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Rheinische Friedrich-Wilhelms-Universität Bonn

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Reconstructing Europe
Two Alternative Proposals
for a European Constitution

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Reconstructing Europe

Two Alternative Proposals for a European Constitution

Introduction

The rejection of the Treaty Establishing a Constitution for Europe (hereinafter referred to as the “Constitutional Treaty”) in the referenda in France and the Netherlands has been followed by a „constitutional coma“. The German EU Presidency, which coincides with the 50th Anniversary of the signing of the Treaties of Rome, is expected to issue a wake-up call. In this regard, the recently adopted Berlin Declaration has made a clear commitment to "put the EU on a renewed common foundation" before the European elections in 2009.

This paper is a contribution to the ongoing constitutional debate of 31 Master Fellows of 17 different nationalities currently completing a Master Programme in European Studies at the Centre for European Integration Studies (ZEI) in Bonn. As part of a course on the history of European integration held by Professor Dr. Ludger Kühnhardt, Director at ZEI, Master Fellows decided to take on the academic endeavour in proposing an alternative constitution for Europe. This resulted in a “split” of the Master Fellows into two basic groups dealing with two different approaches to a brave new constitutional project – one relying on the current draft of the Constitutional Treaty, the other one going beyond it.

The philosophy of the so-called “realistic” group was to respect, as much as possible, the current stage reached in the process of European integration and not to change something in the existing draft of the Constitutional Treaty just for the sake of the change itself. The guiding idea was to preserve one of the main advantages of the existing draft – to have everything in a single text – while improving the transparency and efficiency of the

EU as a whole. While working on a proposal, the “realistic” group tried to act as if it was really the one drafting the real text, which, in case of entering into force, would create a solid and viable legal order. In this respect, the “realistic” group tried to include in the text only essential provisions of the existing draft of the Constitutional Treaty, whilst leaving everything else (including the whole of Part III of the existing draft) to be regulated by the Union’s Secondary Law. Also, this group tried to strengthen the Union’s supranational elements at the expense of the intergovernmental ones, but only within the limits of what has been perceived as a “realistic” option. Some ideas implied “institutionalising” the practices already existing in the EU (e.g. Open Method of Coordination, Troika system, Copenhagen-Criteria), others went a bit further and introduced the new concepts (e.g. extraordinary legislative procedure), while some meant strengthening of the prevailing concepts (e.g. position of the Union Minister for Foreign Affairs). The result is, hopefully, a comprehensive and reader-friendly Constitutional Treaty of 75 Articles, which makes the EU a bit more transparent, a bit more efficient and a bit more democratic.

The main dilemma for the so-called “visionary” group was to draft a visionary, but at the same time realistic constitution. What is a visionary Europe: a Europe of citizens or a Europe of states? The happy medium was found in combining a greater say for the citizens via referenda and a truly parliamentary regime with the “necessary evil” of the Council of Ministers. Right from the beginning, the group agreed on the objectives of more visibility, more legitimacy, more democracy and stronger leadership. This is reflected, for instance, in the fact that the European Commission has become more “government-like” as its legitimacy is now derived directly from the European Parliament. Many debates focused on the role of each institution, and on matters of terminology, for example on the meaning of the words “European”, “values”, “principles”, mirroring numerous, strongly diverging opinions. Unlike the proposal of the “realistic” group, the result of the “visionaries” might not be acceptable in the near future, but it could be one of the potential patterns of evolution of the EU.

However, both working groups faced one key challenge, which was also very much present in the European Convention: the need to strive for con-

Reconstructing Europe

sensus through voting mechanisms or “constructive abstention.” In the wake of thorough and very lively debates, both groups finally reached an agreement on all the main issues and submitted the following two texts for public review.

Since *both* texts are considerably below one-fourth of the existing draft in volume, the main advantage of these endeavours is probably the fact that it is now clear that it is quite possible to have a short, comprehensive and reader-friendly Constitutional Treaty, which the citizens of the EU can understand in its entirety.

“Realistic” Group

Treaty Establishing a Constitution for Europe

Preamble

WE, THE CITIZENS OF THE EUROPEAN UNION, through our legitimate political representatives which have been lawfully appointed in accordance with respective constitutional requirements of all the Member States,

DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which the inviolable and inalienable rights of the human person, freedom, democracy, social justice, equality and the rule of law have been irreversibly established,

BELIEVING that Europe, reunited after bitter experiences, intends to continue along the path of civilization and prosperity for the good of all its inhabitants, including the weakest and the most deprived; and that it wishes to remain a continent open to culture, learning and social progress; and to strive for peace, justice and solidarity throughout the world,

DETERMINED, while remaining proud of our own national identities and history, to transcend our former divisions and, united ever more closely, to forge a common destiny,

DESIRING to form a more perfect Union, which shall continue and improve the work accomplished within the framework of the Treaties establishing the European Communities and the Treaty on European Union, by ensuring the continuity of the Community acquis, strengthening the protection of human rights, providing for a more democratic and transparent public life, a single voice in international relations and a common defence,

HEREBY adopt the following:

TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

PART I - BASIC PROVISIONS

Article 1

Establishment of the Union

Reflecting the will of the citizens and States of Europe to build a common future, this Treaty Establishing a Constitution for Europe (hereinafter referred to as the ‘Constitution’) establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise on a Community basis the competences they confer on it. The Union shall be open to all European States, which respect its values and are committed to promoting them together.

Article 2

The Union’s Values

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, equality between woman and man and respect for cultural, religious and racial diversities prevail.

Article 3

The Union's objectives

1. The Union's aim is to promote peace, its values and the well being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, and an internal market where competition is free and undistorted.
3. The Union shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment, social progress and enhancement of social rights, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

Treaty Establishing a Constitution for Europe

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

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

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

4. In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including active support for conflict resolution and respect for the principles of the United Nations Charter.

5. The Union shall pursue its objectives by appropriate means commensurate with the competences, which are conferred upon it in the Constitution.

Article 4

Fundamental freedoms and non-discrimination

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

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

Article 5

Relations between the Union and the Member States

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

“Realistic“ Group

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

3. The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Constitution or resulting from the acts of the institutions of the Union. The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure, which could jeopardise the attainment of the Union's objectives.

Article 6 *Union law*

1. Both this Constitution and the law adopted by the institutions of the Union in exercising competences conferred on it (hereinafter referred to as the ‘Secondary Law’) shall have primacy over the law of the Member States.

2. All the institutions of the Union and all the Member States are obliged to interpret and implement the Secondary Law fully in accordance with this Constitution. In case of any discrepancies between any provision of the Secondary Law and any provision of this Constitution, the latter shall prevail.

Article 7 *Legal personality*

The Union shall have legal personality.

Article 8 *The symbols of the Union*

The flag of the Union shall be a circle of twelve golden stars on a blue background.

The anthem of the Union shall be based on the ‘Ode to Joy’ from the Ninth Symphony by Ludwig van Beethoven.

The motto of the Union shall be: ‘United in diversity’.

The currency of the Union shall be the euro.

Europe day shall be celebrated on 9 May throughout the Union.

PART II - FUNDAMENTAL RIGHTS AND CITIZENSHIP OF THE UNION

Article 9

1. With due regard to the powers and tasks of the Union and the principle of subsidiarity, the Union shall recognise the fundamental human and citizens' rights, freedoms and principles set out hereinafter as they result from the constitutional traditions and international obligations common to the Member States, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Union and by the Council of Europe and the case-law of the Court of Justice of the European Union and of the European Court of Human Rights. In this context these rights, freedoms and principles will be interpreted by the courts of the Union and the Member States with due regard to the explanations and guidelines which shall be set out by the European Law, in accordance with the procedure referred to in the Article 42.
2. Enjoyment of these rights, freedoms and principles entails responsibilities and duties with regard to other persons, to the human community and to future generations.
3. Fundamental rights, as guaranteed hereinafter and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

Article 10

Dignity

1. Human dignity is inviolable. It must be respected and protected.
2. Every person shall have the right to life and therefore no one shall be condemned to the death penalty, or executed.
3. Everyone has the right to respect for his or her physical and mental integrity.
4. In the fields of medicine and biology, the following must be respected in particular:

“Realistic“ Group

- (a) the free and informed consent of the person concerned, according to the procedures laid down by law;
 - (b) the prohibition of eugenic practices, in particular those aiming at the selection of persons;
 - (c) the prohibition on making the human body and its parts as such a source of financial gain;
5. No one shall be subjected to torture or to inhuman or degrading treatment or punishment.
 6. No one shall be held in slavery or servitude.
 7. No one shall be required to perform forced or compulsory labour.
 8. Trafficking in human beings is prohibited.

Article 11

Equality and Justice

1. All persons shall be equal before the law.
2. Men and women shall have equal rights.
3. No person shall be favoured or disfavoured because of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation or disability.
4. Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal.
5. Everyone who has been charged shall be presumed innocent until proved guilty according to law.
6. No one shall be held guilty of any criminal offence on account of any act or omission, which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than that which was applicable at the time the criminal offence was committed.
7. No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted within the Union in accordance with the law.

8. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

Article 12

Fundamental Freedoms

1. Everyone has the right to liberty and security of person.
2. Everyone has the right to respect for his or her private and family life, home and communications.
3. The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.
4. Everyone shall have the right to assemble peacefully and unarmed without prior notification or permission.
5. Everyone shall have the right to form corporations and other associations.
6. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss.
7. Everyone has the right to education and to have access to vocational and continuing training. The entire school system shall be under the supervision of the Member States.
8. The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Constitution.
9. Everyone has the right to freedom of thought and expression. There shall be no censorship.
10. The freedom of faith and of conscience and the freedom to profess a religious or philosophical creed shall be inviolable. The undisturbed practice of religion shall be guaranteed.
11. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.

