: the rights set out in para.2 are repeated in Part II and do not need to be set out twice.

TITLE III

UNION COMPETENCES

Article I-II

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 expressly conferred upon it by the Member States in the Constitutional Treaty to attain the objectives set out in the Constitutional Treaty. Competences not conferred upon the Union in the Constitutional Treaty remain with the Member States. The Union may not act on the basis of implied powers.

Comment: the additions to this provision reflect the need for a defence against an adventurous Court.

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3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall not act in cases where the public policy concerned can be carried out by Member States acting individually or in small groupings.

Gelöscht: act only if and insofar as the objectives of the proposed 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

Comment: the proposed revision sets a higher standard of proof before the Union can act.

Gelöscht: .

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The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments shall ensure compliance with that principle in accordance with the procedure set out in that Protocol. Specifically, in cases where Union measures are envisaged they shall be prepared and implemented according to the following procedures:

Any proposed framework law or regulation with a significant economic effect (including those envisaged as part of an international treaty or commitment) must be supported by an assessment of its impact and a justification of why a Union measure rather than other methods of achieving comparable results including market remedies has been chosen;

The assessments must be made publicly available in time for independent peer review as well as democratic scrutiny;

The assumptions on which assessments have been carried out must also be made public so that the assessments can be reproduced in the scrutiny process.

Comment: this brings the principles of good regulatory governance into the Constitutional Treaty. This will aid the transparency of Union measures and enhance the possibilities of political and judicial review.

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4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to abide by the provisions of the Constitutional Treaty.

Gelöscht: achieve the objectives

The institutions of the Union shall apply the principle of proportionality as

laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

Article I-12

Categories of competence

1. When the Constitutional al Treaty confers on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts. In this area union law has primacy.

2. When the Constitutional al Treaty confers on the Union a competence shared with the Member States in a specific area, both the Union and the Member States may legislate and adopt legally binding acts in that area. In the event of conflict between Union law and the law of a Member State in the same area a special court shall adjudicate.

Comment: The 'preemption' clause permits an ever-increasing sphere for Union action and legal activism and is therefore deleted. The coexistence of both Union law and member state law allows for regulatory choice and also encourages Union law to provide an additional option to member state law.

3. The Union shall not act in cases where powers are expressly reserved to the Member States or otherwise not specified. In all such areas the law of Member States has primacy.

Comment: This article replaces a vague provision empowering the Union with a provision that reserves powers to the Member States. Three categories of competence are thus set out – powers exclusive to the Union, shared powers where both the Union and member states may act and areas reserved to the Member States.

4. Without superceding the three areas of competence stated above, in certain areas of public policy the Member States may regard their actions as being of common concern. These areas are specified below. They may in certain circumstances lead to common action being taken under the rules set out in this Constitutional Treaty.

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

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

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Gelöscht: The Member States shall coordinate their economic and employment policies within arrangements as determined by Part III, which the Union shall have competence to provide

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

Gelöscht: 5. In certain areas and under 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.¶
Legally binding acts of the Union adopted on the basis of the provisions in Part III relating to these areas shall not entail harmonisation of Member States' laws or regulations.

Article I-13

Areas of exclusive competence

1. The Union shall have exclusive competence in the following areas:

(a) customs union;

Comment: Member States may well wish to add supplementary provisions of their own to Union competition policies and thus the competence should be shared. (see below).

Gelöscht: (b) the establishing of the competition rules necessary for the functioning of the internal market;

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(c) monetary policy for the Member States whose currency is the euro;

Comment: there is a need to experiment with a number of different approaches to marine conservation.

Gelöscht: (d) the conservation of marine biological resources under the common fisheries policy

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(e) common commercial policy.

Comment: This provision is sweeping and vague in its implications. The competence needs to be shared. (see below).

Gelöscht: 2. The Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or insofar as its conclusion may affect common rules or alter their scope.

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Article I-14

Areas of shared competence

1. The Union shall share competence with the Member States where the Constitutional Treaty confers on it a competence which does not relate to the areas above.

Gelöscht: referred to in Articles 1-13 and 1-17

2. Shared competence between the Union and the Member States applies in the following principal areas:

(a) internal market including competition policy;

Gelöscht: (b) social policy, for the aspects defined in Part III;

Gelöscht: (c) economic, social and territorial cohesion;

Gelöscht: agriculture and

(d) fisheries.

Gelöscht: excluding the conservation of marine biological resources;

(e) environment in cases where actions taken by one Member State have a demonstrable negative impact on others;

Gelöscht: (f) consumer protection;

- ▼ **Gelöscht:** (g) transport;
- ▼ **Gelöscht:** (h) trans-European networks;
- ▼ **Gelöscht:** (i) energy;
- ▼ **Gelöscht:** (j) area of freedom, security and justice
- ▼ **Gelöscht:** (k) common safety concerns in public health matters, for the aspects defined in Part III
- ▼ **Gelöscht:** 3. In the areas of research, technological development and space, the Union shall have competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

Comment: Cross border concerns in areas such as health and justice are covered by international organisations with a wider compass than the Union. Transport, agriculture and energy have been deleted since they are covered by the internal market.; social policy ,social cohesion and consumer protection are deleted as reserved to Member States (see below).

4. In the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a policy together that reflects their common concern to assist emerging economies; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

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- Gelöscht:** common

5. The Union shall have the power to conclude international agreements alongside Member States, or in place of Member States, where Member States unanimously agree on a case by case basis that a Union agreement adds to the credibility of the agreement and the likelihood that it will be observed.

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Areas of Reserved Competence.

1. In all areas not specified above, competences are reserved to the Member States.
2. Specific areas of competence reserved to the Member States include freedom of contract in their labour markets; the definition of the social objectives of services of general interest; social policy defined to include state retirement provisions and eligibility, state education policy including eligibility, state health policy including eligibility and other measures Member States have designed to combat poverty, all forms of discrimination and social exclusion suited to their own circumstances as long as they do not conflict with the four freedoms.
3. Taxation policy is reserved to the Member States. Accordingly matters concerning the tax systems of Member States or the rates and levels at which taxes are levied are to be decided within each Member State.

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Comment: The specification of labour market policies and social policies as areas reserved to the Member States reflects the fact that all Member States are having to adjust their welfare and labour market policies to reflect aging populations, rising health care expenditures and global competition for goods and services and this adjustment of policies needs to be done at a pace and in manner respecting their own traditions and degrees of public support. The reservation of tax policies also allows each Member State to decide on the scope of public provision in accordance with the desires of its own citizens.

Article I-15

economic policies

1. The **economic policies of the Member States are a matter of mutual interest.** Accordingly, Finance Ministers in the Council of Ministers shall **submit their policies to mutual examination, avoid excessive government deficits, prohibit borrowing from the European Central Bank by official bodies and conduct economic policies favourable to an efficient allocation of resources so as to achieve sustainable and non-inflationary growth.** Specific provisions shall apply to those Member States whose currency is the euro **in addition to a general undertaking to support the duties of the European Central Bank to maintain price stability.**

Comment: References to 'coordination' have been deleted since the implications are ambiguous but potentially sweeping.

Article I-16

foreign and security policy

1. The **Member States shall regard their foreign and security policies as matters of common concern. This may lead to common policies in these areas.**

Article I-17

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- Gelöscht: The coordination of
- Gelöscht: and employment
- Gelöscht: shall
- Gelöscht: coordinate their economic policies
- Gelöscht:
- Gelöscht: within the Union
- Gelöscht: To this end,
- Gelöscht: adopt measures, in particular broad guidelines for these policies.
- Gelöscht: ¶
- Gelöscht: 2. The Union shall take measures to ensure coordination of the employment policies of the Member States, in particular by defining guidelines for these policies.¶
- ¶
- 3. The Union may take initiatives to ensure coordination of Member States' social policies.
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- Gelöscht: The common
- Gelöscht: Union's competence in
- Gelöscht: matters of
- Gelöscht: common
- Gelöscht: policy
- Gelöscht: shall cover all areas of foreign policy and all questions relating to the Union's security,
- Gelöscht: including the progressive framing of a common defence policy that might lead to a common defence.¶
- Gelöscht: 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 Union's action in this area. They shall refrain from action contrary to the Union's interests or likely to impair its effectiveness
- Gelöscht: Areas of supporting, coordinating or complementary action¶
- ¶
- The Union shall have competence to carry out supporting, coordinating or complementary action. The areas of such action shall, ... [1]

Gelöscht: (e) education, youth, sport and vocational training;

Gelöscht: (f) civil protection;

Gelöscht: (g) administrative cooperation.

