

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.43 The Economist Constitution, 2000

Der Entwurf wurde am 26. Oktober 2000 veröffentlicht.

Anmerkungen werden hier nicht wiedergegeben.

A constitution for the European Union

We among the states of Europe, seeking to encourage peaceful, open and constructive relations between our peoples, and seeking to advance our common interests in the world, ordain and establish this Constitution for our European Union. This constitution shall prevail over other European and national law, including treaties of the Union, should conflict arise.

ARTICLE 1

Founding principles

The Union is established by the Treaty on European Union signed in Maastricht on February 7th 1992, and founded on the European Communities.

The Union shall uphold the principles of liberty, democracy and the rule of law.

The Union and its Member States shall respect the fundamental rights of citizens, including, but not limited to, those rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on November 4th 1950, and rights common among Member States.

All powers, other than those clearly delegated to the Union by this constitution and by the treaties of the Union, are reserved to the Member States.

The Union and the Member States shall uphold the principle of subsidiarity.

ARTICLE 2

Languages

English, French and German shall have equal standing as the sole official languages of the Union institutions.

ARTICLE 3

Citizenship

The Union shall have legal personality. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.

Any citizen of the Union having the right to move and reside freely within his own Member State shall have the right to move and reside freely within the territory of all Member States.

A citizen of the Union residing in a Member State of which he is not a national shall have the right to vote in his country of residence only.

ARTICLE 4

Institutions

Heads of government, one from each Member State, shall meet at least once every six months, as the European Council. This

European Council shall be the high policy-making body of the Union. It shall give instructions and guidance to the Council of Ministers and to the European Commission, which shall be published after each meeting along with voting records.

The Union shall be served by the following common institutions: a Parliament, a Council of Nations, a Council of Ministers, a Commission, a Central Bank, a Court of Justice and a Court of Auditors. These institutions shall possess those powers, and only those powers, granted to them through treaties ratified by all Member States.

ARTICLE 5

Parliament

Parliament shall consist of representatives of the peoples of the Member States. Representatives shall be elected by direct universal suffrage for terms of five years. Their number shall not exceed 100. Seats shall be allocated among Member States in reasonable proportion to population. Parliament shall fix its own rules of procedure.

Parliament shall debate the policies and the legislation of the Union. It may strike down legislation and it may propose amendments to legislation, where this is authorised by the treaties of the Union. It may request the Commission to propose legislation to the Council of Ministers. It may bring actions before the Court of Justice.

Parliament, including committees of the Parliament, has a general right to question in public hearings any member of the Commission, or any proposed member of the Commission.

Parliament may, acting by a two-thirds majority of its members, dismiss any member of the Commission.

No judge shall be appointed to the Court of Justice without approval from the Parliament.

Save as otherwise provided here and in the treaties of the Union, Parliament shall act by a simple majority of the votes cast.

ARTICLE 6

The Council of Nations

The Council of Nations shall consist of representatives drawn from the parliaments of Member States, according to procedures devised by the respective parliaments. Seats shall be allocated with reference to population, save that every Member State shall have at least two representatives and the number of representatives shall not exceed three times the number of Member States.

The Council of Nations shall act as a constitutional council. It shall have power to overrule the Court of Justice. It may strike down legislation. The Council shall act by a simple majority of the votes cast.

ARTICLE 7

The Council of Ministers

The Council of Ministers shall be the legislature of the Union. It shall consist of one representative of each Member State. Each representative shall have the rank of government minister, and shall be authorised by his government to make commitments on its behalf.

The Council of Ministers shall consider, and, when it so decides, enact, laws and resolutions furthering the aims of the Union as set down in this Constitution and in such other treaties as Member States may from time to time enact, provided always that any such treaties have been ratified by all Member States.

The Council shall act by unanimity where the treaties of the Union require it to do so. At all other times it shall act by a double-majority system: to carry, a vote shall be supported by a majority of Member States, containing a majority of the Union's population.

An agenda shall be published before each Council meeting. A voting record shall be published immediately after it.

In all other respects, the Council shall fix its own rules of procedure.

ARTICLE 8

The Commission

The Commission shall be the secretariat of the Union. It shall consist of a president and 12 commissioners, having authority over a civil service. It may propose and draft legislation for the Union, at the direction of the European Council or at the request of the Parliament. It shall have the right to bring cases before the Court of Justice. It shall have the general task of ensuring that the laws of the Union are respected.

The European Council shall appoint the President of the Commission, acting by a simple majority. The President shall be appointed for a term of five years, which may be renewed. Member States shall propose candidates for commissioners' posts from among their own nationals. The President of the Commission shall choose his commissioners from among those candidates, also for terms of five years, and shall decide their responsibilities.

Commissioners shall act in the general interest of the Union. They shall neither seek nor take instruction from any Member State nor from any private interest.

The Commission shall act by a simple majority of its members.

