

# EDITION EUROPA

## Kapitel 2

Wenn möglich wurde jeweils das gesamte Dokument aufgenommen. In einigen Fällen mussten jedoch von den sehr umfangreichen Dokumenten Auszüge dargestellt werden, diese sind dann vermerkt.

*Verfassungsentwürfe zur Gründung einer Europäischen Union*

*Herausragende Dokumente von 1923 bis 2004*

Herausgegeben von Anton Schäfer

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**Europäische Union**

Ausgewählte Dokumente zu den  
Verfassungsentwürfen von 1923 - 2000



## II.35 European Constitution

Der vorliegenden Verfassungsentwurf wurde von der „Permanent Study-Group für the European Constution“ unter Vorsitz von Prof Preston King (University of Lancaster) und Co-ordinator, Prof. Andrea Bosco (South Bank University) ausgearbeitet.

Die in Artikel 6, Pkt. 20, dieses Entwurfes genannte Schutzklausel hinsichtlich der Einschränkung von Menschenrechten erinnert wesentlich an die ähnlichlautende Bestimmung des Grundgesetzes.

Der ganze Entwurf ist auf die Schaffung eines europäischen Bundesstaates mit einer wesentlichen Stärkung des Europäischen Parlaments ausgerichtet. Besonders die Kompetenzverteilung zwischen den Organen in Art 14 ff dieses Entwurfs ist sehr bemerkenswert.

Die englische Version wurde so übernommen, wie sie unter der Internetadresse unter <http://www.europa-web.de/europa/03euinf/08Verfas/perstudy.htm> veröffentlicht wurde.

### PREAMBLE

#### **In the name of the peoples of Europe**

HEREBY SET UP a permanent and ever closer Union between the peoples of Europe and declare the European political identity they themselves inscribe in view of Europe's historic development,

EMPHASISE that membership of the Union is based on values which are common to the peoples who compose it and notably equality in the matter of human dignity and of rights, tolerance and solidarity, respect for democratic principles and for the rule of law,

EMPHASISE equally that the full realisation of human dignity and its legitimate aspirations of every individual is founded on the universality and indivisibility of the Rights of Man,

DECLARE in consequence their attachment in respect of the Rights of Man stated in the universal declaration and developed by the two international agreements in the Helsinki Final Act and the Paris Charter and by those guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms,

RECALL that the Union respects the national identity of Member States, especially based on the principle of subsidiary and that the diversity of cultures, histories and traditions of its peoples is for it a source of wealth and appropriation,

RECALL that the Union aims at the development and at the economics and social cohesion of its members, in a legal and economic area without frontiers, governed by the principle of a market economy and declaring the principles of joint responsibility, progress and the active participation of regional and local groups as well as respect for the environment,

DECLARE that the European Union must contribute effectively towards the security of its peoples, to the maintenance of international peace as well as to economic and social development and to the protection of the environment at an international level,

EMPHASISE, that the European Union is open to enlargement by those European States which so wish and which share the same values, respect the same principles and have the same objectives; the Member States and the European Parliament have adopted the Constitution of the European Union.

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### Chapter I

## THE PRINCIPLES

### Article 1 The European Union

1. The European Union (hereafter called the Union) is constituted by the member States and their citizens; all powers of the Union preceding from these latter persons.
2. It shall take account of a common historical heritage among its peoples and respect the historical and cultural identity as well as the constitutional structures of the member states.
3. The Union is of a juridical nature
4. The Union shall provide itself with the means necessary to achieve its objectives and shall progress towards a deeper and coherent integration starting from the basis of the *acquis communautaire* (all the powers, responsibilities and areas of jurisdiction already acquired).
5. The Union constitutes an area without frontiers in which no discrimination on the basis of nationality is permitted.
6. The member states shall collaborate in solidarity between themselves and with the institutions of the Union to achieve the objectives of the Union. The institutions of the Union shall carry out the tasks entrusted to them by the Constitution.
7. The law of the Union shall have precedence over the law of member states.

### Article 2 Citizenship of the Union

Each person having the nationality of a member state is a citizen of the Union.

### Article 3 Electoral Rights of Citizens

Every citizen of the Union residing in a member state of which he is not a national shall have right to vote and stand at elections in the place of his residence under the same conditions as nationals of that State. The precise scope of these rights may be fixed by organic law. The electoral rights of citizens may be extended by constitutional law.

