

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.3 The Youth Constitution, 2002

THE YOUTH CONSTITUTION !

Preamble

We, the peoples of the European Union, remembering and learning from the difficult past of the challenges of a divided Europe and the successful beginning of our peaceful co-operation, united through our common heritage and values, enact this Constitution.

The peoples of Europe recognise this Constitution as a cornerstone of the process of creating an ever-closer Union and defining the global position and responsibility of The Union. Based upon the recognition of cultural diversity and the principles of unity, Cupertino and democracy, this Constitution shall pursue the peace, security, economic, social, cultural and environmental well-being of current and future generations.

This Constitution aims to ensure peace and stability within the European Union, protect the rights and freedoms of its citizens and peoples, define the structure and tasks of European Union institutions and the relations between National and European Union institutions and law, ensure accountability to the peoples of Europe and preserve European democracy.

Chapter 1 The Founding Principles

Article 1

The European Union shall foster peace and stability as well as security within the Union.

Article 2

The European Union shall guarantee democracy, freedom, human rights and fundamental freedoms, tolerance, sustainable development and the rule of law and justice.

Article 3

The institutions of the European Union shall obey the principles of accountability, equity, efficiency, transparency, subsidiarity and proportionality

Article 4

The European Union shall commit itself to the development of equality, wealth and general welfare in all parts of the Union.

Article 5

The European Union shall respect and protect the environment. Equally it shall ensure the principles of environmental sustainability and that polluter pays.

Article 6

The European Union shall preserve equality and separation of powers.

Article 7

The European Union shall protect the civil and political rights of its citizens.

Article 8

The European Union is not linked to any religious beliefs or institutions.

Article 9

The European Union respects and promotes solidarity, linguistic and cultural diversity.

Article 10

The European Union shall preserve all beliefs and principles of the Constitution in its dealings with other nation states

and international organisations and institutions.**Chapter 2
General Provisions**

Article 11

In order to become a member of the European Union a state must:

- Comply with the European Constitution;
- Fulfil political and economic criteria set forth by the European Union in a separate Act;
- Be a part of Europe;
- Achieve the acceptance of the European Parliament.

Article 12

A country may leave the Union at any time; its government should initiate such procedures. Procedures have to be set out in a European Union Act.

Article 13

All citizens of the Member States are citizens of the European Union. Citizenship of the European Union shall complement and not replace national citizenship.

Article 14

A Member State may be expelled from the European Union if it gravely and repeatedly contravenes the principles set forth in this Constitution and it is so decided by all other members of the European Union.

**Chapter 3
Rights**

Article 15

The Charter of Fundamental Rights of the European Union signed 18th December 2000 will be upheld by the Union with the following amendments and addenda.

1. Article 4: Everyone has the right to fair treatment during imprisonment.
2. Article 9: Replace "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" by "every adult has the right to marry and the right to found a family (12 for, 8 against, 2 abstained).
3. Article 14: This right includes the possibility to receive free public compulsory education at primary and secondary level and the first higher education qualification.
4. Article 14: Everyone has the right to non-formal education.
5. Article 19: In point 2, remove the word "serious".
6. Article 21: ...property, birth, disability, sexual orientation, or any other unfair discrimination shall be prohibited.
7. Article 22: The Union shall respect and encourage cultural ...
8. Article 26: Physical environment cannot set any limits on the function in society of those with disabilities.
9. Article 34: Everyone has the right to a decent standard of living.
10. Article 35: Everyone has the right to free and accessible basic health services.
11. Article 37: Everyone has the right to a sustainable and healthy environment.
12. Article 38: Everyone has the right to non-genetically modified food.
13. Article 40: Every citizen of the Union and person domiciled in the Union has the right to ...
14. Article 41: Transparency of businesses and public institutions shall be ensured.
15. Article 42: ...Member State, has a right of free and timely access to public documents from all institutions of the European Union.
16. Article 43: ...cases of maladministration and disrespect of the rights stated in this Constitution in the activities...
17. Article 43: The Ombudsman must be a transparent institution closely connected to the citizens of the European Union.
18. New article:
 1. Everyone has the right to free access to an interpreter in a court of law.
 2. Every citizen of the European Union (and person resident - 7 for, 7 against) has the right of free access to an interpreter in their dealings with national and European Union institutions.
 3. Minorities have the right to set up private schools that teach both the national and minority language.

Chapter 4

Institutions

Article 16

Legislative Power

1. The legislative power of the European Union lies within the Parliament, which consists of two Chambers, namely the Chamber of Citizens and the Chamber of States.
2. The Chamber of Citizens represents the interests of the European citizens. Members of the Chamber of Citizens are directly elected by direct universal suffrage in accordance with a uniform procedure in all Member States.
3. The Chamber of States represents the interests of the Member States of the European Union. It consists of two representatives of each Member State. Every Member shall have equal voting rights. In accordance with the issue being addressed the governments of the Member States will appoint their two representatives.

