

### Kapitel 3

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 2001 - 2004

**EDITION  
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### III.1 Cluny Entwurf, 2002

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## ***PREAMBLE***

We, the citizens and the States of the European Union

1. Conscious of our legacy of conflict, reconciliation and ongoing co-operation,
2. Recalling the historical importance of the ending of the division of the European continent and the need to create a firm basis for the construction of the future Europe,
3. Confirming our attachment to fundamental human rights,
4. Conscious of our spiritual and moral heritage,
5. Basing our institutions and procedures on democracy, transparency, respect of human rights, the principle of subsidiarity and the rule of law,
6. Aspiring to found a European Union on the universal values of dignity, freedom, equality and solidarity,
7. Respecting the diversity of the cultures and traditions of the European citizens, as well as the identities of the Member States at the national, regional and local levels,
- 8. Resolved to strengthen and to further integrate our economies for the well-being of the citizens particularly the social and economic cohesion of the Union,**
9. Determined to promote sustainable growth. Determined to protect and improve the quality of the environment and promote sustainable development, based on the harmonization of our social, environmental and economical aims,
10. Desiring to make the institutions of the European Union, its principles and objectives more coherent, more accessible, and based on the active participation of the citizens.

Have decided to provide ourselves with this Constitution based on the Charter of Fundamental Rights and the treaties concerning the European Union.

### ***TITLE I FOUNDATIONS OF THE UNION***

#### ***ARTICLE 1 The status of the European Union***

The European Union is given legal personality by the citizens of the Union.

#### ***ARTICLE 2 Principles of the European Union***

1. The European Union, composed of the citizens and the States of the Union, marks a new stage in the process of creating an ever closer union among the peoples and the citizens of Europe.

2. The European Union is founded on the principles of liberty, democracy, transparency, respect for human rights and fundamental freedoms, and the rule of law. The European Union respects the national identities of its Member States.

~~FORMER CLAUSE 3 : CONSTITUTION FOR THE MEMBER STATES~~

~~The Constitutions of the Member States must be in accordance with the European Constitution.~~

*ARTICLE 3*

*Accession to the Union*

*Any European state, which respects the principles set out in this Constitution, may apply to become a member of the European Union. It submits its application to the Commission, which will be subject to the co-decision procedure.*

*The conditions of admission are subject of an agreement between the applicant state and the Council and the European Parliament acting in co-decision. The agreement is submitted for ratification by the admitted state in accordance with its respective constitutional requirements.*

*ARTICLE 4*

*Supremacy of the law of the European Union*

*The law of the European Union has supremacy over all national law.*

~~FORMER CLAUSE 5 : Teaching of the fundamental rights~~

~~In order to make European citizens sensitive to, and to contribute to the formation of a human respect for human rights, whichever the State member concerned, its culture or its democratic traditions apart, clauses of this Constitution concerning fundamental rights shall be taught in all European educational establishments.~~

*ARTICLE 5*

*General objectives of the European Union*

1. The European Union, in the framework of promoting the wellbeing of its citizens, sets itself the following objectives:
- *a- to strengthen the protection of the rights and interests of the citizens of the Member States through the introduction of a citizenship of the Union,*
  - b (ex c)- to maintain the European Union as a safe area in terms of environmental protection,*
  - c (ex f)- to promote balanced and sustainable development in terms of economic and social growth progress,*
  - d (ex b)- to maintain the European Union as an area of freedom, security and justice,*
  - e (ex d)- to strengthen the role of the European Union at the international scene,*
  - f- to promote cultural and educational exchanges, nationally, regionally and locally, in order to achieve mutual understanding,*
  - g- to encourage all the Member States to adopt a well established thorough system of linguistic education in order to breakdown the language barriers between the European citizens, with respect to the diversity, and to improve the active participation of the citizens,*

The objectives of the Union are achieved by exercising its exclusive powers and the shared powers as provided further in the Constitution.

2. The European Union provides itself with the means necessary to attain its objectives and carry through its policies.

**TITLE II  
FUNDAMENTAL RIGHTS**

CHAPTER I  
DIGNITY

*ARTICLE 6  
Human dignity*

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

*ARTICLE 7*

*Right to life*

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

*ARTICLE 8**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:
  - the prohibition of eugenic practices, in particular those aiming at the selection of persons,
  - the prohibition on making the human body and its parts as such a source of financial gain,
3. The human gene pool must be respected and protected. It is prohibited to exert any influence upon human gene pool, except for medical reasons in accordance with the law.

*ARTICLE 9**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 10**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, particularly for sexual aims, is incompatible with the dignity and the value of the human being and is prohibited.

CHAPTER II  
FREEDOMS

*ARTICLE 11**Right to liberty and security*

Everyone has the right to liberty and security of person.