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Comment: This provision has been deleted since it encroaches on areas of powers reserved to the Member States and diverts Union attention from areas of greater importance. The situation where health concerns cross borders (pandemics) is already covered by a broader international organisation.

Article I-18

Gelöscht: Flexibility clause

1. harmonization

Comment: this provision is deleted because it defeats the purpose of principles that clarify and stabilize the distribution of competences..

Gelöscht: If action by the Union should prove necessary, within the framework of the policies defined in Part III, to attain one of the objectives set out in the Constitution, and the Constitution has not provided the necessary powers, the Council of Ministers, acting unanimously on a proposal from the European Commission and after obtaining the consent of the European Parliament, shall adopt the appropriate measures.¶
¶
2. Using the procedure for monitoring the subsidiarity principle referred to in Article I-11(3), the European Commission shall draw national Parliaments' attention to proposals based on this Article.¶
¶
3. Measures based on this Article shall not entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation

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TITLE IV THE UNION'S INSTITUTIONS AND BODIES

CHAPTER I THE INSTITUTIONAL FRAMEWORK

Article I-19

The Union's institutions

1. The Union shall have an institutional framework

organised according to democratic principles and

respecting the separation of powers.

Gelöscht: which shall aim to: ¶
- promote its values,

Gelöscht: - advance its objectives,

Gelöscht: - serve its interests, those of its citizens and those of the Member States

Gelöscht: - ensure the consistency, effectiveness and continuity of its policies and actions

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Comment: this opening article should enunciate the democratic principle and not an empowering provision.

This institutional framework comprises:

- The European Parliament,
- The European Council,
- The Council of Ministers (hereinafter referred to as the 'Council'),
- The European Commission (hereinafter referred to as the 'Commission'),

A Court of Review.

- The Court of Justice of the European Union.
- The European Central Bank and other Independent Institutions.

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Comment: In the amendments below the competition and audit functions are upgraded.

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2. Each institution shall act within the limits of the powers conferred on it in the Constitutional Treaty, and in conformity with the procedures and conditions set out in it.

Gelöscht: The institutions shall practise mutual sincere cooperation.

Article 1-20

The European Parliament

1. The European Parliament shall consist of two bodies: a directly elected Assembly (first chamber) and a body drawn from national parliaments (Second Chamber). Together they shall exercise legislative control.

Gelöscht: , jointly with the Council,

2. The First Chamber shall be composed of representatives of the Union's citizens. They shall not exceed five hundred in number. Representation of citizens shall be degressively proportional, with a minimum threshold of two members per Member State. No Member State shall be allocated more than fifty seats.

Gelöscht: and budgetary functions. It shall exercise functions of political control and consultation as laid down in the Constitution. It shall elect the President of the Commission.

Gelöscht: European Parliament

Gelöscht: seven

Gelöscht: and fifty

Gelöscht: six

Gelöscht: ninety-six

Comment: there is a balance to be struck between the principle of representation (arguing for a large chamber) and the principle of effectiveness arguing for a smaller chamber).

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The First Chamber shall have the right of taking the legislative initiative by requesting the Council to submit a proposal. It may subsequently approve, amend, within the scope of the legislation or block the proposed law.

3. The members of the First Chamber shall be elected for a term of five years by direct universal suffrage in a free and secret ballot.

5. The Second Chamber shall ensure that all proposals submitted by the Council are consistent with the provisions of this Constitutional Treaty governing the use of Union competences, notably the principles of subsidiarity and proportionality. It may block proposals that are not in its opinion consistent.

Comment: This gives national parliaments the right to 'red card' a measure as compared with the current provisions for a 'yellow card' system. The precise form of the body is left open since it might consist of members of European scrutiny committees or might be chosen differently.

Gelöscht: The European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a European decision establishing the composition of the European Parliament, respecting the principles referred to in the first subparagraph.

Gelöscht: European Parliament

Gelöscht: 4. The European Parliament shall elect its President and its officers from among its members

Formatiert

Formatiert

Article 1-21

The European Council

1. The European Council shall define the general political directions and priorities of the Union.

Comment: the last sentence has been deleted since it is misleading. For example the European Council might, while respecting the separation of powers, urge the European Parliament to adopt a legislative measure. Equally, if the European Council is to define the general direction of the Union it needs the exclusive right of initiative.

It has the exclusive right to propose legislation at the request of a Chamber of the Parliament. It may veto laws passed by the Parliament.

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.

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

Gelöscht: provide the Union with the necessary impetus for its development and shall

Gelöscht: there

Gelöscht: It shall not exercise legislative functions

Formatiert

Formatiert

Formatiert

Formatiert

Formatiert

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

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

Article 1-22

The European Council President

1. The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end his or her term of office in accordance with the same procedure.

The President of the European Council shall, at his or her level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy.

Comment: Para.2 is unnecessarily detailed, Para.3 is unnecessarily restrictive since a serving Prime Minister might be well qualified to act as President for more than the current six month rotation.

Gelöscht: 2. The President of the European Council: ¶
¶ (a) shall chair it and drive forward its work;¶
¶ (b) shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;¶
¶ (c) shall endeavour to facilitate cohesion and consensus within the European Council;¶
¶ (d) shall present a report to the European Parliament after each of the meetings of the European Council.

Gelöscht: , without prejudice to the powers of the Union Minister for Foreign Affairs.

Gelöscht: 3. The President of the European Council shall not hold a national office.

Formatiert

Formatiert

Gelöscht: Parliament

Gelöscht: exercise

Gelöscht: functions

Gelöscht: .

Article 1-23

The Council of Ministers

1. The Council shall, jointly with the European Commission, prepare legislative and budgetary proposals for consideration by the European Parliament. It shall carry out policy-making and coordinating functions as laid down in the Constitutional Treaty.

2. The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote.

3. The Council shall act by a qualified majority except where the Constitutional Treaty provides otherwise.

Comment: This revision reflects the actual situation that legislation requires the active involvement of the Member States alongside the Commission.

Formatiert

Article 1-24

Configurations of the Council of Ministers

1. The Council shall meet in different configurations so as to ensure that the objectives set by the European Council are implemented.

Gelöscht: 2. The General Affairs Council shall ensure consistency in the work of the different Council configurations.

Gelöscht: It shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission.¶

3. The Foreign Affairs Council shall elaborate the Union's external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union's action is consistent

Gelöscht: 4. The European Council shall adopt by a qualified majority a European decision establishing the list of other Council configurations

Formatiert

Comment: the detail of how the Council will organize itself is unnecessary in a statement of principles. In addition the Council may need to experiment with different configurations.

Gelöscht: 6. The Council shall meet in public when it deliberates and votes on a draft legislative act. To this end, each Council meeting shall be divided into two parts, dealing respectively with deliberations on Union legislative acts and non-legislative activities.

Formatiert

5. A Committee of Permanent Representatives of the Governments of the Member States shall be responsible for preparing the work of the Council.

Comment: Included in Part 11.

