

THE CONSTITUTION

THE CONSTITUTION OF THE EUROPEAN UNION

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The parties to this treaty hereby establish a European Union, of which the following Articles are the constitution.

Article I.

The Powers of the Union.

Section 1. *The Delegation of Powers.*

The member states hereby 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 officers and institutions of the Union, nor prohibited by it to the member states, are reserved to the member states, or to the people.

Section 3. *Saving for contracts, etc.*

Nothing in this Article shall prevent the constitution of rights in favour of officers or institutions of the Union in the private law of a member state arising from gratuitous obligations, contract, quasi-contract, delict, quasi-delict, trust or the conveyance or original acquisition *ex lege* of property.

Section 4. *Legal personality.*

The Union shall have legal personality.

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.

Section 2. *The Role of the Court of Review.*

Any question of conflict between the constitution or any Union law and the constitution or law of a member state shall be determined by the Court of Review in accordance with Article XV.

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 signed in Rome on 4th November 1950 shall have the force of law in the member states, and shall bind the officers and institutions of the Union, notwithstanding anything to the contrary in the constitution, in Union law, or in the Constitution or laws of any member state.

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.

Section 3. *Reference to the Court of Human Rights.*

Where in any proceedings before the Court of Review, the Court of Justice or the Competition Authority, any question of the application or interpretation of the

European Convention on Human Rights is raised, the determination of which is necessary in the determination of those proceedings, the Court or the Authority, as the case may be, shall request the European Court of Human Rights to determine that question.

Article IV.

Fundamental rights.

Section 1. *Equality of nationalities.*

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

(2). No Union law nor any law of a member state shall discriminate between citizens of all or any of the member states on the ground of nationality.

(3). This section is subject to the following section.

Section 2. *Freedom of movement.*

(1). 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.

(2). However, the Union and the member states may prohibit or restrict such movement or residence on the grounds of public security or public health.

Section 3: *Freedom of establishment and services.*

(1). 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.

(2). This section shall not apply to any office of, or employment by any member state or public authority by virtue of which official authority is exercised.

Section 4. *Free movement of money.*

(1). 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 ground of the places between which any such movement takes place, or where any such assignation, Delegation or novation takes place.

(2). Section 4(1) shall not prohibit any prohibition or restriction that is reasonable and necessary for the prevention of crime.

Section 5. *Free use of currencies.*

(1). No Union law nor any law of a member state shall prohibit or in any way restrict any movement of money in any currency, nor any constitution, assignation, novation or Delegation of money debts 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.

(2). Section 5(1) shall not prohibit any prohibition or restriction that is reasonable and necessary in terms of section 4(2).

(3). The currency of each member state shall be legal tender for the discharge of any obligation to pay any tax arising under any law of any member state.

(4). For the purposes of sub-section (3), the currency in which payment is tendered shall be deemed to represent that sum in the currency of the member state under

whose laws the obligation arises which the sum tendered would purchase at the free-market exchange rate prevailing on the date on which the payment is tendered.

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.

Section 7. *Equality in elections.*

(1). No Union law nor any law of a member state shall prohibit or in any way restrict any citizen residing in a member state from voting and being a candidate in any election for any public office established by law in that state.

(2). The Union may make laws limiting the application of this section.

(3). A citizen residing in a member state shall have the right to vote and be a candidate in any election of members of Parliament of the Union in that state.

Section 8. *Equality of diplomatic protection.*

Every citizen of the Union shall, in any other state in which the member state of which he is a national is not represented, have the right to be protected by the diplomatic or consular authorities of any other member state in that state on the same conditions as any national of that other member state.

Article V.

The President.

Section 1. *Election.*

(1). There shall be a President of the Union. He shall hold office for a term of five

years. He shall be elected by the Chamber of Parliamentarians from their membership.

(2). In the event of the incapacity of the President, or of the loss of his membership of a national legislature, he shall cease to hold office.

(3). Before he enters on the execution of his office, the President shall take the oath or affirmation.

Section 2. Powers.

(1). The President shall have sole authority to execute treaties and other agreements between the Union and other states and associations of states, to nominate and accredit ambassadors and other international representatives of the Union, and to receive on behalf of the Union the ambassadors and other representatives of other states and associations of states.

(2). The President shall administer the oath of office to judges of the Constitutional Court and of the Court of Justice.

(3). The President shall have the power to grant reprieves and pardons for offences against the laws of the Union.

(4). The President shall exercise the foregoing powers by and with the advice and consent of the Council of Ministers.

(5). The President may also, on extra-ordinary occasions, convene both the Chamber of Parliamentarians and the Union Chamber in joint session.

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. *Procedure.*

- (1). Each Chamber of Parliament shall make and publish its own rules of procedure.

- (2). Neither the propriety of proceedings in either Chamber nor anything written or said in any proceedings in either Chamber shall be questioned or punished in any other place.

Section 3. *Quorum.*

The rules of procedure shall define the quorum for each Chamber.

Section 4. *Majorities.*

- (1). Each Chamber of Parliament may decide to exercise its powers under the constitution or under any Union law only with the assent of such a majority of the members voting as is specified below:-

1. In matters falling within paragraphs 1, 2 and 6 of Article XXII, and Articles XXVIII and XXI, and in matters falling within paragraphs 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, and 26 of Article XXII, in relation to measures which impose new obligations on private persons, or which restrict any right or freedom of any person to move goods or to supply services from outwith the Union into or in the Union, at least four-fifths of the votes, (hereinafter referred to as "a high qualified majority");

2. in matters falling within Article XXVII, and in matters falling within paragraphs 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, and 26 of Article XXII, in relation to measures which modify existing obligations on private persons or restrictions on the movement of goods or supply of services from outwith the Union into or in the Union without imposing new obligations or restrictions or repealing existing obligations or restrictions, at least two-thirds of the votes, (hereinafter referred to as “an ordinary qualified majority”);
3. In any other matter not falling within paragraphs (2) and (3) above, at least half of the votes (hereinafter referred to as 'a simple majority').

(2). A member who is absent or who does not expressly assent or dissent shall be deemed to have abstained.

Section 5. *Parliamentary questions.*

(1). Either Chamber of Parliament may require a report, or an answer to a question, from any member of the European Council, the Council of Ministers or the Commission, either in writing or in person, upon any subject relating to the responsibilities of the member.

(2). Either Chamber of Parliament may require a report, or an answer to a question, in writing from the European Central Bank, or in person from the President or Vice President of the Bank.

(3). Either Chamber may by its rules of procedure delegate the foregoing powers to any committee of its members.

Section 6. *Public meetings.*

(1). All meetings of the Chambers of Parliament, or of any committee of either Chamber, shall be held in public unless there is in the opinion of the presiding

officer good and pressing reason for the meeting to be held in private.

(2). In respect of any vote in either Chamber, the names of all the members voting shall be published together with a record of whether, and if so in what manner each member cast his vote.

(3). The rules of procedure of each Chamber shall provide for the publication of the votes of the Chamber under sub-section (2) and of all other proceedings of the Chamber.

Section 7. *Members' interests.*

(1). Each Chamber of Parliament shall by its rules of procedure establish a register in which each member of that Chamber shall record all of his absolute and beneficial interests in land, all of his partnerships, and shareholdings in and director-ships of companies, and all contracts of service or for services under which he is paid in money or in kind and the amounts of all such payments.

(2). If any member fails to comply with sub-section 1, then the Court of Auditors may, on the application of any person or *ex proprio motu*, suspend his membership on such, if any conditions, and for such a definite or indefinite period of time as the Court shall think fit.

Section 8. *Petitions to Parliament.*

No Union law or law of any member state shall prohibit any citizen or any natural and legal person residing or having his registered office in a member state from delivering to either Chamber, or to any member of Parliament a petition on any matter which falls within the powers of the Union.

Article VII.

The Chamber of Parliamentarians.

Section 1. Membership.

(1). The Chamber of Parliamentarians shall be composed of not more than one hundred and seventy-five persons, comprising that number of members from each member state that is specified below:-

Belgium	6	members;
Denmark	4	members;
France	13	members;
Germany	13	members;
Greece	6	members;
Ireland	4	members;
Italy	13	members;
Luxembourg	3	members;
Netherlands	6	members;
Portugal	6	members;
Spain	10	members;
United Kingdom	13	members.

(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.

(3). No person shall be a member who shall not have attained to the age of twenty-one years and been seven years a citizen of a member state.

(4). Any member who ceases to be a member of the Parliament of his member state shall cease to be a member of the Chamber.

(5). When a vacancy happens in the representation from any member state, the Parliament thereof shall fill it.

(6). No member shall serve for more than five consecutive or separate years.

(7). Any member of the Chamber may authorise a member of the Committee of the Regions to act in his place at any meeting of the Chamber or at any meeting of any committee of the Chamber of which he is a member.

Section 2. *Officers of the Chamber.*

In addition to the President and the Vice President, the Chamber of Parliamentarians shall elect its other officers from among its members.

Section 3. *Summoning of the Chamber.*

(1). The Chamber of Parliamentarians shall meet at least once in each year.

(2). The President of the Union shall also summon the Chamber to meet when a qualified minority of the members or the European Council ask him in writing to do SO.

Section 4. *Treaties.*

The Chamber of Parliamentarians shall consent to the Council making a treaty or other agreement with another state or association of states only if, on a vole, an ordinary qualified majority of members voting assents thereto.

Section 5. *Initiation of Legislation.*

If, on a motion that the Chamber propose a draft law to the Council of Ministers under section 3 of Article XX, a qualified minority of members of the Chamber assents thereto, the Chamber shall make such a proposal.

Section 6. *Legislation: review of constitutionality.*

Before voting on any bill or amended bill under Articles XX or XXI, the Chamber of Parliamentarians shall consider whether the bill falls within the powers delegated to the Union by Articles XXII, XXIII and XXIV. If the bill does not fall within those powers, the Chamber shall not assent to it.

Section 7. *Legislation: review of need for Union action.*

Before voting on any bill or amended bill under Articles XX or XXI, the Chamber of Parliamentarians shall consider whether the end which the bill is calculated to secure can in principle instead be secured by the member states, or by one or more of the member states, or by one or more of the public authorities of the member states, without recourse to the powers and institutions of the Union. If that end can be so secured, the Chamber shall not assent to the bill.

Section 8. *Legislation: review of need for regulations.*

Before voting on any bill for a regulation, or any such amended bill, under Article XX, the Chamber of Parliamentarians shall consider whether the end which the bill is calculated to secure can in principle instead be secured by means of a directive.

Section 9. *Legislation: review of budgetary limits.*

Before voting on any bill or amended bill under Articles XX or XXI, the Chamber of Parliamentarians shall consider what charges will be imposed by it upon the revenues of the Union, and whether they are consistent with Articles XXI and XXIV, and with any other law of the Union limiting the imposition of charges upon its revenues. If those charges are not consistent with those laws, the Chamber shall not assent to the bill.

Section 10. *Legislation: review of costs & benefits.*

Before voting on any bill or amended bill under Articles XX or XXI, the Chamber of Parliamentarians shall consider whether any assessments of the relationship of the expense of the implementation of the bill to the benefits which it will secure, or of the effect on the environment of the implementation of the bill, required by any Union law have been duly prepared, and delivered to the Chamber. If any such assessment has not been prepared and delivered, the Chamber shall not assent to the bill.

Article VIII.

The Union Chamber.

Section 1. *Membership.*

(1). The Union Chamber shall be composed of that number of members from each member state that is specified below:-

Belgium	14 members;
Denmark	7 members;
France	82 members;
Germany	113 members;
Greece	15 members;
Ireland	5 members;
Italy	81 members;
Netherlands	21 members;
Portugal	15 members;
Spain	56 members;
United Kingdom	82 members.

(2). The members of the Chamber for each member state shall be chosen every fifth year by the people or the citizens of that member state.

(3). The method by which that choice is to be made may be provided by law by the Union, provided that any such law shall secure as nearly as may be that, in their attribution to candidates or associations of candidates, all votes in the Union have equal value. In the absence of such provision, it shall be provided by law by each member state.