*ARTICLE 12**Respect for private and family life*

Everyone has the right to respect for his or her private and family life, home and communications.

*ARTICLE 13**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 14**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 15**Freedom of thought, conscience and religion*

1. Everyone has the freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public and private, to manifest religion or belief, in worship, teaching, practice and observance. No one is under the obligation, against his or her conscience to participate in the prac-

tice of a religion.

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

#### *ARTICLE 16*

##### *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 freedom of radio and television as well as the freedom of other forms of broadcasting, production and information is guaranteed.***
4. ***The European Union guarantees respect for diversity of opinion by assuring their autonomy and their independence.***
5. ***The existence of an audiovisual and internet public service is assured on national and European level. It will protect the diversity of public opinion. This public service does not in any way threaten free competition.***

#### *ARTICLE 17*

##### *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, social, political, cultural and economic movements at Union level contribute to forming a European awareness and expressing the political will of the citizens of the Union.

#### *ARTICLE 18*

##### *Freedom of the arts and sciences*

1. The arts and scientific research shall be free of constraint. Academic freedom shall be respected.
2. ***The European Union shall protect all inventors' rights, copyrights, and related rights.***

#### *ARTICLE 19*

##### *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.
4. ***The national education systems should give the European citizens the tools for their active participation in the European policy.***

#### *ARTICLE 20*

##### *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 occupation or not to work.
- ~~2. Every citizen of the European Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member States.~~
- ~~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 European Union.~~
2. ***The exercise of the freedom stated in paragraph 1 can be restricted to non-European Union citizens in accordance with secondary legislation.***



3. *Asylum seekers can be granted the right to exercise the freedom as stated in paragraph 1 in accordance with secondary legislation.*

4. *Member States are to provide the unemployed who seek for work with the necessary incentives.*

*ARTICLE 21*

*Freedom to conduct a business*

The freedom to conduct a business in accordance with European Union law and national laws and practices is recognised.

*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 in so far 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.

*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.
3. The European Union cannot refuse a European citizen access to his or her country.

CHAPTER III

EQUALITY

*ARTICLE 25*

*Equality before the law*

Everyone is equal before the law. The institutions of the European Union are the guarantors of this principle.

*ARTICLE 26*

*Non-discrimination*

Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, nationality, 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*

*Cultural, religious and linguistic diversity*

The European Union shall respect cultural, religious and linguistic diversity.

*ARTICLE 28*

*Equality between men and women*

Equality between men and women should be assured in all areas. The institutions of the European Union and the law are the

guarantors of this principle.

*ARTICLE 29*

*The rights of the child*

1. Children shall have the right to such protection and care as is necessary for their wellbeing. 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. The European Union will take all necessary measure to guarantee this.
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.
4. ***Every child has the right to be brought up in a spirit of open mindedness and respect for all.***
5. ***Children are entitled to the protection of their psychological and physical integrity. They must be protected from any forms of media broadcasting which could damage their balance and development***

*ARTICLE 30*

*The rights of the youth*

***The public authorities shall promote the conditions for the free and effective participation by the young in political, social, economic and cultural development.***

*ARTICLE 31*

*The rights of the elderly*

The European 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 32*

*The rights of temporarily excluded persons*

***The European Union recognises and respects the right of people excluded temporarily from society to exercise a profession, and places at their disposition, for a defined period of time, all educative and financial measures in order to guarantee them an active life in society.***

*ARTICLE 33*

*Integration of persons with disabilities*

The European 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 IV  
SOLIDARITY

*ARTICLE 34*

*Workers' right to information and consultation within the enterprise*

Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by European Union rights and national laws and practices by European institutions.

*ARTICLE 35*

*Right of collective bargaining and action*

Workers and employers, or their respective organisations, have, in accordance with European 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 36*  
*Right of access to placement services*

Everyone has the right of access to a free placement service.

*ARTICLE 37*  
*Protection in the event of unjustified dismissal*

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

*ARTICLE 38*  
*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 39*  
*Prohibition of child labour and protection of young people at work*

1. 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.
2. Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

*ARTICLE 40*  
*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 41*  
*Social security and social assistance*

1. The European Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by European Union right and national laws and practices.
2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with European Union right and national laws and practices.
3. In order to combat social exclusion and poverty, the European Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by European Union law and national laws and practices.

*ARTICLE 42*  
*Access to services of general economic interest*

The European Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in order to promote the social and territorial cohesion of the European Union.

*ARTICLE 43*  
*HEALTH CARE*

1. 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 equally ensured in the definition and implementation of European Union policies and activities.