### Article 4 Political Activity of Citizens

Every citizen shall have the right to carry out political activities everywhere within the Union with the aim of determining, notably, by means of political parties, the orientation and the decisions of the Union. He or she can, individually or collectively, propose a modification of laws or request a modification of administrative practices.

The citizens shall be informed and consulted when a decision taken by the Union concerns specific interests.

The Union recognises and supports the role of associations in as much as they are indications of the aspirations and preoccupations of the citizens.

Every citizen has a right of access to the *charges publiques* of the Union (institutions performing the Union's public duties.)

### Article 5 Freedom of Movement of Citizens

Citizens of the Union exercising their right to move freely and choose their residence within the territory of the Union may pursue the occupation of their choice within that territory.

The Union shall contribute towards assuring equality of opportunity notably by making efforts to remove obstacles to the enjoyment and effective exercise of the rights conferred to the citizens.

Citizens of the Union shall be free to leave and return to the territory of the Union.

Every citizen of the Union shall, in the territory of a third country, be entitled to diplomatic and consular protection by the Union or member states as appropriate.

Citizens of third countries and stateless persons residing in the Union shall benefit from freedom of movement, employment and social rights. Organic laws may be enacted to grant them certain political rights.

Citizens of the Union and citizens of third countries and stateless persons residing in the Union have the right to approach, in a case of maladministration, a mediator nominated by the European Parliament.

## Article 6 Human Rights

The Union shall respect basic rights such as those guaranteed by the Agreement on the Protection of Human Rights and Basic Liberties and those which result from the constitutional traditions common to the member states, in so far as they are general principles of rights within the Union. In particular, in those areas where the Union's rights are applicable, then the Union and the member states shall ensure the respect of the human rights listed below:

### 1. The right to life

Any person shall have a right to life and a respect for his physical integrity as well as freedom and security. No one shall be able to be condemned to death, submitted to torture nor to inhuman or degrading punishments or treatment

### 2. Dignity

Human dignity shall be inviolable: it shall include, notably, the basic right of the person to resources and benefits sufficient for him or herself and for his or her family.

### 3. Equality before the Law

Each person shall be equal before the law. Any discrimination shall be forbidden be it on grounds of race, colour, sex, language, religion, political opinion or any other opinions, national or social origin, membership of a national minority, wealth, birth or any other situation. Equality between men and women before the law, notably in the fields of work, education, the family, social protection or training, shall be assured.

### 4. Freedom of thought

Freedom of thought, conscience and religion shall be guaranteed.

### 5. Freedom of opinion and information

Every person shall have the right to freedom of expression. This right includes freedom of opinion and the freedom to receive or to communicate information or ideas. Art, science and research are free (Academic freedom shall be respected).

### 6. Private Life

Every person has the right to a respect for and the protection of his identity. The respect for private life and family life, reputation, place of abode and private communications shall be guaranteed. No surveillance, by public departments, of persons or organisations shall not be able to be carried out unless this has been duly authorised by the competent judicial authorities.

### 7. Protection of the family

Every person shall have the right to start a family. The family shall be protected by the law and in economic and social areas. Also to be protected are paternity and maternity and the rights of the child.

### 8. Right to meet in public

Every person shall have the right to participate in peaceful meetings and demonstrations.

### 9. Freedom of association

Every person shall have a right to freedom of association including the right to found political parties and trades unions and to belong to them.

### 10. Right of property

The right to property shall be guaranteed. No person shall be able to be deprived of his property except for reasons of public good judged necessary in cases and conditions foreseen by a law on payment of a just and prepaid indemnity.

### 11. Professional freedom and conditions of work

The Union shall recognise the right to work; the Union and the member states shall take the measures necessary to give effect to this right. Every person shall have the right freely to choose his or her profession, his or her place of work and to

carry out freely that profession. No person shall be able to be deprived of his work for arbitrary reasons nor be forced to carry out a specific type of work. The necessary measures shall be taken to ensure the hygiene and safety of the work-place. The worker shall have the right to remuneration which permits him to live with dignity.

#### **12. Collective Social Rights**

The right to organise collectively the defence of their rights shall be guaranteed to the workers. The right to negotiations between partners in an enterprise shall be guaranteed. The right to collective action including the right to strike shall be guaranteed. Workers shall have the right to be informed regularly of the economic and financial situation of their enterprise and to be consulted on decisions which may affect their interests.

