

A Proposal for a European Constitution  
*(Summary of Main Features)*

Extract from  
Report by the European Constitutional Group

August 1997

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## Preface

In 1993 an independent group of scholars, the European Constitutional Group (ECG), published its ‘Proposal for a European Constitution’. The short version attached was published in 1997<sup>1</sup>. When the proposals were first published there was shock in some quarters because the proposals embraced a vision for European political integration strongly at variance with the conventional thinking of the epoch. A well-known Brussels press agency issued a ‘red alert’ and warned that the ideas were ‘dangerous’. However, with the passage of time, the wider debate about Europe’s future encouraged by the proposals has taken off, and many of the ideas in the 1993 report have entered the mainstream of the debate – the need to strengthen the European Council relative to the Commission, the need for the role of national parliaments to receive clearer recognition and the need to have tighter procedures and a higher burden of proof before the Union acts, or any of its institutions take decisions – all are central to current debate.

Today, almost ten years since the proposals of the European Constitutional Group were first published, the debate about the future of Europe has entered a new phase. An official Convention – chaired by former French President Giscard d’Estaing – has been established and this will be followed in 2004 by a further Inter Governmental Conference (IGC) of the member states. In the view of some, the Convention will put forward far-reaching proposals that will shape the future of political union in Europe for generations to come and something akin to a ‘constitution’ for Europe will be put in place. The purpose of this re-publication of the short version of the European Constitutional Group’s proposals is therefore to reaffirm certain benchmarks by which the outcome of the Convention and the subsequent IGC must be measured.

These benchmarks are as follows:

***First, do Convention proposals bring the Union closer to the citizen?*** The gulf that has emerged between a Europe of the elites and the everyday concerns of citizens must be at the heart of changes to the current Union. This does not mean introducing eye-catching but centralising proposals (for example for a powerful ‘president of Europe’) but instead it means focussing on the less glamorous task of improving procedures, rules and organisation – so that the Union does not act when decisions can be taken closer to people.

***Secondly, do they recognise Europe’s diversity?*** The vast majority of citizens within the existing and enlarged Union embrace a democratic way of life and

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<sup>1</sup> In the print version of the Summary the following pages are blank: 4, 6, 10, 16. These blank pages have been suppressed, but the pagination of the original has been retained.

support market oriented economic policies. At the same time, they make their judgements about how to apply their fundamental values in the communities in which they live and work and this in turn leads to a great variety of views about what is apt in different circumstances across Europe. This diversity of judgement and belief is of great value to Europe. It must not be suppressed by the imposition of values from above through over-ambitious and centralising charters of rights and other policies. A clear borderline has to be drawn between the jurisdictions of European and national authorities.

***Thirdly do they encourage participation in policy debate?*** Europe's citizens will not identify with the Union unless and until they participate in its processes. Voters in many democratic states are often turned off by politics and politicians at all levels of political activity. Europe and its member states are no exceptions. Part of the response to voter disenchantment in Europe must be institutional – to ensure that parliaments at all levels remain actively involved in debating the important issues of the day – but part must also once again be procedural – to ensure that rules and regulations enacted by the Union are based on evidence, reasons and independent assessments of benefit which everyone has time to examine and debate.

***Finally, do they set limits?*** The proposals of the European Constitutional Group fit within a long tradition of European thought which does not aim to prevent a political system from acting effectively but which does aim to prevent those with power in politics from abusing that power. The European Union must be able to act decisively when necessary but its power must be exercised within constitutional rules.

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The European Constitutional Group will 'shadow' the Convention and judge its report by these standards. At the same time the ECG will prepare its own 'Basic Document' for the Union if these benchmarks are not sufficiently taken into account by the report of the Convention. This alternative document will be one that can be readily understood and that incorporates the main features needed for political integration among the existing and new member states. Most important it will reflect the benchmarks established by the ECG in its earlier proposals and set out again above.

Berlin 2002

## **Introduction and Summary**

The **European Constitutional Group** was formed in the Summer of 1992 in the belief that there is a need to develop a **coherent constitution for Europe**. Its report entitled '**A Proposal for a European Constitution**', was published at the end of 1993. The Group's report had three main aims:

\* to stimulate a **broad range of constitutional debate**;

\*to focus this debate on the **underlying principles** involved in Europe's constitutional development;

\*to provide an **alternative agenda to centralising** proposals - offering instead a set of procedures and institutional arrangements consistent with a European Union based on **individual freedom**.

