

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

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III.9 « Cambridge Entwurf », EU Constitutional Project 2002

Das vorliegende Dokument wurde am 16. Oktober 2002 vom Präsidium des Reformkonvents veröffentlicht (CONV 345/1/02 REV 1).

Es wurde vom Mitglied des Konvent, Peter Hain übergeben. Der Entwurf wurde im Auftrag der Regierung des Vereinigten Königreichs, dem Aussenministerium und dem Commonwealth-Ministerium, von der Universität von Cambridge unter Leitung von Alan Dashwood, erteilt.

Es handelt sich dabei um eine Durchführbarkeitsstudie aus Sicht der Autoren Alan Dashwood, Michael Dougan, Christophe Hillion, Angus Johnston, Eleanor Spaventa, und sollte keinen offiziellen Standpunkt der britischen Regierung wiedergeben.

Der Text wird in der englischen Fassung ohne Kommentar wiedergegeben.

DRAFT
**PROCLAMATION OF THE CONSTITUTIONAL TREATY
 OF THE EUROPEAN UNION**

PROCLAMATION

1. *The process of European integration has brought together within the European Communities and the European Union ever more of the States of a Continent once divided by war, ideology and political oppression. Peaceful cooperation has replaced age-old rivalries.*
2. *Those achievements must be consolidated and taken forward, so as to ensure for all the peoples of the European Union:*
 - *continuing peace;*
 - *respect for the basic principles of democratic governance, human rights and fundamental freedoms, and the rule of law;*
 - *social progress and sustainable prosperity;*
 - *high levels of internal and external security; and*
 - *in the international sphere, the ability more effectively to pursue common interests, while advancing the general well-being of humankind.*
3. *To those ends, the Member States are resolved to set the relations between their peoples on a new foundation laid down by the Constitutional Treaty of the European Union.*
4. *As constituted under the Treaty, the European Union has these defining features:*
 - *The Member States have chosen, in some measure, to exercise their sovereignties in common, through the institutions of the Union.*
 - *In so combining their sovereignties, for defined purposes and within defined limits, the Member States retain their national identities.*
 - *The Union has only those powers which have been conferred on it by the Member States. All powers which the Member States enjoy by virtue of their sovereignty, and which they have not conferred on the Union, remain theirs exclusively.*
 - *Decisions are to be taken as openly as possible and as closely as possible to the citizen. The powers conferred on the Union are to be exercised in ways that encroach as little as possible on the powers of the Member States.*

5. The European Union is thus a constitutional order of a new kind, uniting the peoples of the Member States, while preserving the diversity of political institutions and of cultural and linguistic traditions that enriches European civilisation.

[...]

Now, therefore, by this instrument, the Heads of State or Government of the Member States solemnly proclaim the Constitutional Treaty of the European Union.

PART ONE
Constitution of the European Union
1. Nature of the Union

Article 1

By this Constitutional Treaty, the HIGH CONTRACTING PARTIES establish among themselves a European Union, hereinafter called "the Union".

The Union shall be established as a constitutional order of sovereign States. The Member States have chosen in some measure to exercise their sovereignties in common, through the institutions of the Union, under the conditions laid down by this Treaty.

In so combining their sovereignties, for defined purposes and within defined limits, the Member States maintain their national identities. The institutions of the Union, when acting pursuant to powers conferred by this Treaty, shall respect the national identities of the Member States, their cultural and linguistic diversity and their traditions.

2. Basic values of the Union

Article 2

1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, as identified in the Charter of Fundamental Rights of the European Union, and as they result from the constitutional traditions common to the Member States, as general principles of Union law.

3. Decisions shall be taken as openly as possible and as closely as possible to the citizen.

4. Respect by the Member States for the principles referred to in paragraph (1) shall be ensured by the institutions of the Union in accordance with procedures which are laid down in Part Two of this Treaty and which enable steps to be taken to prevent or sanction breaches of those principles.

3. Objectives and Activities of the Union

Article 3

The objectives of the Union shall be achieved in accordance with the provisions set out in this Constitutional Treaty, and in the Act concerning Economic and Social Policy and the Act concerning Foreign, Security and Defence Policy which are annexed to it. These two Acts shall hereinafter collectively be called "the annexed Acts".