#### **13. Social Protection**

Every person shall have the right to benefit from measures which allow him to enjoy the best possible health. Every person lacking in sufficient resources shall have the right to social and medical assistance. The workers, the self-employed and their beneficiaries have a right to social security or to an equivalent system.

#### **14. The Right to education**

Every person shall have the right to an education or professional training corresponding to his or her capabilities. Education shall be free. The right of parents to make use of this education in accordance with their religious and philosophical convictions shall be assured, whilst respecting the rights of the child and its proper development.

#### **15. Rights of access to information**

The right of access and correction shall be guaranteed to every person in respect of administrative documents and the data concerning them.

#### **16. Access to justice**

Every person shall have an effective right to recourse to a judge designated by a law. Every person shall have the right to have his case heard equitably, public and within a reasonable period of time, by an independent and impartial tribunal, set up by the law. Access to justice shall be effective. Legal aid shall be granted to those who not dispose of sufficient resources to engage in legal proceedings.

#### **17. Non bis in idem**

No person shall be tried or condemned because of deeds for which he has already been acquitted or condemned.

#### **18. Non-retroactivity**

No responsibility shall be incurred for actions or omissions in respect of which such a responsibility did not exist according to the law applicable at the time when they were committed.

#### **19. Right of Appeal**

Any person shall have the right to present in writing his requests or complaints to the public authorities who shall be required to reply. Every person shall have the right to demand protection and the preservation of his natural environment.

#### **20. Limits**

No withdrawal of the rights and liberties guaranteed by the present Constitution shall be allowed excepted by virtue of a law which respects their basic concepts and takes account of the reasonable and necessary limits required to safeguard a democratic society.

#### **21. Level of protection**

None of the contents of the present Constitution shall be interpreted as limiting the protection offered by the rights of the Union, the laws of the member states and international law.

#### **22. Abuse of rights**

None of the arrangements of the present Constitution shall be able to be interpreted as implying any right to take part in an activity or carry out an act aimed to limit or destroy the rights and liberties contained herein.

## **Chapter II POWERS OF THE UNION**

Article 7  
The distribution of powers

1. The Union shall dispose of the powers determined by the present Constitution and take unto itself the *acquis communautaire*.
2. The arrangements of the Treaties concerning their aims and fields of application and which are not modified expressly or implicitly by the present Constitution shall, more especially, become a part of the law of the Union. They can only be modified by means of a process of continual revision.
3. The other arrangements of the Treaties shall also be a part of the law of the Union in as much as they are not incompatible with the Constitution. They shall only be modified by a process of organic law.
4. The acts of the European Community as well as the measure taken within the framework of cooperation between the member states shall continue to produce their effects as long as they are not incompatible with the Constitution and as long as they are not replaced by acts or measures issued by the institutions of the Union in accordance with their respective powers.

Article 8  
Realisation of the objectives

The institution of the Union shall have access to powers which shall appear necessary and appropriate for the effective exercise of their areas of competence.

If an action of the Union shall be necessary to realise one of the objectives, without the Constitution achieving foreseen the powers of action required for this purpose, then these powers shall be conferred by an organic law.

Article 9  
Principles of subsidiarity and proportionality

The exercise of the powers of the Union, as well as their extension in accordance with Article 10, shall conform to the principles of subsidiarity and proportionality.

The principle of subsidiarity shall imply that the Union will only intervene if and as far as the objectives of the action which shall be envisaged shall not be able to be realised sufficiently by the member states and can therefore, by reason of the scope or effects of the action which shall be envisaged, be better realised at the level of the Union itself.

In accordance with the principles of subsidiarity, the actions of the Union shall not exceed what is necessary to achieve the objectives of the Constitution.

Article 10  
Co-operation between the member states

The Union shall aim to enforce the forms of co-operation which already exist between the member states with a view to applying to them the procedures and mechanisms of the Community.

In these areas, the Union shall act by determining common positions and taking common actions within the framework of the general directions established by the Council of Europe.

Article 11  
Promotion of the action of member states

The Union shall be able to recommend, promote or stimulate actions by the Member States in areas inherent to or connected to ends pursued by the Union without these actions being of a compelling nature.

The Union shall also be able to promote, in these same areas, the co-ordinated activities of the member states to which it can lend defined technical support.