*Prior to the Inter Governmental Conference (ICG) which concluded in Amsterdam in **June 1997**, a summary of the report was sent out to the Heads of Government of the participating states. A number of the proposals in the report of the Constitutional Group are reflected in the Draft Treaty of Amsterdam and these are noted in the text.*

**This selection of extracts from the full report of the European Constitutional group starts by outlining Why Europe needs a Constitution.**

The Group recommends that the focus of the constitutional debate should be on:

- procedures*
- the Institutions of the Union*
- and the underlying principles of European political Union*

**The rest of the report provides more detail on each of these topics and how they will provide the sound framework needed for Europe both today and into the Millennium.**

#### **Procedures**

This section contains the main procedural recommendations of the European Constitutional Group.

#### **Institutions**

The Institutions that make up the European Union should have their powers and tasks clearly defined. This section discusses the main institutional proposals put forward by the ECG.

#### **Principles and Policies of the Union**

A durable constitution must be founded on solid constitutional values. This section discusses the underlying constitutional principles reflected in the procedures and institutions of European Political Union.

#### **Legal Text**

This final section brings together extracts from the key articles of the legal text.

## Why Europe Needs a Constitution

*“Enduring elements in the structure of government .... as well as contemporary practical concerns .... must be addressed by constitutional proposals.”*

The European Constitutional Group (ECG) gives the following reasons for recommending that the arrangements for European Political Union should be expressed in the form of a Constitution.

\* Transparency:

The existing Treaty base for Political Union is incomprehensible. Basic principles of political association need to be brought into the open.

\* Individual Freedoms:

The most important of these principles concerns individual liberties and freedoms. A constitutional framework is the best way to ensure that the procedures and institutions of Political Association are consistent with the freedoms of the individual.

\* Procedures:

A constitutional framework is the best way of delineating procedures which ensure that powers devolve upwards and do not become increasingly centralised over time.

\* Institutions:

Constitutional provision will help ensure that institutional arrangements are in line with the principles of political association, particularly the principles of decentralisation and the separation of powers.

\* Market Principles:

Market principles must be clearly defined, since an open market based on competition is not only essential for Europe's economic well-being but is also a protection against government interference in the lives of individuals.

\* Enlargement:

Prior to expansion the fundamental arrangements for political Union will need to be revised to suit the membership in the Union of all European countries that respect civil rights and democratic arrangements and follow market principles. These fundamental changes need to be approached from a constitutional perspective.

The ECG argues that the focus of constitutional debate should be on **Procedures, Institutions and Underlying Principles**. The rest of this summary is therefore dedicated to the explanation of these considerations and how they contribute to a stronger Union.

## Procedures

*“a constitution that is based on proposed outcomes is inherently fragile since no system of government can guarantee outcomes..... the emphasis must be on process ”*

The procedural recommendations of the European Constitutional Group (ECG) focus on five aspects:

- 1 How best to incorporate a statement on individual freedoms and civil liberties<sup>1</sup>;**
- 2 How to ensure that powers are conferred up by the people;**
- 3 The rights and obligations of membership;**
- 4 Voting rules in the Council which determine in what circumstances the preferences of a member state and its citizens can be over-ruled;**
- 5 Fiscal Rules.**

### **1. Individual Freedoms and Civil Liberties:**

The ECG recommends that a statement on civil liberties should focus on the **European Convention on Human Rights** (and its court). This Convention mandates that the following liberties (amongst others) are respected:

- The liberty and security of the person (**Art. 5**);
- The respect for private and family life, home and correspondence (**Art. 8**);
- The freedom of thought, conscience and religion (**Art. 9**);
- The freedom of expression (**Art. 10**);
- The peaceful enjoyment of possessions (**First Protocol**).

In addition the ECG recommends the entrenchment of individual market freedoms

- The equality of nationalities;
- The freedom of movement;
- The freedom of establishment and services;
- The freedom of contract (the free movement of money and use of currencies);
- The freedom of trade.

**These fundamental rights should, according to the Group, form the core of Political Union<sup>2</sup>.**

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<sup>1</sup> The Amsterdam Draft Treaty includes a new common provision: Art. F. Para 1 “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the law, principles which are common to the Member States.”