Gelöscht: 7. The Presidency of Council configurations, other than that of Foreign Affairs, shall be held by Member State representatives in the Council on the basis of equal rotation, in accordance with the conditions established by a European decision of the European Council. The European Council shall act by a qualified majority

Article 1-25

Definition of qualified majority within the European Council and the Council

1. A qualified majority shall be defined as at least two thirds of the members of the Council, and representing Member States comprising at least two thirds of the population of the Union.

Gelöscht: 55

Gelöscht: %

Gelöscht: comprising at least fifteen of them

Gelöscht: 65

Gelöscht: %

Formatiert

Formatiert

A blocking minority must include at least four Council members, failing which the qualified majority shall be deemed attained.

Comment: This formulation of the general threshold protects the position of smaller member states as the Union further expands and will reduce the need for special majorities in other circumstances. It is also easy to understand.

Gelöscht: 2. By way of derogation from paragraph 1, when the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the qualified majority shall be defined as at least 72 % of the members of the Council, representing Member States comprising at least 65 % of¶ the population of the Union.¶

3. The same thresholds shall apply to the European Council when it is acting by a qualified majority.

Gelöscht: Paragraphs 1 and 2

4. Within the European Council, the President of the Commission shall not take part in the vote.

Article 1-26

The European Commission

1. The Commission shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as stipulated by the European Council. With the exception of foreign and security policy, and other cases provided for in the Constitutional Treaty, it shall help ensure the Union's external representation.

Comment; In accordance with a separation of powers, Commission functions shall be limited to those of an executive under the direction of the European Council.

Comment: In accordance with a separation of powers, the Commission loses its right to initiate. Under the arrangements provided for, the European Council provides the strategic direction of the Union and where legislation is required, invites the European Parliament to initiate a request for a measure to be prepared by the Council and Commission.

3. The Commission's term of office shall be five years and not exceed two terms.

4. The members of the Commission shall be chosen on the ground of their general competence.

5. It shall consist of one national of each Member State, including its President. It shall choose its President from among its own members.

Gelöscht: its President and

Gelöscht: promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Constitution, and measures adopted by the institutions pursuant to the Constitution. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall

Gelöscht: laid down in the Constitution

Gelöscht: the common

Gelöscht: It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements.

Formatiert

Gelöscht: 2. Union legislative acts may be adopted only on the basis of a Commission proposal, except where the Constitution provides otherwise. Other acts shall be adopted on the basis of a Commission proposal where the Constitution so provides.

Formatiert

Formatiert

Formatiert

Gelöscht: .

Gelöscht: and European commitment from persons whose independence is beyond doubt

Gelöscht: The first Commission appointed under the provisions of the Constitution

Gelöscht: and the Union Minister for Foreign Affairs who shall be one of its Vice-Presidents.

Gelöscht: 6. As from the end of the term of office of the Commission referred to in paragraph 5, the Commission shall consist of a number of members, including its President and the Union Minister for Foreign Affairs, corresponding to two thirds of the number of ... [2]

Gelöscht: The members of the Commission shall be selected from among the nationals ... [3]

Gelöscht: (a) Member states shall be treated on a strictly equal footing as regards ... [4]

Gelöscht: Member States may never be more than one;

Gelöscht: (b) subject to point (a), each successive Commission shall be so ... [5]

Comment: These complicated arrangements can be avoided if the Commission functions with group responsibilities.

7. The Commission shall be fully associated with the work of the Council and support the strategic objectives set by the European Council. In the event of malfeasance a Commissioner may be dismissed by the European Council.

8. The Commission, shall answer to the European Parliament as and when called upon to assist hearings or inquiries.

Article 1-27

Comment: This provision confuses a separation of powers between legislature, judiciary and executive with a fusion of powers between executive and legislature.

Article I-28

Comment: this position is deleted since it confuses the office holders of the Union with the office holders of a state.

Formatiert

Gelöscht: In carrying out its responsibilities, the Commission shall be completely independent. Without prejudice to Article 1-28(2), the members of the Commission shall neither seek nor take instructions from any government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks.

Gelöscht: Foreign Affairs shall resign from the duties that he or she carries out in the Commission

Gelöscht: as a body, shall be responsible to the European Parliament. In accordance with Article III-340, the European Parliament may vote on a censure motion on the Commission. If such a motion is carried, the members of the Commission shall resign as a body and the Union Minister for

Gelöscht: The President of the European Commission

Gelöscht: 1. Taking into account the elections to the European Parliament and after having held the appropriate consultations, the Europea ... [6]

Gelöscht: The President, the Union Minister for Foreign Affairs and the other members of ... [7]

Formatiert

Gelöscht: 3. The President of the Commission shall:

Gelöscht: (a) lay down guidelines within which the Commission is to work;

Gelöscht: (b) decide on the internal organisation of the Commission, ensuring tha ... [8]

Gelöscht: (c) appoint Vice-Presidents, other than the Union Minister for Foreign Affairs ... [9]

Gelöscht: A member of the Commission shall resign if the President so requests. T ... [10]

Gelöscht: The Union Minister for Foreign Affairs

Gelöscht: 1. The European Council, acting by a qualified majority, with the agreem ... [11]

Gelöscht: 3. The Union Minister for Foreign Affairs shall preside over the Foreign Affairs Council.

Gelöscht: 4. The Union Minister for Foreign Affairs shall be one of the Vice-Presidents of ... [12]

Formatiert

The Court of Justice of the European Union

1. The Court of Justice of the European Union shall shall interpret the law of the Union with the exception of those laws involving the interpretation of Human Rights or the distribution of competences between the Union and Member States.

Gelöscht: include the Court of Justice, the General Court and specialised courts. It

Gelöscht: ensure that in the interpretation and application of the Constitution the law is observed.

Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.

2. The Court of justice shall consist of one judge from each Member State. It shall be assisted by Advocates-General.

The Judges and the Advocates-General of the Court of justice shall be chosen from persons whose independence is beyond doubt. They shall be appointed by common accord of the governments of the Member States for six years. Retiring Judges and Advocates-General may not be reappointed.

Gelöscht: The General Court shall include at least one judge per Member State.

Gelöscht: and the judges of the General Court

Gelöscht: and who satisfy the conditions set out in Articles 111-355 and III-356.

3. The Court of Justice of the European Union shall in accordance with Part III:

(a) rule on actions brought by a Member State, an institution or a natural or legal person;

Gelöscht: (b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions;

Comment: Case law allows the court systems of member states to play a role in the discovery process of the legal principles involved.

(c) rule in other cases provided for in the Constitutional Treaty.

Formatiert

The European Court of Human Rights shall hear all cases involving human rights aspects of European Laws and institutions in cases not decided in the Member States themselves.

A Court of Review composed of justices designated by the highest courts of member states shall hear all cases potentially involving the distribution of competences between the Member States and the Union.

CHAPTER II

The European Central Bank and Other Independent Institutions.

Gelöscht: THE OTHER UNION INSTITUTIONS AND ADVISORY BODIES¶
Article 1-30

1. The European Central Bank, together with the national central banks, shall constitute the European System of Central Banks. The European Central Bank, together with the national central banks of the Member States whose currency is the euro, which constitute the Eurosystem, shall conduct the monetary policy of the Union.

2. The European System of Central Banks shall be governed by the decision-making bodies of the European Central Bank. The primary objective of the European System of Central Banks shall be to maintain price stability. Without prejudice to that objective, it shall support the general economic policies in the Union in order to contribute to the achievement of the latter's objectives. It shall conduct other Central Bank tasks in accordance with Part III and the Statute of the European System of Central Banks and of the European Central Bank.

3. The European Central Bank is an institution. It shall have legal personality. It alone may authorise the issue of the euro. It shall be independent in the exercise of its powers and in the management of its finances. Union institutions, bodies, offices and agencies and the governments of the Member States shall respect that independence.

4. The European Central Bank shall adopt such measures as are necessary to carry out its tasks in accordance with the relevant articles in Part III., and with the conditions laid down in the Statute of the European System of Central Banks and of the European Central Bank. In accordance with these same Articles, those Member States whose currency is not the euro, and their central banks, shall retain their powers in monetary matters.