### Chapter III THE INSTITUTION FRAMEWORK

#### Article 12 Institutions and organs

1. The institution of the Union shall be:
  - the European Parliament
  - the European Council
  - the Council
  - the Commission
  - the Court of Justice
  
2. The organs of the Union are:
  - the European Central Bank
  - the Court of Auditors
  - the Economic and Social Committee
  - the Committee of the Regions

#### Article 13 European Parliament - Composition

The European Parliament shall be composed of the representatives of the citizens of the European Union, elected by direct universal suffrage for a period of five years, according to a uniform electoral procedure.

The number, the principles of distribution of the seats and the electoral procedure shall be set down in a constitutional law.

#### Article 14 European Parliament - Laws

The European Parliament:  
 shall participate in the formulation of the general political direction of the Union;  
 shall vote in the laws and budget and gives its agreement to the treaties of the Union;  
 shall nominate, on a proposal of the European Council, the President of the Commission and give a vote of confidence in him or her;  
 shall exercise political control over the activities of the Union and set up commissions of enquiry;  
 shall exercise the powers of nomination which have been conferred on it by the Constitution;  
 shall exercise the other powers foreseen by the Constitution and by the Community's Treaties.

#### Article 15 The European Council

The European Council is a meeting point for the Heads of State or of governments of the member states as well as the President of the Commission.

The European Council shall give the Union the necessary impetus for its developments and define the general political direction of the Union.

#### Article 16 Council - Composition

The Council shall be formed of permanent delegations of each member state which are presided over by a responsible minister; the members of each delegation are nominated by the member's states, in accordance with their respective constitutional regulations. Each delegation shall express a unitary vote.



Article 17  
Council - Attributes

The Council:

shall vote in the laws and budget and give its approval to the treaties of the Union;  
shall co-ordinate the policies of the member states when the constitution foresees it;  
shall approve, jointly with the European Parliament, the treaties negotiated by the Commission;  
shall exercise the powers or nominated conferred to it by the Constitution;  
shall exercise the other powers foreseen by the Constitution and by the Community' s treaties.

Article 18  
Presidency of the Council

The President of the Council shall be elected by a non-weighted majority of five sixths of the member states.

Article 19  
Vote within the Council

The vote of each delegation shall be affected by a weighting. This is in accordance with the institutional principles of the Community in this matter.

In particular, ordinary laws shall only be adopted with the vote in favour by the majority of the delegations who shall represent at least 60% of the population and organic laws with a vote in favour by two thirds of the member states who shall represent at least 75% of the population.

Only a constitutional law shall be able to modify these arrangements.

Article 20  
The Commission – Composition and independence

1. The Commission shall include at least one national of each of the member states without the number of members having the nationality of a single member state being more than two.
2. The members of the Commission shall exercise their functions completely independently in the general interests of the Union in conformity with the institutional principles of the Community in the particular matter.

The Court of Justice shall check whether it is adhering to these principles under conditions foreseen by the Constitution.

Article 21  
Commission – Nomination – Motion of censure

1. The Commission shall be nominated, for a duration of five years, in accordance with the procedure in paragraph 2.
2. At the beginning of each period during which the legislative body shall function, the President of the Commission shall be elected, on a proposal of the European Council, by a majority of the members comprising the European Parliament. The members of the Commission shall be chosen by the President with the agreement of the Council acting with a qualified majority. The Commission thus constituted shall begin its functions after a vote of confidence from the European Parliament.
3. The European Parliament can, by means of the majority of its members, put down a motion of censure with a warning period of three working days; the voting of this motion brings with it the collective removal of the members of the Commission, who shall carry out current business until they are replaced.

Article 22  
The President of the Commission

The President of the Commission shall divide the powers between the members of the Commission.  
He shall co-ordinate the work of the Commission and have the casting vote in the case of an equal division of votes.  
The President shall be able to dismiss a member of the Commission at the request if the European Parliament.

Article 23  
Commission - Powers

The Commission:

shall participate in legislative power and have available a power of initiative;  
shall carry out the budget and the laws of the Union, in accordance with the agreements of the Constitution;  
shall exercise control over conformity with the Constitution and the acts passed by the Union;  
shall negotiate and conclude the treaties of the Union;  
shall exercise the other powers foreseen by the Constitution and by the treaties of the Community.

Article 24  
The Court of Justice

The Court of Justice shall be formed of Judges and Advocates-General.

These shall be chosen from amongst persons offering every guarantee of independence and who combine the conditions required for the exercise, in their respective countries, of the highest juridical functions, or who are legal experts possessing recognised qualifications, and shall be nominated by the European Parliament by a majority of its members and by the Council, voting unanimously, for a duration of nine years which is not renewable. The formal procedures for this nomination are established by organic law.