<sup>2</sup> See ECG legal text Art. 111 & Art. IV

## 2. Subsidiarity

The ECG proposes that **powers are conferred up** as to way to ensure that powers are exercised as close as possible to the people and not as a result of centralised initiative. **“No Union will last, however imposing its central authority may appear, unless its powers and institutional arrangements flow upwards from the consent of individuals.”** (ECG report Sect. 2c)

**In order to help ensure a system of conferred powers the ECG recommends the following:**

- The power to act collectively is a delegated power to be set within the definitions and limits of the Constitution. **(ECG Legal Text Art. 1)**
- Where the rights and powers are not delegated by the Constitution to the officers and institutions of the Union, they are reserved specifically for the member states and the people. **(ECG Legal Text Art. 1. Sect. 2)**
- The European Union has the right to act collectively only where
  - 1) the aim of the act **“cannot be achieved in practice by persons, public authorities or member states acting individually, or by a group of fewer than a simple majority of the member states”** (ECG Legal Text Art. XXIV Sect. 2) and
  - 2) acting collectively would attain the aim more **efficiently and securely** than would be the case if the act were undertaken by persons, public authorities or member states<sup>3</sup>.
- The issue under consideration must have **transnational aspects** or involve issues where action by one member state causes damage to another or distorts fair and open competition. **(ECG report Sect. 2c)**
- Where collective action does take place, Union measures shall leave **as much scope as possible for national decision making.**
- The report also emphasises that powers must be allowed to return to the Member States **(Repatriated)** when it is found that Collective action is not successful or that individual action by the member states may be just as effective.**(ECG Legal Text Art. XXXII)**

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<sup>3</sup>The ECG proposed that the "subsidiarity" procedures agreed at the **1992 Edinburgh Council** become entrenched within the Constitution. \* **(ECG Legal Text Art. XXIV)**. The Amsterdam Draft Treaty on subsidiarity includes a protocol drawing on the conclusions of the Edinburgh Council

### 3. Rights of Membership and Secession

**Membership:** *Under which circumstances can a state join the European Union?*

In order to clarify that membership in the European Union is open to all European countries that meet the key standards, the ECG specifies these standards as follows:

\* New applicant member states shall be admitted to the Union provided they **respect the standards of fundamental rights and principles** and are signatories of the Convention of Human Rights, and that they practise democratic government<sup>4</sup>.

\* The new member states respect principles of the **free market and open trade** and permit their economies to be conducted in accordance with free-market principles. This requires that all new members accept the free movement of goods, services and capital in the internal market as their core obligation. **(ECG Legal Text Art. XXVIII)**<sup>5</sup>

**Secession:** *The Right to leave the European Union.*

The principle of individual freedoms and the protection of civil liberties goes hand in hand with the **non-coercion** of member states and their citizens. The protection of last resort for any member state that finds itself isolated in the Union is separation from the Union. To ensure against coercion of member states there therefore must be a right of **secession** open to all and provided explicitly in the Constitution. This would ensure:

\* the state has the right to **leave the Union under procedures that meet its own constitutional requirements**. It must however give other Members reasonable notice of its intent by advising the President and other member states one year in advance.

\* there would be no further obligation once the state has left the Union to follow any acts or rules mentioned in the Treaty.

\* there would be **no subjection to discrimination by other member states** on that account, against the state or individuals of the state. Free and open markets should be maintained with the state once it has left the Union. **(ECG Legal Text Art. XXX)**

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<sup>4</sup> The Amsterdam Draft Treaty supplements Art. 0 of the Maastricht Treaty with a reference to the new Art. F Para 1 "Any European State which respects the principles set out in Article F(1) may apply to become a member of the Union. (See Footnote 1 above)

<sup>5</sup> The Amsterdam Draft Treaty specifies that the Schengen Acquis, a convention concerning the abolition of checks at common borders, should also "*be regarded as an acquis which must be accepted in full by all States candidates for admission*" Art. G Schengen Protocol

#### 4. Graduated voting rules

The ECG agreed that under an enlarged Union unanimous voting would have to be greatly reduced. In order to limit the circumstances in which preferences can be overruled it suggested the following voting principles.

##### **Graduation:**

In important areas the unanimity vote should be replaced by the need for a **high majority qualified vote**; between unanimity and the **ordinary qualified majority vote**. Such a two-tier majority vote would allow for a distinction between the degree of importance of a policy area, adopting a policy and follow on decisions. Reducing the scope for unanimity means that some states may have to follow a policy which they have not agreed to. It is essential therefore that the issues of importance for which graduated voting rules are applied are well defined in the Constitution.

##### **Dual majorities:**

This restricts the number of countries that can be overruled as well as requiring a certain percentage of votes of member countries according to their population size.

##### **Opt Outs<sup>6</sup>:**

The Union Constitution should allow for **opt outs** to be applicable in all areas other than in relation to those necessary for free and open markets. Opt outs are not only a way not to enforce other countries preferences in areas other than core freedoms but are more desirable than complete secession and so should be given explicit constitutional provision<sup>7</sup>.