(4). Where any Union law or any law of a member state referred to in sub-section (3) requires that choice to be made by attributing votes to associations rather than to persons, no person to whom votes are in law attributed by virtue of his nomination by an association shall be elected if that association and the

candidates nominated by it for the purpose of any such law receive less than one-twentieth of the votes.

(5). No member shall serve for more than two consecutive or separate terms of five years.

Section 2. *Officers of the Chamber.*

The Union Chamber shall elect a President and its officers from among its members.

Section 3. *Summoning of the Chamber.*

(1). The Union Chamber shall meet at least once in each year. It shall meet, without requiring to be summoned, on the second Tuesday in March.

(2). The President of the Chamber shall also summon the Chamber to meet when a qualified minority of the members or the President of the Union or the Council ask him in writing to do so.

Section 4. *Initiation of action by the Council of Ministers.*

If, on a motion that the Union Chamber propose to the Council of Ministers an exercise of any of its powers under sections 2, 3, or 4 of Article X, a qualified minority of members assents thereto, the Chamber shall make such a proposal to the Council of Ministers.

Section 5. *Review of expenditure.*

(1). The Union Chamber shall establish a committee of its members who shall investigate, and report to the Chamber at intervals of not less than three months, whether the revenues of the Union are being spent in accordance with the expenditure regulations.

(2). If the committee reports to the Chamber that any revenue of the Union is not being spent in accordance with the expenditure regulations, or is being spent

fraudulently, that report shall be published.

(3). If the Court of Auditors reports to the committee that any revenue of the Union is not being spent in accordance with the expenditure regulations, or is being spent fraudulently, or that that expenditure has no financial or economic benefits, then the committee may recommend to the Chamber that the authority for that head of expenditure be suspended for a definite or indefinite period of time, and that such suspension and its removal be upon any reasonable and appropriate condition-or conditions.

(4). The Chamber may on a vote decide to accept a recommendation made under sub-section (3). If the Chamber decides to do so, the President of the Chamber shall in writing order all of the relevant officers or institutions of the Union to suspend such expenditure in accordance with the decision of the Chamber. The President shall deliver a written copy of the order to the Commission, who shall publish it in the Official Journal within forty days.

(5). An order made under sub-section (4) shall be enforceable on the day specified in it, or, in the absence thereof, twenty days after its publication.

(6). The Chamber may, either on a further report by the Court of Auditors, or *ex proprio motu*, decide to vary an order made under sub-section (4), or to terminate the suspension. Any such variation or termination shall be intimated and published, and shall be enforceable, in the manner provided in this section for the original order.

Section 5. Review of the costs & benefits of laws.

(1). The Union Chamber shall regularly and continually review the implementation and effects of all Union laws (other than the constitution), and shall consider whether the expense of the implementation of any law outweighs the benefits which it will secure.

(2). If the Chamber decides under sub-section (1) that such expense outweighs such benefits, the Chamber may suspend the relevant law for a definite or indefinite period of time, and that such suspension and its duration be upon any reasonable and appropriate condition or conditions.

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

(1). 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 constitution, and of their members and servants, with the exception of the Court of Review, the Court of Justice, the members and servants of the Courts, and any other person exercising a judicial function.

(2). The Chamber may by its rules of procedure delegate the foregoing duty to one or more committees of its members. If the committee reports to the Chamber that any such institution or any member or servant of the Commission is exceeding his powers or is breaking any law of the Union or of any member state, that report shall be published.

Article IX.

The European Council.

Section 1. *Membership.*

(1). There shall be a European Council. The European Council shall be composed of one member from each member state.

(2). Each member state shall nominate to the Council either its head of state or its head of government.

(3). The member for each state shall hold his office at the pleasure of that state.

Section 2. *President of the Council.*

(1). There shall be a President of the Council. He shall be elected by the Council from its membership.

(2). The President of the Council shall hold office during such period as the Council may establish by its rules of procedure.

(3). The President of the Council shall preside at its meetings.

(4). The President of the Council shall from time to time give the Union Chamber information on the state of the Union.

Section 3. *Executive powers.*

(1). The executive power shall be vested in the Council. The Council shall ensure that the laws of the Union are faithfully executed by the Council of Ministers, the Commission, and by any other institution or office established by virtue of the constitution or any Union law and by the members and servants of the Council of Ministers, the Commission and of any such institution or office, but excluding the Court of Review, the Court of Justice, and any other person exercising a judicial function.

(2). The Council may require a report, or an answer to a question, in writing or in person, from any of those institutions, offices, members or servants, upon any subject relating to the responsibilities of the institution, office or member or servant, and may by its rules of procedure delegate this power to any committee of its members.

(3). The Council may order the Council of Ministers or the Commission or any member or servant of the Commission to do or to refrain from doing any thing, provided that the order does not require an act or omission that is a breach of any Union law, or that is a breach of any law of any member state which is not invalid by virtue of Article 11.

Section 4. *Treaties.*

The Council may, by and with the advice and consent of the Chamber of Parliamentarians, make treaties and other agreements with other states and associations of states.

Section 5. *Proposals from the Council of Ministers.*

The Council shall consider and vote on any proposed exercise of its powers under section 3 made in writing by the Council of Ministers.

Section 6. *Contractual liability, etc.*

(1). The European Council shall be liable for any liability, and entitled to exercise any right of the Union arising out of any gratuitous obligation, contract, *quasi*-contractual obligation, delict, *quasi*-delict, trust or property right for which no other officer, institution or agency of the Union is specifically liable, or which no such other officer, institution or agency is specifically entitled to exercise.

(2). The European Council shall be entitled, on behalf of any other officer, institution or agency of the Union, to render performance of any obligation that that officer, institution or agency might have rendered according to the law applicable to the obligation.

Article X.

The Council of Ministers.

Section 1. *Membership.*

(1). There shall be a Council of Ministers. The Council of Ministers shall be composed of so many members of the governments of each member state as each member state shall be pleased to nominate.

(2). Only one such member from each member state shall participate at a meeting of the Council of Ministers. The members for each member state shall hold their offices at the pleasure of that state.

(3). Any member of the Council of Ministers may authorise any official of his government, or any member of the Committee of the Regions from his member state, to act as his alternate at any meeting of the Council of Ministers.

(4). At each meeting of the Council of Ministers, the member from the member state of the President of the European Council shall preside.

Section 2. *Executive powers.*

(1). 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, and by any other institution or office established by virtue of the constitution or any Union law, and by the members and servants of the Commission and of any such. institution or office, but excluding the Court of Review, the Court of Justice, the members and servants of the Courts, and any other person exercising a judicial function.

(2). The Council of Ministers may require a report, or an answer to a question, in writing or in person, from any of those institutions, offices, members or servants upon any subject relating to the responsibilities of the institution, office or member or servant, and may by its rules of procedure delegate this power to any committee of its members.

(3). The Council of Ministers may order the Commission or any member or servant of the Commission to investigate, consider or report on the possible exercise of any power of any institution of the Union and to propose any law that might be made by virtue of the constitution or any Union law or any action that might be taken by the Council, the Council of Ministers or the Commission.

(4). The Council of Ministers may order the Commission or any member or servant of the Commission to do or to refrain from doing any thing, provided that the order is not inconsistent with any order made by the European Council by virtue of section 3(3) of Article IX, and that it does not require an act or omission that is a breach of any Union law, or that is a breach of any law of any member state which is not invalid by virtue of Article 11.

Section 3. *Power to initiate action by the European Council.*

The Council of Ministers may propose to the Council an exercise of the powers of the Council under sections 3 or 4 of Article IX.

Section 4. *Initiation of Legislation.*

If, on vote on a motion that the Council of Ministers propose a draft law to the Chamber of Parliamentarians under section 5 of Article XX, a qualified minority of members of the Council of Ministers assents thereto, the Council of Ministers shall make such a proposal.

Section 5. *Proposals from other institutions.*

The Council of Ministers shall consider and vote upon any proposal by the Union Chamber or the Commission that the Council of Ministers exercise any of its powers under sections 2, 3 or 4 of this Article, and on any draft law proposed by the Competition Authority under section 7 of article XIII.

Section 6. *Review of competition decisions.*

(1). Upon the delivery to it of any decision and proposed remedy of the Competition Authority under section 3 of article XIII, the Council of Ministers shall consider and vote upon the question of whether the implementation of the proposed remedy would be in the public interest.

(2). If a high qualified majority of the Council of Ministers decides that its implementation would be in the public interest, the remedy shall be binding on the parties who are affected by its terms. The decision of the Council of Ministers

shall be given in writing and shall give the reasons.

- (1) The decision and the remedy shall be delivered to the Commission and shall be published by the Commission in the next edition of the Official Journal. The remedy shall become enforceable on a day specified by the Council of Ministers, or, in the absence thereof, on the twentieth day after its publication.

Article XI.

Provisions common to the European Council & the Council of Ministers.

Section 1. *Oath of Office.*

Before he enters on the execution of his office, each member of the European Council and the Council of Ministers shall take the oath or Affirmation.

Section 2. *Payment.*

No member of the European Council or the Council of Ministers shall be paid in respect of his membership.

Section 3. *Procedure.*

The European Council and the Council of Ministers shall each make and publish their rules of procedure.

Section 4. *Summoning of the Councils.*

- (1). The European Council and the Council of Ministers shall each meet when they are summoned by the President of the European Council.

- (2). The European Council shall meet, without requiring to be summoned, on the second Tuesday in June and the second Tuesday in December, and the Council of Ministers on the second Tuesday in May and the second Tuesday in November.

(3). The President of the Union shall also summon either Council to meet when a member state asks him in writing to do so.

Section 5. Votes.

(1). The members of the European Council and of the Council of Ministers for each member state shall have the number of votes that is specified below:-

Belgium	5	votes;
Denmark	3	votes;
France	10	votes;
Germany	10	votes;
Greece	5	votes;
Ireland	3	votes;
Italy	10	votes;
Luxembourg	2	votes;
Netherlands	5	votes;
Portugal	5	votes;
Spain	8	votes;
United Kingdom	10	votes.

(2). The European Council and the Council of Ministers may decide to exercise their powers under this Article and Articles IX and X, or to accept or amend a bill or an amended bill under sections 4, 8, 19 or 21 of article XX, or to accept a proposal under section 1 5 of Article XX , only with the assent of such a majority of the votes that are cast as is specified below:-

1. In matters not falling within paragraphs (2) to (5) below, unanimity;
2. In matters falling within Articles XXVIII and XXXI, all of the members from member states whose population is more than one hundredth of that of the Union (hereinafter referred to as “*quasi-unanimity*”);

3. In matters falling within section 6 of Article X, Article XXI (subject to section 7 of Article XXI), paragraphs 1, 2 and 6 of Article XXII, and, in matters falling within paragraphs 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, and 26 of Article XXII, in relation to measures which impose new obligations on private persons, or which restrict any right or freedom of any person to move goods or to supply services from outwith the Union into or in the Union, at least four-fifths of the votes, including all of those of the large member states, provided that the number of members who dissent is less than four (hereinafter referred to as “a high qualified majority”);

4. In matters falling within Article XXVII, and, in matters falling within paragraphs 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, and 26 of Article XXII, in relation to measures which modify existing obligations on private persons or restrictions on the movement of goods or supply of services from outwith the Union into or in the Union without imposing new obligations or restrictions or repealing existing obligations or restrictions, at least two-thirds of the votes, provided that the number of members who dissent is less than six, and that not more than one large member state dissents (hereinafter referred to as an ordinary qualified majority”);

5. In matters falling within Article XXXII, and, in matters falling within paragraphs 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, and 26 of Article XXII, in relation to measures which repeal or limit existing obligations on private persons or restrictions on the movement of goods or supply of services from outwith the Union into or in the Union, at least half of the votes (hereinafter referred to as “a simple majority”).

Section 6. *Publication of votes.*

In respect of any vote in either the European Council or the Council of Ministers, the names of all of the members present shall be published, together with a record of whether, and if so in what manner, each member cast his vote.