2. The right of the patient to be informed and asked for consent on any medical act is respected.

~~FORMER CLAUSE 42 : ENVIRONMENTAL PROTECTION~~

~~A high level of protection and the improvement of the quality of the environment must be integrated into the policies of the European Union and ensured in accordance with the principle of sustainable development.~~

*ARTICLE 44*

*Right for a healthy environment*

1. Everyone has the right to a healthy and ecologically balanced environment, reliable information about its condition and to compensation for the damage caused to his or her health or property by ecological violations according to the polluter payer principle.
2. The improvement of the quality of the environment must be integrated into the policies of the European Union and assured in accordance with the principle of sustainable development.

*ARTICLE 45*

*European heritage*

***The European Institutions shall guarantee the preservation, and promote the enrichment of the historical, cultural, and artistic heritage of Europe and the property that constitutes it, regardless of the property's legal status and ownership.***

*ARTICLE 46*

*Housing*

***All Europeans have the right to enjoy decent and adequate housing. The public authorities shall promote the conditions necessary and establish the pertinent norms to make this right effective, regulating the use of land in accordance with the general interest to prevent speculation.***

***The community shall benefit from social housing projects.***

~~FORMER CLAUSE 43 : CONSUMER PROTECTION~~

~~European Union policies shall ensure a high level of consumer protection.~~

*ARTICLE 47*

*Consumer protection*

1. The Union has a duty to ensure a high level of consumer protection based on the precautionary principle.
2. In order to do so, the Union has to provide a well-established information system.

CHAPTER V

JUSTICE

*ARTICLE 48*

*Right to an effective remedy and to a fair trial*

1. Everyone whose rights and freedoms guaranteed by the European Union right European Union law and national laws are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.
2. 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.
3. Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

*ARTICLE 49*

*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 50*

*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 51*

*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 European Union in accordance with the law.

CHAPTER VI  
GENERAL PROVISIONS

*ARTICLE 52*

*Scope of guaranteed rights*

Any limitation on the exercise of the rights and freedoms recognised by this Constitution must be provided for by 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 recognised by the Union or the need to protect the rights and freedoms of others.

*ARTICLE 53*

*Level of protection*

1. ***Nothing in this Constitution shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised therein.***
2. ***The European Union shall respect the international agreements to which all Member States are part, namely the European Convention for the Protection of Human rights and Fundamental freedoms.***
3. ***The European Union can promote a higher level of protection of rights commonly stated in the aforementioned international agreements and in the Constitution.***

*ARTICLE 54*

*Prohibition of abuse of rights*

Nothing in this Constitution 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 Constitution or at their limitation to a greater extent than is provided for herein.

*ARTICLE 55*

*Right to oppose*

Everyone has the right to oppose any legal order contrary to the fundamental rights set out in this constitution.

**TITLE III**  
**CITIZENSHIP OF THE EUROPEAN UNION**  
*Rights and democracy*

**ARTICLE 56**  
*Citizenship of the European Union*

1. Every citizen of a Member State is simultaneously a citizen of the European Union. Citizenship is granted according to national laws. Member States shall take the necessary legal measures for persons living legally and permanently on the territory of the European Union to be accorded citizenship.
2. All citizens of the European Union enjoy the rights and duties defined by this Constitution
3. Citizen of the European Union can be given rights and duties which do not apply to third country citizens , in accordance with this Constitution
3. Citizens of Member States can be given rights and duties which do not apply to citizens of other Member States in accordance with national legislation, for reasons of state interest.

**ARTICLE 57**  
*Right to vote and to stand as a candidate at elections to the European Parliament*

Every citizen of the European 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.  
Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

**ARTICLE 58**  
*Right to vote and to stand as a candidate at municipal elections*

Every citizen of the European 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 59**  
*Diplomatic and consular protection*

Any citizen of the European 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.

**ARTICLE 60**  
*Freedom of movement and of residence*

Any citizen of the European Union has the right to move and reside freely within the territory of the Member States.

**ARTICLE 61**  
*The European Public Space*

The European Union is a union determined to promote a living democracy for its inhabitants. The European Union shall empower the European Public Space. Therefore the European Union commits itself to foster and facilitate public discussion and its institutions shall incorporate the citizens' concerns when defining the political guidelines and functioning of the Union.

**ARTICLE 62**  
*Right to good administration*

1. Every citizen of the European Union has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the European Union.
2. This right includes:
  - the right of every citizen of the European Union to be heard, before any individual measure which would affect him or her adversely is taken,
  - the right of every citizen of the European Union to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy,
  - the obligation of the administration to give reasons for its decisions.

3. Every citizen of the European Union has the right to have the European 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 citizen may write to the institutions of the European Union in one of the languages of the Member States and must have an answer in the same language.