These provisions are incorporated into the voting thresholds and rules as defined below.

**Unanimity:**                   **100% of all Member States;** Required for measures of a constitutional nature or which affect decision procedures in the Union. *The more important the issue the more important it is that there is unity.*

**High Qualified Majority:**                   **80%** plus all major countries in favour and not more than 3 other countries against; *Chiefly foreign and security policy and budget decisions plus any measures that impose market restrictions.*

**Ordinary Qualified Majority:**                   **66%** plus not more than one major country against and 5 other Member States against. *Reserved for measures **that** do not alter the level of regulation or trade protection.*

**Simple Majority:**                   **50%** of votes; Deregulating measures

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<sup>6</sup> The Amsterdam Treaty enlarges the arrangements for "flexibility" where not all Member States participate in all decisions or in all policy areas.

<sup>7</sup> See Article XXIX on derogation

**Qualified Minorities:** 10 % including at least three member states in the council or 15 % vote in the Chamber. The minimum requirement for the Council to initiate a proposal. *The aim is to prevent the initiation of measures which serve the national interests of a few but allow minorities to petition.*

## 5. Fiscal Rules

In order to limit the centralising force of a Union power to tax and spend, the proposals include the following elements of a fiscal constitution (**EGC Legal Text Art. XXI**).

- A balanced budget requirement;
- A ceiling on the Union budget set in relation to the GNP of the Union (1.27 % of GNP to reflect the level agreed for the end of the current horizon in 1999)<sup>8</sup>;
- Net contributors to have the right to veto finance and expenditure proposals;
- Increases in transfers to Member States to be limited;
- The Court of Auditors to have the right to suspend expenditures;
- Any raising of the GNP ceiling on Union expenditures to require approval by referendum, including approval by a majority of votes in net contributing countries. (**ECG Legal Text Art. XXXI**)

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<sup>8</sup> Commission planning for the next financial framework envisages this ratio to continue

## Institutions

*“The institutional proposals of the Group are based, first, on achieving a clear separation of powers between the Union institutions and , second on a recognition that diffusion of powers (is also needed) to achieve the decentralisation ..... of power in the Union that is an essential requirement for a free society.”*

### Institutional proposals

The institutional proposals of the ECG are aimed to achieve a clear separation of powers and to support the system of conferred powers. Key recommendations are:

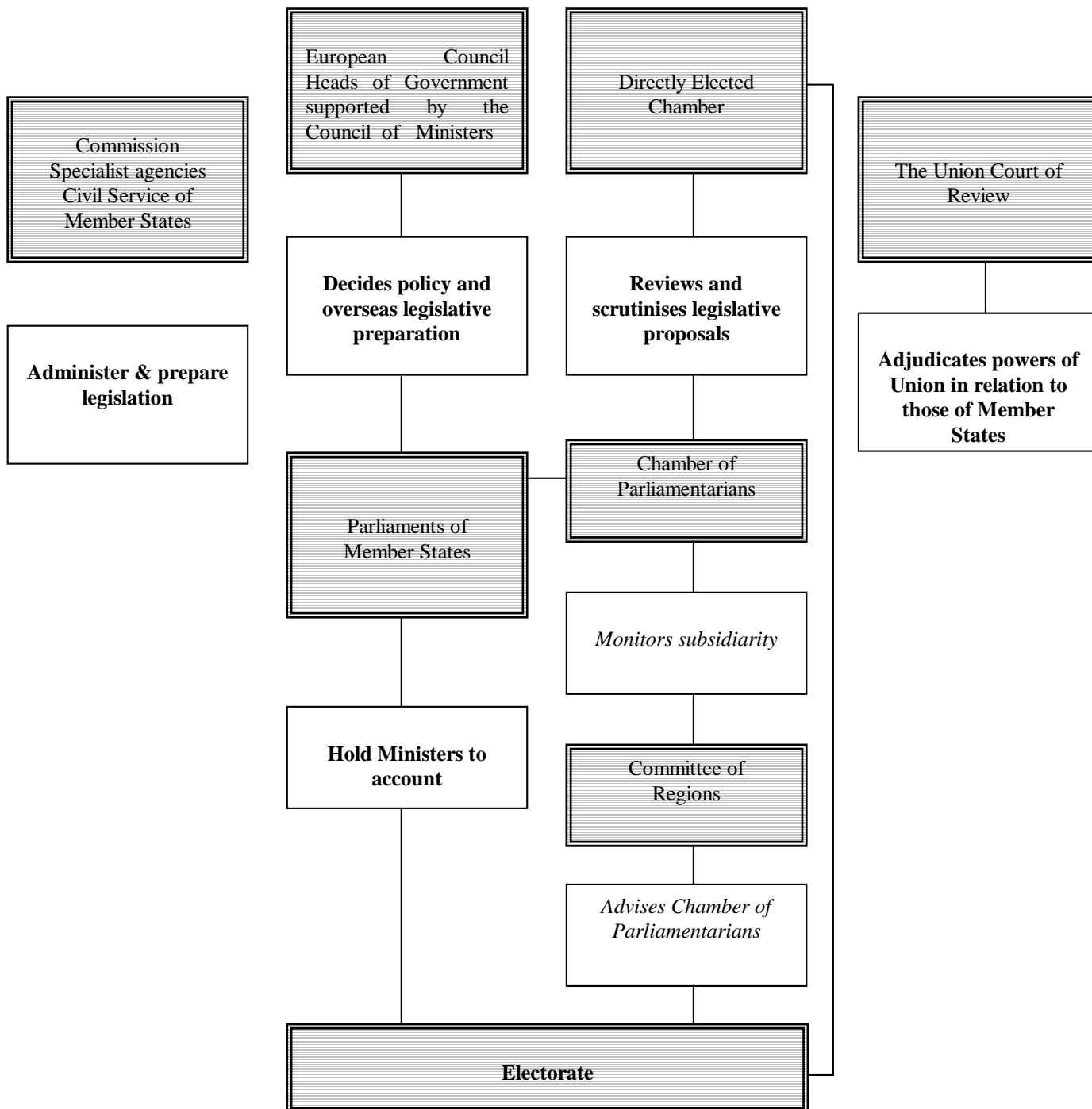
- 1. The policy making body shall comprise the Council of Ministers and the European Council.** In accordance with the principle of the separation of powers there are provisions to strengthen the role of the Council of Ministers vis a vis the commission. The Group concluded that the Council should be in charge of public policy and be given the right of initiative. The Commission, whilst given a share to the right to initiative, will essentially act as a "civil service" to the Council. (**ECG Legal Text Art. X**)
- 2. The administrative body shall be the Commission** which will support and implement Council decisions and prepare proposals for Union measures at the request of the Council or under its own initiative. The Council shall also be supported by its own secretariat.
- 3. Legislative review will be carried out under a two Chamber Parliamentary review process**, involving the Chamber of Parliamentarians (a representative body of national parliamentarians) and the Chamber of the Union (a directly elected body)<sup>9</sup>. Delegates from national parliaments will be introduced as a formal element into Union procedures for legislative review. This is hoped to serve two functions. Firstly, to help legitimise measures of the Union and **improve the quality**. This Provision recognises that council members remain responsible to their national parliaments, and that national parliaments are still seen by citizens as representative bodies not to be excluded. Secondly to encourage **joint scrutiny** between European and National Parliaments. This is on the understanding that the scrutiny and review of legislation is better done jointly. ( **ECG Legal Text Art. VII & VIII**)<sup>10</sup>
- 4. A Union Court of Review.** For constitutional issues a new judicial body (the Union Court of Review) will help guarantee the maintenance of a diversified system of law in the Union. The new body to be created reflects the belief that rule keeping should not be trusted to a body which itself belongs to the central jurisdiction. A system of diversified law is more likely “to offer protection to individuals and to a decentralised system of Union government.” (**ECG Legal Text Art. XV**)

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<sup>9</sup> The ECG recommended that the directly elected body should not exceed 750 members. The Amsterdam Draft Treaty sets a limit at 700.

<sup>10</sup> The Amsterdam Draft Treaty contains a protocol on national parliaments providing scrutiny rights and a role for COSAC (the joint body of European scrutiny committees).

## The Proposed Distribution of Powers in the European Union



Source: "A proposal for a European Constitution December 1993

## Constitutional Principles

**The following ten points should underlie the procedures and institutional arrangements of the Constitution.**

### **1. Power devolves Upwards**

Power rests with the peoples of Europe and is delegated upwards. Powers do not flow downwards from a higher community level. They are not to be exercised by a detached European elite according to some superior wisdom about what is good for people. Individual freedom is not conferred or divided out by government from above.

The provisions in the Treaty that enable power to be exercised collectively must be counterbalanced by provisions that limit the authority of the Union. Otherwise, the powers that are delegated to the centre can be used to destroy the freedoms that they are intended to secure.