Gelöscht: A

Gelöscht: -185 to 111-191 and Article 111-196,

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

An independent Competition Authority shall decide cases involving restrictive practices in the Union. It shall not take instructions from any other institution.

Gelöscht: 6. The decision-making organs of the European Central Bank, their composition and operating methods are set out in Articles 111-382 and 111-383, as well as in the Statute of the European System of Central Banks and of the European Central Bank.

Article 1-31

1. The Court of Auditors is an independent institution. It shall carry out the Union's audit.

2. It shall examine the accounts of all Union revenue and expenditure, and shall ensure good financial management. It shall audit the performance of Union measures to ensure that they fulfill their intent.

In the event of adverse findings it shall have the power to suspend Union expenditure programmes or legislative measures.

3. It shall consist of one national of each Member State drawn from the Audit Authorities of the Member States. Its members shall be completely independent in the performance of their duties, in the Union's general interest.

Gelösch: The Court of Auditors

Gelösch: The Union's advisory bodies¶

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

Gelösch: 2. The Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly

Gelösch: 3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socioeconomic, civic, professional and cultural areas.

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

Gelösch: 5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations are set out in Articles 111-386 to 111-392

Gelösch: The rules referred to in paragraphs 2 and 3 governing the nature of their composition shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt European decisions to that end

Formatiert

Article 1-32

Comment: Advisory bodies are not of constitutional importance and are likely to change. Arguably other advisory committees such as CESR are more important than the ones above.

TITLE V

EXERCISE OF UNION COMPETENCE

CHAPTER I

COMMON PROVISIONS

Article 1-33

The legal acts of the Union

1. To exercise the Union's competences the institutions shall use as legal instruments, in accordance with Part III, European framework laws, European regulations, European recommendations and opinions.

Gelöscht: decisions,

Gelöscht: European laws,

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

A European framework law shall be a legislative act binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A European regulation shall be a non-legislative act of general application for the implementation of legislative acts. It may either be binding in its entirety and directly applicable in all Member States, or be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

Gelöscht: and of certain provisions of the Constitution

Recommendations and opinions shall have no binding force.

Gelöscht: 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.

Comment: these changes conform to the present system of directives and regulations and the so-called 'open system' of coordination. The problems associated with the present system concern preparation and implementation and are not solved by widening the categories of legal instruments.

Gelöscht: 2. When considering draft legislative acts, the European Parliament and the Council shall refrain from adopting acts not provided for by the relevant legislative procedure in the area in question

Formatiert

Formatiert

Article 1-34

Legislative acts

1. European framework laws shall be adopted jointly by the European Parliament and the Council under the ordinary legislative procedure as set out above. If the Council and Parliament cannot reach agreement on an act, it shall not be adopted.

Gelöscht: laws and

Gelöscht: , on the basis of proposals from the Commission,

Gelöscht: in Article 111-396.

Gelöscht: two institutions

2. The First Chamber shall not block any proposal from the Council that simplifies or annuls previous legislation and that has received the approval of the Second Chamber representing national parliaments.

Comment: Current procedures for simplifying the Union rule book do not work.

Article 1-35

Non-legislative acts

2. The Council and the Commission on behalf of the Council, and the European Central Bank in the specific cases provided for in the constitutional treaty, shall adopt European regulations.

3. The Council shall adopt recommendations.

Article 1-36

Delegated European regulations

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

The objectives, content, scope and duration of the delegation of power shall be explicitly defined in the framework laws. The essential elements of an area shall be reserved for the framework law and accordingly shall not be the subject of a delegation of power.

2. European framework laws shall explicitly lay down the conditions to which the delegation is subject; these conditions may be as follows:

(a) Either chamber of the European Parliament or the Council may decide to revoke the delegation;

(b) the delegated European regulation may enter into force only if no objection has been expressed by either of the two chambers of the

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

Gelöscht: 3. In the specific cases provided for in the Constitution, European laws and framework laws may be adopted at the initiative of a group of Member States or of the European Parliament, on a recommendation from the European Central Bank or at the request of the Court of justice or the European Investment Bank.

Formatiert

Gelöscht: 1. The European Council shall adopt European decisions in the cases provided for in the Constitution.

Gelöscht: in particular in the cases referred to in articles 1-36 and I-37.

Gelöscht: and decisions.

Gelöscht: It shall act on a proposal from the Commission in all cases where the Constitution provides that it shall adopt acts on a proposal from the Commission. It shall act unanimously in those areas in which unanimity is required for the adoption of a Union act. The Commission, and the European Central Bank in the specific cases provided for in the

Gelöscht: Constitution, shall adopt recommendations

Gelöscht: laws and

Gelöscht: law or

Gelöscht: European laws and

Gelöscht: European law or

Gelöscht: laws and

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

Gelöscht:

Gelöscht: law or

For the purposes of (a) and (b), each Chamber of the European Parliament shall act by a majority of its component members, and the Council by a qualified majority.

Formatiert

Formatiert

Comment: The change extends right of recall protection against the abuse of delegated powers.

Article 1-37

Implementing acts

1. Member States shall adopt all measures of national law necessary to implement legally binding Union acts. A formation of the Council shall exercise oversight with the assistance of the Commission so as to ensure that implementation achieves equal legal effect in each member state.

Gelöscht: 3. For the purposes of paragraph 2, European laws shall lay down in advance the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.¶

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

2. In the event of uneven implementation the Second chamber may suspend the law or regulation.

Gelöscht: 2. Where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer implementing powers on the Commission, or, in duly justified specific cases and in the cases provided for in Article 1-40, on the Council

Comment: The problem of uneven implementation needs to be addressed explicitly. A provision for suspension will encourage Council and Parliament to get it right in the first place.

Formatiert

Formatiert: Französisch (Frankreich)

Gelöscht: Principles common to the Union's legal acts

Article 1-38

Gelöscht: Where the Constitution does not specify the type of act to be adopted, the institutions shall select it on a case-by-case basis, in compliance with the applicable procedures and with the principle of proportionality referred to in Article 1-11.

1.

Article 1-39

Gelöscht: 2. Legal acts shall state the reasons on which they are based and shall refer to any proposals, initiatives, recommendations, requests or opinions required by the Constitution.

Gelöscht: Publication and entry into force

CHAPTER 11

SPECIFIC PROVISIONS

Article 1-40

Specific provisions relating to foreign and security policy

2. The European Council shall identify the Union's strategic interests and determine the objectives of any common foreign and security policies. The Council shall frame these policies within the framework of the strategic guidelines established by the European Council, and in accordance with Part III.

6. European decisions relating to any common foreign and security policy shall be adopted by the European Council and the Council unanimously. The European Council and the Council shall act on an initiative from a Member State. European framework laws shall be excluded.

8. The European Parliament and national parliaments shall be regularly consulted on the main aspects and basic choices of any common foreign and security policy. They shall be kept informed of how they evolve.

Article 1-41

Gelösch: 1. European laws and framework laws adopted under the ordinary legislative procedure shall be signed by the President of the European Parliament and by the President of the Council.

Gelösch: In other cases they shall be signed by the President of the institution which adopted them.¶
¶
European laws and framework laws shall be published in the *Official Journal of the European Union* and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following their publication.

Gelösch: 2. European regulations, and European decisions which do not specify to whom they are addressed, shall be signed by the President of the institution which adopted them.

Gelösch: European regulations, and European decisions when the latter do not specify to whom they are addressed, shall be published in the *Official Journal of the* ... [13]

Gelösch: publication.