Article XII.

The Commission.

Section 1. *Membership.*

(1). There shall be a Commission. The members of the Commission shall be citizens of general competence whose independence is beyond doubt.

(2). Each member state shall nominate one member.

(3). The members shall hold office for a term of five years. No member shall serve for more than two consecutive or separate terms of five years.

(4). In the event of the death, resignation or retirement of a member, a new member shall be chosen by the same member state in accordance with this section, and shall serve for until the end of the current term of office of the former member.

Section 2. *Independence.*

(1). No member or servant of the Commission shall in the performance of their offices and duties in connection with this treaty or any law made by virtue of it, seek or take instructions from any other person. No person shall give any such instructions.

(2). Union laws may provide for penalties for the breach of this section.

Section 3. *Payment & conflicts of interest.*

(1). Members and servants of the Commission may be paid by the Commission in respect of their service, provided that no such payment to a member or servant shall, net of any deductions required by any law, exceed the average of the salaries, net of any such deductions, paid to civil servants of the governments of the member states holding offices of comparable responsibility to that of the member or servant of the Commission.

(2). No member of the Commission shall, during his term of office, engage in any other occupation, whether gainful or not.

(3). No member or servant of the Commission shall be a party to any contract of service or for services for which he is paid in money or in kind by any person other than the Commission.

(4). Where no conflict of interest with their duties can arise, the Council may make exceptions to sections 2 and 3 for servants of the Commission, under section 7 of this Article.

(5). No member or servant of the Commission shall, after they have ceased to hold office, enter into any the employment, whether under a contract of service or for services, of any person in respect of whom he has directly and knowingly exercised any valid or purported power or duty under the constitution or any Union law.

Section 4. *Members' interests.*

The Council shall by rules of procedure for the Commission establish a register to be kept by the Court of Auditors in which each member of the Commission shall record all of his absolute and beneficial interests in land, all of his partnerships, and shareholdings in and director-ships of companies, and all of his other income.

Section 5. *Suspension & compulsory retirement.*

(1). If any member of the Commission no longer fulfils the conditions required by section 1 of this Article, or commits a breach of sections 2, 3 or 4 of this Article, or of any rules made under section 4, or is guilty of serious misconduct, then the Court of Justice may, on the application of the President, the Council or the Commission, or *ex proprio motu*, compulsorily retire him, or suspend his membership on such, if any, conditions and for such a definite or indefinite period of time as the Court shall think fit.

(2). The Council may by rules provide for other penalties for the breach of sections 2, 3 and 4 of this Article, and of rules made under section 4.

Section 6. *The President & Vice Presidents.*

(1). The Council shall, by and with the advice and consent of Parliament, choose a President of the Commission from among the members of the Commission.

(2). The members of the Commission may choose a Vice President or two Vice Presidents from among themselves.

Section 7. *Votes.*

(1). If any member of the Commission so requests the President in writing, the Commission shall exercise any power only if, on a vote, a majority of the members voting assents thereto.

(2). In respect of any vote by the Commission, the names of all of the members present shall be published, together with a record of whether, and if so in what manner, each member cast his vote.

Section 8. *Procedure, regulation & delegation.*

(1). The rules of procedure of the Commission, and the terms and conditions of Service of the members of servants of the Commission, except insofar as regulated by this article, shall be such as may be provided by rules made by the European Council.

(2). The European Council shall by such rules define the quorum for meetings of the Commission.

(3). The European Council may by rules delegate any right, power or duty of the Commission to any other officer or institution of the Union, whether established by the constitution or otherwise, with the exception of the President, the Parliament, the Committee of the Regions, the Court of Review, the Court of

Justice and the Court of Auditors, and any member or servant of any of those institutions. Any such delegation may be for a definite or indefinite period of time.

(4). Rules made under this section shall be published.

Section 9. *Enforcement of Union laws.*

(1). The Commission shall ensure that the laws of the Union are faithfully executed by the member states. If the Commission finds that any law of any member state or its implementation is not in accordance with a law made by virtue of the Article XX, it shall deliver a written copy of its finding, giving its reasons for so finding, to the member state.

(2). If after six months the member state has not delivered to the Commission a written proposal for a remedy which is satisfactory to the Commission, or if the Commission has advised the member state that the proposed remedy is satisfactory and a further six months has passed after the member state has been so advised without implementation of the remedy, the Commission shall raise a cause against that member state in the Court of Justice, in terms of section 2 of Article XVI.

(3). The Commission shall have no power under this section in respect of any matter falling within Article XIII.

Section 10. *Initiation of action by the Council of Ministers.*

The Commission may propose to the Council of Ministers an exercise of the Council of Minister's powers under sections 2, 3 or 4 of article X. The Commission shall do so if, on a vote, a majority of the members of the Commission assents thereto.

Section 11. *Initiation of Legislation.*

The Commission may propose draft laws to the Council of Ministers under section

3 of Article XX. The Commission shall do so if, on a vote, a majority of the members of the Commission assents thereto.

Section 12. *Official Journal.*

(1). The Commission shall once in each calendar month publish an Official Journal of the Union containing all matters which are by the constitution or Union law appointed to be published therein.

(2). Any matter which is required by the constitution or Union law to be published shall be published in the Official Journal unless the constitution or Union law provides otherwise.

(3). Upon a written request from any citizen for any edition of the Official Journal published not more than one year earlier, the Commission shall deliver to him a copy of that edition of the Official Journal for no charge, unless in the reasonable opinion of the Commission the request is frivolous or vexatious.

Article XIII.

The Competition Authority.

Section 1. *Membership.*

(1). There shall be a Competition Authority. The Authority shall be composed of two persons from each member state. The members shall be chosen every five years by each member state.

(2). Each member state shall choose one person who has considerable practical or theoretical knowledge of the law, economics or practices of commercial competition between merchants, firms and companies (hereinafter referred to as "a competition officer"), and one person who has considerable practical or theoretical knowledge of the law, economics or practices of international trade (hereinafter referred to as "a trade officer").

(3). In addition, each member state shall nominate to the Authority at least eight other persons with such knowledge of any of those matters, and who are willing, either permanently or occasionally, to assist the members of the authority in the exercise of their powers and duties.

(4). No member of the authority shall serve for more than two consecutive or separate terms of five years.

(5). Before they enter on the execution of their offices, the members of the authority shall take the oath or Affirmation.

Section 2. Procedure.

The Authority shall make and publish its rules of procedure.

Section 3. Enforcement of competition laws.

(1). The competition officers of the Authority shall, on a written request from an interested person or from a member state or from the Commission, or *ex proprio motu*, investigate whether any persons are breaking any laws made by virtue of paragraphs 1 2 to 1 5 of Article XXII where any such breach has considerable effects in two or more member states.

(2). If the officers decide that such a breach may have taken place it shall invite any party thereto and the author of any such written request to make written and spoken representations to them. After hearing in public considering such representations as may be made, the officers shall decide whether such a breach has occurred, or whether a breach has occurred having considerable effects in only one member state, or whether no breach has occurred.

(3). If the officers decide that such a breach has occurred having considerable effects in two or more member states, they shall propose a remedy and shall forthwith deliver their decision and the proposed remedy in writing together with a written record of the representations and evidence upon which it is founded to

the author or authors of the request, to any party to the breach, and to the Council of Ministers.

(4). If the officers decide that such a breach has occurred having considerable effects in only one member state they may propose a remedy and deliver such writings to any appropriate competition authority in any member state in which such a breach has occurred. In that event, they shall also deliver a copy of such writings to the author or authors of the request and to any party to the breach.

(5). In all cases the Authority shall give reasons for, and publish, its decision and the record of the representations and evidence upon which it is founded. The foregoing requirements of publicity are subject to any applicable law of evidential privilege of the Union or of any member state. In addition, the Authority and its officers shall not be bound to hear in public or to publish any matter which is the subject of an obligation of confidentiality.

(6). Anything written or said in good faith by any person in proceedings under this article shall be privileged.

(7). The Authority may by its rules of procedure delegate its duties and powers under this section to any committee of not less than three of the competition officers.

(8). The expenditure regulations shall provide the Authority with, and authorise the Authority to pay, sufficient remuneration as to secure the services of so many persons, including the persons nominated under section 1 of this Article, as are necessary to assist the competition officers in order to secure that a decision under this section is made within one year, and in cases of urgency, within thirty days, of the delivery to the Authority of a written request under this section.

Section 4. *Enforcement of Union competition laws against member states.*

(1). The competition officers of the Authority shall regularly and continually investigate whether the laws of the member states and their implementation are in accordance with any laws made by virtue of paragraphs 12 to 15 of Article XXII.

(2). If the Authority finds that any law of any member state or its implementation is not in accordance with a law made by virtue of the paragraphs 12 to 15 of Article XXII, it shall deliver a written copy of its finding, giving its reasons for so finding, to the member state.

(3). If after six months the member state has not delivered to the Authority a written proposal for a remedy which is satisfactory to the Authority, or if the Authority has advised the member state that the proposed remedy is satisfactory and a further six months has passed after the member state has been so advised without implementation of the remedy, the Authority may raise a cause against that member state in the Court of Justice, in terms of section 2 of Article XVI.

Section 5. *Review of national competition laws.*

(1). The competition officers of the authority shall regularly and continually investigate whether the laws of the member states effectively regulate commercial competition between merchants, firms and companies in the public interest.

(2). The competition officers may make recommendations to any member state as to the means by which its laws might do so more effectively.

Section 6. *Consistency of national competition laws.*

(1). The competition officers of the Authority shall regularly and continually investigate whether the laws of each member state regulating the commercial competition of merchants, firm and companies are consistent with the laws of the other member states.

(2). The competition officers may make recommendations to any member state as to the means by which any inconsistency might be avoided.

Section 7. *Review of Union competition laws.*

The competition officers of the Authority may investigate whether the principles or effects of any law made under paragraphs 12 to 15 of Article XXII are in the public interest. The competition officers of the Authority may propose draft laws under paragraphs 12 to 15 of Article XXII to the Council of Ministers.

Section 8. *Trade negotiations.*

(1). The trade officers of the Authority shall, subject to any directions from the Council or the Council of Ministers, represent the Union in any discussions or negotiations with any other state or association of states concerning the making or implementation of any treaty or other international agreement regulating trade between the Union and that state or association.

(2). Members of the Council or of the Council of Ministers may also represent the Union in any such discussions or negotiations.

Section 9. *Terms of service.*

The terms and conditions of service of the servants of the Authority, except in so far as regulated by this Article, shall be such as may be provided by rules made by the Council.

Section 10. *Conflict of interest.*

(1). No member or servant of the Authority shall be a party to any contract of service or for services for which he is paid in money or in kind by any person other than the Authority.

(2). Where no conflict of interest with their duties can arise, the Council may make exceptions to this rule for persons nominated under section 1 of this Article, other

than members of the Authority, and for servants of the Authority, under section 9 of this Article.

Section 11. *Members' interests.*

(1). The Council shall by rules for the Authority establish a register to be kept by the Court of Auditors in which each member of the Authority shall record all of his absolute and beneficial interests in land, all of his partnerships, and shareholdings in and director-ships of companies, and all of his other income.

(2). If any member fails to do so then the Court of Auditors shall, on the application of any person or *ex proprio motu*, suspend his membership on such, if any conditions, and for such a definite or indefinite period of time as the Court shall think fit.

(3). The Council may by rules provide for other penalties for the breach of rules made under this section.

(4). No competition officer nor any person nominated under section 1 of this Article shall enter-into a contract of service or for services or receive any emolument from any person who has been a party to proceedings under section 3 of this Article in which that officer or nominated person has at any stage acted, or from any company which is in the same group as a company which has been a party to such proceedings or of which a person who has been a party to such proceedings is a majority share-holder.

Article XIV.

The Central Bank.

Section 1. *Establishment.*

(1). The member states, or a simple majority of the member states, may establish a Central Bank. If such a Bank is established it shall be governed by this Article.