“Realistic“ Group

12. Art and scholarship, research, and teaching shall be free of constraint. The freedom of teaching shall not release any person from allegiance to the rights prescribed by this Constitution.

13. Everyone shall have the right freely to choose his or her occupation or profession.

Article 13

Citizenship and Citizens' Rights

1. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship and shall not replace it.

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

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

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

5. Any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament.

6. Any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role.

7. Every citizen of the Union has the right to address the institutions and advisory bodies of the Union in any of the Constitution's languages and to obtain a reply in the same language.

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

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

9. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the Institutions, bodies and agencies of the Union, in whatever form they are produced.

PART III - UNION COMPETENCES

Article 14

Fundamental principles

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Member States in the Constitution to attain the objectives set out in the Constitution. Competences not conferred upon the Union in the Constitution remain with the Member States.

3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.

The institutions of the Union shall apply the principles of subsidiarity and proportionality as laid down by the Secondary Law, to be adopted in accordance with provisions of this Constitution and the best practice of the European Court of Justice. National Parliaments shall ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Secondary Law.

Article 15

Categories of competence

1. When the Constitution confers on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts.
2. When the Constitution confers on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence.
3. The Member States shall coordinate their economic and employment policies within arrangements as determined by this Constitution and the Secondary Law, which the Union shall have competence to provide.
4. The Union shall have competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.
5. In certain areas and under the conditions laid down in the Constitution, the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, without thereby superseding their competence in these areas.

Legally binding acts of the Union adopted on the basis of the Secondary Law relating to these areas shall not entail harmonisation of Member States' laws or regulations.

6. The scope of and arrangements for exercising the Union's competences shall be determined by the provisions relating to each area in the Secondary Law, which shall be adopted immediately after entering into force of this Constitution in accordance with the procedure referred to in Article 42.

Article 16

Areas of exclusive competence

1. The Union shall have exclusive competence in the following areas:
 - (a) customs union;

Treaty Establishing a Constitution for Europe

- (b) the establishing of the competition rules necessary for the functioning of the internal market;
- (c) monetary policy for the Member States whose currency is the euro;
- (d) the conservation of marine biological resources under the common fisheries policy;
- (e) common commercial policy
- (f) energy;
- (g) external border control;
- (h) climate change.

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

Article 17

Areas of shared competence

1. The Union shall share competence with the Member States where the Constitution confers on it a competence, which does not relate to the areas referred to in Articles 16 and 18(4).

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

- (a) internal market;
- (b) social policy, excluding the pay, the right of association, the right to strike and the right to impose lockouts, whereby the shared competence shall be in particular applied in the following areas:
 - improvement of the working environment to protect workers' health and safety;
 - working conditions;
 - social security and social protection of workers;
 - protection of workers where their employment contract is terminated;

“Realistic“ Group

- the information and consultation of workers;
 - representation and collective defence of the interests of workers and employers, including codetermination;
 - conditions of employment for third-country nationals legally residing in Union territory;
 - the integration of persons excluded from the labour market, without prejudice to a vocational training policy;
 - equality between women and men with regard to labour market opportunities and treatment at work;
 - the combating of social exclusion;
 - the modernisation of social protection systems
- (c) economic, social and territorial cohesion;
- (d) agriculture and fisheries, excluding the conservation of marine biological resources;
- (e) environment;
- (f) consumer protection;
- (g) transport;
- (h) trans-European networks;
- (i) area of freedom, security and justice;
- (j) common safety concerns in public health matters, in particular in the following areas:
- measures setting high standards of quality and safety of organs and substances of human origin, blood and blood derivatives; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures;
 - measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health;
 - measures setting high standards of quality and safety for medicinal products and devices for medical use;

Treaty Establishing a Constitution for Europe

- measures concerning monitoring, early warning of and combating serious cross-border threats to health;
3. In the areas of research, technological development, space, development cooperation and humanitarian aid, the Union shall have competence to carry out activities, in particular to define and implement programmes, and to conduct a common policy; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

Article 18

The Policy Coordination

1. The Member States shall coordinate their economic policies within the Union. To this end, the Council of Ministers shall adopt measures, in particular broad guidelines for these policies.

Specific provisions shall apply to those Member States whose currency is the euro.

2. The Union shall take measures to ensure coordination of the employment policies of the Member States, in particular by defining guidelines for these policies.

3. The Union may take initiatives to ensure coordination of Member States' social policies.

4. In the areas of protection and improvement of human health, industry, culture, tourism, education, youth, sport, vocational training, civil protection and administrative cooperation, and under the conditions laid down by the Secondary Law, the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, without thereby superseding their competence in these areas.

Article 19

Open Method of Coordination

Whenever this Constitution envisages the competence for the Union to coordinate policies of the Member States, such coordination may also entail the usage of the Open Method of Coordination. This method, which is designed to help Member States to progressively develop their own policies and aims at convergence and harmonization of these policies, involves:

“Realistic“ Group

- fixing guidelines for the Union combined with specific timetables for achieving the goals which they set in the short, medium and long terms;
- establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practice;
- translating these European guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences;
- periodic monitoring, evaluation and peer review organized as mutual learning processes.

Secondary Law shall regulate the application of the Open Method of Coordination in detail.

Article 20

The common foreign and security policy

1. The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence.

2. Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. They shall refrain from action contrary to the Union's interests or likely to impair its effectiveness.

Article 21

Flexibility clause

1. If action by the Union should prove necessary to attain one of the objectives set out in the Constitution, and the Constitution has not provided the necessary powers, the Council of Ministers, acting unanimously on a proposal from the European Commission and after obtaining the consent of the European Parliament, shall adopt the appropriate measures.

2. Using the procedure for monitoring the subsidiarity principle referred to in Article 14(3), the European Commission shall draw national Parliaments' attention to proposals based on this Article.

3. Measures based on this Article shall not entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation.

PART IV - THE UNION'S INSTITUTIONS AND BODIES

CHAPTER I - THE INSTITUTIONAL FRAMEWORK

Article 22

The Union's institutions

1. The institutional framework of the Union comprises:

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

2. Each institution shall act within the limits of the powers conferred on it by the Constitution, and in conformity with the procedures and conditions set out in it. The institutions shall practice mutual sincere cooperation.

Article 23

The European Parliament

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

“Realistic“ Group

2. The European Parliament shall be composed of representatives of the Union's citizens. They shall not exceed seven hundred and fifty in number. Representation of citizens shall be degressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats. The European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a European decision establishing the composition of the European Parliament, respecting the principles referred to in the first subparagraph.
3. The members of the European Parliament shall be elected for a term of five years by direct universal suffrage in a free and secret ballot.
4. The European Parliament shall elect its President and its officers from among its members.

Article 24

The European Council

1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.
2. The European Council shall consist of the Heads of State or Government of the Member States, together with the President of the Commission. The Union Minister for Foreign Affairs shall take part in its work.
3. The European Council shall meet quarterly, convened by the Head of State or Government of the Member State holding the Presidency of the Council of Ministers. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission. When the situation so requires, the Head of State or Government of the Member State holding the Presidency of the Council of Ministers shall convene a special meeting of the European Council.
4. Except where the Constitution provides otherwise, decisions of the European Council shall be taken by consensus.
5. The European Council shall meet in public, except when it, acting by a simple majority of its component members, and for important and stated reasons of European interest, decides otherwise.

Article 25

The Head of State or Government of the Member State holding a Presidency of the Council of Ministers:

- (a) shall chair the meetings of the European Council and drive forward its work;
- (b) shall ensure the external representation of the Union, in accordance with the policies set out by the European Council and without prejudice to the powers of the Union Minister for Foreign Affairs;
- (c) shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;
- (d) shall endeavour to facilitate cohesion and consensus within the European Council;
- (e) shall present a report to the European Parliament after each meeting of the European Council.

Article 26

The Council of Ministers

1. The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions. It shall carry out policy-making and coordinating functions as laid down in the Constitution.
2. The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote.
3. The Council shall act by a qualified majority except where the Constitution provides otherwise.

Article 27

Configurations of the Council of Ministers

1. The Council shall meet in different configurations.
2. The General Affairs Council shall ensure consistency in the work of the different Council configurations.

“Realistic“ Group

It shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the Head of State or Government of the Member State holding a Presidency of the Council of Ministers and the President of the Commission.

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

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

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

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

Article 28

The Presidency of the Council of Ministers

1. The Presidency of the Council of Ministers entails the presidency of all the Council configurations other than that of Foreign Affairs. It shall be held by Member State representatives in the Council for a period of six months on the basis of equal rotation, in accordance with the conditions established by a European decision of the European Council, which shall be enacted by a qualified majority.

2. In performing its tasks, the Presidency of the Council of Ministers shall be assisted by, and cooperate with, the representatives in the Council of both the Member State that has previously held the Presidency of the Council of Ministers and the next Member State to hold the Presidency of the Council of Ministers. This assistance and cooperation shall include close collaboration between the national administrations of respective Member States.

Article 29

Definition of qualified majority within the European Council and the Council

1. A qualified majority shall be defined as at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union.

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

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

3. Paragraphs 1 and 2 shall apply to the European Council when it is acting by a qualified majority.

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

Article 30

The European Commission

1. The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Constitution, and measures adopted by the institutions pursuant to the Constitution. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Constitution. It shall ensure the Union's external representation. It shall initiate the Union's annual and multiannual programming with a view to achieving inter-institutional agreements.

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

3. The Commission's term of office shall be five years.

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4. The members of the Commission shall be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt.

5. The first Commission appointed under the provisions of the Constitution shall consist of one national of each Member State, including its President and the Union Minister for Foreign Affairs who shall be one of its Vice-Presidents.