Article 17

Executive Power

1. After being elected the Chamber of Citizens will elect a Head of the executive. The Head of the executive must gain the approval of the Chamber of States by a 2/3 majority and will thereafter appoint a government, which must be accepted by each chamber by a 2/3 majority. Legislative and executive powers are incompatible in one individual.
2. Ten percent of any of the chambers can initiate a vote of no-confidence, which will dismiss the executive or an individual member of the executive if it obtains a 2/3 majority in each chamber.

Article 18

Judicial Power

1. The European Constitutional Court is the independent guardian of the Constitution and rules on conflicts between European Union institutions and on conflicts between the European Union and its Member States according to the principle of subsidiarity.
2. The European Court of Justice is the highest judicial authority in all other matters.
3. The European Courts recognise all decisions that are taken by the European Court of Human Rights.

Article 19

Legislation Process

1. Legislation can be initiated by the executive or by the individual members of either Chambers.
2. In order to become a law, the proposal has to be agreed upon by both chambers.
3. The executive or an individual member of either Chambers shall make their proposal first to the Chamber of Citizens. With a simple majority it shall be passed on to the Chamber of States, including possible amendments.
If the Chamber of States accepts this proposal in its entirety by a simple majority, the proposal is passed. If the Chamber of States has further amendments, the proposal is passed back to the Chamber of Citizens, who can either accept the proposal by simple majority, or amend and send the proposal back to the Chamber of States for a second voting. If the proposal does not achieve a simple majority at this second voting, the Conciliation Procedure applies.

Article 20

Conciliation Procedure

If, after the normal legislation procedure, no agreement has been reached, a Conciliation Committee is created, consisting of an equal number of members from the two chambers. If an agreement is reached, the proposal passes back to the two chambers in order to receive a 2/3-majority support by each chamber. If no agreement is reached, the Chamber of Citizens holds sovereignty as a last resort, if supported by a 3/4 majority.

Article 21

People's Legislative Initiative

If 1 percent of the citizens of the European Union with the right to vote, out of which no more than 20 percent can be of one Member State, petition for a legislative proposal, the proposal shall be guaranteed a place on the agenda of the Chamber of Citizens.

Article 22

If a Member State can convince 2/3 of the Chamber of States members that a certain policy is affecting its national vital interests, it has the right to temporally opt-out from this policy.

Article 23

Advisory bodies

1. The European Youth Forum is an advisory body of the European Parliament. When it desires to be heard, its declaration on a specific topic is read in the European Parliament.
2. A European Union Act takes care of the establishment of the Committee of the Regions, which is an advisory body for both the European Parliament and the Executive in regional matters.
3. A European Union Act takes care of the establishment of a European Ombudsman, who is entitled to help uncover malad-

- ministration in the European Union's institutions and bodies.
4. A European Union Acts takes care of the establishment of the Social-Economic Committee, which is an advisory body of both the Parliament and the European Commission in socio-economic matters.
 5. The European Investment Bank acts under the responsibility of the Member States. It has the right to advise the European Parliament and the Executive.
 6. The European Court of Auditors shall examine the revenue and expenditure accounts of the Union and its institutions.

Article 24

The European Central Bank

The European Central Bank is an independent body in charge of the united monetary policy within the single currency zone.

Article 25

Army

The Member States should co-operate to create a common European force from their armies.

Article 25

A Member State has the right to opt -out from The Common Defence Policy without needing the approval of other Member States.

Article 26

The institutions and the citizen

All European Union institutions shall be obliged to put an effort in getting citizens involved in the work of the institutions.

Article 27

Language

1. The European Union shall recognise all national languages within its territory.
2. The administrative language of the European Union will be English, however, additional languages may be accepted upon the decision of the two Chambers.

Chapter 5 Competence and legislation

Article 28

Decisions should be made on the lowest possible level according to the principle of the subsidiarity. Thus decisions regarding the following areas are to be made by European Union institutions:

- a. Foreign Trade, Aid and Policy
- b. Environmental Policy
- c. Asylum and Immigration Policy
- d. Agricultural and Fisheries Policy
- e. Structural and Regional Policy
- f. Corporate Tax & Community VAT
- g. Single Market Policy
- h. Labour Market Policy

Article 29

In the following areas, the European Union and the Member States should cooperate in decision-making:

- a. Educational & Cultural Policy
- b. Social Policy
- c. Information & Media Policy
- d. Health Care and Insurance Policy
- e. Scientific Research
- f. Common Security Policy

Chapter 6 Changing the Constitution

Article 30

Proposals to change this Constitution can be put forward in three ways:

- By either of the Chambers with a two thirds majority;

- By a petition signed by one percent of the citizens of the European Union with the right to vote, out of which no more than 20 percent can be of one Member State;
- By the national parliaments of the Member States by a two thirds majority upon acceptance of the proposal by the Chamber of States of the European Parliament with a simple majority.

Article 31

Proposals to change this Constitution must to be accepted by both Chambers of Parliament with a two thirds majority.

Article 32

All national parliaments must ratify any changes in the Constitution, according to their own procedures, in order for the changes to become operative.