*ARTICLE 63*  
*Right to transparency*

***Every citizen of the European Union has the right to transparent governance. The European Union and its Member States shall divulge information about the European Union policies and institutions and provide for consultation and information. Any citizen of the European Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to European Parliament, Council and Commission documents.***

*ARTICLE 64*  
*Ombudsman*

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

*ARTICLE 65*  
*Right to petition*

Any citizen of the European 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.

**FORMER CLAUSE 56 - RIGHT OF ACCESS TO DOCUMENTS**

~~Any citizen of the European Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to European Parliament, Council and Commission documents.~~

***TITLE IV***  
***OBJECTIVES AND ACTIVITIES OF THE EUROPEAN UNION***

*ARTICLE 66*  
*Appropriate level of action*

1. The European Union should act within the limits of the powers and objectives established by this Constitution.

2. European competencies

The exclusive competencies of the European Union are as follows:

- the external commercial policy
- the internal market policy
- the common agricultural policy
- the monetary policy within the Euro territory
- the immigration, visa and asylum policy
- the environmental policy

3. Shared competencies

The shared competencies of the European Union are as follows:

- the transport policy
- the social policy
- consumer protection
- the development cooperation
- the economic and social cohesion
- the environmental policy
- the research and technological development
- the foreign and defence policy
- justice and internal affairs
- education and youth

- culture
  - public health
  - Trans-European networks
  - the agricultural policy
  - industry
4. In all these areas, action should be taken as close as possible to the citizens.
  5. However, the European Union may share action with Member States if:
    - a) the goal cannot be efficiently achieved by Member States only, and,
    - b) if the European Union action could better respond to interests of citizens.

*ARTICLE 67  
Economic policy*

- ~~1. The aim of the European Union is to create an open economy with a high level of competition, favoring an efficient allocation of resources through the close co-ordination of the Member States economic policies, the internal market and the definition of common policies. These aims are fulfilled in accordance with the European Union's promotion of social well being.~~
- ~~2. The internal market comprises an area in which the free movement of goods, persons, services and capital is ensured.~~

*The aim of the economic policy is the well being of all individuals in European Union. The constituent parts of the economic policy, and specifically monetary, fiscal and foreign trade policy, should be defined and implemented with respect to the principles of sustainable development.*

*ARTICLE 68  
Agricultural policy*

*The objective of the European Union's agricultural policy is to bring the agricultural sector in line with the requirements of sustainability, quality food production, health and environmental protection and an appropriate and sensitive rural development.*

~~FORMER CLAUSE 63 : FREE MOVEMENTS OF GOODS~~

~~The European Union is based upon a customs union which covers all trade in goods and which involves the prohibition between Member States of all restrictions on imports and exports and of all charges and measures having equivalent effect, and the adoption of a common customs tariff in their relations with third countries.~~

~~FORMER CLAUSE 64 : FREE MOVEMENT OF PERSONS~~

- ~~1. The nationals of non-European Union countries who have legally entered into the territory of a Member State have the same freedom of movement throughout the European Union as the citizens of other Member States.~~
- ~~2. The freedom to stay in a member state should be agreed, in accordance with European Union right, to the nationals of non-European Union countries living legally in the territory of one of the Member States.~~

~~FORMER CLAUSE 65 : FREE MOVEMENT OF SERVICES~~

~~Restrictions on freedom to provide services within the European Union shall be prohibited in respect of nationals of Member States who are established in a State of the European Union other than that of the person for whom the services are intended.~~

~~FORMER CLAUSE 66 : FREE MOVEMENT OF CAPITAL AND PAYMENTS~~

~~All restrictions on the movement of capital and on payments between Member States and between Member States and third countries are prohibited.~~

~~FORMER CLAUSE 67 : CONDITIONS AND LIMITATIONS TO FREE MOVEMENT~~

~~These conditions can be modified for the protection and security of an individual or group of individuals.~~

~~FORMER CLAUSE 68 : MONETARY POLICY~~

- ~~1. The priorities of monetary policy are to maintain price stability and, without prejudice to this objective, to promote sus-~~



~~tainable economic growth-~~

2. ~~The single European currency is available for those Member States that wish to adopt it and meet the appropriate economic criteria-~~

*ARTICLE 69*  
*European market*

1. *The European market is based upon an open market with a high level of competition, favouring an efficient allocation of resources in compliance with the principles of sustainable development and protection of diversity.*
2. *This market comprises an area in which the free movements of goods, persons, services and capital is ensured. The free movement of services and freedom to set up a business within the European Union and mutual recognition of academic and vocational qualifications are guaranteed.*
3. *The free movements of goods, persons, services and capital can be restricted for reasons of public health and national security.*