Gelösch: 3. European decisions other than those ... [14]

Gelösch: the common

Gelösch: 1. The European Union shall conduct a co ... [15]

Gelösch: its

Gelösch: y

Gelösch: is

Gelösch: y

Gelösch: 3. The European Council and the Council ... [16]

Gelösch: 4. The common foreign and security polic ... [17]

Gelösch: 5. Member States shall consult one another ... [18]

Gelösch: the

Gelösch: except in the cases referred to in Part III

Gelösch: , on a proposal from the Union Minister for Fo ... [19]

Gelösch: laws and

Gelösch: 7. The European Council may, unanimous ... [20]

Gelösch: the

Gelösch: It

Gelösch: it

Gelösch: s

Specific provisions relating to common security and defence policy

Comment: In the interests of brevity the provisions of this article are best retained as a declaration to be attached to the constitutional treaty with the exception of paras.7&8.

1. Member States may provide the Union with an operational capacity drawing on civil and military assets. 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. Experience with common foreign and security and policies may lead to the progressive framing of a common Union defence policy.

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, it shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, under the North Atlantic Treaty, and be compatible with the common security and defence policy established within that framework.

3. Member States shall make civilian and military capabilities available to the Union for the implementation of any common security and defence policy, to contribute to the objectives defined by the Council.

4. Actions relating to any common security and defence policy, including those initiating a mission, shall be adopted by the Council acting unanimously on an initiative from a Member State.

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests.

7. If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all

Gelöscht: the

Formatiert

Formatiert

Gelöscht: The common security and defence policy shall be an integral part of the common foreign and security policy. It shall

Gelöscht: The

Gelöscht: defence

Gelöscht: y

Gelöscht: shall include

Gelöscht: 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

Gelöscht: the

Gelöscht: Those Member States which together establish multinational forces may also make them available to the common security and defence policy

Gelöscht: Member States shall undertake progressively to improve their military capabilities. An Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency) shall be established to identify operational requirements, to promote measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, to participate in defining a European capabilities and armaments policy, and to (... [21])

Gelöscht: European decisions

Gelöscht: the

Gelöscht: as referred to in this Article,

Gelöscht: a proposal from the Union Minister for Foreign Affairs or

Gelöscht: The Union Minister for Foreign Affairs may propose the use of both national (... [22])

Gelöscht: The execution of such a task shall be governed by Article III-310.

Gelöscht: 6. Those Member States whose military capabilities fulfil higher criteria and w (... [23])

the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.

Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

8. The European Parliament and national parliaments shall be regularly consulted on the main aspects and basic choices of a common security and defence policy. They shall be kept informed of how any evolves.

Gelöscht: It

Gelöscht: it

Gelöscht: the

Article 1-42

Specific provisions relating to the area of freedom, security and justice

Comment: Again in the interests of brevity better retained as a declaration attached to the main text.

Formatiert

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

(a) by adopting European framework laws intended, where necessary, to approximate laws and regulations of the Member States in the areas referred to in Part III;

Gelöscht: laws and

(b) 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;

(c) 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. National Parliaments may, within the framework of the area of freedom, security and justice, participate in the evaluation mechanisms provided. They shall be involved in the political monitoring of Europol and the evaluation of Eurojust's activities.

Gelöscht: for in Article 111-260

Gelöscht: in accordance with Articles 111-276 and 111-273

Gelöscht: 3. Member States shall have a right of initiative in the field of police and judicial cooperation in criminal matters, in accordance with Article 111-264

1

Article 1-43

Solidarity clause

Comment: With the exception of the first sentence of para.1 the detail is best attached as a declaration.

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

2. The detailed arrangements for implementing this Article are set out in Article 111-329.]

CHAPTER III

ENHANCED COOPERATION

Article 1-44

Enhanced cooperation

1. Member States which wish to establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences may cooperate outside the procedures and institutions laid down in this Constitutional Treaty.

Member States engaging in enhanced cooperation undertake to keep the European Council fully informed.

▼

▼

Gelöscht: make use of its institutions and exercise those competences by applying the relevant provisions of the Constitution, subject to the limits and in accordance with the procedures laid down in this Article and in Articles 111-416 to III-423

Gelöscht: Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open at any time to all Member States, in accordance with Article 111-418.¶
2. The European decision authorising enhanced cooperation shall be adopted by the Council as a last resort, when it has established that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that at least one third of the Member States participate in it. The Council shall act in accordance with the procedure laid down in Article 111-419.

Gelöscht: 3. All members of the Council may participate in its deliberations, but only members of the Council representing the Member States participating in enhanced cooperation shall take part in the vote.

Gelöscht: Unanimity shall be constituted by the votes of the representatives of the participating Member States only

Comment: The procedure envisages enhanced cooperation taking place outside the Treaties and being incorporated after proof of success. This will avoid straining the institutional capacity of the institutions and creating different classes of membership.

Gelöscht: A qualified majority shall be defined as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States.

Gelöscht: A blocking minority must include at least the minimum number of Council members representing more than 35 % of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

Gelöscht: By way of derogation from the third and fourth subparagraphs, where the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the required qualified majority shall be defined as at least 72 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States

Gelöscht: 4. Acts adopted in the framework of enhanced cooperation shall bind only participating Member States. They shall not be regarded as part of the *acquis* which has to be accepted by candidate States for accession to the Union

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TITLE VI THE DEMOCRATIC LIFE OF THE UNION

Article 1-45

The principle of democratic equality

Comment: Articles 1-45 – 1-48 contain little of real content with the exception of the provision for referenda (incorporated in revised form in the revised text). As amended they could be attached as a declaration or dropped.

In all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies.

Article 1-46

The principle of representative democracy

1. The functioning of the Union shall be founded on representative democracy **and the separation of powers.**
2. Citizens are directly represented at Union level in the European Parliament.

Gelöscht: .

Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.

3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly 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 citizens of the Union.

Article 1-47

The principle of participatory democracy

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

2. The institutions shall maintain open, transparent procedures for citizens.

↓

Any qualified minority of national parliaments (one third) or of the population of the Union (one quarter of one percent) may petition for a referendum on any law or act of the Union that in their opinion violates the limits established by this constitutional treaty. The results shall be binding when supported by a two thirds majority of voters in a majority of Member states.

Gelöscht: an

Gelöscht: and regular dialogue with representative associations and civil society.

Gelöscht: 3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent

Gelöscht: 4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution. European laws shall determine the provisions for the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which such citizens must come

Article 1-48

Comment: Relics of corporatism should be dropped.

Gelöscht: The social partners and autonomous social dialogue

Gelöscht: The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy.¶
The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.

Article 1-49

The European Ombudsman

A European Ombudsman elected by the European Parliament shall receive, examine and report on complaints about maladministration in the activities of the Union institutions, bodies, offices or agencies, under the conditions laid down in the Constitutional treaty. The European Ombudsman shall be completely independent in the performance of his or her duties.

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Article 1-50

Transparency of the proceedings of Union institutions, bodies, offices and agencies

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

2. The European Parliament shall meet in public, as shall the Council when considering and voting on a draft legislative act.

3. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State shall have a right of access to documents of the Union institutions, bodies, offices and agencies, whatever their medium.

Gelösch: , under the conditions laid down in Part III,

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

4. Each institution, body, office or agency shall determine in its own rules of procedure specific provisions regarding access to its documents.

Gelösch: , in accordance with the European laws referred to in paragraph 3.

Article 1-51

Protection of personal data

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

2. European framework laws shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within 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 independent authorities.

Gelösch: laws or

Gelösch: Status of churches and non-confessional organisations

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

Gelösch: 2. The Union equally respects the status under national law of philosophical and non-confessional organisations

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

Article 1-52

TITLE VII

THE UNION'S FINANCES

Article 1-53

Budgetary and financial principles

1. ▾

The annual expenditures of the Union shall be decided within the limits established by a five year multi-annual framework. The limit shall be expressed as a proportion of the Union's GDP.

Gelöscht: All items of Union revenue and expenditure shall be included in estimates drawn up for each financial year and shall be shown in the Union's budget, in accordance with Part III

In accordance with the reservation of competences set out in Art.4 above, any increases to the limits of the financial framework of the Union (expressed as a proportion of the GDP of the Union) referred to in Article 8 below shall require the support of a simple majority of voters in each of the net contributing countries.