(2). Subject to sub-section 3, if the Bank is established by only a majority of the member states, this Article and any measures taken by, or powers conferred on the Bank shall not apply to any member state that is not a one of that majority; and in that event in this Article the words “the member states” shall be construed to exclude any such member state; and the words “member state” shall be construed accordingly.

(3). This section shall apply to all member states.

Section 2. *Management.*

(1). The Bank shall be governed by a Council composed of the governors from time to time of each of the central banks of the member states by law established and of the members of the Board of the Bank.

(2). The Board of the Bank shall be composed of six persons being citizens of recognised standing and professional experience in the practice of commercial or state banks, or professional or academic experience in economics, chosen by the European Council by and with the advice and consent of Parliament and of the Council of the Bank.

(3). There shall be a President and Vice President of the Bank, who shall be chosen from the members of the Board by the European Council by and with the advice and consent of Parliament and of the Council of the Bank.

(4). The President, Vice President and the other members of the Council of the Bank shall hold office for only one term of eight years.

(5). A governor of a central bank of a member state who has been a member of the Council of the Bank for eight years shall thereafter not serve as such a governor.

Section 3. Independence.

(1). Subject to section 4 of this Article, neither the Bank nor any member of the Council or the Board of the Bank, nor any central bank of a member state, nor any member of the governing or managing body of any such bank shall, in the performance of their offices and duties in connection with this treaty or any law made by virtue of it, seek or take instructions from any other person. No person shall give any such instructions.

(2). Union laws may provide for penalties for the breach of this section.

Section 4. Proposals by the European Council.

The Council of the Bank shall consider and vote upon any proposed exercise of any power of the Bank delivered to it in writing by the European Council.

Section 5. Admission to Bank meetings.

The President of the Council and a member of the Commission may attend any meeting of the Council of the Bank, but without being entitled to vote.

Section 6. Further regulation.

The constitution of the Bank, except insofar as provided by this Article, shall be such as may be provided by Union law.

Section 7. Stable prices.

(1). The Bank shall exercise all of its powers at all times so as to secure and maintain, an average rate of increase of average prices throughout the Union of no more than two *per centum per annum*, as measured over the preceding four years.

(2). Union laws shall establish an index of prices throughout the Union from which the average referred to in sub-section 1 shall be calculated.

(3). The Bank shall publish at intervals of not less than two years a figure for the rate of the increase of average prices throughout the Union which it proposes to

secure. If at any time the actual rate attained over a four year period is higher than three *per centum per annum*, the members of the Council shall resign and shall not be re-appointed.

Section 8. *Legal tender.*

(1). The Bank may mint coins and issue promissory notes.

(2). Subject to sub-sections (3) and (4), any obligation of payment arising under the law of any member state by virtue of any contract or promise which does not specify a currency as legal tender for that obligation may be discharged by tendering payment in coins minted, or promissory notes issued by the Bank.

(3). For the purposes of sub-section (2), coins minted by the Bank shall be legal tender for such debts as the Bank may by rules provide.

(4). For the purposes of sub-section (2), promissory notes issued by the Bank shall be legal tender for such debts as they may state on their face.

Section 9. *Union currency.*

Coins and promissory notes issued by the Bank shall be denominated in European Currency Units.

Section 10. *Rights to be consulted.*

(1). The Council of Ministers shall neither consider nor vote on any draft law or bill to which this section applies unless a copy of the draft law has been delivered to the Bank, and either the Bank has delivered a written opinion on the draft law to the Council of Ministers, or thirty days have passed since the draft law was delivered to the Bank.

(2). This section applies to any draft law or bill which would restrict or extend any right or obligation of the Bank, or which would amend this Article or any other law governing the constitution of the Bank.

Section 11. *Right of admission to the European Council.*

The President of the Bank shall be invited and entitled to attend any meeting of the European Council at which a draft law or bill to which section 10 applies is to be considered.

Section 12. *Duty to report.*

The Bank shall report fully and in writing to both Chambers of Parliament, the European Council and the Commission, at intervals of not less than one year, on the activities of the Bank and the implementation of any laws to which section 10 applies, in both the current and the previous year.

Section 13. *Further powers.*

The Bank may exercise such further powers as may be bestowed upon it by Union law for the purpose of paragraph 3 of Article XXII.

Article XV.

The Court of Review.

Section 1. *Judges.*

(1). There shall be a Court of Review.

(2). Any cause before the Court, other than under section 8 of this Article, shall be heard and determined by no fewer than seven judges.

(3). Each member state shall choose one judge. In addition, one judge shall be chosen by the European Council. No person shall be a judge unless he is at the same time a judge of one supreme court of the member states.

(4). The judges shall hold office for six years. Every three years there shall be a partial replacement of one half of the number of judges. Retiring judges shall be

eligible for re-appointment, but no judge shall serve for more than two consecutive or separate terms.

(5). The judges shall elect the President of the Court from their number for a term of three years. He may be re-elected.

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

(1). 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, including the Court of Justice, on the ground that he or it has exceeded his or its powers, or has purported to exceed those powers.

(2). No cause shall be brought under sub-section 1 more than sixty days after the publication of the measure or act which is alleged to exceed, or to purport to exceed, the powers of the officer or institution, or, in the absence of publication, after the date by when the party bringing the cause ought reasonably to have been aware of the measure or act.

Section 3. *Remedies under section 2.*

(1). If the Court determines that an officer or institution of the Union has exceeded his or its powers, or has purported to exceed those 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, within a definite period of time, for any loss thereby caused to any party to the cause.

(2). If any period of time provided in sub-section 1 or 2 has expired and the officer or institution has not obeyed the order of the Court, the Court may, on a motion by any party to the cause, order the officer or institution to pay a fine, and may make any such incidental order as may be appropriate to secure the payment of the fine either directly or by the attachment, in the hands of any creditor, of any debts owed to the officer or institution.

(3). Any order under sub-sections 2 or 3 against an officer of the Union, other than a judge of the Court of Justice, may be made and enforced against him personally.

(4). An order under sub-section 3 may be enforced by any party to the cause in any appropriate national court.

(5). The fines payable under sub-section 2 may be provided by Union law.

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 interpretation of the constitution, or to any question of conflict between 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, if the determination of that question is necessary to enable the national court or tribunal to determine any cause in dependence before it.

(2). Where the determination of any such question is necessary for that purpose, a national court or tribunal shall be entitled to request the Court to answer it.

(3). Where the determination of any such question is necessary for that purpose, and it is raised in a cause depending before the Court of Justice, or before a national court or tribunal against whose decisions there is no judicial remedy under the law of that member state, that court or tribunal shall make a request to the Court under sub-section 1.

(4). If in any proceedings under this section the Court determines that an officer or institution of the Union has exceeded his or its powers, or has purported to exceed those powers, then the court or tribunal which made the request may provide any remedy which the Constitutional Court might provide under section 5 of this Article.

Section 5. *E.C.H.R. causes.*

(1). Any citizen, public authority, member state, or either Chamber of Parliament, or the European Council, may raise a cause in the Court of Review against any person on the ground that that person has breached the European Convention on Human Rights, if the European Court of Human Rights has declined to accept a petition on the same ground.

(2). The Court of Review shall hear and determine any request by any party to any proceedings under section 3 of Article III to determine any question of the application or interpretation of the European Convention on Human Rights the determination of which is necessary in those proceedings, if such a request has been made to the European Court of Human Rights under Article III and that Court has declined to determine the question.

Section 6. *Remedies under section 5.*

If the Court determines under section 5(1) of this Article that any person has breached the European Convention on Human. Rights, the Court may make an order to give effect to any remedy which the European Court of Human Rights might have given.

Section 7. *Supremacy of the Court of Review.*

(1). The Court of Justice shall have no jurisdiction to hear or determine any questions falling within sections 2, 4, or 5 of this Article.

(2). Any party to a cause before the Court of Justice may appeal to the Court of Review against any decision of that Court which determines or purports to determine whether the cause falls within sections 2, 4 or 5 of this Article, or which finally determines the cause, on the ground that the cause falls within sections 2, 4 or 5 of this Article.

(3). In any question as to whether any matter falls within sections 2,4 or 5 of this Article, the decision of the Court of Review shall be final.

Section 8. Arbitration.

(1). If any two or more member states shall in writing ask the Court of Review to arbitrate in any dispute between themselves, the Court shall do so.

(2). Any such request for arbitration shall be delivered to the registrar and shall propose a motion for the Court to resolve the dispute in a specific manner. The Court shall in writing ask the member states that are parties to the dispute whether they agree to the terms of the motion. If any such member state disagrees with the proposed terms, the Court shall, either forthwith or after consulting further with the author or authors of the request and with any such member state, decide the terms of the motion.

(3). The Chamber shall then invite written representations from the parties, and hear them, or their advocates, and determine the motion. The decision of the Court shall be binding.

(4). The Court shall in its rules of procedure provide periods of time within which the foregoing procedures shall be performed.

(5). The decision of the Court shall be published in the Official Journal and shall become enforceable on the day specified in the decision, or, in the absence thereof, on the twentieth day following publication.

(6). Each member state will nominate such judges, persons learned in the law, or persons learned in any other discipline, and who are willing to serve under this sub-section, as the Court may request. The Court may remit any proceedings under this section to a panel of such nominated persons, not being citizens of or resident in any member state that is a party to such proceedings.

Article XVI.

The Court of Justice.

Section 1. *Judges.*

(1). There shall be a Court of Justice.

(2). The whole Court shall hear and determine any cause, except in so far as the Court may by rules provide for three or five judges to hear and determine preparatory or incidental issues and particular categories of causes.

(3). The judges shall be chosen by the European Council from citizens whose independence is beyond doubt, and who possess the qualifications required for appointment to the highest judicial offices in their own member state, or who are citizens recognised to be learned in the law.

(4). The judges shall hold office for six years. Every three years there shall be a partial replacement of the judges. Seven and six judges shall be replaced alternately. Retiring judges shall be eligible for re-appointment, but no judge shall serve for more than two consecutive or separate terms.

(5). The judges shall elect the President of the Court from their number for a term of three years. He may be re-elected.

Section 2. *Actions by the Commission & Competition Authority.*

The Court shall hear and determine causes brought by the Commission under section 9 of Article XII, and causes brought by the Competition Authority under section 4 of Article

Section 3. *Actions against member states.*

(1). Any member state may raise a cause in the Court against any other member state, on the ground that it has failed to fulfil an obligation under the constitution or any Union law.

(2). No cause shall be brought under sub-section 1 unless the member state has advised the Commission in writing that such a cause is to be raised.

Section 4. *Actions against Union bodies.*

Any citizen, member state, or 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 failed to fulfil an obligation under the constitution or under a Union law.

Section 5. *Remedies under sections 3 & 4.*

(1). If the Court finds that an officer or institution of the Union, or a member state, has failed to fulfil an obligation under the constitution or under a Union law, the Court shall order the officer, institution or member state to fulfil that obligation within a definite period of time; and may order the member state to make reparation, within a definite period of time, for any loss thereby caused to any party to the cause; and the officer, institution or member state shall obey that order.

(2). If any period of time provided in sub-section 1 has expired and the officer, institution or member state has not obeyed the order of the Court, the Court may, on a motion by the Commission or any party to the cause, order the officer, institution or member state to pay a fine, and may make any such incidental order as may be appropriate to secure the payment of the fine either directly or by the attachment, in the hands of any creditor, of any debts owed to the officer, institution or member state.

(3). Any order under sub-sections 1 or 2 against an officer of the Union may be made and enforced against him personally.

(4). An order under sub-section 2 may be enforced by the Commission or any party to the cause in any appropriate national court.

(5). The fines payable under sub-section 2 may be provided by Union law.

(6). Where the Commission may take any action under sub-sections 3 or 5 which any party to a cause may take, and that party requests the Commission in writing not to take such action, the Commission shall have no power to do so.

Section 6. *Preliminary rulings.*

(1). The Court shall hear and determine any request by any national court or tribunal for an answer to any question of the interpretation of the constitution or of any Union law, If the determination of that question is necessary to enable the national court or tribunal to determine any cause in dependence before it.