**TITLE V**  
**INTEGRATED FOREIGN POLICY AND COMMON DEFENCE POLICY**

~~FORMER CLAUSE 70 : Common defense policy-~~

1. ~~The European Union is determined to develop an integrated common foreign policy respecting the coherence between the various actions relying on its competence. Endowed as a legal body, the European Commission represents Member States within the international institutions-~~
2. ~~The European Commissioner in charge of foreign affairs, leads the diplomatic policies, provides aid to developing countries, as well as maintaining the external economic relations defined by the Council. The Council takes decisions by qualified majority notably concerned common action and strategies. A State cannot exercise a right of veto but can refrain from participation in a diplomatic initiative-~~
3. ~~Member States commit to the gradual harmonization of aid provision to developing countries to achieve an integrated policy into this domain within the framework of the first pillar. Referring as much as possible to the principle of conditionality, the European Union recognizes its duty to work actively in favour of development and to lead a coherent commercial and migratory policy-~~
4. ~~Besides worrying about the well being of civil society, the European Union declares itself ready to support the non-governmental organizations in the field of the promotion of democracy, human rights and the state of right in the world-~~

*ARTICLE 70*  
*The aims of an integrated foreign and security policy*

1. *The European Union is determined to develop an integrated foreign policy. The objectives of this policy are :*
  - *to conserve our common values , our security interests, the integrity of the European Union and the independence of our States in accordance with the principles of the Charter of the United Nations,*
  - *to promote democracy, human rights , the rule of law,*
  - *to reduce disparities in living standards to preserve natural recourses and promote sustainable development to assure the security and the well-being for future generations,*
  - *to prevent international crime and terrorism,*
  - *to establish a strong partnership with the vicinity of the European Union,*
  - *to refer as much as possible to the principle of conditionality, the European Union recognizes its duty to work actively in favour of development and to lead a coherent commercial and migratory policy.*
2. *The European Union declares itself ready to support the non-governmental organisations in the field of the promotion*

*of democracy, human rights and the rule of law in the world*

3. *Foreign affairs which affect the European Union are under the jurisdiction of the Commissioner for Foreign Relations. The Commissioner for Foreign Relations can act without the approval of the Council of Ministers or other institutions in the cases stated in the foreign policy document, in the Chapter about the guiding principles. If the guiding principles do not apply the course of action of the Commissioner for Foreign Relations should get approval by the Council of Ministers. The content of the Foreign Policy Document is to be approved by the European Assembly.*
4. *If the Commissioner acts he has to inform the heads of government of the Member States about his actions.*
5. *In the case that a decision by the Commissioner for Foreign Relations is challenged by a Member State, the Member State may appeal to the Council of Ministers.*
6. *In case of the violation of the Foreign Policy Documents by the Commissioner for Foreign Relations or the Council of Ministers a Member State may also appeal to the European Court of Justice who will review the decision in the ordinary way.*

#### ARTICLE 71

*The application of a European defence force*

1. A common professional defence force is in charge to assure the security of the European Union, assume its responsibilities in prevention and in management of crises in respect of the principles of the Charter of the United Nations. On the basis of the voluntary service, the national armies are gradually integrated into a common force.
2. The European Union must not declare war on any country, except if one of its Member States is being attacked.
3. Within the Council, unanimity is required for the use of force, but a State can approve a military intervention without deciding to join its troops towards the European military mission. In the case where a state considers that its vital interests are at stake, it can call upon its right of veto to oppose a military intervention under the name of the European Union. The European Parliament exercises control over armed forces and can use the right of veto for the application of certain missions. The Commission is responsible to coordinate the national civil forces to face natural and ecological disasters.
4. **The European common force is equipped with means to assure its autonomy while honouring the engagements of its Member States.**

#### ARTICLE 72

*Loyalty and solidarity*

1. The Member States support the Union' s external and security policy actively and reservedly in a spirit of loyalty and mutual solidarity.
2. The Member States work together to enhance and develop their mutual political solidarity. They refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.
3. The European Commission ensures that these principles are complied with.

### TITLE VI

#### **POLICE AND JUDICIAL COMMON POLICY IN CRIMINAL MATTERS**

#### ARTICLE 73

*Police and judicial common policy in criminal matters*

1. Every citizen of the European Union has the right to a high level of safety within an area of freedom, security and justice.
2. The European Union develops a common police and judicial policy among the Member States in criminal matters and by preventing and combating racism and xenophobia, terrorism, trafficking in persons, offences against children, illicit drug and arms trafficking, corruption and fraud. In order to achieve this, Member States ensure the compatibility of rules on criminal matters.
3. The implementation of the common police policy is ensured by the European Police Office (Europol). A special department of Europol is responsible for the control of the external borders of the European Union. This does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and

order and the safe guarding of internal security.