6. As from the end of the term of office of the Commission referred to in paragraph 5, the Commission shall consist of a number of members, including its President and the Union Minister for Foreign Affairs, corresponding to the next uneven whole number above the resultant figure commensurate with the division of the number of Member States by two.

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

(a) Member states shall be treated on a strictly equal footing as regards determination of the sequence of, and the time spent by, their nationals as members of the commission; consequently, the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than one;

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

7. In carrying out its responsibilities, the Commission shall be completely independent. Without prejudice to Article 32 (1), the members of the Commission shall neither seek nor take instructions from any government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks.

8. The Commission, as a body, shall be responsible to the European Parliament. The European Parliament may vote on a censure motion on the Commission.

If a motion of censure on the activities of the Commission is tabled before it, the European Parliament shall not vote thereon until at least three days after the motion has been tabled and shall do so only by open vote.

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the component members of the European Parliament, the members of the Commission shall resign as a body, including the Union Minister for Foreign Affairs. They shall remain in office and continue to deal with current business until they are replaced in accordance with this Article and Article 31. In this case, the term of office of the members of the Commission appointed to re-place them shall expire on the date on which the term of office of the members of the Commission obliged to resign as a body would have expired.

Article 31

The President of the European Commission

1. After having held the appropriate consultations with the European Council, the European Parliament proposes and elects the President of the Commission by a majority of its component members. If he or she does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament by the same majority.

2. The President-elect shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. They shall be selected, on the basis of the suggestions made by Member States, in accordance with the criteria set out in Article 30 (4) and (6), second subparagraph.

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

3. The President of the Commission shall:

- (a) lay down guidelines within which the Commission is to work;
- (b) decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body;

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

A member of the Commission, including the Union Minister for Foreign Affairs, shall resign if the President so requests.

Article 32

The Union Minister for Foreign Affairs

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

2. The Union Minister for Foreign Affairs shall preside over the Foreign Affairs Council.

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

Article 33

The Court of Justice of the European Union

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Constitution the law is observed.

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

2. The Court of Justice shall consist of one judge from each Member State. It shall be assisted by twenty-one Advocates-General. The General Court shall include at least one judge per Member State. The Judges and the Advocates-General of the Court of Justice and the Judges of the General Court shall be

chosen from persons whose independence is beyond doubt and who satisfy the conditions set out in Secondary Law. They shall be appointed by common accord of the governments of the Member States for six years. Retiring Judges and Advocates-General may be reappointed.

3. The Court of Justice of the European Union shall:

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

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

(c) rule in other cases provided for in the Constitution.

CHAPTER II - THE OTHER UNION INSTITUTIONS AND ADVISORY BODIES

Article 34

The European Central Bank

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

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

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

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4. The European Central Bank shall adopt such measures as are necessary to carry out its tasks in the field of monetary policy, in accordance with this Constitution and Secondary Law. In accordance with these legal acts, those Member States whose currency is not the euro, and their central banks, shall retain their powers in monetary matters.

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

6. The decision-making organs of the European Central Bank, their composition and operating methods shall be further regulated by Secondary Law.

Article 35

The Court of Auditors

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

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

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

Article 36

The European Ombudsman

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

2. A European law of the European Parliament shall lay down the regulations and general conditions governing the performance of the Ombudsman's duties. The European Parliament shall act on its own initiative after seeking an opinion from the Commission and after obtaining the consent of the Council.

Article 37

The Union's advisory bodies

1. The European Parliament, the Council and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
2. The Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socioeconomic, civic, professional and cultural areas.
4. The members of the Committee of the Regions and the Economic and Social Committee shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.
5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations shall be further regulated by Secondary Law. The rules referred to in paragraphs 2 and 3 governing the nature of their composition shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt European decisions to that end.

Article 38

Further regulation

Further rules regarding the operation and the organizational structure of all the Union institutions, its advisory bodies and committees shall be regulated in detail by Secondary Law.

PART V - EXERCISE OF UNION COMPETENCE

CHAPTER I - COMMON PROVISIONS

Article 39

Secondary Law

1. To exercise the Union's competences the institutions shall use as legal instruments European laws, European framework laws, European regulations, European decisions, recommendations and opinions.

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

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

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

A European decision shall be a non-legislative act, binding in its entirety. A decision, which specifies those to whom it is addressed, shall be binding only on them.

Recommendations and opinions shall have no binding force.

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

Article 40

Legislative acts

1. European laws and framework laws shall be adopted, on the basis of proposals from the Commission, jointly by the European Parliament and the

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Council under the ordinary legislative procedure as set out in Article 41. If the two institutions cannot reach agreement on an act, it shall not be adopted.

2. In the specific cases provided for in the Constitution and in Secondary Law referred to in the Article 15 (6), European laws and framework laws shall be adopted by the European Parliament with the participation of the Council, or by the latter with the participation of the European Parliament, in accordance with special legislative procedures.

3. In the specific cases provided for in the Constitution and in Secondary Law referred to in the Article 15 (6), European laws and framework laws may be adopted at the initiative of a group of Member States or of the European Parliament, on a recommendation from the European Central Bank or at the request of the Court of Justice or the European Investment Bank.

Article 41

Ordinary legislative procedure

1. Where, pursuant to the Constitution, European laws or framework laws are adopted under the ordinary legislative procedure, the following provisions shall apply.

2. The Commission shall submit a proposal to the European Parliament and the Council.

First reading

3. The European Parliament shall adopt its position at first reading and communicate it to the Council. If the Council approves the European Parliament's position, the act concerned shall be adopted in the wording, which corresponds to the position of the European Parliament. If the Council does not approve the European Parliament's position, it shall adopt its position at first reading and communicate it to the European Parliament.

4. The Council shall inform the European Parliament fully of the reasons, which led it to adopt its position at first reading. The Commission shall inform the European Parliament fully of its position.

Second reading

5. If, within two months of such communication, the European Parliament:

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(a) approves the Council's position at first reading or has not taken a decision, the act concerned shall be deemed to have been adopted in the wording which corresponds to the position of the Council;

(b) rejects, by a majority of its component members, the Council's position at first reading, the proposed act shall be deemed not to have been adopted;

(c) proposes, by a majority of its component members, amendments to the Council's position at first reading, the text thus amended shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.

6. If, within two months of receiving the European Parliament's amendments, the Council, acting by a qualified majority:

(a) approves all those amendments, the act in question shall be deemed to have been adopted;

(b) does not approve all the amendments, the Head of State or Government of the Member State holding the Presidency of the Council or the person he or she appoints to do so, in agreement with the President of the European Parliament, shall within four weeks convene a meeting of the Conciliation Committee.

7. The Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion.

Conciliation

8. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the members representing the European Parliament within four weeks of its being convened, on the basis of the positions of the European Parliament and the Council at second reading.

9. The Commission shall take part in the Conciliation Committee's proceedings and shall take all necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

10. If, within four weeks of it being convened, the Conciliation Committee does not approve the joint text, the proposed act shall be deemed not to have been adopted.

Third reading

11. If, within that period, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of four weeks from that approval in which to adopt the act in question in accordance with the joint text. If they fail to do so, the proposed act shall be deemed not to have been adopted.

12. The periods of two months and four weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.

Special provisions

13. Where, in the cases provided for in the Constitution and in Secondary Law referred to in the Article 15 (6), a law or framework law is submitted to the ordinary legislative procedure on the initiative of a group of Member States, on a recommendation by the European Central Bank, or at the request of the Court of Justice, paragraph 2, the second sentence of paragraph 4, and paragraph 7 shall not apply.

In such cases, the European Parliament and the Council shall communicate the proposed act to the Commission with their positions at first and second readings. The European Parliament or the Council may request the opinion of the Commission throughout the procedure, which the Commission may also deliver on its own initiative. It may also, if it deems it necessary, take part in the Conciliation Committee in accordance with paragraph 9.

Article 42

Extraordinary legislative procedure

1. Where, pursuant to the Constitution, European laws or framework laws are adopted under the extraordinary legislative procedure, the following provisions shall apply.

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2. The Commission or at least 40% of the overall number of members of the European Parliament shall submit a proposal to the European Parliament and the Council.

First reading

3. The European Parliament shall adopt its position by simple majority of its component members at first reading and communicate it to the Council. If the Council, acting by unanimity, approves the European Parliament's position, the act concerned shall be adopted in the wording, which corresponds to the position of the European Parliament. If the Council does not approve the European Parliament's position by unanimity, it shall adopt its position at first reading and communicate it to the European Parliament.

4. The Council shall inform the European Parliament fully of the reasons, which led it to adopt its position at first reading. The Commission shall inform the European Parliament fully of its position.

Second reading

5. If, within three months of such communication, the European Parliament:

(a) approves the Council's position at first reading or has not taken a decision, the act concerned shall be deemed to have been adopted in the wording which corresponds to the position of the Council;

(b) rejects, by a majority of its component members, the Council's position at first reading, the proposed act shall be deemed not to have been adopted;

(c) proposes, by a majority of its component members, amendments to the Council's position at first reading, the text thus amended shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.

6. If, within three months of receiving the European Parliament's amendments, the Council, acting by unanimity:

(a) approves all those amendments, the act in question shall be deemed to have been adopted;

(b) does not approve all the amendments, the Head of State or Government of the Member State holding the Presidency of the Council, in agreement with

the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.

Conciliation Committee

7. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text. This agreement shall be deemed reached only if it is approved by all the members of the Council or their representatives and by a majority of the members representing the European Parliament within six weeks of the Conciliation Committee is being convened, on the basis of the positions of the European Parliament and the Council.

8. The Commission shall take part in the Conciliation Committee's proceedings and shall take all necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

9. If, within six weeks of its being convened, the Conciliation Committee does not approve the joint text, the proposed act shall be deemed not to have been adopted.