The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

Article 4

The Union shall have as its objectives:

(a) to promote economic and social progress, and a high level of employment and of social protection; and to achieve throughout the Union a harmonious, balanced and sustainable development of economic activities, including non-inflationary growth, a high degree of competitiveness and convergence of economic performance; in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and solidarity between Member States, and through the establishment of economic and monetary union, including a single currency;

(b) to combat discrimination based on nationality, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and to promote equality between men and women;

(c) to achieve a high level of protection and improvement of the quality of the environment and to raise the standard of living and quality of life across the Union;

(d) to strengthen the protection of the rights and interests of the nationals of its Member States through their citizenship of the Union;

(e) to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime;

(f) to assert its identity on the international scene, in particular through the implementation of a foreign, security and defence policy.

Article 5

1. For the purpose of attaining the objectives set out in Articles 4 (a) to (e), the activities of the Union shall, as provided for in the Act concerning Economic and Social Policy, consist of the following:

- a) maintenance of an internal market comprising an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured by the abolition of obstacles restricting such freedom and by the approximation, so far as may be necessary, of the laws of the Member States, and which has a system to prevent competition from being distorted;
- b) adoption of an economic policy based on the close co-ordination of Member States' economic policies, on the internal market and on the definition of common objectives, and conducted in accordance with the principles of an open market economy with free competition; and, concurrently, the operation of a single currency, the euro, and of a monetary policy;
- c) a common commercial policy;
- d) common policies in the spheres of agriculture, fisheries and transport;
- e) establishment of an area of freedom, security and justice, comprising visas, asylum and immigration policies, and other measures concerning the entry and movement of persons, as well as police and judicial cooperation in criminal matters;
- f) a policy in the social sphere, and the promotion of coordination between the employment policies of the Member States;
- g) a policy on the environment;
- h) the strengthening of economic and social cohesion;
- i) a contribution by the Union: to the strengthening of the competitiveness of industry; to the promotion of research and technological development; to the establishment and development of trans-European networks; to the attainment of a high level of health protection; to education and training of high quality and to the flowering of the cultures of the Member States; and to the strengthening of consumer protection;
- j) measures in the sphere of energy, civil protection and tourism;
- k) policies in the sphere of external relations, in particular, on development cooperation, and on economic, financial and technical cooperation with third countries, as well the association of the overseas countries and territories.

2. For the purpose of attaining the objectives set out in Article 4 (f), the activities of the Union shall be designed, as provided for in the Act concerning Foreign, Security and Defence Policy:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
- to strengthen the security of the Union in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

4. Citizenship of the Union

Article 6

1. 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.
2. Citizens of the Union shall enjoy the rights conferred by this Treaty, and by the Act concerning Economic and Social Policy, and shall be subject to the duties imposed thereby.
3. Every citizen of the Union residing in a Member State of which that person [he or she] is not a national shall have, in particular, the right:

- to vote and stand as a candidate in elections to the European Parliament in the Member State where that person [he or she] resides, under the same conditions as nationals of that State; and
- to vote and to stand as a candidate at municipal elections in the Member State in which that person [he or she] resides, under the same conditions as nationals of that State.

These rights shall be exercised subject to the detailed arrangements laid down by the Act concerning Economic and Social Policy.

4. Citizens of the Union shall enjoy the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down by the Act concerning Economic and Social Policy and by the measures adopted to give it effect.

5. Organising Principles of the Constitutional Order

Article 7

1. The following shall be general and fundamental principles of the constitutional order established pursuant to this Treaty:
 - the principle of conferred powers;
 - the principle of subsidiarity;
 - the principle of proportionality; and