(2). Where the determination of any such question is necessary for that purpose, a national court or tribunal shall be entitled to request the Court to answer it.

(3). Where the determination of any such question is necessary for that purpose, and it is raised in a cause depending before a national court or tribunal against whose decisions there is no judicial remedy under the law of that member state, that court or tribunal shall make a request to the Court under sub-section 1.

(4). If in any proceedings under this section the Court finds that an officer or institution of the Union, or a member state, has failed to fulfil an obligation under this treaty or under a law made by virtue of this treaty, the Court, then the court or tribunal which made the request may provide any remedy which the Court might provide under section 7 of this Article.

Section 7. *Staff disputes.*

The Court of Justice shall hear and determine any cause between the Union or any officer, institution or agency thereof and any servant of the Union or any such officer, Institution or agency, relating to the employment of any such servant.

Section 8. *Limits on jurisdiction.*

The Court shall have no power to hear or determine any question falling within section 2, 4 or 5 of Article XV, or any question relating to any treaty, agreement

or communications between the Union and any other state or association of states, or between any two or more member states, or between any member state and any other state or association of states.

Article XVII.

Provisions common to the Court of Review & the Court of Justice.

Section 1. *Rules of court.*

(1). The Court of Review and the Court of Justice shall each, by and with the advice and consent of the European Council, make and publish its rules of procedure.

(2). The rules of procedure of either Court may provide for interim remedies pending the determination of any cause, and for orders as to the payment of the expenses of any cause.

Section 2. *Locus standi.*

The Court of Review and the Court of Justice may dismiss any cause, or any motion in any cause, on the ground that the party who has brought it is not affected by the issue. This section shall not apply to causes brought by the Commission or by the Competition Authority.

Section 3. *Time limits & finance.*

(1). Every cause, or any motion in any cause before either Court shall, unless the party presenting the cause or motion waives compliance with this sub-section, be heard within six months of its presentation to the Court and determined within three months from the end of the hearing.

(2). The expenditure regulations shall provide the Court of Review and the Court of Justice with, and authorise them to pay sufficient remuneration to secure the services of so many persons, including judges, as are necessary to secure compliance with sub-section (1).

Section 4. *New judges.*

Should either Court so request, the European Council may increase the number of judges of that Court.

Section 5. *Registrars.*

The Court of Review and the Court of Justice shall each appoint a registrar and make rules governing his service.

Section 6. *Privileges & Immunities.*

(1). Proceedings in the Court of Review and the Court of Justice shall be privileged.

(2). No person shall have any right to reparation against any judge or servant of the Court of Review or of the Court of Justice in respect of anything done in the performance or attempted performance of his duties in that capacity under the constitution or Union law, nor against any advocate in respect of anything done by him during any hearing before either Court.

Article XVIII.

The Court of Auditors.

Section 1. *Membership.*

(1). There shall be a Court of Auditors. Members shall be citizens whose independence is beyond doubt, and who are experienced in auditing the finances of governments or other public authorities or large commercial firms and companies.

(2). The members of the Court shall be chosen by the European Council, by and with the advice and consent of the Chamber of Parliamentarians.

(3). The members of the Court shall be appointed for a term of six years. They may be re-appointed.

(4). Apart from normal replacement or death, the duties of a member of the Court shall end if he resigns, or if he is suspended by the Court of Justice under section 5 of this Article. A person filling a vacancy so caused shall serve until the end of the current term of the former member.

(5): The members of the Court shall elect a President of the Court from among their number for a term of three years. The President may be re-elected.

Section 2. *Independence.*

No member or servant of the Court shall in the performance of their offices and duties in connection with the constitution or any Union law, seek or take instructions from any other person. No person shall give any such instructions.

Section 3. *Conflicts of interest.*

(1). No member of the Court shall, during his term of office, engage in any other occupation, whether gainful or not. No member or servant of the Court shall be a party to any contract of service or for services for which he is paid in money or in kind by any person other than the Court. Where no conflict of interest with their duties can arise, the European Council may, by rules under section 4 of this Article, make exceptions to this section for the servants of the Court.

(2). No member or servant of the Court shall, after they have ceased to hold office, enter into the employment, whether under a contract of service or for services, of any officer or other institution of the Union.

Section 4. *Payment.*

The European Council may by rules determine the terms and conditions of service, and the remuneration of the members of the Court.

Section 5. *Suspension & compulsory retirement.*

If any member of the Court no longer fulfils the conditions required by section 1 of this Article, or commits a breach of sections 2 or 3 of this Article, or is guilty

of serious misconduct, then the Court of Justice may, on the application of the President or the Court, compulsorily retire him, or suspend his membership on such, if any conditions, and for such a definite or indefinite period of time as the Court shall think fit.

Section 6. *Privileges & immunities.*

(1). Proceedings in the Court of Auditors shall be privileged.

(2). No person shall have any right to reparation against any member of the Court in respect of anything done in the performance or attempted performance of his duties in that capacity under the constitution or Union law.

Section 7. *Audit.*

(1). The Court of Auditors shall at intervals of not more than one year examine whether the revenues of the Union have been collected and disbursed by the officers and institutions (including any office or institution created by any Union law), and any persons acting on their behalf, in accordance with the finance and expenditure regulations, and in accordance with any applicable national law.

(2). The audit of disbursements shall extend to future and contingent obligations entered into by any such body or person.

(3). The Court shall at the same time investigate whether the management of the revenues of the Union by those bodies and persons has been carried out in a sound and prudent manner.

(4). Upon a written request from the Court, any officer or institution of the Union, (including any office or institution created by any Union law) and any servants thereof shall supply the Court with any information, documents or other records of whatever kind which are necessary for the performance by the Court of its duties; any shall answer in writing or in person any question from the Court an answer to which is necessary for that purpose; and shall afford the members and

servants of the Court such access as they may reasonably require to any premises or lockfast places occupied by them, or to any records of whatever kind possessed by them.

(5). The Court may delegate any examination of the collection or disbursement of the revenues of the Union within any member state to a national audit body or national audit department in that state, if that body or department consents. In that event, the national body or department shall for that purpose have the power of the Court under sub-section 4.

Section 8. *Report.*

(1). The Court shall deliver a report of its findings under section 7 in writing at intervals of not more than one year to the other officers and institutions of the Union. The report, and any observations upon it delivered in writing to the Commission not more than ninety days after the delivery of the report by the Court, shall be published by the Commission in the Official Journal.

(2). The Court may also, at any time, submit observations on specific matters relating to the collection and disbursement of the revenues of the Union, and deliver opinions at the request of an officer or institution of the Union.

Section 9. *Suspension of expenditure.*

(1). If at any time the Court of Auditors finds that any revenue of the Union is not being spent in accordance with the expenditure regulations, or is being spent fraudulently, or that that expenditure has no financial or economic benefits, then the Court may suspend the authority for any such expenditure or disbursement of revenues for such definite or indefinite period of time, and upon such, if any, conditions, as the Court may determine. In that event, any such expenditure and disbursement shall be prohibited in accordance with the determination of the Court.

(2). A determination by the Court under sub-section 2 may be revoked by the Union Chamber for such definite or indefinite period of time, and upon such

conditions, if any, as the Chamber may determine.

Section 10. Procedure.

The Court shall exercise its powers on the vote of a majority of the members of the Court. The President shall have a casting vote.

Article XIX.

The Committee of the Regions.

Section 1. Membership.

(1). There shall be a Committee of the Regions. It shall be composed of that number of members and alternates from each member state that is specified below:-

Belgium	12	members;
Denmark	9	members;
France	24	members;
Germany	24	members;
Greece	12	members;
Ireland	9	members;
Italy	24	members;
Luxembourg	6	members;
Netherlands	12	members;
Portugal	12	members;
Spain	21	members;
United Kingdom	24	members.

(2). The members and alternates from each member state shall be chosen by the local and regional governments or legislatures of the member states, or, in respect of member states with no such governments or legislatures, by the member state, every four years.

(3). The members and alternates shall be elected members of the local and regional governments or the local or regional legislatures of the member states.

(4). Each alternate shall be the alternate to a named member. No alternate shall participate in any meeting of the Committee at which his member is present. No alternate shall participate in any meeting without the consent of his member.

Section 2. *Independence.*

(1). No member or alternate of the Committee, shall in the performance of their offices and duties in connection with this treaty or any law made by virtue of it, seek or take instructions from any other person. No person shall give any such instructions.

(2). Union laws may provide for penalties for the breach of this section.

Section 3. *Chairman & officers.*

The Committee shall choose its chairman and its officers from among its members for a term of two years.

Section 4. *Rules of procedure.*

The Council shall make and publish rules of procedure for the Committee.

Section 5. *Meetings.*

If the Council or the Commission request the chairman of the Committee to do so, he shall summon a meeting of the Committee. The Committee may also meet *ex proprio motu*.

Section 6. *Consultation.*

The Committee shall have the right to review all proposals for any act by any institution of the Union that would restrict or extend any right or obligation attaching peculiarly to the local or regional governments or legislatures of the member states, and to propose amendments to such proposals.

Article XX.

Legislation.

Section 1. Preliminary.

(1). All laws made by virtue of this treaty, other than laws made by virtue of Article XXXII, and rules made by virtue of section 2 of Article VI, section 3 of Article XI, section 8 of Article XII, sections 2, 9 and 11 of Article XIII, section 8 of Article XIV, section 1 of Article XVII, section 4 of Article XVIII, and section 4 of Article XIX, shall be made in accordance with this Article.

(2). No law shall be made upon which is not within the powers of the Union in terms of Articles XXI, XXII, XXIII, XVIII, XXXI and XXXII.

Section 2. Directives & regulations.

(1). Union laws shall be either regulations or directives.

(2). A regulation shall have the force of law in the member states. It may be binding on all persons, member states, and officers and institutions of the Union. It may be binding in private and in public law. It may give a citizen a private right of action.

(3). A directive shall require the laws, or the practices of public authorities, of all of the member states to be amended in order to secure a specified result. It shall leave to the member states the determination of the means by which that result is to be secured. A directive may only be binding on member states. A directive may give a citizen a private right of action against any member state, whether or not a member state has complied with the directive.

Section 3.

The Chamber of Parliamentarians, the Union Chamber or the Commission may propose a draft law to the Council of Ministers.

Section 4.

(1). The Council of Ministers shall consider and vote on any draft law proposed by a qualified minority of its members, the Chamber of Parliamentarians, the Union Chamber, the Commission, or by the Competition Authority under section 7 of Article XIII. The Council of Ministers may accept, amend or reject any such draft law. If the Council of Ministers rejects the draft law, no further procedure shall be taken under this Article.

(2). Subject to section 8, the Council of Ministers shall not be obliged to consider and vote on a draft law by virtue of sub-section (1) if it is in substance the same as a draft law upon which the Council of Ministers has voted at any time in the preceding year.

Section 5.

The Council of Ministers may propose a bill to the Chamber of Parliamentarians. If the Council of Ministers accepts or amends a draft law proposed under section 3, it shall propose the draft law to the Chamber of Parliamentarians as a bill.

Section 6.

The Chamber of Parliamentarians shall consider and vote on any draft law proposed under section 5. The Chamber may accept, amend or reject any draft law proposed by the Council of Ministers. If the Chamber rejects the draft law, no further procedure shall be taken under this Article.

Section 7.

If the Chamber amends a bill proposed under section 5, the Chamber shall propose the amended bill to the Council of Ministers.

Section 8.

The Council of Ministers shall consider and vote on any amended bill proposed under section 7. The Council of Ministers may accept, amend or reject the

amended bill. If the Council of Ministers rejects the amended bill, no further procedure shall be taken under this Article.

Section 9.

If the Council of Ministers accepts or amends the amended bill, it shall propose the amended bill, as so accepted or amended, to the Chamber of Parliamentarians.

Section 10.