### **2. A better definition of Union Purposes**

The purpose for which member states can best act together and share powers within the Union must be more clearly defined and circumscribed. At one end of the spectrum some powers need to be placed within a context that is broader than the Union (such as security and defence) while at the other end there are policy areas that are best left entirely to the Member State (such as taxation policy and welfare.)

The test of different approaches that is encouraged by allowing for variations in policy provides greater collective advantage for Member States than any attempted uniformity.

### **3. Entrenching Different ways to act together.**

The Treaty has to consolidate the principle of providing for different ways of acting together in different areas. Union Law should apply as superior Law only in its limited sphere.

### **4. Stronger Market Rules,**

The importance of the market framework is not simply that it provides the foundation most likely to generate employment, wealth and prosperity in the Union. The market provides a more effective mechanism than political processes for individuals to realise their unique preferences for human aspirations.

The need to achieve an internal market free from competitive distortions must also not be used as a pretext

under the guise of "harmonisation" of the creation of a "level playing field" for suppressing comparative advantage. The principles to be followed are those of mutual recognition, consumer choice and competition between different rules in different Member States.

### **5. An Open International Framework**

The revised Treaty must strengthen the Union's commitment to the free international movement of goods, services and capital. Free international trade provides the best framework for insuring the international competitiveness of Europe's manufacturing and service sectors. The obligation of member states to conduct a common external commercial policy in accordance with WTO obligations and to achieve a free flow of international goods and services must be explicit.

### **6. An Evolutionary Path to a Sound Currency**

The approach to a monetary union must be evolutionary. This implies that those countries that have achieved a sufficiently deep real level of economic integration and proven commitment to low inflation (and only those) would be enabled to go ahead with a single currency when they are ready if public opinion so desires.

### **7. Constitutional Defences against the Growth of Central Authority.**

The revised Treaty must incorporate defences against creeping centralisation within the Union.

Constitutional experience suggests that in addition to an imprecise or open-ended delimitation of powers there are two prime forces that lead to creeping centralisation. The first resides in the powers granted to the centre to tax and to spend. The second arises from judicial activism at the centre. The constitution for the wider European union must therefore contain limits on the financial powers at the centre and limits on union jurisdiction.

### **8. Institutional Checks and Balances**

The Treaty must strengthen institutional checks and balances in the Union.

First there must be a clearer separation of powers between union bodies. The separation of powers is, however, not sufficient in itself to achieve an effective system of checks and balances. It does not guard against the central bodies acting together in a way to extend the powers of the centre. Second, there must be a countervailing institutional presence that strengthens the voice of the Member States among the voices of the central institutions. This involves establishing a formal role for representatives of national parliaments to act as a Chamber in Union legislative processes.

### **9. The Repatriation of Powers**

The Treaty must contain procedures which allow for powers to return to Member States when they find that collective action is not successful or that individual action by the Member States may be just as effective.

### **10. The Protection of Member States in a Minority**

The Treaty must provide explicit protection for any individual Member State finding itself in strong dissent within the Union.

The protection of the last resort for any Member State that finds itself isolated in the Union is separation from the Union. The right of secession must be provided explicitly. Decision procedures that allow for Members to "opt out" of a particular activity while remaining within the Union are in practise likely to be more important and desirable. Neither should differing degrees of participation in Union activities be seen as necessarily conferring a disadvantage on the Union. Competing approaches to issues of public policy are likely to be of mutual benefit.

Source: "A Proposal for European Constitution"  
December 1993

**Legal Text****Selected Extracts****ARTICLE I      The Powers of the Union.****Section 1.**      *The Delegation of Powers*

The member states herein delegate to the officers and institutions of the Union the rights and powers defined by the constitution, subject to the limits defined by the constitution.

**Section 2.**      *The Reservation of Powers.*

The rights and powers not delegated by the constitution, expressly or by necessary implication, to the offices and institutions of the Union, nor prohibited by it to the member states, are reserved to the member states, or to the people.

**ARTICLE II      The Supremacy of Union Law.****Section 1.**      *The Principle of Supremacy.*

The constitution and the Union laws shall, within the limits defined by the constitution, have the force of law in the member states, notwithstanding anything to the contrary in the constitution or laws of any member state.

**ARTICLE III      The European Convention on Human Rights.****Section 1.**      *Adoption of the Convention.*

The European Convention for the protection of Human Rights and Fundamental Freedoms (...) shall have the force of law in the member states, and shall bind the institutions of the union (...)

**Section 2.**      *Interpretation of the Convention.* The convention shall be interpreted and applied in accordance with decisions made, by virtue of the Convention, by the European Commission on Human Rights and the European Court of Human Rights.