Article 25  
The President of the Court of Justice

The Court of Justice shall select its President from amongst its Judges, whose mandate is for three years and is renewable.

Article 26  
Organisation and statutes of the Court

1. The Court of Justice shall establish its working regulations which shall be submitted for the approval of the European Parliament and the Council.
2. An organic law, at the proposal of the Court of Justice, shall fix the number of its members, their statutes, the constitution of the Courts and cases for which the Court shall be obliged to sit in full sitting.
3. The Court of Justice shall be able, within the framework of the Union' s budget, to exercise financial and administrative autonomy.

The Court of Justice shall name its own clerk, and shall decide upon its rules of operational practice.

Article 27  
Other jurisdiction

An organic law shall at the proposal of the Court of Justice institute on or several other jurisdictions charged with hearing in the first instance certain categories of appeal, without prejudice to an appeal brought before the Court of Justice, should the occasion arise, limited to points of law.

The functions, the composition and the regulations controlling procedure shall be fixed in accordance with Articles 22, 23 and 24.

Article 28

An organic law can initiate a Consultative Council having the task of examining in advance the proposals for the Law of the Union.

Members of the national administrative jurisdiction shall be able to be nominated as member of the Consultative Council.

The Council' s view shall not have the power of compulsion.

Article 29  
The European Central Bank

The European Central Bank shall control the monetary policy of the Union and carry out the functions foreseen by the Constitution.

It shall enjoy the necessary independence in the exercise of its functions. The Court of Justice shall ensure that the independence is respected.

Article 30  
Agencies and other organs

An organic law can create other organs as well as agencies receiving a juridical personality to be given to specific tasks. The law shall define their code of practice and in particular the arrangements for controlling their operation.

**Chapter IV  
FUNCTIONS OF THE UNION**

Chapter 1  
PRINCIPLES

Article 31  
Acts of the Union

1. The institutions of the Union shall adopt in accordance with the Constitution: constitutional laws which modify the Constitution; organic laws when the Constitution expressly foresees them; ordinary law in other cases.
2. The institutions of the Union shall adopt in accordance with the laws and the Constitution: rules of procedure individual decisions.
3. They can also adopt recommendations.
4. All the acts of the Union are motives.
5. The laws and the rules shall be obligatory in all their constituent parts within the frontiers of the Union. Decisions are binding upon their intended recipients. Recommendations are not of an obligatory nature.
6. Law can take the form of framework laws when they are limited to defining the general principles of the subject matter or determining resultant obligations upon the member states and the other authorities and placing a requirement on national and Community authorities to put the principles into operation. The law may anticipate the arrangements which shall apply in the event of default by a member state in the implementation of framework laws.

Chapter 2  
LEGISLATIVE FUNCTION

Article 32  
Initiation of laws

The initiation of ordinary and organic laws is the preserve of the Commission. Should the Commission fail to act the European Parliament and the Council can, in common agreement, put forward a proposal for a law.

The initiation of Constitutional laws is the preserve of the European Parliament, the Commission, the Council or a member state.

Article 33  
Legislative procedure

1. The laws of the Union shall be adopted by the European Parliament with a simple majority in the case of an ordinary law and with the majority of its members in the case of an organic law, with a majority of two thirds of its members in the case of a Constitutional law. The Council shall adopt ordinary and organic law with a qualified majority and constitutional law by unanimous vote.
2. Should the Commission be opposed to an amendment put forward in the European Parliament or in the Council then the Parliament can only adopt this amendment with a majority of its members and the Council with a unanimous vote.
3. In a case of disagreement between the European Parliament and the Council a Committee of Mutual Conciliation shall prepare a paper.

This shall be adopted by the European Parliament and the Council according to the majorities required in paragraph 1 without the possibility of amendment.

4. The law shall be signed by the President of the Parliament and the President of the Council and shall come into force twenty days after its publication in the Official Journal or on another date that the law shall determine.
5. Constitutional laws shall come into force once they have been approved by all the member states in accordance with their respective constitutional arrangements.

Article 34  
Delegation and exercise of emergency legislative powers

By means of organic law which shall determine the contents the aim, the extent and the duration of the special powers, the Commission can be given the task of making acts which can annul or modify existing ordinary laws. In the case of exceptional circumstance the Commission can approve acts which are equivalent to ordinary law. These shall lapse if they are not confirmed by the Council and the European Parliament within sixty days following their publication in accordance with the legislative procedure.