Third reading

10. If, within that period, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by unanimity, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If they succeed in doing so, the proposed act shall be deemed to have been adopted. If they fail to do so, the proposed act shall be deemed not to have been adopted.

11. The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.

Article 43

Non-legislative acts

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

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2. The Council and the Commission, in particular in the cases referred to in Articles 44 and 45, and the European Central Bank in the specific cases provided for in the Constitution, shall adopt European regulations and decisions.

3. The Council shall adopt recommendations. It shall act on a proposal from the Commission in all cases where the Constitution provides that it shall adopt acts on a proposal from the Commission. It shall act unanimously in those areas in which unanimity is required for the adoption of a Union act.

The Commission, and the European Central Bank in the specific cases provided for in the Constitution, shall adopt recommendations.

Article 44

Delegated European regulations

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

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

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

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

(b) the delegated European regulation may enter into force only if no objection has been expressed by the European Parliament or the Council within a period set by the European law or framework law.

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

Article 45

Implementing acts

1. Member States shall adopt all measures of national law necessary to implement legally binding Union acts.

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2. Where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer implementing powers on the Commission or, in duly justified specific cases and in the cases relating to Union common foreign and security policy, on the Council.
3. For the purposes of paragraph 2, European laws shall lay down in advance the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.
4. Union implementing acts shall take the form of European implementing regulations or European implementing decisions.

Article 46

Principles common to the Union's legal acts

1. Where the Constitution does not specify the type of act to be adopted, the institutions shall select it on a case-by-case basis, in compliance with the applicable procedures and with the principle of proportionality referred to in Article 14.
2. Legal acts shall state the reasons on which they are based and shall refer to any proposals, initiatives, recommendations, requests or opinions required by the Constitution.

Article 47

Publication and entry into force

1. European laws and framework laws adopted under the ordinary legislative procedure shall be signed by the President of the European Parliament. European laws and framework laws adopted under the extraordinary legislative procedure shall be signed by both the President of the European Parliament and the Head of State or Government of the Member State holding the Presidency of the Council of Ministers. In other cases they shall be signed by the President of the institution, which adopted them.

European laws and framework laws shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following their publication.

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

which adopted them. European regulations, and European decisions when the latter do not specify to whom they are addressed, shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication.

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

CHAPTER II - SPECIFIC PROVISIONS

Article 48

Specific provisions relating to the common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.
2. The European Council shall identify the Union's strategic interests and determine the objectives of its common foreign and security policy. The Council shall frame this policy within the framework of the strategic guidelines established by the European Council.
3. The Union shall regulate all further matters relating to its common foreign and security policy by the European Law that shall be adopted in accordance with the procedure referred to in the Article 42.

Article 49

Solidarity clause

1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States to:
 - (a)

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- prevent the terrorist threat in the territory of the Member States;
- protect democratic institutions and the civilian population from any terrorist attack;
- assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;

(b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.

2. The detailed arrangements for implementing this Article shall be set by Secondary Law.

Article 50

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

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

(a) by adopting European laws and framework laws intended, where necessary, to approximate laws and regulations of the Member States in the areas of asylum, immigration, judicial cooperation in civil matters and judicial and police cooperation in criminal matters;

(b) by promoting mutual confidence between the competent authorities of the Member States, in particular on the basis of mutual recognition of judicial and extra judicial decisions;

(c) by operational cooperation between the competent authorities of the Member States, including the police, customs and other services specialising in the prevention and detection of criminal offences.

2. In order to facilitate efficient operation of an area of freedom, security and justice, the Union shall adopt Secondary Law by which it shall establish all the necessary Union bodies, including Europol and Eurojust, and enable their efficient functioning.

3. The Council may, on a proposal from the Commission, adopt European regulations or decisions laying down the arrangements whereby Member States, in collaboration with the Commission, conduct objective and impartial evaluation of the implementation of the Union policies referred to in this Article, in particular in order to facilitate full application of the principle of mutual

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recognition. The European Parliament and national Parliaments shall be informed of the content and results of the evaluation. They shall be involved in the political monitoring of Europol and the evaluation of Eurojust's activities in accordance with Secondary Law.

4. Member States shall have a right of initiative in the field of police and judicial cooperation in criminal matters.

Article 51

Enhanced cooperation

1. Member States which wish to establish enhanced cooperation between them-selves within the framework of the Union's non-exclusive competences may make use of its institutions and exercise those competences by applying the relevant provisions of the Constitution, subject to the limits and in accordance with the procedures laid down in this Article.

Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open at any time to all Member States, subject to compliance with any conditions of participation laid down by the European authorising decision referred to in Paragraph 2 of this Article. It shall also be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to any such conditions.

2. The European decision authorising enhanced cooperation shall be adopted by the Council as a last resort, when it has established that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that at least one third of the Member States participate in it.

3. Member States, which wish to establish enhanced cooperation between themselves in one of the areas covered by the Constitution, with the exception of fields of exclusive competence and the common foreign and security policy, shall address a request to the Commission, specifying the scope and objectives of the enhanced cooperation proposed. The Commission may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

Treaty Establishing a Constitution for Europe

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council, which shall act on a proposal from the Commission and after obtaining the consent of the European Parliament.

4. The request of the Member States which wish to establish enhanced cooperation between them within the framework of the common foreign and security policy shall be addressed to the Council. It shall be forwarded to the Union Minister for Foreign Affairs, who shall give an opinion on whether the enhanced cooperation proposed is consistent with the Union's common foreign and security policy, and to the Commission, which shall give its opinion in particular on whether the enhanced cooperation proposed is consistent with other Union policies. It shall also be forwarded to the European Parliament for information.

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council acting unanimously.

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

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

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

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

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

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

PART VI - THE DEMOCRATIC LIFE OF THE UNION

Article 52

The principle of democratic equality

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

Article 53

The principle of representative democracy

1. The functioning of the Union shall be founded on representative democracy.
2. Citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.
3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.
4. Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.

Article 54

The principle of participatory democracy

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

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2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.
4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution. European laws shall determine the provisions for the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which such citizens must come.

Article 55

The social partners and autonomous social dialogue

The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy.

The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.

Article 56

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

1. In order to promote good governance and ensure the participation of civil society, the Union institutions, bodies, offices and agencies shall conduct their work as openly as possible.
2. The European Parliament shall meet in public, as shall the Council when considering and voting on a draft legislative act.
3. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State shall have, under the conditions laid down in the Secondary Law, a right of access to documents of the Union institutions, bodies, offices and agencies, whatever their medium.

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

4. Each institution, body, office or agency shall determine in its own rules of procedure specific provisions regarding access to its documents, in accordance with the European laws referred to in paragraph 3.

Article 57

Protection of personal data

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

2. European laws or framework laws shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data. Compliance with these rules shall be subject to the control of independent authorities.

Article 58

Status of churches and non-confessional organisations

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

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

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

PART VII - THE UNION'S FINANCES

Article 59

Budgetary and financial principles

1. All items of Union revenue and expenditure shall be included in estimates drawn up for each financial year and shall be shown in the Union's budget, in accordance with European Law.

Treaty Establishing a Constitution for Europe

2. The revenue and expenditure shown in the budget shall be in balance.
3. The expenditure shown in the budget shall be authorised for the annual budgetary period in accordance with the European laws, which shall establish:
 - (a) the financial rules, which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;
 - (b) rules providing for checks on the responsibility of financial actors, in particular authorising officers and accounting officers.

Such European laws shall be adopted after consultation with the Court of Auditors.

The Council shall, on a proposal from the Commission, adopt a European regulation laying down the methods and procedure whereby the budget revenue provided under the arrangements relating to the Union's own resources shall be made available to the Commission, and the measures to be applied, if need be, to meet cash requirements. The Council shall act after consulting the European Parliament and the Court of Auditors.

The Council shall act unanimously in all the cases referred to in this Article.

4. The implementation of expenditure shown in the budget shall require the prior adoption of a legally binding Union act providing a legal basis for its action and for the implementation of the corresponding expenditure in accordance with the European law referred to in the previous paragraph, except in cases for which that law provides.
5. With a view to maintaining budgetary discipline, the Union shall not adopt any act which is likely to have appreciable implications for the budget without providing an assurance that the expenditure arising from such an act is capable of being financed within the limit of the Union's own resources and in compliance with the multiannual financial framework referred to in Article 61.
6. The budget shall be implemented in accordance with the principle of sound financial management. Member States shall cooperate with the Union to ensure that the appropriations entered in the budget are used in accordance with this principle.

“Realistic“ Group

7. The Union and the Member States shall counter fraud and any other illegal activities affecting the financial interests of the Union.

Article 60

The Union's own resources

1. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.
2. Without prejudice to other revenue, the Union's budget shall be financed wholly from its own resources.
3. A European law of the Council shall lay down the provisions relating to the system of own resources of the Union. In this context it may establish new categories of own resources or abolish an existing category. The Council shall act unanimously after consulting the European Parliament. That law shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements.
4. A European law of the Council shall lay down implementing measures of the Union's own resources system insofar as this is provided for in the European law adopted on the basis of paragraph 3. The Council shall act after obtaining the consent of the European Parliament.

Article 61

The multiannual financial framework

1. The multiannual financial framework shall be established for a period of at least five years and shall ensure that Union expenditure develops in an orderly manner and within the limits of its own resources. It shall determine the amounts of the annual ceilings of appropriations for commitments by category of expenditure and of the annual ceiling on payment appropriations.

The categories of expenditure, limited in number, shall correspond to the Union's major sectors of activity.

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

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

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

Article 62

The Union's budget

1. A European law, adopted in accordance with Article 42, shall lay down the procedure for establishing the Union's annual budget.