**ARTICLE IV      Fundamental Rights.****Section 1.**      *Equality of nationality.*

The constitution shall be applied to citizens of the member states without discrimination on the ground of nationality.

**Section 2.**      *Freedom of movement.*

No Union law nor any law of a member state shall prohibit or in any way restrict the movement of a citizen between or within any member states, or the residence of any citizen anywhere within a member state, on the ground of nationality or any other residence of the citizen.

**Section 3.**      *Freedom of establishment and services.*

No Union law nor any law of a member state shall prohibit or in any way restrict any citizen from entering into any

contract for services or of service, or from promoting, forming, managing or becoming a partner or share-holder, in any firm or company, or from seeking, offering or advertising to do any of those things, on the ground of nationality or any other residence of the citizen.

**Section 4.**      *Free movement of money.*

No Union law nor any law of a member state shall prohibit or in any way restrict the movement of money or the assignation, delegation or novation of money debts between or within member states on the grounds of the places between which any such movement takes places.

**Section 5.**      *Free use of currencies.*

No Union law nor any law of a member state shall prohibit or in any way restrict movement of money in any currency (...) between or within member states, which is made by way of consideration in any contract of service, or for services, or for the conveyance of rights in, or the possession or use of, any property.

**Section 6.**      *Freedom of trade.*

No Union law nor any law of a member state shall impose any prohibition, restriction or condition on the movement of goods between one member state and another, nor shall any such law have an equivalent effect.

**ARTICLE VI      Parliament.****Section 1.**      *The Chambers of Parliament.*

There shall be a Parliament of the Union. The Parliament shall comprise a Chamber of Parliamentarians and a Union Chamber.

**Section 2-8;** Procedures, Majorities, Parliamentary Questions, Meetings, Members interests and Petitions.

**ARTICLE VII      The Chamber of Parliamentarians.****Section 1.**      *Membership.*

- 1) The Chamber of Parliamentarians shall be composed of not more than 175 persons, comprising that number of members from each member state (specified in the full text.)
- 2) The members of the Chamber for each member state shall be chosen every **fifth** year by the Parliament of that member state from amongst its own members.

**Section 5.**      *Initiation of Legislation.***Section 7.**      *Review of need for Union action.*

Before voting on any bill (...), the Chamber of Parliamentarians shall consider whether the end which the bill is calculated to secure can in principle be secured by the member states (...) without recourse to the powers and institutions of the Union.

**ARTICLE VIII      The Union Chamber****Section 1.**      *Membership.*

Members shall be chosen every fifth year by the people of the Member State ... all votes in the Union (shall) have

equal value. No member shall serve for more than two terms.

**Section 6.** *Review of the Commission, etc.*

The Union Chamber shall regularly and continually review the activities of the European Council, the Council of Ministers, the Commission, and of any other institution or office established by virtue of the of a member state, or to any question of whether any act constitution, with the exception of the Court of Review, the Court of Justice and (...) any person exercising a within his or its powers judicial function.

**ARTICLE IX The European Council**

**Section 3.** *Executive Powers.*

The executive power shall be vested in the Council. The Council shall ensure that the laws of the Union are executed by the Council of ministers, the Commission, and by any other institution or office established by virtue of the constitution.

**ARTICLE X The Council of Ministers.**

**Section 2.** *Executive powers.*

The Council of Ministers shall ensure that the laws of the Union, and the decisions and orders of the European Council, are faithfully executed by the Commission

**Section 4.** *Initiation of legislation.*

If, on vote a motion that the Council of Ministers propose a draft law to the Chamber of Parliamentarians, a qualified minority of members of the Council of Ministers assents thereto, the Council of Ministers shall make such a proposal.

**ARTICLE XII The Commission**

**Section 2.**

Each member state shall nominate one member.

**Section 11.** *Initiation of legislation*

The Commission may propose draft laws to the Council of Ministers. (...) The Commission shall do so if, on a vote, a majority of the members of the Commission assents thereto.

**ARTICLE XV The Court of Review**

**Section 1.** *Judges.*

1. There shall be a Court of Review
3. Each member state shall choose one judge.

**Section 2.** *Actions to determine the competence of Union bodies.*

Any citizen, member state or any institution of the Union may raise a cause in the Court against any officer or institution of the Union (...), on the ground that he or it has exceeded his or its powers (...)

**Section 3.**

If the Court determines that an officer or institution of the Union has exceeded his or its powers, the Court shall declare any measure or act by which that has been done to be void, and may order the officer or institution to make reparation.