**TITLE VII**  
**INSTITUTIONAL PROVISIONS**

*ARTICLE 74*  
*The European Forum*

1. The European Forum provides the European Union with the necessary impetus for its development and defines the general political guidelines thereof.
2. The European Forum brings together the Heads of State and Government of the Member States and the President of the Commission.
3. The European Forum meets at least twice a year. The office of president is held in term by each Member State for a term of six months in the order decided by the council.
4. ***The European Forum shall commit itself to the principle of transparency.***
5. ***The European Forum should generally vote with qualified majority. Unanimity can be necessary if the subject is defined as sensitive by the Council of Ministers.***

*ARTICLE 75*  
*Institutions*

1. The tasks entrusted to the European Union are carried out by the following institutions:
  - The EUROPEAN PARLIAMENT,
  - The COUNCIL,
  - The COMMISSION,
  - The EUROPEAN ASSEMBLY
  - The COURT OF JUSTICE,
  - The COURT OF AUDITORS.
2. In their tasks, the European Parliament, the Council and the Commission are assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.
3. ***All institutions shall commit themselves to the principle of transparency.***
4. ***The members of the Committee of the Regions shall be appointed by the European regional and local bodies among the elected representatives.***

*ARTICLE 76*  
*Normative activities of the Union*

***In the framework of their activities, the institutions of the European Union adopt the following acts:***

- ***Regulations,***
- ***Directives,***
- ***Decisions,***
- ***Recommendations,***
- ***Opinions,***
- ***Resolutions and conclusions.***

*ARTICLE 77*  
*Principles of attribution of powers*

The European Parliament, the Council, the Commission, the Court of Justice and the Court of Auditors exercise their powers under the conditions and for the purposes provided for by the Treaties.

*ARTICLE 78*  
*Co-decision and legislative acts*

1. Decisions on all acts are approved under the co-decision procedure when both the European Parliament and the Council have approved it in the same terms.
2. Legislative acts may be proposed by the European Parliament, the Council, the Commission, the Committee of the Regions or the European citizens according to the popular initiative procedure.

CHAPTER I.  
THE EUROPEAN PARLIAMENT

*ARTICLE 79*  
*Composition*

1. The European Parliament consists of representatives of the citizens of the European Union.
2. The representatives are elected by direct universal suffrage in accordance with a uniform procedure in all Member States. The representatives are elected for a term of five years.
3. The number of representatives elected in each Member State must ensure proportional representation of the peoples of the European Union. The number of Members of the European Parliament does not exceed seven hundred thirty two. Each Member State has at least one representative.
4. The European Parliament elects its President and its officers from among its Members.

*ARTICLE 80: Functions*

To ensure that the objectives set out in the Constitution are attained, the European Parliament, according to the co-decision procedure:

- adopts legislative acts according to the co-decision procedure,
- adopts the budget of the European Union, according to the co-decision procedure,
- approves the Commission in agreement with the Council,
- controls the work of the Commission.

*ARTICLE 81*  
*Motion of censure*

1. The motion of censure of the European Union activities of the Commission can be put forward to the European Parliament by either one third of the Members of the European Parliament or by the majority of the Members of the Council.
2. If a motion of censure is tabled before the European Parliament, it will not vote thereon until at least three days after the motion has been tabled and only by open vote.
3. If the motion of censure is carried by a two thirds majority of votes cast, representing a majority of the Members of the European Parliament, the Members of the Commission will resign as a body.

*ARTICLE 82*  
*Voting*

1. The European Parliament can adopt legislative acts if at least two thirds of its Members are present.
2. The European Parliament acts by majority of the votes cast.
3. The European Parliament adopts the legislative acts on its own initiative or on proposals submitted by either the Council, the Commission or the European citizens according to the popular initiative procedure.

CHAPTER II  
THE COUNCIL

*ARTICLE 83*  
*Composition and Presidency*

1. The Council consists of a representative of each Member State authorised to commit the government of that Member State.
2. The office of President is held in turn by each Member State in the Council for a term of six months in the order decided by the Council.

*ARTICLE 84*  
*Functions*

To ensure that the objectives set out in the Constitution are attained, the Council:

- uses legislative power with the Parliament under the principle of co-decision,
- ensures co-ordination of the general policies of the Member States,
- determines the budget of the European Union according to the co-decision procedure,
- approves the Commission in agreement with the Parliament.

*ARTICLE 85*  
*Voting*

Within the framework of the European Union, the Council acts by a majority of its members according to the principle: "One State, one vote".

CHAPTER III  
THE COMMISSION

*ARTICLE 86*  
*Composition*

1. The Commission consists of members who are chosen on the grounds of their general competence and whose independence is beyond doubt. Only citizens of the European Union may be Members of the Commission.
2. The members of the Commission, in the general interest of the European Union, are completely independent in the performance of their duties.
3. In the performance of their duties, they neither seek nor take instructions from any government or from any other body. They refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence the Members of the Commission in the performance of their tasks.