- *the principle of loyal cooperation.*
- 2. *According to the principle of conferred powers, the Union shall have only those powers which have been conferred on it by the Member States pursuant to this Treaty. It shall have no inherent or residual powers. All powers which the Member States enjoy by virtue of their sovereignty, and which they have not conferred on the Union pursuant to this Treaty, remain within the exclusive competence of the Member States. The conferment of powers on the Union shall not in itself restrict the powers of the Member States in respect of the same subject-matter, except in the areas identified in Article 9 of this Treaty as falling within the exclusive competence of the Union.*
- 3. *The principle of subsidiarity requires that powers be located and exercised at the level of the Member States, except in areas identified in Article 9 of this Treaty as falling within the exclusive competence of the Union, or where a clear common advantage can be discerned in acting at the level of the Union. The principle of subsidiarity shall serve as a guide when this Treaty is being amended. The institutions of the Union shall, in accordance with the principle of subsidiarity, refrain from exercising a power which has been conferred on the Union pursuant to this Treaty, in any case where the objective of the contemplated action is capable of being achieved by action at the level of the Member States, and there is no demonstrable common advantage in acting at the level of the Union.*
- 4. *As it applies to the relationship between the Union and the Member States, the principle of proportionality requires that the powers of the former be exercised so as to encroach as little as possible, consistently with the relevant Treaty objectives, on the powers of the latter. The institutions of the Union shall respect the principle of proportionality when deciding on the form of action to be taken, and on any legal instrument to be used, in the course of exercising any power conferred on the Union by this Treaty. They shall, in particular, proceed by way of coordinated action, organised on the basis of a non-binding instrument, in any case where the relevant Treaty objectives can sufficiently be attained through such action.*
- 5. *The principle of loyal cooperation requires that the Member States support the actions and policies of the Union actively and unreservedly in a spirit of loyalty and mutual solidarity, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Union. The Member States shall facilitate the achievement of the Union's tasks as provided for in the Act on Economic and Social Policy and in the Act on Foreign, Security and Defence Policy. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness.*

Article 8

Any proposal for a regulation or a directive of the European Parliament and the Council, or of the Council, shall, prior to its definitive adoption, be examined, in the form in which it is to be submitted for definitive adoption, under the arrangements that apply to the parliamentary scrutiny of Union measures in each Member State, in order specifically to determine whether the proposal complies with the principles of subsidiarity and proportionality as defined by Article 7 of this Treaty. The conditions under which proposals shall be submitted for such examination, and the action, if any, to be taken in the light of the outcome, shall be as provided for by Article X [in Part Two] of this Treaty.

6. Competence of the Union

Article 9

The competence conferred on the Union shall be exclusive in the following areas falling within the scope of the Act concerning Economic and Social Policy:

- *common commercial policy;*
- *fisheries conservation;*
- *monetary policy for the Member States which adopt the euro as their currency.*

In areas of exclusive Union competence, the Member States may act only as trustees of the Union interest, and where they have been authorised to do so in accordance with the applicable Union procedure.

Action by the Union in areas of exclusive competence may be by way of any of the instruments available for the purposes of the Act concerning Economic and Social Policy.

Article 10

The competence of the Union shall be complementary to that of the Member States under the legal bases provided for by the Act concerning Economic and Social Policy in the following areas:

- *economic policy;*
- *employment;*
- *education, vocational training and youth;*
- *culture;*
- *public health;*
- *consumer protection;*
- *trans-European networks;*
- *industry;*
- *research and technological development.*

In areas of complementary competence, action by the Union shall be limited to supporting, encouraging, and coordinating action taken by the Member States.

In such areas, except in respect of matters which shall be identified specifically in the applicable legal basis, action by the Union shall not entail the adoption of regulations or directives, or the harmonisation of the laws and regulations of the Member States.

The fact that the Union has exercised its complementary competence in respect of a certain matter shall not, except in the aforementioned cases where the adoption of regulations or directives is exceptionally authorised, prevent Member States from acting in respect of the same matter, subject to the obligations imposed on them by or under the Act concerning Economic and Social Policy.

Article 11

The competences of the Union which are neither exclusive nor complementary shall be shared with the Member States.

In areas of shared competence, when the Union has acted in respect of a certain matter, the Member States shall respect the obligations imposed on them by the relevant Union measures, as well as by, as the case may be, the Act concerning Economic and Social Policy or the Act concerning Foreign, Security and Defence Policy.