▾
The annual budget shall be in balance. Its composition shall be decided by the Council subject to the approval of the European Parliament.

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

Gelöscht: 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 111-412

▾
Funding levels for the five year frameworks shall be decided unanimously by the Member States, subject to the approval of appropriations by their parliaments.

Gelöscht: 4. The implementation of expenditure shown in the budget shall require the prior adoption of a legally binding Union act providing a legal basis for its action and for the implementation of the corresponding expenditure in accordance with the European law referred to in Article 111-412, except in cases for which that law provides.

▾
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 expenditure arising from such an act is capable of being financed within the limit of the Union's multiannual financial framework. Any member state which proposes an increase in expenditure must accompany it with a proposal for a corresponding decrease elsewhere in the budget. ▾

Gelöscht: own resources and in compliance with the

Gelöscht: referred to in Article 1-55

Gelöscht: 6. The 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 this principle. ¶

7. The Union and the Member States, in accordance with Article 111-415, shall counter fraud and any other illegal activities affecting the financial interests of the Union.

▾
Comment: paras 6& 7 against misuse have been strengthened elsewhere

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in relation to the power of the Court of Auditors.

Article 1-54

The Union's resources

1. Member States undertake to provide the Union through their contributions with the means necessary to attain the objectives and policies the European Council has set.
2. The Union shall have no power to tax. Funding shall be provided by Member States in accordance with their relative capacity to pay as measured by the size of their gross public expenditures.

Comment: The phrase 'own resources' is not understandable to non experts, is ambiguous and may be interpreted to lay the basis at a future date for a union power to tax or to increasingly rely on claims to earmark an automatic proportion of national tax proceeds.

Article 1-55

Article 1-56

The Union's budget

TITLE VIII

THE UNION AND ITS NEIGHBOURS

Article 1-57

The Union and its neighbours

Comment: This article is best omitted from the main text and attached as a declaration.

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

Gelösch: own

Gelösch: The Union shall

Gelösch: itself

Gelösch: its

Gelösch: carry through its

Gelösch: .

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

Gelösch: 3. A European law of the Council shall lay down the provisions relating to the system of own resources of the Union. In this context it may establish new categories of own resources or abolish an existing category. The Council shall act unanimously after consulting the European Parliament. That law shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements.¶

4. A European law of the Council shall lay down implementing measures of the Union's own resources system insofar as this is provided for in the European law adopted on the basis of paragraph 3. The Council shall act after obtaining the consent of the European Parliament

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Gelösch: The multiannual financial framework

Gelösch: 1. The multiannual financial framework shall ensure that Union expenditure develops in an orderly manner and within the limits of its own resources. It shall determine the amounts of the annual ceilings of appropriations for commitments by category of expenditure in accordance with Article III 402

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

3. The annual budget of the Union shall comply with the multiannual financial fran[... [24]

Gelösch: A European law shall establish the Union's annual budget in accordance with Article 111-404.

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by close and peaceful relations based on cooperation.

2. For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. 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 IX
UNION MEMBERSHIP

Article 1-58

Conditions of eligibility and procedure for accession to the Union

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

2. Any European State which wishes to become a member of the Union shall address its application to the Council. The European Parliament and 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, which shall act by a majority of its component members. 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 each contracting State, in accordance with its respective constitutional requirements.

Article 1-59

Suspension of certain rights resulting from Union membership

- ▼
- ▼
- ▼
- ▼
- ▼

A member state may have its membership suspended if the European Court of Human Rights determines that it is in material and persistent

Gelösch: 1. On the reasoned initiative of one third of the Member States or the reasoned initiative of the European Parliament or on a proposal from the Commission, the Council may adopt a European decision determining that there is a clear risk of a serious breach by a Member State of the values referred to in Article 1-2. The Council shall act by a majority of four fifths of its members after obtaining the consent of the European Parliament

Gelösch: 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, on the initiative of one third of the Member States or on a proposal from the Commission, may adopt a European decision determining the existence of a serious and persistent breach by a Member State of the values mentioned in Article 1-2, after inviting the Member State in question to submit its observations. [... [25]

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

¶
5. For the purposes of this Article, the member of the European Council or of the Council representing the Member State in question [... [26]

Gelösch: Where, following a decision to suspend voting rights adopted pursuant to paragraph 3, the Council acts by a qualified majority on the basis of a provision of the Constitution, that qualified majority shall be defined as in the second subparagraph, or, where the Council acts on a proposal from the Commission or from the Union Minister for Foreign Affairs, as at least 55 % of the members of the Council [... [27]

Gelösch: 6. For the purposes of this Article, the European Parliament shall act by a two-thirds majority of the votes cast, representing the majority of its component members.

breach of the European Convention on Human Rights.

Comment: this judicial procedure replaces a complicated and arbitrary political one.

Article 1-60

Voluntary withdrawal from the Union

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

2. ▾

In such a case the Union and the seceding state shall maintain in force the free exchange of goods, services, capital and the free movement of people unless the seceding state introduces a policy against the four freedoms.

Comment: This amounts to a mutual non-retaliation clause.

▾

▾

▾

PART II

THE CHARTER OF FUNDAMENTAL RIGHTS OF THE UNION

PREAMBLE

The peoples of Europe, ▾ 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.

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Gelöscht: A Member State which decides to withdraw shall notify the European Council of its intention. 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 negotiated in accordance with Article 111-325(3). It shall be concluded by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

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Gelöscht: 3. The 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, unanimously decides to extend this period. ¶
4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in European decisions concerning it.

Gelöscht: A qualified majority shall be defined as at least 72 % of the members of the Council, representing the participating Member States, comprising at least 65 % of the population of these States.

Gelöscht: 5. If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 1-58

Gelöscht:Seitenumbruch.....

Gelöscht: in creating an ever closer union among them,

Gelöscht: 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 (... [28])

To this end, it is necessary to ensure that Union institutions and procedures recognize the rights to be found within the Member States concerning the exercise of powers as well as in the obligations of Member States under.

Gelösch: 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

the European Convention for the Protection of Human Rights and Fundamental Freedoms and the selected articles of the Charter of Fundamental Rights of the Union set out below. In this context if domestic remedies have been exhausted, their peoples may call upon the protections and procedures offered under the European Convention of Human Rights.

Gelösch: 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 Union therefore shall respect the rights, set out hereafter relevant to the way in which powers are exercised by Union institutions and by Member States executing Union measures.

Gelösch: 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.

Gelösch: the

Comment: The list of rights retained below are limited to the procedures governing the exercise of political power by Union institutions and are not about the substantive objectives. Those are governed by Part I of the provisions of the Constitutional Treaty, the rights recognised by Member States and the rights included in the European Convention on the Protection of Human Rights and Fundamental Freedoms.

Gelösch: Charter will be interpreted by the courts of the Union and the Member States with due regard to the explanations prepared under the authority of the Praesidium of the Convention which drafted the Charter and updated under the responsibility of the Praesidium of the European Convention.

Gelösch: Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human ... [29]

TITLE I

Gelösch: recognises

Gelösch: freedoms and principles

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Article II-63

Gelösch: DIGNITY¶ Article 11-61¶ Human dignity¶ ... [30]

Gelösch: 1. Everyone has the right to life.

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

Gelösch: Right to the integrity of the person

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

Gelösch: 2. In the fields of medicine and biology, the following must be respect... [31]

Gelösch: (a) the free and informed consent of the person concerned, according to ... [32]

Article 11-64

Gelöscht: (b) the prohibition of eugenic practices, in particular those aiming at the selection of persons; (c) the prohibition on making the human body and its parts as such a source of financial gain; (d) the prohibition of the reproductive cloning of human beings.