ARTICLE 9

The Court of Justice

The judicial power of the Union shall be vested in the Court of Justice, and in such inferior courts as Member States may ordain and establish through treaties. The Court shall be the supreme court of the Union in matters of Union law only, save that it may be overruled by the Council of Nations on matters which the Council of Nations considers to be constitutional in nature. The court shall have appellate jurisdiction over inferior courts, including those of Member States, in matters of Union law only.

Each Member State shall appoint one judge to the Court of Justice, save that no appointment shall be made without the approval of the Parliament. A judge in office may be dismissed only by a vote to that effect by both the Parliament and the Council of Ministers. The retirement age for judges shall be 70.

The judges shall elect a President of the Court from among their number, and shall fix their own rules of procedure.

The Commission, the Parliament and the governments of Member States have the right to bring actions before the Court. The Court may choose to hear actions brought by private and legal persons.

No judge shall seek or take instruction from any Member State or from any private interest.

ARTICLE 10

The Court of Auditors

The Court of Auditors shall examine the revenue and expenditure accounts of the Union and its institutions. At least once each year it shall provide the Parliament and the Council of Ministers with a statement of assurance as to the reliability of the accounts, and the legality and regularity of the underlying transactions. This statement shall be made public.

Each Member State shall nominate one member to the Court. Each member of the Court shall act in the general interest of the Union. None shall seek or take instruction from any Member State or from any private interest.

ARTICLE 11

The Central Bank

The Central Bank shall be governed solely by an executive board consisting of a President, a Vice-President, and five other members. Each shall be appointed by the European Council, by simple majority vote, save that heads of governments representing countries outside the Monetary Union shall not participate in voting on these appointments. Each executive board member shall be appointed to an eight-year term, which shall not be renewable.

The Central Bank shall define and implement the monetary policy of the Monetary Union, this Monetary Union consisting of all, and only of, Member States that have adopted the euro as their sole legal tender.

The primary aim of the monetary policy of the Central Bank shall be the maintenance of price stability within the Monetary Union.

The Central Bank shall hold and manage the official foreign reserves of those Member States within the Monetary Union. It shall have the exclusive right to authorise the issuing of banknotes and coins within the Monetary Union.

Members of the executive board shall neither seek nor take instructions from any government nor any private interest.

ARTICLE 12

Taxation

The Union shall levy no taxes.

ARTICLE 13

Commerce

The Union, and Member States, shall strive to remove all obstacles to the free movement of goods, and services, and capital within the Union. Save that governments may disallow the free movement of specified goods and services where there is a clear and significant risk to public health, or public order, or national security. No national law regulating the taxation of income or profit shall be construed as an obstacle to the free movement of goods, or services, or capital.

The Union shall fix common rules on competition to assist the proper functioning of free markets.

The Union shall fix a common regime for trade between Member States and other countries.

ARTICLE 14

Monetary Union

Membership of the Monetary Union is open to all Member States, save that Member States within the Monetary Union may impose reasonable, objective and non-discriminatory entry criteria on Member States wishing to join the Monetary Union.

ARTICLE 15

Justice and home affairs

The Union shall fix a common policy for the entry of foreign nationals on to the territory of Member States.

The Union shall fix a common policy for the granting of asylum by Member States.

A person charged with a criminal offence in a Member State carrying a sentence of imprisonment shall be given up for extradition, on the demand of a high court, by any other Member State in which he may be residing or in which he may have taken refuge, promptly, or on completion of any prison sentence he may be serving, or about to serve, when the extradition request is made.

ARTICLE 16

Foreign and defence policy

The Council of Ministers shall appoint a High Representative, authorised to speak for the Union in matters of foreign and defence policy on which the Council of Ministers has agreed a common position. The High Representative shall have the right to seek decisions from the Council in matters of foreign and defence policy.

Member States shall seek to agree common positions when acting in international organisations, save on questions of national representation.

ARTICLE 17

Other policy areas

Member States may, through treaties, grant powers to the Union in other policy areas, and take back powers granted previously,

so long as such treaties are ratified by all Member States.

ARTICLE 18

Treaties made among groups of member states

Member States may make treaties among themselves to which some but not all Member States are signatory. Parties to any such treaty may choose to make the treaty justiciable before the Court of Justice, provided that:

- i) Nothing in the policy content of the treaty contradicts anything in the main policy content of this Constitution or any existing treaty of the Union;
- ii) The parties include at least half the Member States of the Union at the time of signature, and no other party at any time;
- iii) Any other Member State may accede to the treaty at any time, subject only to reasonable, objective and non-discriminatory criteria.

ARTICLE 19

Accession

Member States, acting by a three-quarters majority of states, may agree to admit to membership of the Union other countries that are able and willing to meet the obligations of membership.

ARTICLE 20

Suspension and secession

The Council of Ministers 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 of Ministers must act by a three-quarters majority of states, exclusive of the Member State that is the subject of the vote.

A Member State may leave the Union at any time.

ARTICLE 21

Amendment

This constitution may be amended only by all Member States acting unanimously, and after a referendum in each and every Member State on the proposed amendment or amendments.

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