*ARTICLE 87*  
*Appointment*

1. The Members of the Commission are appointed for a period of five years, subject, if need be, to the motion of censure referred to in the Article 81. Their term of office can be renewed once only. The Commission is approved by the co-decision procedure.
2. The Council proposes the President of the Commission, who nominates the other members of the Commission.

*ARTICLE 88*  
*Presidency*

The Commission works under the political guidance of its President.  
The Commission may appoint a Vice-President or two Vice-Presidents from among its Members.

*ARTICLE 89*  
*Functions*

In order to ensure the proper functioning and development of the European Union, the Commission:

- ensures that the provisions of the European Constitution and the measures taken by the institutions pursuant thereto are applied,
- formulates recommendations or deliver opinions on issues concerning the European Union,
- submits proposals of legislative acts to the European Parliament and the Council,
- implements the policies of the European Union,
- on the request of the European Parliament or the Council, undertakes any studies desirable for the attainment of the common objectives and submits any appropriate proposals.

*ARTICLE 90*  
*External representation*

1. ***The Member of the Commission in charge of the External Foreign Relations represents the Union in matters coming within the common foreign and security integrated foreign policy.***
2. The said member, assisted by the Presidency of the Council, is responsible for the implementation of the decisions taken within the framework of the common integrated foreign and security policy; he/she acts based on the principles and guidelines set out in the Articles 70 to 72 and in the capacity it expresses the positions of the Union in international organisations and international conferences.

*ARTICLE 91*  
*Voting*

**The Commission acts by a majority of the number of its Members.**

CHAPTER IV  
The European Assembly

*ARTICLE 92*  
*Definition*

***The European Assembly is a special institution of the European Union under the principles of this. This assembly will meet each 5 years.***

*ARTICLE 93*  
*Composition*

***The European Assembly consists of members of the European Parliament and national parliaments. The exact numbers are described in the Statute of the European Assembly.***

*ARTICLE 94*  
*Responsibilities*

***The European Assembly elects the vice-presidents of the Commission and develops the guiding principles.***

*ARTICLE 95*  
*Presidency*

1. ***The European Assembly elects two of its members as president and vice-president of the Assembly.***
2. ***The president and the vice-president have to be chosen amongst the representatives of the European Parliament and the representatives of the national parliaments , granting an equal representation of both kind of institutions.***

CHAPTER V  
THE COURT OF JUSTICE

*ARTICLE 96*  
*Composition and appointment*

1. The European Court of Justice consists of judges and is assisted by Advocates-General, both appointed by common accord of the governments of the Member States.
2. The functioning, procedure and organization of the European Court of Justice will be determined by the Statute of the European Court of Justice. All amendments to the Statute are approved under the co-decision procedure.

**FORMER CLAUSE 92: FUNCTIONS**

1. ~~The Court of Justice ensures the respect for the Community Law through its interpretation and application.~~
2. ~~Any cases of violation of the European Constitution are ruled by a specialised Chamber of the European Court of Jus-~~

~~tion.~~

*ARTICLE 97*  
*Competences of the Court of Justice*

1. The Court of Justice has exclusive jurisdiction regarding the interpretation of the provisions of the Constitution. It ensures that the supremacy of the provisions of the Constitution is respected.
2. The Court of Justice and the Court of First Instance have jurisdiction for actions brought before them concerning matters of:
  - Failure to act of a Member State,
  - direct action seeking annulment of an act of the Institutions,
  - failure to act of the Institutions,
  - preliminary ruling,
  - extra-contractual liability of the Union.
3. With the exception of the preliminary ruling, the actions before the Court and the Court of First Instance are available to any person without discrimination, as long as it has an interest in the case.

*ARTICLE 98*  
*Court of First Instance*

A Court of First Instance is attached to the Court of Justice with jurisdiction to hear and determine at first instance, subject to a right of appeal to the Court of Justice on points of law only and in accordance with the conditions laid down by the Statute. The Court of First Instance is not competent to hear and determine questions referred for a preliminary ruling.

*ARTICLE 99*  
*Eurojust and the Office of the General Prosecutor*

1. Eurojust ensures compliance with the common criminal judicial policy and carries out criminal investigation.
2. The Office of the General Prosecutor inside Eurojust brings before the Court of Justice all criminal matters.

CHAPTER VI  
THE COURT OF AUDITORS

*ARTICLE 100*  
*Functions*

1. An independent Court of Auditors carries out an on-going audit of the European Union's accounts.
2. The Council, in a procedure of co-decision, nominates the auditors for six years.