Article 11-65

Gelöscht: Prohibition of torture and inhuman or degrading treatment or punishment

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

Gelöscht: Prohibition of slavery and forced labour

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

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

Gelöscht: 3. Trafficking in human beings is prohibited.

TITLE II

FREEDOMS

Article II-66

Gelöscht: Right to liberty and security

Gelöscht: Everyone has the right to liberty and security of person.

Article 11-67

Gelöscht: Respect for private and family life

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

Article II-68

Protection of personal data

Gelöscht: 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.

Comment: The right to protection of personal data is included below under the rights to good administration by EU institutions so as to make clear its context.

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Article II-69

Gelöscht: Right to marry and right to found a family

Gelöscht: 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 11-70

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 11-71

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 11-72

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. Nobody shall be required to join a union.

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

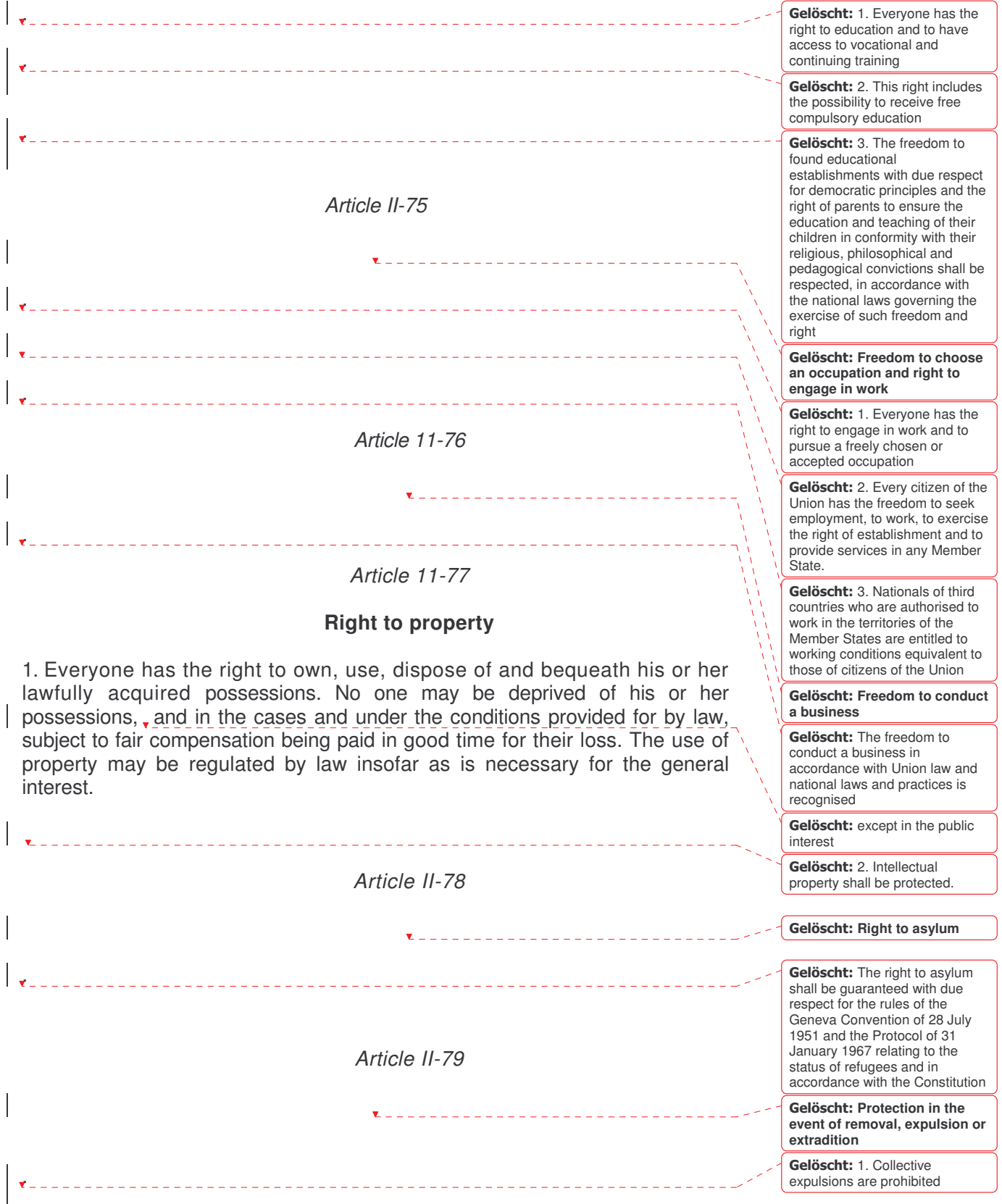
Article 11-73

Freedom of the arts and sciences

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

Article 11-74

Gelöscht: Right to education



Article II-75

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

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

Gelöscht: 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 11-76

Gelöscht: Freedom to choose an occupation and right to engage in work

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

Gelöscht: 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.

Article 11-77

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, 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.

Gelöscht: 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

Gelöscht: Freedom to conduct a business

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

Gelöscht: except in the public interest

Article II-78

Gelöscht: 2. Intellectual property shall be protected.

Gelöscht: Right to asylum

Article II-79

Gelöscht: 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

Gelöscht: Protection in the event of removal, expulsion or extradition

Gelöscht: 1. Collective expulsions are prohibited

Gelösch: 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 II-80

Equality before the law

Everyone is equal before the law.

Gelösch: *Article II-81*
Non-discrimination

Gelösch: 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.

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

Article II-82

Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

Gelösch: **Equality between women and men**

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

Article II-83

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

Gelösch: **The rights of the child**

Gelösch: 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

Article II-84

Gelösch: 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.

Article II-85

Gelösch: 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

Gelösch: **The rights of the elderly**

Article II-86

Gelöscht: 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.

TITLE IV
SOLIDARITY

Article II-87

Gelöscht: Integration of persons with disabilities

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

Article 11-88

Gelöscht: Workers' right to information and consultation within the undertaking

Gelöscht: 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 II-89

Gelöscht: Right of collective bargaining and action

Gelöscht: 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 11-90

Gelöscht: Right of access to placement services

Gelöscht: Everyone has the right of access to a free placement service

Gelöscht: Protection in the event of unjustified dismissal

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

Article 11-91

Gelösch: Fair and just working conditions

Gelösch: 1. Every worker has the right to working conditions which respect his or her health, safety and dignity

Gelösch: 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 11-92

Gelösch: Prohibition of child labour and protection of young people at work

Gelösch: 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

Article 11-93

Gelösch: 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 11-94

Gelösch: Family and professional life

Gelösch: 1. The family shall enjoy legal, economic and social protection

Gelösch: 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 11-95

Gelösch: Social security and social assistance

Gelösch: 1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in ca (... [33])

Gelösch: 2. Everyone residing and moving legally within the European Union is entitled to social security benefits a (... [34])

Gelösch: 3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and ho (... [35])

Article 11-96

Gelösch: Health care

Gelösch: Everyone has the right of access to preventive health care and the right to benefit from medical trea (... [36])

Gelöscht: Access to services of general economic interest

Article 11-97

Gelöscht: 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.

Gelöscht: Environmental protection

Article 11-98

Gelöscht: 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

Gelöscht: Consumer protection

Gelöscht: Union policies shall ensure a high level of consumer protection.

TITLE V

CITIZENS' RIGHTS

Article 11-99

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.

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

Article 11-100

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

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

Article 11-101

Right to good administration

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

2. This right includes:

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

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

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

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

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

Gelöscht: one of the languages of the Constitution

Gelöscht:

5. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State shall have a right of access to documents of the Union institutions, bodies, offices and agencies, whatever their medium.

6. Each institution, body, office or agency shall determine in its own rules of procedure specific provisions regarding access to its documents.

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

6. European framework laws shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within 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 independent authorities.

Article II-102

Right of access to documents

Comment: Included under the right to good administration so as to make clear the context.