**Section 4.** *Preliminary Rulings.*

1. The Court shall hear and determine any request by the Court of Justice, the International Court of Justice, the European Court of Human Rights, or by any national court or tribunal, for an answer to any question of the Constitution or any union law and the constitution or law of a member state, or to any question of whether any act or measure of any officer or institution of the Union is within his or its powers (...)

**ARTICLE XVI The Court of Justice**

**Section 1.** *Judges.*

1. There shall be a Court of Justice.
3. The judges shall be chosen from the European Council from citizens whose independence is beyond doubt.

**Section 2-8;** *Actions against member states, Actions against Union Bodies, Remedies, Preliminary rulings, limits on jurisdiction.*

**ARTICLE XXI Finance**

**Section 2.**

1. The Council of Ministers shall once in each year propose to the European Council....a draft law....for the raising of revenue....and a separate draft law....for the expenditure of the revenues....

**Section 4.** *Balanced budget*

**Section 6.** *Limit on the Budget size in relation to GNP*

**Section 7.** *Veto for net contributors*

**Section 8.** *Limits on increases of transfers to Member States*

**ARTICLE XXII Legislative Powers of the Union.**

The Union shall have the power (...) to make laws for the purposes defined below:

*Taxes to the Union; Foreign Policy; Single Currency; Regulation of Commercial Policy/barriers of competition/ commercial competition; the Preservation of the Natural Environment/Prevention of crimes/international fraud.*

**ARTICLE XXIV Limits upon the powers of the Union.**

**Section 1.** *Necessary conditions of Union action.*

Neither the Union nor any officer, institution or any other agency of the union, shall have any power, whether by

virtue of the constitution or by virtue of any other law instrument, measure or rule, to do any thing, including any power to make any law, regulation, directive, rule, draft law, bill, amended bill, proposal, decision, order, disbursement, payment, loan, contract or other act of whatsoever nature unless section two applies.

**Section 2.** *Specification of the Conditions.*

1. The aim of the act cannot be achieved in practise by persons, public authorities or member states acting individually, or by a group of fewer than a simple majority of the member states; and, even if not, the act would attain that aim more efficiently and securely than would any such action by persons, public authorities or member states; and

2. The aim of the act is to regulate or make other provision in respect of:

- i) an issue which affects more than one member state or persons in more than one member state
- iii) an act or omission of one or more member states which has distorted free and open competition in a market for property or services in one or more member states, and
- 4) Any member state or states affected by the act have been left with the greatest degree of discretion as to the means of its implementation and of the enforcement obligations to which it gives rise that is compatible with the efficient and secure attainment of the aim of the act...

**ARTICLE XXV** **Duties to co-operate**

**Section 1.** *Foreign Policy.*

1. The member states (..) may decide that a matter relating to relations between one or more member states and any other state should be the subject of joint action.

2. Any such decision shall define the specific scope, the general and specific aims, the period over which joint action is to be taken, and the means, procedures and implementation of such joint action.

7. Where joint action has been agreed upon by all of the member states, no member state shall make any statement or commit any act or omission which is calculated to hinder such action, and all of the member states shall in all public statements and in all communications with other states accept responsibility for the decision upon joint action, and for its implementation.

10. Any member state may at any time by notice in writing to the other member states renounce any decision upon joint action.

**ARTICLE XXVIII** **New Member States**

**Section 1.** *Criteria of admission.*

New states may be admitted as member states of the Union provided that they are located in Europe, conduct their government in a democratic manner, respect human rights, and permit their economies to be conducted in accordance with free-market principles. They shall be members of the Council of Europe.

**ARTICLE XXIX**

**Derogation**

**Section 1.**

*Procedure.*

Any member state may make a declaration that all or any specified Union laws, other than the constitution, shall not apply in that member state for such definite or indefinite period as may be expressly provided in the declaration from such date or dates as may be so provided.

**ARTICLE XXX**

**Secession**

**Section 1.**

*Notice.*

Any member state may leave the Union upon advising the President and the governments of the other member states in writing not less than one year in advance.

**Section 4.**

*Non-discrimination.*

No law shall be made by virtue of this treaty or by any member state which expressly permits or requires direct discrimination against any member state or former member state on the grounds of its giving notice or leaving under this Article.

**ARTICLE XXXII**

**The Repatriation of Powers**

**Section 1.**

*Repatriation.*

The constitution may be amended so as to remove from any officer or institution of the Union any power delegated to it or to him by the constitution in accordance with the articles of procedure.