CHAPTER VII  
THE EUROPEAN SYSTEM OF CENTRAL BANKS AND THE EUROPEAN CENTRAL BANK

*ARTICLE 101*  
*European system of central banks*

1. The European system of central banks consists of the European central bank and of the national central banks of all the Member States. The national central banks act in accordance with the guidelines and instructions of the European central bank.
2. The European system of central banks is independent from political authorities and private interests.

*ARTICLE 102*  
*European central bank*

~~The European Central Bank carries out monetary policy whilst supporting the economic objectives of the European Commission, performs the tasks of the central bank of the European Union and it is independent from political authorities and private~~

~~interests.~~

*The European Central Bank carries out the monetary policy whilst supporting the objectives of the European economic policy, as defined above, and performs the tasks of the central bank of the European Union*

CHAPTER VIII  
THE EUROPEAN INVESTMENT BANK

ARTICLE 103  
*The European Investment Bank*

The European Investment Bank supports regional development and facilitates economic integration and external co-operation through provision of financial resources to private and public bodies.

**TITLE VIII**  
**FINANCIAL PROVISIONS**

FORMER CLAUSE 98 : Budget

- ~~1. The European Union has a central budget with own resources the primary aim of the distribution though the budget is to promote sustainable development in support of the European Union's general objectives.~~
- ~~2. The budget is adopted by the co-decision procedure acting on a proposal from the Commission.~~

ARTICLE 104  
*European budget*

- 1. The European budget is the central budget of the European Union. The aim of the collection and distribution through the budget follows the goals of the European Union, as defined above.*
- 2. The budget is adopted under the co-decision procedure. Acting on a proposal from the Commission, with majority of three fourths in the Council and with majority of three fourths in the European Parliament*

ARTICLE 105  
*European currency*

*The single European currency is the only official currency in those Member States that wish to adopt it and meet the appropriate economic criteria.*

**TITLE IX**  
**REINFORCED CO-OPERATION**

ARTICLE 106  
*General conditions*

A group of Member States, which wishes to carry out collective action in a given area in order to help attain the objectives of the Union, can ask for reinforced co-operation

**TITLE X**  
**FINAL PROVISIONS**

ARTICLE 107  
*Association*



The European Union may conclude with one or more States or international organisations, agreements establishing an association involving reciprocal rights and obligations, common action and special procedure.

~~FORMER CLAUSE 101: ACCESSION TO THE UNION~~

- ~~1. Any European State, which respects the principles set out in this Constitution, may apply to become a member of the European Union. It submits its application to the Commission, which will be subject to the co-decision procedure.~~
- ~~2. The conditions of admission are the subject of an agreement between the applicant State and the Council and the European Parliament acting in co-decision. The agreement is submitted for ratification by the admitted State in accordance with its respective constitutional requirements.~~

*ARTICLE 108*

*Breach of the Constitution*

1. In the case the Council or the Parliament find indications of a serious breach of the Constitution by a Member State they have the duty to investigate its nature.
2. After examining the facts, the Council or the European Parliament may determine, without taking into account the vote of the Member State in question, the existence of a serious and persistent breach.
3. If the Council or the European Parliament find that the urgency of the situation requires immediate action and that a ruling from the European Court of Justice would not be issued within an adequate period of time, they address appropriate recommendations in order to put an end to this breach by the Member State in question.
4. If the Member State in question does not comply entirely with these recommendations, the Council, by majority of four fifths of its members, and the European Parliament, by a majority of two thirds, may decide under the co-decision procedure, to sanction the Member State in question. The decision of the Council does not take into account the vote of the Member State.
5. These sanctions may be modified or revoked through the same process.

*ARTICLE 109*

*Ratification and entry into force*

1. This Constitution will be submitted to a simultaneous referendum in each state wishing to do so and will be approved if the majority of citizens having the right to vote has participated and if the majority of votes cast validly is reached.
2. This Constitution will be ratified by the state in accordance with the respective constitutional requirements. The instruments of ratification will be deposited with the Government of (name of the state).
3. If a state does not ratify this Constitution there will be a discussion period of 6 months, after which the state will express its will again. If the state chooses not to ratify this Constitution, it will not be a Member of the European Union.

*ARTICLE 110*

*Revision procedure*

1. The Government or Parliament of any Member State, the Commission, or the European Parliament may submit to the Council proposals for amendments of the Constitution on which the European Union is founded.
2. The amendments are approved by the Council acting by a majority of four fifths and by the Parliament acting by a majority of two thirds, under the co-decision procedure.
3. The Commission may decide to submit the amendments to referendum by the citizens. Amendments are approved if the majority of citizens having the right to vote have participated and if the majority of votes cast validly is reached.

*ARTICLE 111*

*Authenticity*

This Constitution is drawn up in all the official languages of the Member States.