2. The Union's annual budget shall be at the level of at least 1.3% of the overall GDP of all the Member States for the year preceding the year for which the budget is to be established.

PART VIII - NEIGHBOURS AND OVERSEAS COUNTRIES AND TERRITORIES

Article 63

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

For the purposes of this paragraph, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.

2. The non-European countries and territories which have special relations with Denmark, France, the Netherlands and the United Kingdom shall be associated with the Union. Those countries and territories are the following:

- Greenland
- New Caledonia and Dependencies
- French Polynesia
- French Southern and Antarctic Territories

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- Wallis and Futuna Islands
- Mayotte
- Saint Pierre and Miquelon
- Aruba
- Netherlands Antilles: Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten
- Anguilla
- Cayman Islands
- Falkland Islands
- South Georgia and the South Sandwich Islands
- Montserrat
- Pitcairn
- Saint Helena and Dependencies
- British Antarctic Territory
- British Indian Ocean Territory
- Turks and Caicos Islands
- British Virgin Islands
- Bermuda

The purpose of association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Union.

Association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire.

The Union shall adopt Secondary Law by which it shall determine all the arrangements and procedure concerning this association.

PART IX - UNION MEMBERSHIP

Article 64

Conditions of eligibility and procedure for accession to the Union

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

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

2. Any European State, which wishes to become a member of the Union, shall address its application to the Council. The European Parliament and national Parliaments shall be notified of this application. The Council shall act unanimously after consulting the Commission and after obtaining the consent of the European Parliament, which shall act by a majority of its component members.

The conditions and arrangements for admission shall be the subject of an agreement between the Member States and the Candidate State. That agreement shall be subject to ratification by each contracting State, in accordance with its respective constitutional requirements.

Article 65

Suspension of certain rights resulting from Union membership

1. On the reasoned initiative of one third of the Member States or the reasoned initiative of the European Parliament or on a proposal from the Commission, the Council may adopt a European decision determining that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2.

2. The Council shall act by a majority of four fifths of its members after obtaining the consent of the European Parliament.

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Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, may address recommendations to that State.

The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

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

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

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

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

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

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

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

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

Article 66

Voluntary withdrawal from the Union

1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.
2. A Member State, which decides to withdraw, shall notify the European Council of its intention.

In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union.

That agreement shall be negotiated in accordance with the following procedure. The Commission shall submit recommendations to the Council, which shall adopt a European decision authorising the opening of negotiations and nominating the Union negotiator or head of the Union's negotiating team.

That agreement shall be concluded by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. The Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in

agreement with the Member State concerned, unanimously decides to extend this period.

4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in European decisions concerning it.

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

5. If a State, which has withdrawn from the Union, asks to rejoin, its request shall be subject to the procedure referred to in Article 64.

PART X - FINAL PROVISIONS

Article 67

Repeal of earlier Treaties and legal continuity

1. This Constitution shall repeal the Treaty establishing the European Community, the Treaty on European Union and all the acts and treaties which have supplemented or amended them, subject to special rules and procedures laid down in the decision of the European Council which shall be adopted and come into force simultaneously with this Constitution.

2. Until new provisions have been adopted in implementation of this Constitution or until the end of their term of office, the institutions, bodies, offices and agencies existing on the date of the entry into force of this Constitution shall, subject to Article 68, exercise their powers within the meaning of this Constitution in their composition on that date.

3. The acts of the institutions, bodies, offices and agencies adopted on the basis of the treaties and acts repealed by this Article shall remain in force. Their legal effects shall be preserved until those acts are repealed, annulled or amended in implementation of this Constitution. The same shall apply to agreements concluded between Member States on the basis of the treaties and acts repealed by this Article.

Treaty Establishing a Constitution for Europe

The other components of the *acquis* of the Community and of the Union existing at the time of the entry into force of this Constitution, in particular the interinstitutional agreements, decisions and agreements arrived at by the Representatives of the Governments of the Member States, meeting within the Council, the agreements concluded by the Member States on the functioning of the Union or of the Community or linked to action by the Union or by the Community, the declarations, including those made in the context of intergovernmental conferences, as well as the resolutions or other positions adopted by the European Council or the Council and those relating to the Union or to the Community adopted by common accord by the Member States, shall also be preserved until they have been deleted or amended.

4. The case-law of the Court of Justice of the European Communities and of the Court of First Instance on the interpretation and application of the treaties and acts repealed by this Article, as well as of the acts and conventions adopted for their application, shall remain, *mutatis mutandis*, the source of interpretation of Union law and in particular of the comparable provisions of the Constitution.

5. Continuity in administrative and legal procedures commenced prior to the date of entry into force of this Constitution shall be ensured in compliance with the Constitution. The institutions, bodies, offices and agencies responsible for those procedures shall take all appropriate measures to that effect.

Article 68

Transitional provisions relating to certain institutions

The transitional provisions relating to the composition of the European Parliament, to the definition of a qualified majority in the European Council and in the Council, including those cases where not all members of the European Council or Council vote, and to the composition of the Commission, including the Union Minister for Foreign Affairs, shall be laid down in the decision of the European Council which shall be adopted and come into force simultaneously with this Constitution.

Article 69

Scope

1. This Constitution shall apply to the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Re-

“Realistic“ Group

public of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Republic of Bulgaria, the Republic of Romania, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

2. This Constitution shall apply to Guadeloupe, French Guiana, Martinique, Réunion, the Azores, Madeira and the Canary Islands in accordance with decision of the European Council, which shall be adopted and come into force simultaneously with this Constitution.

3. The special arrangements for association shall apply to the overseas countries and territories referred to in Article 63.

This Constitution shall not apply to overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland, which are not mentioned in Article 63.

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

5. This Constitution shall apply to the Åland Islands with the derogations, which originally appeared in Treaty on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

6. Notwithstanding paragraphs 1 to 5:

(a) this Constitution shall not apply to the Faeroe Islands;

(b) this Constitution shall apply to Akrotiri and Dhekelia, the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus, only to the extent necessary to ensure the implementation of the arrangements originally provided for in the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus, annexed to the Act of Accession which is an integral part of the Treaty on the Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the

Treaty Establishing a Constitution for Europe

Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic;

(c) this Constitution shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands originally set out in the Treaty on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland.

7. The European Council may, on the initiative of the Member State concerned, adopt a European decision amending the status, with regard to the Union, of a Danish, French or Netherlands country or territory referred to in paragraphs 2 and 3. The European Council shall act unanimously after consulting the Commission.

Article 70

Regional unions

This Constitution shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of this Constitution.

Article 71

Ordinary revision procedure

1. The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of this Constitution. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the Head of State or Government of the Member State holding the Presidency of the Council of Ministers shall convene a Convention composed of representatives of the national Parliaments, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The Convention shall examine the proposals for amendments and shall adopt by consensus a recom-

“Realistic“ Group

mendation to a conference of representatives of the governments of the Member States as provided for in paragraph 3.

The European Council may decide by a simple majority, after obtaining the consent of the European Parliament, not to convene a Convention should this not be justified by the extent of the proposed amendments. In the latter case, the European Council shall define the terms of reference for a conference of representatives of the governments of the Member States.

3. A conference of representatives of the governments of the Member States shall be convened by the Head of State or Government of the Member State holding a Presidency of the Council of Ministers for the purpose of determining by common accord the amendments to be made to this Constitution.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

4. If, two years after the signature of the treaty amending this Constitution, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council.

Article 72

Simplified revision procedure

1. Where this Constitution or the Secondary Law of the Union adopted on the basis of this Constitution provides for the Council to act by unanimity in a given area or case, the European Council may adopt a European decision authorising the Council to act by a qualified majority in that area or in that case.

This paragraph shall not apply to decisions with military implications or those in the area of defence.

2. Where this Constitution or the Secondary Law of the Union adopted on the basis of this Constitution provides for European laws and framework laws to be adopted by the Council in accordance with an extraordinary or a special legislative procedure, the European Council may adopt a European decision allowing for the adoption of such European laws or framework laws in accordance with the ordinary legislative procedure.

3. Any initiative taken by the European Council on the basis of paragraphs 1 or 2 shall be notified to the national Parliaments. If a national Parliament makes known its opposition within six months of the date of such notification, the European decision referred to in paragraphs 1 or 2 shall not be adopted. In the absence of opposition, the European Council may adopt the decision.

For the adoption of the European decisions referred to in paragraphs 1 and 2, the European Council shall act by unanimity after obtaining the consent of the European Parliament, which shall be given by a majority of its component members.

Article 73

Duration

This Constitution is concluded for an unlimited period.

Article 74

Ratification and entry into force

1. This Constitution shall be ratified by the Member States in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Federal Republic of Germany.

2. This Constitution shall enter into force on 9 May of the year following the year in which all the instruments of ratification have been deposited or, as the case may be, on 9 May of the same year in which all the instruments of ratification have been deposited, provided that the last instrument of ratification has been duly deposited before 9 May of that year.

Article 75

Authentic texts and translations

1. This Constitution, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish, Bulgarian and Romanian languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Federal Republic of Germany, which will transmit a certified copy to each of the governments of the other signatory States.

“Realistic“ Group

2. This Constitution may also be translated into any other languages as determined by Member States among those, which, in accordance with their constitutional order, enjoy official status in all or part of their territory. A certified copy of such translations shall be provided by the Member States concerned to be deposited in the archives of the Council.