The Chamber of Parliamentarians shall consider and vote on any amended bill proposed under section 9. The Chamber may accept, amend or reject any such amended bill. If the Chamber rejects the amended bill, no further procedure shall be taken under this Article.

Section 11.

If the Chamber of Parliamentarians amends an amended bill proposed under section 9, the Chamber shall propose the amended bill, as so amended, to the Council of Ministers. The amended bill, as so amended, shall thereafter proceed as if it was an amended bill proposed under section 7.

Section 12.

If the Chamber accepts a bill proposed under section 5, or an amended bill proposed under section 9, it shall deliver a copy of the bill to the Council of Ministers

Section 13.

The Council of Ministers shall deliver a copy of any bill (which word in the following sections of this Article shall refer also to an amended bill) delivered to it under section 12 to the presiding officer or officers of the legislature of each member state.

Section 14.

The legislature of a member state may deliver to the Council of Ministers a written opinion of a bill delivered to its presiding officer or officers under section 13. If the legislature delivers such an opinion, the opinion shall propose that the Council accepts, amends or rejects the bill.

Section 15.

The Council of Ministers shall propose a bill delivered to it under section 12 to the Union Chamber. However, the Council of Ministers shall not so propose a bill unless the legislature of each member state has delivered a written opinion to the Council under section 14, or sixty days have passed since the bill or amended bill was delivered to the presiding officer or officers of that legislature. Upon receiving the timeous opinion of a legislature under section 14 the Council of Ministers shall not propose the bill to the Union Chamber unless the Council has considered and voted on any proposal by the legislature for the amendment or rejection of the bill. The Council of Ministers may accept or reject such a proposal. If the Council of Ministers accepts the proposal it shall amend or reject the bill as accords. If the Council of Ministers rejects the bill, no further procedure shall be taken under this Article.

Section 16.

The Union Chamber shall consider and vote on any bill proposed under section 15. The Chamber may accept, amend or reject any such bill. If the Chamber rejects the bill, no further procedure shall be taken under this Article.

Section 17.

(1). The Union Chamber shall not amend a bill to change it from a bill for a regulation to a bill for a directive or *vice versa*.

(2). The Union Chamber shall not amend a bill so as to alter the principle of the bill.

Section 18.

If the Union Chamber amends a bill proposed under section 15, the Chamber shall propose the amended bill to the Council of Ministers.

Section 19.

The Council of Ministers shall consider and vote on any amended bill proposed under section 18. The Council of Ministers may accept or reject the amended bill.

Section 20.

If the Council of Ministers rejects an amended bill proposed under section 18, a committee shall meet. The members of the committee shall be no more than eight persons chosen by the Union Chamber from its members, and no more than eight persons chosen by the Council from the members of the Council and the Council of Ministers. The committee shall consider and vote on the amended bill. A majority of the members of the committee voting may propose to the Council of Ministers that it accept, amend or reject the amended bill.

Section 21.

The Council of Ministers shall consider and vote upon a proposal under section 20. The Council of Ministers may then accept, amend or reject the amended bill. If the Council of Ministers rejects the amended bill, no further procedure shall be taken under this Article.

Section 22.

If the Council of Ministers amends an amended bill under section 21, the Council of Ministers shall propose the amended bill, as so amended, to the Chamber of Parliamentarians.

Section 23.

The Chamber of Parliamentarians shall consider and vote upon an amended bill proposed under section 22. The Chamber may then accept or reject the amended

bill. The Chamber shall reject the amended bill only on a vote by a high qualified majority. If the Chamber rejects the amended bill, no further procedure shall be taken under this Article.

Section 24.

If the Council of Ministers accepts an amended bill under sections 19 or 21, the President of the Council of Ministers shall deliver a copy of the bill to the President of the European Council, who shall sign it and deliver the signed copy to the President.

Section 25.

If the Union Chamber accepts a bill proposed under section 15, the Chamber shall deliver a copy of the bill to President of the European Council, who shall sign it and shall deliver the signed copy to the President.

Section 26.

If the Chamber of Parliamentarians accepts an amended bill proposed under section 22, the Chamber shall deliver a copy of the amended bill to the President of the European Council, who shall sign it and deliver the signed copy to the President.

Section 27.

The President shall sign a bill delivered to him under section 24, 25 or 26. The bill shall then become a law. The President shall deliver a copy of the signed law to the Commission.

Section 28.

A law shall not come into force until it has been signed by the President of the European Council and by the President of the Union.

Section 29.

Laws shall be published by the Commission in the Official Journal within forty days of the delivery to it of a copy of the signed law under section 27. A law shall

come into force on the day specified in it, or, in the absence thereof, on the twentieth day after its publication.

Section 30. *Codification of the law.*

(1). The Commission shall on 1st April each year publish a bound, consolidated and indexed collection of all of the laws and rules of the Union which were in force on 1st January of that year (hereinafter referred to as "the Union Law Book") in which the laws and rules shall be arranged systematically in chapters and sub-chapters, each relating to a discrete area of law and identified by convenient headings and sub-headings, which headings and sub-headings shall not be changed from year to year except for a good and pressing reason.

(2). All draft laws, bills and laws proposed or made by virtue of the constitution shall be identified by means of a heading and where possible a sub-heading indicating as nearly as may be the proposed or anticipated place of that draft law, bill or law in the Union Law Book.

(3). Upon a written request from any citizen, the Commission shall deliver to him a copy of the latest Union Law Book for no charge, unless in the reasonable opinion of the Commission the request is frivolous or vexatious.

Article XXI.

Finance.

Section 1. *The Commission.*

(1). The Commission shall once in each year propose to the Council of Ministers under section 3 of Article XX a draft law for a regulation for the raising of revenue for the institutions of the Union, and a separate draft law for a regulation for the expenditure of the revenues of the Union.

(2). The draft law for the expenditure regulation shall be accompanied by a written explanation from the Commission which shall demonstrate that the regulation would comply with section 5 of this Article, which failing, the Council of Ministers shall not consider the draft law.

Section 2. *The Council of Ministers.*

(1). The Council of Ministers shall once in each year propose to the European Council under section 5 of Article XX a draft law for a regulation for the raising of revenue for the institutions of the Union and a separate draft law for a regulation for the expenditure of the revenues of the Union.

(2). The draft law for the expenditure regulation shall be accompanied by a written explanation from the Council of Ministers which shall demonstrate that the regulation would comply with section 5 of this Article, which failing, the European Council shall not consider the draft law.

Section 3. *The European Council.*

(1). Subject to sub-section 2 of this section, and section 7 of this Article, the Council shall once in each year, propose to the Chamber of Parliamentarians under section 5 of Article XX, a bill for a regulation for the raising of revenue for the institutions of the Union, and, on another such proposal, a separate bill for a regulation for the expenditure of the revenues of the Union.

(2). No proposal shall be made under sub-section 1 without the assent of a high qualified majority of the members of the Council.

Section 4. *Balanced budget.*

No expenditure regulation shall authorise the disbursement of more money in any period of twelve months than is in fact collected by virtue of the finance regulations in that period; and, for the purposes of this section, all future and contingent obligations of any officers or institutions of the Union becoming

enforceable in that year shall be deemed to be monies disbursed by that officer or institution.

Section 5. *Enforcement of section 4.*

Any draft law or bill for the expenditure regulation which is proposed under this Article shall be accompanied by a written explanation from the institution proposing the draft law or bill, which shall demonstrate that the regulation would comply with section 5 of this Article, which failing, no other institution shall consider or approve the draft law or bill.

Section 6. *Limit on the budget.*

(1). No expenditure regulation shall in any year authorise the disbursement, nor shall any finance regulation authorise in that year the collection, of a greater sum of money than is equivalent to one-hundred and twenty-seven ten-thousandths of the total of the values of the gross national products of the member states in the last year for which, in respect of each member state, information is available.

(2). Any question as to the value of the gross national product of any member state in terms of this section shall be determined in accordance with section 9(2) of this Article.

Section 7. *Veto.*

(1). The European Council and the Council of Ministers shall not at any stage of its progress approve a draft law or bill for a finance regulation or for an expenditure regulation if any member state which would by virtue of that regulation be a net contributor to the revenues of the Union objects to it.

(2). In this section, “a net contributor to the revenues of the Union” means a member state the deemed contribution from which, by virtue of the proposed taxes upon its government to be levied by the finance regulation, would exceed the proposed disbursements of the revenues of the Union to be made to persons resident or having a place of business in that member state.

(3). For the purposes of sub-section 2, no payment made by way of remuneration to any officer of the Union, or to any servant of any officer or institution of the Union, or by way of discharge of, or interest upon, any loan for the acquisition on behalf of the Union of rights in, or rent or associated charges for, land or buildings occupied by any officer or institution of the union or any servant thereof shall be treated as a disbursement.

(4). For the purposes of sub-section (2), the deemed contribution made by a member state shall mean the total contribution made by that state, less a sum which bears the same ratio to the total contribution made by that state as the total of all such payments as are mentioned in sub-section (3)(1) bears to the total of the proposed disbursements of the Union.

(5). Any member state may in writing ask the Court of Auditors to determine whether, in respect of any particular year, it is a "a net contributor to the revenues of the Union" in terms of sub-section 1. The Court shall advise the member state and the President of the European Council of its decision in writing within sixty days of the receipt of such a request. The decision of the Court shall be final.

Section 8. *Limits on increases of transfers to member states.*

(1). The rate of increase of transfers of money to a member state over any period of time, or to persons resident in or having a place of business in that state, shall not exceed the real rate of economic growth in that member state over that period.

(2). In this section, "net disbursements" means the balance left after deducting the deemed contribution from that member state from the deemed disbursements made to that member state and to such persons, whether that balance is positive or negative; and "deemed disbursements" means the total of such disbursements less all such payments as are mentioned in sub-section 3(1) of section 7 of this Article.

(3). Any member state may in writing ask the Court of Auditors to determine, in respect of any particular year or years, the level of its net disbursements in terms

of sub-section 2, or the real rate of economic growth in that state. The Court shall advise the member state of its determination in writing within sixty days of the receipt of such a request. The determination of the Court shall be final.

Section 9. *Levels of taxes on member states.*

(1). The total contribution which a member state is obliged to make under a finance regulation shall be broadly comparable to the total contributions of the other member states, taking into account the value of the gross national product of each state in the last year for which information is available and the average income of each natural person in each state in the last year for which information is available.

(2). Any member state may in writing ask the Court of Auditors to determine, in respect of any particular year, the value of the gross national product of any member state in the last year for which information is available and the average income of each natural person in each state in the last year for which information is available, in terms of sub-section 1. The Court shall advise the member state of its decision in writing within sixty days of the receipt of such a request. The decision of the Court shall be final.

Section 10. *Failure to make budget.*

If in any year no finance regulation, or no expenditure regulation, shall be made, then for that year the last finance regulation or expenditure regulation, as the case may be, made by virtue of this Article shall have effect as if they had been made for that year.

Section 11. *Powers to gather information.*

Upon a written request by the Court of Auditors, any government or public authority of any member state shall forthwith supply the Court with any information which is in its possession and which is necessary for the determination of any question under sections 6(2), 7(4), 8(3) or 9(2) of this Article.

Section 12. Interpretation.

In this Article, unless the context otherwise requires:-

“bill” includes amended bill;

“disbursements” includes all bonds of caution or guarantees granted by any officer or institution of the Union in respect of the obligations of any person; and such bonds or guarantees shall be deemed to be disbursements in the member state in which that person is resident or has a place of business; and to be made in the year in which the bond or guarantee becomes enforceable; and

any reference to a place of business shall apply in respect of any disbursement made in respect of that business.

Article XXII.

Legislative powers of the Union.

The Union shall have the power, in terms of Article XX, and subject to the provisions of Article XXIV, to make laws for the purposes defined in the following paragraphs.

1. Subject to the procedures of Article XXI, to oblige the central governments of the member states, in terms of the finance regulations, to pay taxes to the Union, which shall be collected by and paid to the Commission; provided that the Union may not impose any tax or compulsory charge on any other person.

2. To make laws relating to the foreign policy of the Union and of the member states under the procedures of Article XXV.