Gelöscht: Any citizen of the Union, and any natural or legal person residing or having its registered office in a

Gelöscht: Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium

Formatiert

Article 11-103

European Ombudsman

Gelöscht: 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 European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role

Formatiert

Article 11-104

Right to petition

Comment: Articles 103 & 104 are covered in the text of Part I.

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

Article II-105

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 al Treaty, to nationals of third countries legally resident in the territory of a Member State.

Article II-106

Diplomatic and consular protection

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he or she is a national is not represented, be

entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

TITLE VI

JUSTICE

Article II-107

Right to an effective remedy

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

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

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

Article II-108

1.

Article II-109

Article II-110

TITLE VII

INTERPRETATION

Gelösch: and to a fair trial

Gelösch: Presumption of innocence and right of defence

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

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

Gelösch: Principles of legality and proportionality of criminal offences and penalties

Gelösch: 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

Gelösch: 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

Gelösch: according to the general principles recognised by the community of nations

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

Gelösch: 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.

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

Gelösch: GENERAL PROVISIONS

Gelösch: GOVERNING THE INT

AND APPLICATION

Gelöscht: OF THE CHARTER

Article II-111

Field of application

1. The provisions set out above are addressed to the manner in which the institutions, bodies, offices and agencies of the Union exercise their powers 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 and apply them 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 Constitutional Treaty.

2. The provisions set out above do not extend the field 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 Constitutional Treaty.

Article II-112

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

3. Insofar as the rights set out above 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.

4. Since the rights set out above result from the constitutional traditions common to the Member States, those rights shall be interpreted in the first instance by the Member States themselves.

6. Courts of the Member States may give right to refer their decisions to the Court of Human Rights.

Gelöscht: ¶

Gelöscht: of this Charter

Gelöscht: promote the application thereof

Gelöscht: This Charter

Gelöscht: es

Gelöscht: Scope and interpretation of rights and principles

Gelöscht: 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

Gelöscht: by this Charter

Gelöscht: this Charter contains rights which

Gelöscht: This provision shall not prevent Union law providing more extensive protection

Gelöscht: Insofar as this Charter recognises fundamental rights as they

Gelöscht: harmony with those traditions.

Gelöscht: 5. The provisions of this Charter which contain principles may be implemented by legislative and executive acts taken by institutions, bodies, offices and agencies 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.

Gelöscht: Full account shall be taken of national laws and practices as specified in this Charter

Gelöscht: 7. The explanations drawn up as a way of providing guidance in the interpretation of the Charter of Fundamental Rights shall be given due regard by the courts of the Union and of the Member States.

Article II-113

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 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.

Gelöscht: Union law and

Article II-114

Gelöscht: Prohibition of abuse of rights

Gelöscht: 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.

Nothing omitted from the provisions set out above may prevent Member States from incorporating other provisions from the European Charter of Fundamental Rights into their own domestic law.

Areas of supporting, coordinating or complementary action

The Union shall have competence to carry out supporting, coordinating or complementary action. The areas of such action shall, at European level, be:

- (a) protection and improvement of human health;
- (b) industry;
- (c) culture;
- (d) tourism

6. As from the end of the term of office of the Commission referred to in paragraph 5, the Commission shall consist of a number of members, including its President and the Union Minister for Foreign Affairs, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number.

The members of the Commission shall be selected from among the nationals of the Member States on the basis of a system of equal rotation between the Member States. This system shall be established by a European decision adopted unanimously by the European Council and on the basis of the following principles:

- (a) Member states shall be treated on a strictly equal footing as regards determination of the sequence of, and the time spent by, their nationals as members of the commission; consequently, the difference between the total number of terms of office held by nationals of any given pair of

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

1. Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a

qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he or she does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.

2. The Council, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. They shall be selected, on the basis of the suggestions made by Member States, in accordance with the criteria set out in Article 1-26 (4) and (6), second subparagraph.

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The President, the Union Minister for Foreign Affairs and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.

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(b) decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body;

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(c) appoint Vice-Presidents, other than the Union Minister for Foreign Affairs, from among the members of the Commission

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A member of the Commission shall resign if the President so requests. The Union Minister for Foreign Affairs shall resign, in accordance with the procedure set out in article I-28(1), if the President so requests.

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1. The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the Union Minister for Foreign Affairs. The European Council may end his or her term of office by the same procedure.

2. The Union Minister for Foreign Affairs shall conduct the Union's common foreign and security policy. He or she shall contribute by his or her proposals to the development of that policy, which he or she shall carry out as mandated by the Council. The same shall apply to the common security and defence policy.

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4. The Union Minister for Foreign Affairs shall be one of the Vice-Presidents of the Commission. He or she shall ensure the consistency of the Union's external action. He or she shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the Union Minister for Foreign Affairs shall be bound by Commission procedures to the extent that this is consistent with paragraphs 2 and 3.

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European regulations, and European decisions when the latter do not specify to

whom they are addressed, shall be published in the *Official Journal of the European Union* and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their

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3. European decisions other than those referred to in paragraph 2 shall be notified to those to whom they are addressed and shall take effect upon such notification.

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

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

Seite 32: [17] Gelöscht **Frank Vibert** **24.08.2005 16:12:00**

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

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

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, on a proposal from the Union Minister for Foreign Affairs or on a proposal from that Minister with the Commission's support

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7. The European Council may, unanimously, adopt a European decision authorising the Council to act by a qualified majority in cases other than those referred to in Part III.

Seite 33: [21] Gelöscht **Frank Vibert** **24.08.2005 16:21:00**

Member States shall undertake progressively to improve their military capabilities. An Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency) shall be established to identify operational requirements, to promote measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, to participate in defining a European capabilities and armaments policy, and to assist the Council in evaluating the improvement of military capabilities.

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The Union Minister for Foreign Affairs may propose the use of both national resources and Union instruments, together with the Commission where appropriate

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6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article 111-312. It shall not affect the provisions of Article 111-309.

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

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

4. The European Council may, unanimously, adopt a European decision authorising the Council to act by a qualified majority when adopting the European law of the Council referred to in paragraph 2.

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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, on the initiative of one third of the Member States or on a proposal from the Commission, may adopt a European decision determining the existence of a serious and persistent breach by a Member State of the values mentioned in Article 1-2, after inviting the Member State in question to submit its observations. The European Council shall act unanimously after obtaining the consent of the European Parliament.

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may adopt a European decision suspending certain of the rights deriving from the application of the Constitution to the Member State in question, including the voting rights of the member of the Council representing that State. The Council shall take into account the possible consequences of such a suspension for the rights and obligations of natural and legal persons.

In any case, that State shall continue to be bound by its obligations under the Constitution.

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

5. For the purposes of this Article, the member of the European Council or of the Council representing the Member State in question shall not take part in the vote and the Member State in question shall not be counted in the calculation of the one third or four fifths of Member States referred to in paragraphs 1 and 2. Abstentions by members present in person or represented shall not prevent the adoption of European decisions referred to in paragraph 2.

For the adoption of the European decisions referred to in paragraphs 3 and 4, a qualified majority shall be defined as at least 72 % of the members of the Council, representing the participating Member States, comprising at least 65 % of the population of these States

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Where, following a decision to suspend voting rights adopted pursuant to paragraph 3, the Council acts by a qualified majority on the basis of a provision of the Constitution, that qualified majority shall be defined as in the second subparagraph, or, where the Council acts on a proposal from the Commission or from the Union Minister for Foreign Affairs, as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States. In the latter case, a blocking minority must include at least the minimum number of Council members representing more than 35 % of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained

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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, services, goods and capital, and the freedom of establishment

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

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DIGNITY

Article 11-61

Human dignity

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

Article II-62

Right to life

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2. In the fields of medicine and biology, the following must be respected in particular

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(a) the free and informed consent of the person concerned, according to the procedures laid down by law;

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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

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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

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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

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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