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Constitution for Europe

Preamble

WE, THE CITIZENS AND THE STATES OF THE EUROPEAN UNION,

Recalling the historic importance of the ending of the division of the European continent and the need to establish firm bases for the construction of the future Europe,

Confirming the solidarity which binds our peoples and desiring to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations,

Pooling our resources to preserve and strengthen peace and liberty, and

Resolved to share a peaceful future based on common values, in creating an ever closer union among us,

HAVE DECIDED to establish a European Union, which

Conscious of its cultural, spiritual and moral heritage, is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; is based on the principles of democracy and the rule of law; and places the individual at the heart of its activities,

Contributes to the preservation and to the development of these values while respecting the diversity of the cultures and traditions of our peoples as well as the national identities of the Member States,

Strives to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments, while enjoyment of these rights entails responsibilities and duties with regard of other persons, to the human community and to future generations,

Builds upon and ensures the continuity of the Community *acquis*, and
HEREBY ESTABLISH this Constitution for the European Union

TITLE I BASIC PROVISIONS

Article 1

Founding of the Union

Reflecting the will of the citizens and states of Europe to build a common future, this Constitution establishes the European Union.

The European Union established by this Constitution shall be the successor to the European Union established by the Treaty on European Union and to the European Community.

Article 2

Citizenship of the Union

1. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship and shall not replace it.
2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Constitution.

Article 3

Relations between the Union and the Member States

The Union shall respect the equality of Member States before the Constitution as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. In cooperation with the Member States, it shall respect their essential state functions, including ensuring the territorial integrity of the state, maintaining law and order and safeguarding national security.

Article 4

Membership

The European Union may be open to countries that are able and willing to meet the obligations of European Union membership, which respect its values

Constitution for Europe

and are committed to promoting them together, if the Union states and citizens agree to accept them as members, as provided in this Constitution.

Article 5

The Union's values

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Article 6

The symbols of the Union

The flag of the Union shall be a circle of twelve golden stars on a blue background.

The anthem of the Union shall be based on the 'Ode to Joy' from the Ninth Symphony by Ludwig van Beethoven.

The motto of the Union shall be: 'United in diversity'.

The currency of the Union shall be the euro.

Europe day shall be celebrated as an official holiday on 9 May throughout the Union. It shall be the official day for European Parliament elections, save as provided otherwise by European Law.

TITLE II FUNDAMENTAL RIGHTS AND FREEDOMS OF INDIVIDUALS AND CITIZENS OF THE UNION

CHAPTER 1 DIGNITY

Article 7

Human dignity

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

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Article 8
Right to life

1. Everyone has the right to life.
2. No one shall be condemned to death, or executed.

Article 9
Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.
2. In the fields of medicine and biology, the following must be respected in particular:
 - (a) the free and informed consent of the person concerned, according to the procedures laid down by law;
 - (b) the prohibition of eugenic practices, in particular those aiming at the selection of persons;
 - (c) the prohibition on making the human body and its parts as such a source of financial gain;
 - (d) the prohibition of the reproductive cloning of human beings.

Article 10
Prohibition of torture and inhuman or degrading treatment or punishment

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

Article 11
Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. trafficking in human beings is prohibited.

CHAPTER 2 FREEDOMS

Article 12

Right to liberty and security

Everyone has the right to liberty and security of person.

Article 13

Respect for private and family life

Everyone's right for his or her private and family life, home and communications shall be respected.

Article 14

Free movement of persons, services, goods and capital and freedom of establishment

The free movement of persons, services, goods and capital, and freedom of establishment shall be guaranteed within and by the Union.

Article 15

Protection of personal data

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

Article 16

Right to marry and right to found a family

The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

Article 17 Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone

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or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Article 18

Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The freedom and pluralism of the media shall be respected.

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

Article 19

Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

2. Political parties established and organized on the Union level contribute to expressing the political will of the citizens of the Union.

Article 20

Right to education

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

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

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

Article 21

Freedom to choose an occupation and right to engage in work

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

Article 22

Right to property

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

Article 23

Right to asylum

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

Article 24

Protection in the event of removal, expulsion or extradition

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

CHAPTER 3 EQUALITY

Article 25

Equality before the law

Everyone is equal before the law.

Article 26

Non-discrimination

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

Article 27

Equality between women and men

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

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

Article 28

The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

Article 29

The rights of the elderly

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

Article 30

Integration of persons with disabilities

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

CHAPTER 4 SOLIDARITY

Article 31

Family and professional life

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

Article 32

Health care

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

Article 33

Prohibition of child labour and protection of young people at work

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely

“Visionary“ Group

to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

Article 34

Environment

1. Everyone has the right to a healthy living environment suitable for the development of the person.
2. The Union through its institutions and bodies shall pay special attention to a high level of environmental protection and the improvement of the quality of the environment.
3. Every citizen of the Union and every legal or natural person shall have a duty to protect and preserve the environment within their powers and activities.

Article 35

Fair and just working conditions

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

Article 36

Social security and social assistance

The Union recognizes and respects the entitlement to social security benefits and social services to everyone residing and moving legally within the European Union in accordance with Union law and national law and practices.

Article 37

Right of collective bargaining and action

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

Article 38

Protection in the event of unjustified dismissal

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

CHAPTER 5 JUSTICE

Article 39

Right to an effective remedy and to a fair trial

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

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

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

Article 40

Presumption of innocence and right of defence

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.
2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

Article 41

Principles of legality and proportionality of criminal offences and penalties

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

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community of nations.
3. The severity of penalties must not be disproportionate to the criminal offence.

Article 42

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

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

CHAPTER 6 CITIZENS' RIGHTS

Article 43

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

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

Article 44

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

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

Article 45

European referendum on citizens' request

1. At the request of 5 % of the citizens of the EU that are entitled to vote, the European Parliament shall issue notice of a European referendum.

Constitution for Europe

2. The proposal submitted to a European referendum can be on every matter concerning the functioning, competences and acts of the Union.
3. The referendum succeeds if a majority of those eligible have participated and if the proposal has received a majority of the valid votes.
4. A European Organic law shall regulate the conditions and the procedure for this referendum, without prejudice for the referenda referred to in the articles 82, 84, and 85 of this Constitution.

Article 46

Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.
2. This right includes:
 - (a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - (b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
 - (c) the obligation of the administration to give reasons for its decisions.
3. Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
4. Every person may write to the institutions of the Union in one of the languages of the Constitution and must have an answer in the same language.

Article 47

Right of access to documents

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

Article 48

European Ombudsman

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role.

Article 49

Right to petition

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament, the Commission and every other competent authority of the Union.

Article 50

Freedom of residence

1. Every citizen of the Union has the right to reside freely within the territory of the Member States.
2. Freedom of residence may be granted, in accordance with the Constitution, to nationals of third countries legally resident in the territory of a Member State.

Article 51

Diplomatic and consular protection

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

CHAPTER 7 GENERAL PROVISIONS GOVERNING THE INTERPRETATION AND APPLICATION OF THIS TITLE

Article 52

Field of application

1. The provisions of this Title are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and

Constitution for Europe

to the Member States when they act or fail to act in the context of Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the other Part of the Constitution.

2. Fundamental Rights and Freedoms shall further be defined and elaborated in a European Organic Law on Fundamental Rights and Freedoms of individual and citizen in the Union.

Article 53

Union's relations with the European Convention for the Protection of Human Rights and Fundamental Freedoms

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

2. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

3. Insofar as this Title contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.

Article 54

Scope and interpretation of rights and principles

1. Any limitation on the exercise of the rights and freedoms recognized by this Part must be provided for by European Organic Law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognized by the Union or the need to protect the rights and freedoms of others.

2. The European Court of Justice in the exercise of its competences, particularly the interpretation and protection of Fundamental Rights and Freedoms in

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this Title, shall take into consideration the principles and case law of the European Court of Human Rights concerning the rights which correspond to rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

3. Insofar as this Title recognises fundamental rights as they result from the constitutional traditions common to the Member States, those rights shall be interpreted in harmony with those traditions.

Article 55

Level of protection

Nothing in this Title shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

Article 56

Prohibition of abuse of rights

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Title or at their limitation to a greater extent than is provided for herein.

TITLE III THE INSTITUTIONS AND BODIES

CHAPTER 1 THE EUROPEAN PARLIAMENT

Article 57

The European Parliament

1. The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions. It shall exercise functions of political control and consultation as laid down in the Constitution. It shall elect the Prime Commissioner.

2. The European Parliament shall be composed of representatives of the Union's citizens. Citizens of each Member State shall be represented on the basis of one representative for every started million of inhabitants, plus a threshold of 5 per Member State.
3. The members of the European Parliament shall be elected for a term of five years by direct universal suffrage in a free and secret ballot.
4. The European Parliament shall elect its President and its officers from among its members.
5. A European Organic law shall define the composition of the European Parliament.

Article 58

The European Ombudsman

1. The European Parliament shall elect the European Ombudsman by a majority vote of all component members.

The European Ombudsman's term of office shall be 6 years.

2. A European Ombudsman shall receive, examine and report on complaints about maladministration in the activities of the Union institutions, bodies, offices or agencies, under the conditions laid down in the Constitution. The European Ombudsman shall be completely independent in the performance of his or her duties.
3. The European Ombudsman shall be responsible for its work to the European Parliament.

**CHAPTER 2 THE PRESIDENT OF THE EUROPEAN
UNION AND THE EUROPEAN COUNCIL**

Article 59

The President of the European Union

1. The President of the European Union represents the Union based both on its citizens and its states. He/she is the symbolic head of the Union.
2. The President shall ensure, by his arbitration, the proper functioning of the institutions and the cohesion of the Union.

“Visionary“ Group

3. The President shall chair the European Council and drive forward its works.
4. The President shall ensure the external representation of the Union in the world on the highest level. He/she shall coordinate external relations of the Union and conduct the Union’s common foreign and security policy. He or she shall chair the General Affairs and External Relations Council configurations.
5. The President shall be elected by the European Council together with the Parliament for a term of 3 years, renewable once. The European Council shall after public consultation with the leaders of the political groups in the Parliament nominate the Presidential candidate by qualified majority. If this candidate is assented by the majority of the component members of the European Parliament, he/she is elected as the President. In the event of an impediment or serious misconduct, the European Council together with the European Parliament can terminate his or her term of office in accordance with the same procedure.
6. The President shall not hold any other public office and must have a minimum age of forty years.