3. To establish a single currency under the regulation of the Bank, and to regulate so far as is necessary for that purpose the activities of the central banks of the member states, subject to Article XIV.

4. To regulate legal tender and exchange rates in the member states.

5. To regulate the import and export of goods into and out of the Union and to regulate and impose any tariffs thereon, and any measures having equivalent effect; provided that:-

(i) the member states and the officers and institutions of the Union shall use their best endeavours to secure that this power shall be exercised so as to progressively lower and ultimately to prohibit all such tariffs and measures;

(ii) that from 1st January 2000 no tariff on the import of agricultural goods or commodities into the Union, nor measure having equivalent effect other than direct grants of money to farmers, shall, in the case of a tariff, be higher or, in the case of such a measure, be more onerous, than the average rate or burden of all tariffs and such measures then and thereafter applying to goods other than agricultural goods and commodities; and

(iii) that no tariff imposed hereunder shall be increased, and no law or other measure shall be approved by the European Council or the Council of Ministers, other than upon a high qualified vote of the European council and the Council of Ministers

6. To raise and disburse monies to member states and public authorities, in terms of the finance and expenditure regulations.

7. To regulate taxes imposed by member states upon goods or services made in or supplied from other member states by reason of their origin in another member state;
8. To provide for mutual recognition of standards governing the safety and quality of goods sold or hired;
9. To regulate the conditions upon which academic, professional and trade qualifications of member states should be mutually recognised;
10. To provide for mutual recognition of regulatory standards in the fields of banking, consumer credit, insurance, pensions, the marketing of shares, options, etc., and other financial services;
11. To regulate the carriage of passengers and goods between two or more member states by public carriers, whether by road, rail, sea or air;
12. To regulate commercial competition where it has considerable effects in two or more member states.
13. To require member states, by means of directives, to regulate commercial competition even where it has no such effects as are mentioned in paragraph 12.
14. To regulate barriers to competition restricting, or arising by reason of the activities of state-owned businesses.
15. To regulate subsidies by member states to public and private businesses, firms and companies; and to require the notification of any such subsidy to the Competition Authority; and to give the Authority or the Council of Ministers power to suspend or prohibit any subsidy which is inconsistent with any defined criteria;

16. To provide for mutual recognition of regulatory standards governing the health and safety of persons employed under contracts of service and arising out of such employment;
17. To regulate, preserve and protect the off-shore fisheries of the member states
18. To preserve, protect and improve the quality of the natural environment, insofar as it may be impaired by causes which have effects in more than one member state and cannot effectively be regulated by measures adopted by individual member states, or by co-operation between member states.
19. To regulate and prohibit double taxation.
20. To regulate the mutual recognition of artificial and corporate legal persons, and of transactions relating to the status and identity thereof amongst the member states.
21. To regulate the reciprocal recognition and enforcement of judgments, verdicts and awards of criminal and civil courts, tribunals and arbiters.
22. To regulate the crossing by persons of the external borders of the member states and the residence, naturalisation and employment in member states of citizens of other states and stateless persons.
23. To regulate and facilitate co-operation between the member states and their public authorities in the prevention and punishment of serious crimes.
24. To regulate and prohibit the trafficking in, and use of dangerous and addictive narcotics, and associated activities.
25. To regulate and prohibit international fraud.

26. To regulate and facilitate co-operation between the member states and their public authorities in the enforcement of all laws of the Union and of member states relating to taxes and other charges levied by reason of import, export and all other trading activities.

Article XXIII.

Incidental powers.

Section 1.

The Union shall have the power to make laws in terms of Article XX, and the officers and institutions of the Union shall have power to take any other steps, for the purposes defined in the following paragraphs, but only in so far as such measures are necessary for the exercise of the powers delegated to the officer or institution by the constitution.

1. To give any institution, office, agency or officer of the Union, consistently with the constitution, any duties or powers necessary to secure the enforcement of any obligation arising under the constitution or under any Union law; to regulate the power of all such bodies to incur liability in the private law of the member states; and to allocate such liabilities and the responsibility for the discharge thereof between such bodies.

2. To require governments of member states and public authorities to supply any officer or institution of the Union with such information as may be necessary for the performance of the duties, or the exercise of any power, of that officer or institution, provided that no such law may require the disclosure of information the confidentiality of which is necessary for the national security or foreign policy of, or the prevention of crime in any member state;

3. To establish such other institutions, offices or agencies as are necessary to exercise any power of the Union, implement and enforce any Union law, other than

bodies acting in a judicial capacity, but including ombudsmen having oversight over any officer, institution or other agency of the Union other than the President, the Chambers and officers of Parliament, the Court of Review, the Court of Justice, the Court of Auditors, and the Committee of the Regions;

4. To employ necessary staff.

5. To enter into necessary contracts.

6. To acquire rights in property.

7. To pursue causes in any courts or tribunals, except in so far as the issue in any such cause is one for which provision is made in the constitution for action in the Court of Review or the Court of Justice; and to defend causes in any courts or tribunals.

8. To make laws providing for penalties for breaches of the constitution and of Union law.

9. To make provision in the expenditure regulations authorising officers or institutions of the Union to grant or lend money to, or to grant bonds of caution or guarantees to or in favour of member states, public authorities both within and outwith the Union, persons residing both within or outwith the Union, and other states or associations of states; provided that, in any question as to whether any officer or institution of the Union, or any department, section or agency thereof, has remained within or exceeded its authority under the expenditure regulations in any year, all future and contingent obligations of that officers, institution, department, section or agency becoming enforceable in that year shall be deemed to be monies disbursed by that officer, institution, department, section or agency in that year.

10. To employ persons to, or to grant monies to persons in order to enable them to engage upon scientific, technical or economic research so far as may be relevant to the exercise of any power of any officer or institution of the Union.

11. To co-ordinate action by the member states and to encourage co-operation by them whenever to do so may obviate or tend to obviate the need for the making of a law.

Section 2.

(1). The contractual liability of the Union and of the officers, institutions and other agencies of the Union shall be governed by the law applicable to the contract in question.

(2). The European Council shall make reparation to any person for any loss caused to him by any act or omission of the Union or of any officer, institution or other agency thereof in the exercise of their duties in accordance with the general principles common to the laws of the member states.

Article XXIV.

Limits upon the powers of the Union.

Section 1. *Necessary conditions for Union action.*

Neither the Union nor any officer, institution or 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, without prejudice to the generality of the foregoing clauses, 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 (hereinafter collectively referred to as 'acts') unless section 2 applies.

Section 2. *Specification of the conditions.*

This section applies if:-

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; 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; or
 - (ii) an act or omission of one or more member states which has caused material loss to another member state; or
 - (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
3. Any obligation imposed by the act upon any member state, public authority or person is no more onerous and applies to no more member states, public bodies or persons than is strictly necessary for the achievement of the aim of the act; and
4. Any member state or member 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 of any obligations to which it gives rise that is compatible with the efficient and secure attainment of the aim of the act; and
5. In the case of any law, its aim cannot be efficiently and securely attained by means of a recommendation or a voluntary code of conduct; and

6. In the case of any law, its aim cannot be efficiently and securely attained by means of co-ordinating action by the member states or encouraging co-operation between them; and

7. In the case of any regulation, its aim cannot be efficiently and securely attained by means of a directive; and

8. In the case of any regulation or directive to which this paragraph applies, the law imposes no obligation, other than that member states recognise the standards of all other member states, which is not necessary to the efficient and secure attainment of the aim of the directive or regulation. This paragraph applies to directives and regulations regulating any of the following matters:-

the safety and quality of goods sold or hired;

academic, professional and trade qualifications;

regulatory standards in the fields of banking, consumer credit, insurance, pensions, the marketing of shares, options, etc., and other financial services;

the carriage of passengers and goods;

commercial competition and state-owned businesses;

risks to the health and safety of persons employed under contracts of service and arising out of such employment.

Section 2. *Saving for amendments to the constitution.*

Section 1 of this Article shall not apply to any amendment of the constitution, not to any proposal, draft law, bill or amended bill for such an amendment.

Section 3. *Limitation on powers to tax.*

No person shall be obliged to pay any tax, excise or other compulsory charge to any officer or institution of the Union except by virtue of an express provision in a law made by virtue of this treaty.

Section 4. *Limitation on spending powers.*

No officer or institution of the Union shall spend, invest, or lend or donate to any person, any revenue of the Union, nor borrow money on behalf of the Union or of any officer or institution of the Union, without the authority of an express provision in a Union law.

Article XXV.

Duties to co-operate.

Section 1. *Foreign policies.*

(1). The member states, acting through the European Council, 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.

(2a). 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 conditions for the implementation of such joint action.

(2b). Member states shall implement any such decision according to its terms and any subsequent decision upon that matter.

(3). In sub-section 1, "relations between one or more member states and any other state" means:-

- (1) concluding or seeking to conclude or ratify any treaty or other agreement with any other state;

(2) amending or abrogating any such treaty or agreement;

(3) encouraging or assisting any other state or states to conclude, ratify, amend or abrogate any treaty or other agreement;

(4) mediating between any two or more such states in order so to encourage or assist them;

(5) lending money, or affording caution or guarantees, or otherwise extending credit to any other state, directly or indirectly, other than upon a commercial footing.

and the obligation to implement any such decision shall extend only to such action.

(4). In any event, before taking any such action in a matter which the European Council has decided is a matter for joint action, each member state shall advise all of the other member states in writing that it proposes so to do.

(5). If any member state asks for a meeting with all or any of the governments of the member states to discuss the need for a decision on joint action, or any such action as is mentioned in sub-section 1, such a meeting shall be summoned by the President of the European Council at the earliest possible date, and a minister from each member state shall attend.

(6). At any such meeting and in any other communications with the governments of the other member states, each member state shall at all times use its best endeavours, subject to the urgency of any need for any action, to agree on joint action, and to take any such action as is mentioned in sub-section 3 only with the agreement of all of the other member states.

(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.

(8). No member state shall agree to any joint action that is inconsistent with the United Nations Charter.

(9). No member state shall take any joint action that is calculated to undermine peace between European states.

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

(11). In this Article "other state" includes associations of other states.

Section 2. *Mutual defence.*

An armed attack against any member state in Europe shall be considered an attack against every member state.

Article XXVI.

Associated institutions.

Section 1. *The Council of Europe.*

(1). Subject to sub-section (2), all member states shall be parties to, and shall honour, the Treaty establishing the Council of Europe.

(2). No obligation arising from the European Social Charter of the Council of Europe shall be enforced by virtue of the constitution or any Union law.

Section 2. *N.A.T.O. & the W.E.U.*

(1). Any member state that is a member of the North Atlantic Treaty Organisation shall also be a member of the Western European Union. No member state of the Union shall accept full membership in the W.E.U. unless it is a member of N.A.T.O.

(2). No member state shall co-operate with any other member state in the deployment of its armed forces, other than through the institutions and Procedures of either the U.N.O., N.A.T.O. or the W.E.U.; nor shall any member state so co-operate in the training, equipping, discipline or maintenance of those forces, or enter into any such treaty or agreement, other than through the institutions and procedures of either N.A.T.O. or the W.E.U.

(3). Subject to the right of each member state to decide whether or not to be a member of N.A.T.O., no member state shall by any positive act do anything to hinder any actions taken by or on behalf of N.A.T.O. to preserve peace under the auspices of the U.N.O. or the C.S.C.E.

(4). Subject to the right of each member state to decide whether or not to be a member of the W.E.U., no member state shall do anything to hinder any actions taken by or on behalf of the W.E.U., or by or on behalf of any member state in fulfilment of its obligations as a member of the W.E.U.

(5). The role of the W.E.U. in Europe in peace-keeping, peace-making and intervening in crises shall not be limited to cases of external aggression.

Section 4. *G.A. T. T.*

(1). All member states shall be party to G.A.T.T. and shall obey their obligations thereunder.

(2). The Union shall be a party to G.A.T.T. and shall obey its obligations thereunder. No officer or institution of the Union shall do anything inconsistent with those obligations.