Action by the Union in areas of shared competence may be:

- *as regards matters falling within the scope of the Act concerning Economic and Social Policy, by way of any of the instruments available for the purposes of that Act, and subject to the detailed provisions contained therein; and*
- *as regards matters falling within the scope of the Act concerning Foreign, Security and Defence Policy, by way of any of the instruments available for the purposes of that Act, and subject to the detailed provisions contained therein.*

7. Instruments

Article 12

1. The instruments available to the Union for the purposes of the Act concerning Economic and Social Policy shall be:

- (a) regulations, which shall have general application. They shall be binding in their entirety and directly applicable in all Member States;*
- (b) directives, which shall be binding, as to the result to be achieved, upon each Member State to which they are addressed, but shall leave to the national authorities the choice of form and methods. In cases where the relevant Act so provides, directives shall not have direct effect;*
- (c) individual decisions, which shall be binding in their entirety upon those to whom they are addressed;*
- (d) general decisions: where a power of decision which has been conferred on the Union is exercised otherwise than by way of one of the instruments identified under (a) to (c) above, the instrument adopted by the competent institutions shall have the character of a general decision. A general decision shall have the binding effect intended by the competent institution.*
- (e) non-binding instruments, which shall include recommendations and opinions.*

2. The instruments available to the Union for the purposes of the Act concerning Foreign, Security and Defence Policy shall be:

- (a) common strategies, which shall be implemented by the Union in areas where the Member States have important interests in common. They shall set out their objectives, duration and the means to be made available by the Union and the Member States;*
- (b) joint actions, which shall address specific situations where operational action by the Union is deemed to be required. They shall lay down their objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation;*

8. Institutions of the Union

Article 13

The Union shall be served by a single institutional framework which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives.

Article 14

1. The tasks entrusted to the Union shall be carried out by the following institutions:

- *a EUROPEAN COUNCIL,*
- *a EUROPEAN PARLIAMENT,*
- *a COUNCIL OF MINISTERS,*
- *a EUROPEAN COMMISSION,*
- *a EUROPEAN COURT OF JUSTICE and a EUROPEAN COURT OF FIRST INSTANCE, and*
- *a EUROPEAN COURT OF AUDITORS.*

2. Each institution shall act within the limits of the powers conferred upon it by this Treaty.

Article 15

In the constitutional order established pursuant to this Treaty, democratic accountability shall be ensured:

- through the responsibility, in accordance with their respective national constitutions, of the Heads of State or Government of the Member States for setting the policy objectives of the Union;
- through the responsibility of the Members of the European Parliament to their electors;
- through the responsibility, in accordance with their respective national constitutions, of the representatives of the Member States at ministerial level for decisions of the Council of Ministers.

Article 16

1. The European Council shall bring together the Heads of State or Government of the Member States and the President of the Commission.
2. Under the guidance of its President, the European Council shall provide the Union with the necessary impetus for its development and shall define the general political guidelines of the Union. It shall establish a programme of policy objectives to be achieved by the Union. The programme shall be implemented by the other institutions of the Union in accordance with their respective powers.

Article 17

1. The European Parliament shall be composed of representatives of the people of the States brought together in the Union. They shall be elected by direct universal suffrage.
2. The European Parliament:
 - shall participate in the legislative process of the Union, in particular as co-legislator with the Council as provided for by the Act concerning Economic and Social Policy; and
 - shall hold the Commission to account by means of questions and debate and, if necessary and appropriate, through the adoption of a motion of censure and the consequent resignation of the Commission; it shall also participate in the appointment of the President and Members of the Commission, as provided for in Part Two of this Treaty.

Article 18

1. The Council of Ministers (hereinafter called the "Council") shall consist of a representative of each Member State at ministerial level, authorised to commit the government of that Member State.
2. The Council:
 - shall prepare the work of the European Council and implement the policies and programmes which the European Council establishes;
 - shall exercise the policy- and decision-making powers and the powers of co-ordination provided for by this Treaty and by the Acts concerning Economic and Social Policy and Foreign, Security and Defence Policy;
 - shall have power to adopt the instruments referred to in Article 12, including as co-legislator with the European Parliament in the cases provided for under the Act concerning Economic and Social Policy.