Chapter 3  
THE EXECUTIVE FUNCTION

Article 35  
Execution of laws

The member states shall execute the laws of the Union without prejudice to the foregoing paragraph, the Commission has available regulatory powers with regard to the execution of laws and can take individual steps to apply the laws of the Union. The Council shall be able to be charged by law with regulatory powers in specific areas.

Article 36  
Control of national means of execution of laws

The Commission shall control and check on the execution of laws by the member states. An organic law can determine the means by which these checks are carried out.

Chapter 4  
JURISDICTIONAL FUNCTION

Article 37  
The jurisdictional function

The Court of Justice and the other community jurisdictions and national jurisdictions, within the framework of their respective powers, shall ensure the respect of the law in the interpretation and application of the present Constitution as well as all acts passed by the union. The Court of Justice shall ensure the uniformity of interpretation of the law of the Union.

Article 38  
Protection of the *acquis communautaire*

The *acquis communautaire*, as regards the powers of the Court of Justice shall only be able to be modified by a constitutional law.

Article 39  
Violation of Human Rights

The Court of Justice has the power to make a pronouncement in the case of any claim to establish a failure by the Union to uphold the human rights guaranteed by the Constitution.

A constitutional law shall determine the conditions for the introduction of this claim and the sanctions which the Court of Justice shall be able to mete out.

Article 40  
Respect for the division of powers

A claim against and cancellation of such an act which exceeds the limits of the powers of the Union can be introduced by the Council, the Commission, the European Parliament or by a member state after its definitive adoption and before it comes into force. The Court can suspend the coming into force of that act.

Chapter 5  
FINANCES

Article 41  
Resources and budget

1. The law shall determine the nature and the amount of the financial resources of the Union. This law requires a vote in favour by the majority of the European Parliament and by two thirds of those able to vote and a majority of five sixths of the votes in the Council.
2. The total of receipts and expenditure by the Union shall be written into the budget. This shall be approved each year in accordance with the legislative procedure.
3. The Union shall be subject to the same budgetary discipline as that imposed on the member states.
4. Every proposal for the new expenditure shall be accompanied by an indication of the corresponding receipt.

Chapter 6  
CO-ORDINATION OF THE POLICIES OF THE MEMBER STATES

Article 42  
Principles

In those areas which might be the subject of co-ordination and co-operation between the member states, the Council shall exercise the powers which have been given to it. The Commission and the European Parliament shall be involved in the actions of the Council.

**Chapter V**  
**EXTERNAL REALTIONS**

Article 43  
Foreign Policy and Common Defence Policy

1. The European Council shall define the principles and the general directions of foreign and common security policy, including the policy of common defence. The European Parliament shall be consulted about these directions and principles.
2. The Council shall decide, on a proposal of the Commission or at the request of one of the member states, on the advice of the Commission, the common standpoints and actions of the Union, as well as the means of carrying out foreign policy and common security policy.

The Council shall decide unanimously except in cases where it has agreed, at the proposal of the Commission, that the adopting of a common action or standpoint or the means of execution might be the subject of a vote with a qualified majority.

3. Commons action will be carried out be the Union and the member states.

Article 44  
Representation of the Union

The President of the Council and the President of the Commission shall represent the Union abroad.

The diplomatic representation of the Union shall stem from the Commission.

Article 45  
Treaties

1. The Union has the power to conclude treaties.
2. The treaties, negotiated by the Commission, shall be submitted for the approval of the European Parliament which shall make them law by means of the majority of its members and the Council which shall make them law with a qualified majority. The Commission shall conclude the treaties.
3. An organic law shall be able to set out the conditions in which the approval can be given by means of a simplified procedure.
4. The European Parliament, the Commission, the Council or a member state can request the opinion of the Court of Justice on the compatibility of an agreement with the present Constitution.
5. When it is envisaged that a new international treaty may be concluded with modifies the Constitution, the modification must first adopted by means of a constitutional law.

**Chapter VI**  
**MEMBERSHIP OF THE UNION**

Article 46  
Widening of membership to take in new members

Any European state of which the system of government is founded on democratic principles can ask to become a member of the Union. The means of membership as well as the adaptations which such a membership shall bring with it shall be the object of a treaty between the Union and the state requesting membership. This treaty shall have to adopted by means of a constitutional law.