Article XXVII.

Associated states.

Section 1. *Definition.*

The states outside Europe which have special relations with Belgium, Denmark, France, Italy, the Netherlands and the United Kingdom listed in the annex to the constitution shall be associated with the Union.

Section 2. *Free trade.*

The movement of goods between an associated state and any member state shall be treated for all purposes of law as if it was a movement of goods between one member state and another.

Section 3. *Investment & tenders.*

No officer or institution of the Union shall pay money or give credit to any person in an associated state for any public or commercial purpose other than on condition that, in the implementation of that purpose that person shall not discriminate against any person on the ground that he is a citizen of, or resident in, or has a place of business in a member state.

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.

Section 2. *Legislation.*

A new member state shall be admitted only upon its becoming a party to this treaty, and only upon the making of, and in accordance with, a regulation under Article XX.

Section 3. *Parliamentary approval.*

No regulation under section 2 shall be approved by the Chamber of Parliamentarians without the assent of a high qualified majority of those voting.

Article XXIX.

Derogation.

Section 1. *Procedure.*

(1). 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.

(2). A declaration under this section shall be delivered in writing to the President, to the President of the Council, and to the Commission; and the Commission shall publish the declaration in the next edition of the Official Journal.

Section 2. *Effect of declaration.*

On the date or dates provided in the declaration, or on the date failing sixty days after the delivery thereof under section 1, whichever is the later, the law or laws specified in the declaration shall cease to apply to the member state" -Making the declaration for such a period or periods as may be provided in the declaration.

This Article shall not apply to any Union law made by virtue of paragraphs 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 of Article XXII.

Section 4. *Revocation.*

(1). A member state that has made a declaration under section 1 of this Article may make a further declaration revoking that declaration from such date or dates as may be provided expressly provided in the further declaration.

(2). A declaration under this section shall be delivered in writing to the President, to the President of the Council and to the Commission; and the Commission shall publish the declaration in the next edition of the Official Journal.

(3). On the date or dates provided in the further declaration, or on the date failing thirty days after the delivery thereof under section 1, whichever is the later, the law or laws specified in the original declaration shall apply to the member state.

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 2. *Effect of notice.*

Laws made by virtue of this treaty shall continue in force until the date when a member state leaves the Union; but no such law made after a member state has given notice under section 1 shall have effect in that member state, nor shall any obligation be constituted binding that member state by virtue of this treaty or of

any law or other act made by virtue of it which was not so binding at the date when the member state gave notice under section 1.

Section 3. Effect of leaving.

From the date when a member state leaves the Union, neither that state nor any person therein shall be under any obligation arising by virtue of this treaty or by virtue of any law or other act made under this treaty.

Section 4. *Non-discrimination.*

(1). 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 ground of its giving notice or leaving under this Article.

(2). No law made by virtue of this treaty, nor any member state or officer or institution of the Union shall in any way discriminate against any member state or former member state, or the citizens or residents thereof, on the ground of its giving notice or leaving under this Article, except insofar as such discrimination arises from laws or other acts made prior to the-date when that member state gave such notice.

Section 5. *Violation of human rights.*

If a member state ceases to be a member of the Council of Europe it shall also cease to be a member of the European Union.

Article XXXI.

Amendment.

Section 1. *Amendment.*

This treaty may, with the exception of this Article, and subject to Article XXXII, be amended by legislation under Article XX.

Section 2. *Title.*

Such legislation shall be referred to as an amendment.

Section 3. *Unanimity of member states.*

No amendment shall be approved by either the European Council or the Council of Ministers without the assent of all of the member states.

Section 4. *Parliamentary approval*

No amendment shall be approved by the Chamber of Parliamentarians without the assent of a high qualified majority of those voting.

Section 5. *Amendment to budgetary limits.*

(1). No amendment to sections 6(1) or 8(1) of Article XXI shall be made without the assent, in a referendum in which the whole electorate of each member state shall be entitled to vote, (1) of a simple majority of all of the persons voting; and (2) of a simple majority of the persons voting in each of such a number of states as constitutes a simple majority of those member states which are, in terms of section 7(2) of Article XXI, net contributors to the revenues of the Union under the finance and expenditure regulations then in force.

(2). In a referendum under sub-section 1, the voter shall be asked no more than one question about each proposed amendment, and shall be asked to answer either 'Yes' or 'No' to that question.

Article XXXII.

The Repatriation of Powers.

Section 1. *Repatriation.*

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

Section 2. Procedure.

(1). A member state, a qualified minority of the members of either Chamber of Parliament, the Council of Ministers or the Commission may propose a draft law under this Article to the Chamber of Parliamentarians.

(2). The Chamber of Parliamentarians shall consider and vote on a draft law proposed under sub-section 1. The Chamber may accept, amend or reject the draft law. The draft law shall be accepted or amended on vote by, a simple majority. If the Chamber accepts or amends the draft law, it shall be published as a bill and proposed by the Chamber to the Council.

(3) The Council shall consider and vote on a bill proposed under sub-section 2. The Council may accept or reject the bill. The bill shall be accepted on a vote by a simple majority. If the Council rejects the bill, no further procedure shall be taken under this Article. If the Council accepts the bill, the President of the Council shall sign and deliver a copy of it to the President. The bill shall thereafter proceed under section 27 of Article XX.

Article XXXIII.

Interpretation.

Section 1. Languages.

In any question of the interpretation of this treaty, the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish texts of the treaty shall have equal authority.

Section 2. Definitions.

In this treaty the masculine imports the feminine, and, unless the context otherwise requires,-

“assignment” includes assignment and the conveyance of obligations by means of bills of exchange and cheques;

“the Bank” means the Central Bank;

“a bill” means a draft law accepted by the Council;

“the Board” means the Board of the Bank;

“the C.S.C.E.” means the Council for Security and Co-operation in Europe;

“citizen” means a person who is according to the law of any member state a citizen, subject or national of that state;

“the constitution” means Articles 1 to XXXIV of this treaty;

“the Council” means the European Council;

“a draft law” means a written proposal for- a law made by the Chamber of Parliamentarians, or by the Council of Ministers, or by the Commission;

“E.C.H.R.” means the European Convention on Human Rights;

“the European Convention on Human Rights” means the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4th November, 1950, and the protocols thereto...;

“E.C.U.” and “ecu” mean European Currency Units;

“the expenditure regulations” means the regulations made by virtue of Article XXI for the expenditure of the revenues of the Union;

“the finance regulations” means the regulations made by virtue of Article XXI for the raising of the revenues of the Union;

“G.A.T.T.” means the General Agreement on Tariffs and Trade;

“a high qualified majority” means, in relation to the Council and the Council of Ministers, at least four-fifths of the votes cast, including those of all of the large member states, with less than four member states dissenting; and, in relation to the Chambers of Parliament, at least four-fifths of the votes cast;

“the institutions of the Union” means the Council, the Council of Ministers, the Chamber of Parliamentarians, the Union Chamber, the Commission, the Competition Authority, the Bank, the Constitutional Court, the Court of Justice, the Court of Auditors and the Committee of the Regions;

“a large member state” means France, Germany, Italy, Spain and the United Kingdom;

“the laws of the Union” includes the constitution;

“money” means money in any currency recognised as legal tender by the law of any state;

“N.A.T.O.” means the North Atlantic Treaty Organisation;

“nation” means a member state, and “national” shall be construed accordingly;

“the officers of the Union” means the President of the Union, the officers of the Chamber of Parliamentarians, the President and officers of the Union Chamber, the members of the Council, the members of the Council of

Ministers, the members of the Commission, the members of the Competition Authority, the members of the Council and Board of the Bank, the judges and registrars of the Court of review and of the Court of Justice, the members of the Court of Auditors and the members and alternates of the Committee of the Regions;

"an ordinary qualified majority" means, in relation to the Council and the Council of Ministers at least two-thirds of the votes cast, with less than six member states dissenting, and with not more than one large member state dissenting; and, in relation to the Chambers of Parliament, at least two-thirds of the votes cast;

"other states" means states that are not members of the Union; and "another state" shall be construed accordingly;

"the people" means all persons who are within the frontiers of a member state, regardless of whether they are citizens of a member state, provided that their presence there is not in breach of Union law or the law of that state;

"person" means a person having natural or legal personality by virtue of any law of any member state;

"the President" means the President of the Union;

"the presiding officer" means, with regard to the Chamber of Parliamentarians, the President, with regard to the Community Chamber, the President of the Chamber, and, with regard to a committee of either Chamber, the chairman of the committee;

"public authorities" means the legislative, executive, judicial, regulatory and administrative authorities established by the legislatures or governments of the member states;

“qualified minority” means, with regard to the Council or the Council of Ministers, members holding one tenth of the votes, provided that they represent three or more member states; and, with regard to the Chambers of Parliament, one tenth of the members.

“*quasi-unanimity*” means, with regard to the Council or the Council of Ministers, all of the votes other than those held by members representing member states whose population is less than one-hundredth of that of the Union;

“a simple majority” means, in relation to the Council, the Council of Ministers, and the Chambers of Parliament, at least half of the votes cast;

“tax laws” means laws obliging persons to pay taxes directly or indirectly to a central or local government of a member state;

“U.N.O.” means the United Nations Organisation;

“Union laws” means laws made by virtue of the constitution, other than rules.,

“W.E.U.” means the Western European Union;

Section 3. *Oath of office.*

The oath or affirmation for the officers of the Union shall be in the following terms:-

“I do solemnly swear (or affirm) that I will faithfully execute the office of _____, and will to the best of my ability, preserve, protect and defend the laws of the Union.”

Article XXXIV.

Savings for existing laws, etc.

Section 1. *Repeals.*

Subject to section 2, the treaties, protocols, regulations and directives and other measures listed in the 'Schedule of Repeals' to this treaty are hereby abrogated.

Section 2. *Savings.*

(1). The Articles and protocols listed in the 'Schedule of Regulations' of this treaty shall, from the commencement of this treaty, be deemed to be regulations made under Article XX of this treaty.

(2). The Articles and protocols listed in column 1 of the 'Schedule of Directives' of this treaty shall, from the commencement of this treaty, be deemed to be directives made under Article XX with which member states shall comply, or shall have complied, by the date given in column 2 of that Schedule.

(3). Subject to section 4, all regulations and directives made by virtue of the E.E.C. Treaties and listed in the 'Schedule of Existing Community Laws' of this treaty shall continue in force notwithstanding anything to the contrary in the constitution.

(4). Notwithstanding anything in the constitution, the Union shall be deemed to have had the power to make all of the regulations and directives which are deemed to have been made by virtue of sub-sections 1 and 2, and all of the regulations and directives referred to in sub-section 3.

Section 3. *Amendments.*

The regulations and directives, and deemed regulations and directives, listed in column 1 of the 'Schedule of Amendments' of this treaty shall be amended in accordance with column 2 of the Schedule.

Section 4. *Power to repeal*

The Union shall have the power under Article XX to repeal, or to amend, any or all of the regulations and directives which are deemed to have been made by virtue of sub-sections 1 and 2 of section 2 of this Article.

Section 5. *Debts.*

All debts contracted and treaties, agreements and contracts entered into, before the commencement of this treaty, shall be valid against the Union under this treaty, as against the European Economic Community (also known as the European Community) and the former European Union.

Article XXXV.

Ratification and commencement.

Section 1. *Ratification.*

This treaty shall not come into force until it has been ratified by each of the member states in accordance with their own constitutional requirements. The instruments of ratification shall be delivered to-the Italian Government.

Section 2. *Commencement.*

(1). This treaty shall come into force on _____ provided that all of the instruments of ratification have been delivered to the Italian Government, which failing, it shall come into force on the first day of the month following the delivery of the instrument of ratification of the last member state to deliver that instrument.

(2). The principal of this treaty shall be delivered to and preserved by the Italian Government.

(3). Upon receiving the last instrument of ratification, the Italian Government shall deliver a certified copy of this treaty to the governments of each of the other member states.

In witness whereof,