Article 60

The European Council

1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions, except when provided otherwise by the Constitution.
2. The European Council shall consist of the Heads of State or Government of the Member States, together with the President of the European Union and the Prime Commissioner.
3. The European Council shall meet quarterly, convened by the President of the European Union. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the Prime Commissioner, by a member of the Commission. When the situation so requires, the President of the European Union shall convene a special meeting of the European Council.

The country where the meeting takes place shall be chosen on the principle of equal rotation.

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

CHAPTER 3 THE EUROPEAN COMMISSION

Article 61

The European Commission

1. The Commission shall conduct and be responsible for the policy of the Union.

(a) It shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Constitution, and measures adopted by the institutions pursuant to the Constitution.

(b) It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes.

(c) It shall exercise coordinating, executive and management functions, as laid down in the Constitution and in European Organic laws.

(d) Under the direction of the President of the European Union, it shall ensure the Union's external representation.

(e) It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements.

2. The Commission's term of office shall be five years.

3. The members of the Commission shall be chosen by the Prime Commissioner on the ground of their general competence and European commitment from persons whose independence is beyond doubt.

4. The composition and list of members of the Commission shall be proposed as a body by the Prime Commissioner, and adopted by the European Parliament with a majority of its component members. In making his or her proposals, the Prime Commissioner shall respect the principle that none of the Member States shall have more than one member of the Commission.

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5. In carrying out its responsibilities, the Commission shall be completely independent. The members of the Commission shall neither seek nor take instructions from any government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks.

6. The Commission, as a body, shall be responsible to the European Parliament. The European Parliament may vote on a censure motion on the Commission with the majority of its component members. If such a motion is carried, the members of the Commission shall resign as a body.

Article 62

The Prime Commissioner

1. Taking into account the elections to the European Parliament and after having held the appropriate consultations, the President of the EU shall propose to the European Parliament a candidate for Prime Commissioner. This candidate shall be elected by the European Parliament by a majority of its component members.

If he or she does not obtain the required majority, the European Parliament may elect within fourteen days an alternative candidate by a majority of its component members. If no Prime Commissioner is elected within this period, the President shall dissolve the European Parliament.

2. The Prime Commissioner shall:

- (a) lay down guidelines within which the Commission is to work;
- (b) decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body;
- (c) appoint Deputy Prime Commissioners from among the members of the Commission.

2. A member of the Commission shall resign if the Prime Commissioner so requests.

CHAPTER 4 THE COUNCIL OF STATES

Article 63

The Council of States

1. The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions. It shall carry out policy-making and coordinating functions as laid down in the Constitution and in European Organic laws.
2. The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote.
3. The Council shall act by a qualified majority except where the Constitution or a European Organic Law provides otherwise.

Article 64

Configurations of the Council of States

1. The Council shall meet in different configurations.
2. The General Affairs Council shall ensure consistency in the work of the different Council configurations.

It shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the Prime Commissioner and the Commission.

3. The Foreign Affairs Council, whose works shall be driven by the President of the European Union, shall elaborate the Union's external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union's action is consistent.
4. The European Council shall adopt by a qualified majority a European decision establishing the list of other Council configurations.
5. A Committee of Permanent Representatives of the Governments of the Member States shall be responsible for preparing the work of the Council.
6. The Council shall meet in public when it deliberates and votes on a draft legislative act. To this end, each Council meeting shall be divided into two parts, dealing respectively with deliberations on Union legislative acts and non-legislative activities.

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

Article 65

Definition of qualified majority within the European Council and the Council

1. A qualified majority shall be defined as at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union.

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

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

4. Within the European Council, the Prime Commissioner shall not take part in the vote.

CHAPTER 5 THE COURT OF JUSTICE OF THE EUROPEAN UNION

Article 66

The Court of Justice of the European Union

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall protect the Constitution and shall ensure that in the interpretation and application of the Constitution the law is observed.

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

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

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

Constitution for Europe

The Judges and the Advocates-General of the Court of Justice and the Judges of the General Court shall be chosen from persons whose independence is beyond doubt and who satisfy the conditions set out in the European Organic Law. They shall be appointed by common accord of the governments of the Member States for six years. Retiring Judges and Advocates-General may be reappointed.

3. The Court of Justice of the European Union shall:

- (a) rule on actions brought by a Member State, an institution or a natural or legal person;
- (b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions;
- (c) protect and interpret the Fundamental rights and freedoms set out in Part II of this constitution
- (d) rule in other cases provided for in the Constitution and in European Organic laws.

CHAPTER 6 OTHER INSTITUTIONS AND ADVISORY BODIES

Article 67

The European Central Bank

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

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

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

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

5. The measures necessary to carry out the European Central Bank tasks, the decision-making organs of the European Central Bank, their composition and operating methods are set out in a European Organic Law, as well as in the Statute of the European System of Central Banks and of the European Central Bank.

Article 68

The Court of Auditors

1. The Court of Auditors is an institution. It shall carry out the Union's audit.
2. It shall examine the accounts of all Union revenue and expenditure, and shall ensure good financial management.
3. It shall consist of one national of each Member State. Its members shall be completely independent in the performance of their duties, in the Union's general interest.

Article 69

National Parliaments

1. Without prejudice to the internal political organisation of the Member States, the Union encourage the participation of National Parliaments in the supervision of the Union's activities. The National Parliaments shall be guaranteed full access to the European draft legislative or constitutional acts by the European Institutions.
2. Any National Parliament or any chamber of a National Parliament may, within six weeks from the date of transmission of a draft European legislative or constitutional act, send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that

Constitution for Europe

the draft in question does not comply with the principle of subsidiarity or the principle of proportionality. It will be for each national Parliament or each chamber of a National Parliament to consult, where appropriate, regional parliaments with legislative powers.

3. The European institutions shall take into account this opinion and answer to it.

4. Where reasoned opinions on a draft European legislative or constitutional act's non-compliance with the principles of subsidiarity or proportionality originate from at least one third of the Member States, the draft must be reviewed.

Article 70

The Union's advisory bodies

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

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

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

4. The Interparliamentary Committee shall consist of members of National Parliaments who meet in different configurations, under the Presidency of the President or a member of the relevant Committee in the European Parliament.

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

5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations are set out in a European Organic Law.

TITLE IV UNION COMPETENCES

Article 71

Fundamental principles

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Member States and the citizens in European Organic Laws to attain the objectives set out in the Constitution. Competences not conferred upon the Union remain with the Member States.

3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The institutions of the Union shall apply the principle of subsidiarity as laid in the Constitution. National Parliaments shall ensure compliance with that principle.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.

The institutions of the Union shall apply the principle of proportionality as laid down in this constitution. National Parliaments shall ensure compliance with that principle.

Article 72

Categories of competence

Member States and citizens, acting by European Organic laws, may confer the following three categories of competence on the Union: exclusive competence, shared competence and competence to support, coordinate and complement the action of the Member States.

Article 73

Areas of exclusive competence

When a European Organic Law confers on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts.

Article 74

Areas of shared competence

When a European Organic Law confers on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence.

Article 75

Areas of supporting, coordinating or complementary action

In certain areas and under the conditions laid down in European Organic Laws, the Union may have competence to carry out actions to harmonise, support, coordinate or supplement the actions of the Member States, without thereby superseding their competence in these areas.

Article 76

Enhanced cooperation

1. Member States which wish to establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences may make use of its institutions and exercise those competences by applying the relevant provisions of the Constitution:

Any enhanced cooperation shall comply with the Constitution and the law of the Union.

Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open at any time to all Member States.

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Such cooperation shall not undermine the internal market or economic, social and territorial cohesion. It shall not constitute a barrier to or discrimination in trade between Member States, nor shall it distort competition between them.

3. Member States which wish to establish enhanced cooperation between themselves in one of the areas covered by the Constitution, shall address a request to the Commission, specifying the scope and objectives of the enhanced cooperation proposed. The Commission may submit a proposal to the Council of States to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council, which shall act on a proposal from the Commission and after obtaining the consent of the European Parliament.

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

The Commission shall be involved in the enhanced cooperation, may give proposal and shall ensure the consistency with the other policies of the Union. The Parliament shall be involved in the enhanced cooperation.

The other institutions and advisory bodies shall be consulted whenever they are concerned by the enhanced cooperation.

5. In accordance with the provision of this article, a European Organic law shall define the procedure and the decision-making process for the enhanced cooperation.

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

TITLE V EXERCISE OF UNION COMPETENCES

CHAPTER 1 LEGAL ACTS

Article 77

The legal acts of the Union

1. To exercise the Union's competences the institutions shall use as legal instruments, European Organic Laws, European laws, European framework laws, European decrees, European decisions, recommendations and opinions.

A European Organic law shall be a legislative act of general application. It shall be binding in its entirety and directly applicable in all Member States. It shall be enacted only in cases where the Constitution envisages.

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

A European framework law shall be a legislative act binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. If a member State has not adequately implemented the European framework law in the time limit, if the provisions of the European framework law are of unconditional content, definite and grants rights to the individual, it shall be directly applicable.

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

A European decision shall be a non-legislative act, binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

Recommendations and opinions shall have no binding force. The Commission, the Council and the European Central Bank may adopt recommendation in cases provided for in European Organic Laws.

“Visionary“ Group

2. Legal acts shall state the reasons on which they are based and shall refer to any proposals, initiatives, recommendations, requests or opinions required by the Constitution.
2. The Court shall ensure the correct use of the legal acts by the Institutions
3. Legal acts shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following their publication.

Article 78

Implementing acts

1. Member States shall adopt all measures of national law necessary to implement legally binding Union acts.
2. Where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer implementing powers on the Commission, or, in duly justified specific cases, on the Council.

The European Central Bank in the specific case provided for in the constitution or in a European Organic Law shall adopt Union implementing acts.

3. For the purposes of paragraph 2, European laws shall lay down in advance the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.
4. Union implementing acts shall take the form of European implementing decrees or European implementing decisions.

CHAPTER 2 PROCEDURES

Article 79

Ordinary legislative procedure

1. Where, pursuant to the Constitution, European laws or framework laws are adopted under the ordinary legislative procedure, the following provisions shall apply.
2. The Commission or the European Parliament shall submit a proposal to the European Parliament and the Council.

First reading

Constitution for Europe

3. The European Parliament shall adopt its position at first reading and communicate it to the Council.
4. If the Council approves the European Parliament's position, the act concerned shall be adopted in the wording which corresponds to the position of the European Parliament.
5. If the Council does not approve the European Parliament's position, it shall adopt its position at first reading and communicate it to the European Parliament.
6. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position at first reading. The Commission shall inform the European Parliament fully of its position.

Second reading

7. If, within three months of such communication, the European Parliament:
 - (a) approves the Council's position at first reading or has not taken a decision, the act concerned shall be deemed to have been adopted in the wording which corresponds to the position of the Council;
 - (b) rejects, by a majority of its component members, the Council's position at first reading, the proposed act shall be deemed not to have been adopted;
 - (c) proposes, by a majority of its component members, amendments to the Council's position at first reading, the text thus amended shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.
8. If, within three months of receiving the European Parliament's amendments, the Council, acting by a qualified majority:
 - (a) approves all those amendments, the act in question shall be deemed to have been adopted;
 - (b) does not approve all the amendments, the President of the Council, in agreement with the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.
9. The Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion.

Conciliation

10. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the members representing the European Parliament within six weeks of its being convened, on the basis of the positions of the European Parliament and the Council at second reading.

11. The Commission shall take part in the Conciliation Committee's proceedings and shall take all necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

12. If, within six weeks of its being convened, the Conciliation Committee does not approve the joint text, the proposed act shall be deemed not to have been adopted.

Third reading

13. If, within that period, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If they fail to do so, the proposed act shall be deemed not to have been adopted.

14. The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.

Special provisions

15. Where, in the cases provided for in the Constitution, a law or framework law is submitted to the ordinary legislative procedure on the initiative of a group of Member States, the European Parliament and the Council shall communicate the proposed act to the Commission with their positions at first and second readings. The European Parliament or the Council may request the opinion of the Commission throughout the procedure, which the Commission may also deliver on its own initiative. It may also, if it deems it necessary, take part in the Conciliation Committee in accordance with paragraph 11.

Constitution for Europe

Interinstitutional agreements

The European Parliament, the Council and the Commission shall consult each other and by common agreement make arrangements for their cooperation. To that end, they may, in compliance with the Constitution, conclude interinstitutional agreements which may be of a binding nature.

Article 80

Procedure for European Organic Law

1. Where, pursuant to the Constitution, European Organic laws are adopted, the following provisions shall apply.
2. The European Council, acting on the three-fourth majority of its members representing Member States comprising at least 65 % of the population of the Union, shall submit a proposal to the European Parliament and the Council after having obtained the agreement of the Commission, which may propose amendments. The Interparliamentary Committee shall give its advice and communicate the proposal to the National Parliaments.
3. The procedure shall then continue according to the disposition of article 78 with the following modification:
 - (a) the majority required for the Council shall be the three-fourth majority of its members representing Member States comprising at least 65 % of the population of the Union
 - (b) the majority required for the European Parliament shall be two-thirds of its component members
 - (c) A European Organic Law shall be deemed to have been adopted only if the National Parliaments, according to the procedures laid down in article 69 of this Constitution, have not stated reasoned opinions regarding the compliance of the draft European Organic Law with the principle of subsidiarity or the principle of proportionality.

Article 81

Publication and entry into force

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

“Visionary“ Group

European laws and framework laws shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following their publication.

2. European decrees, and European decisions which do not specify to whom they are addressed, shall be signed by the Prime Commissioner.

European decrees, and European decisions when the latter do not specify to whom they are addressed, shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication.

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

CHAPTER 3 UNION’S FINANCES

Article 82

Union’s finances

1. The budget shall be implemented in accordance with the principle of sound financial management. All items of Union revenue and expenditure shall be included in estimates drawn up for each financial year and shall be shown in the Union's budget. The financial year shall run from 1 January to 31 December. The revenue and expenditure shown in the budget shall be in balance.

2. The Member States shall transfer a share of their national budgets to the Union’s budget. Together with this, duties that are charged on imports of products coming from non-EU states shall constitute the Union’s budget revenue which shall only be spent to reach the objectives of the Union given in this Constitution.

3. Every five years, the EU Heads of State and Government shall set the multi-annual framework for Community finances. The Commission shall propose a draft annual budget within the multi-annual framework which is then adopted by the Council and the European Parliament. The Council shall act by a qualified majority and the European Parliament by the majority of component members. The preparation and adoption of the budget are set out in an Organic Law.

TITLE VI UNION MEMBERSHIP

Article 83

Accession

1. Member States, acting on unanimity in the European Council, may agree to admit to membership of the Union countries that are able and willing to meet the obligations of European Union membership that shall be set out in European Organic laws.

The citizens, acting by referendum, shall accept to admit to membership these countries. A country shall be accepted as a new member of the Union if 50 % of the voters at the EU level approved it and if there is more than 50 % of approval in four-fifths of the States.

2. The procedures applying to the accession of new States to the Union shall be set out in European Organic laws.

Article 84

Suspension and secession

1. The Council may suspend the voting rights of a Member State if that Member State departs from the basic values or violates basic rules of the Union. In such cases, the Council must act by a three-quarters majority of its members and representing Member States comprising at least 65 % of the population of the Union, exclusive the Member State that is the subject of the vote.

2. Any Member State may decide to withdraw from the Union at any time. In that case, the Member State in question shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking into account of the framework for its future relationship with the Union. It shall be concluded by the Council, acting by a three-quarters majority of its members and representing Member States comprising at least 65 % of the population of these States.

3. The Constitution and any other source of Union law shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, after the expiration of a time limit following the notification referred to in paragraph 2 of this Article to be decided by the

“Visionary“ Group

European Council, acting with the same double-majority specified in paragraph 2 of this Article, in agreement with the Member State concerned.

4. If a state which has withdrawn from the Union asks to rejoin, its request shall be subject to the obligations and procedure referred to in Article 83 and to be specified in European Organic law.

5. The procedures applying to the suspension of voting rights and secession from the Union shall be set out in European Organic law.

TITLE VII FINAL PROVISIONS

Article 85

Revision of the Constitution

1. The government of any Member States, 5 % of the citizens of the Union that are entitled to vote, the European Parliament or the Commission may submit to the President of the European Union proposals for the amendment of this Constitution and notify the National Parliaments. The President of the European Union shall transmit it to the European Council and shall convene for a meeting within 2 months.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the President of the European Union shall convene a Convention composed of representatives of the national Parliaments, of the Heads of State or Government of the Member States, of the European Parliament, of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The advisory bodies shall be consulted.

3. Within three months, the Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to the European Council for the purpose of determining the amendments to be made to the Constitution, acting on the three-fourth majority of its members representing Member States comprising at least 65 % of the population of the Union. If the proposed amendments are approved by the majority of component members of the European Parliament, the President of the European Union shall organise a European referendum on these amendments within two months.

Constitution for Europe

4. The amendments shall be deemed adopted if 50 % of the voters at the Union level, with a minimal turnout of 60 % approved the text and if there is more than 50 % of approval in four-fifths of the states.

5. The amendments shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following their publication.

Article 86

Repeal, succession and legal continuity

3. This Constitution shall repeal the Treaty establishing the European Community, the Treaty on European Union and the acts and treaties which have supplemented or amended them.

4. The European Union established by this Constitution shall be the successor to the European Union established by the Treaty on European Union and to the European Community.

The components of the *acquis* of the Community and of the Union, including the case-law of the Court of Justice of the European Communities, existing at the time of the entry into force of this Constitution, shall be preserved until they have been deleted or amended.

5. Continuity in administrative and legal procedures commenced prior to the date of entry into force of this Constitution shall be ensured in compliance with the Constitution. The institutions, bodies, offices and agencies responsible for those procedures shall take all appropriate measures to that effect.

Article 87

Entry into force of the Constitution

1. This Constitution shall be deemed adopted by the citizens and the states of Europe according to the following procedure:

(a) The President of the Convention shall propose this Constitution to the European Council, which shall adopt it acting on the three-fourth majority of its members representing Member States comprising at least 65 % of the population of the Union.

(b) The President of the European Union shall organise a European referendum within one year. The Constitution shall be deemed adopted if 50 % of the

“Visionary“ Group

voters at the Union level approved the text, with a minimal turnout of 60 %, and if there is more than 50 % of approval in four-fifths of the States.

(c) The Member States in which the voters approving the text was below 50%, the states have to choose, in accordance with their respective constitutional requirement, either to adopt the Constitution within a year or to leave the Union according to the procedure of article 83.

2. This Constitution shall enter into force the first day of the second month following the referendum, for an unlimited period.

Article 88

Authentic texts and translations

1. This Constitution, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Commission, which will transmit a certified copy to each of the governments of the Member States.

2. This Constitution may also be translated into any other languages as determined by Member States among those which, in accordance with their constitutional order, enjoy official status in all or part of their territory. A certified copy of such translations shall be provided by the Member States concerned to be deposited in the archives of the Commission.

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