Article 19

1. The European Commission (hereinafter called the "Commission") shall be a College composed of nationals of the Member States, appointed for a term of five years. It is charged with the duty of identifying and furthering, in complete independence of the governments and other authorities of the Member States, the general interest of the Union as a whole. In the performance of their duties, Members of the Commission shall neither seek nor take instructions from any government or from any other body. 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.
2. Under the guidance of its President, the Commission shall, as provided for by this Treaty and by the annexed Acts:
 - play a part in the implementation of policies and programmes established by the European Council;
 - ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied;
 - formulate recommendations or deliver opinions on matters dealt with in this Treaty, if it expressly so provides or if the Commission considers it necessary;
 - have its own power of decision and participate in the shaping of measures taken by the Council and by the European Parliament in the manner provided for by this Treaty;
 - exercise the powers conferred on it by the Council for the implementation of the rules laid down by the latter.

Article 20

1. The Court of Justice and the Court of First Instance shall collectively comprise the Union Judicature.

The Court of Justice shall be composed of one national from each Member State. Its Members shall be persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries.

The Court of First Instance shall be composed of at least one national from each Member State. Its Members shall be persons whose independence is beyond doubt and who possess the qualifications required for appointment to high judicial office in their respective countries.

The Members of the Union Judicature shall be appointed for a term of 6 years.

2. *Judicial panels, and other jurisdictional bodies, may be attached to the Court of First Instance under the conditions laid down by Article X [in Part Two] of the Treaty.*
3. *The Union Judicature shall ensure that in the interpretation and application of this Treaty the law is observed.*
4. *The jurisdiction of the Union Judicature shall be subject to the detailed provisions set out in Part Two of this Treaty and in the Act concerning Economic and Social Policy.*
5. *The Union Judicature shall have no jurisdiction in matters falling within the scope of the Act concerning Foreign, Security and Defence Policy, and of this Treaty insofar as it relates to that Act.*

Article 21

1. *The Members of the Court of Auditors shall be chosen from persons who belong or have belonged in their respective countries to external audit bodies or who are especially qualified for this office, and whose independence is beyond doubt.*
2. *The Court of Auditors shall carry out the audit, examining the accounts of all revenue and expenditure of the Union and bodies set up thereby, insofar as the relevant [constituent] instruments do not preclude such examination.*

Article 22

1. *The European System of Central Banks shall be composed of the European Central Bank and the national central banks.*
2. *The European Central Bank shall ensure that the tasks conferred on the European System of Central Banks, in particular the definition and implementation of the monetary policy of the Union, are carried out as provided for by the Act concerning Economic and Social Policy.*

Article 23

The Union shall have legal personality.

In international relations, the Union shall enjoy, within the limits of the powers conferred on it by this Treaty, the legal capacity which it requires to perform its functions and to attain its objectives.

In each of the Member States, the Union shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.

The possession by the Member States of legal personality and capacity as subjects of international law in the fullest sense is not affected by the provisions of this Article.

Article 24

Member States which intend to establish enhanced cooperation between themselves may make use of the Union's institutions, procedures and mechanisms, under the conditions provided for by Part Two of this Treaty and by the Act concerning Economic and Social Policy and the Act concerning Foreign, Security and Defence Policy.

Article 25

1. *The government of any Member State or the Commission may submit to the Council proposals for the amendment of this Part of this Treaty.*
If the Council, after consulting the European Parliament and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to this Treaty. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area.
The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.
2. *The amendment of the other Parts of this Treaty, and of the Acts and other instruments annexed to this Treaty, shall take place in accordance with the procedures there respectively laid down.*

Article 26

Any European State which respects the basic values of the Union as set out in Article 2 of this Treaty may apply to become a member of the European Union.

It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.

The conditions of admission, and the adjustments to the Treaties on which the Union is founded which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

Article 27

1. *Any Member State may withdraw from the European Union. It shall address to the Council its notice of intention to withdraw.*

2. *The Council, meeting in the composition of Heads of State or Government and acting by unanimity, shall determine, after consulting the Commission and the European Parliament, the institutional adjustments to this Treaty that such withdrawal entails.*
3. *For the purpose of this Article, the Council, meeting in the composition of Heads of State or Government, and the Commission shall act without taking into account the vote of the nationals of the withdrawing Member State. The European Parliament shall act without taking into account the position of the Members of Parliament elected in that State.*

Article 28

Nothing in the remaining Parts of this Constitutional Treaty, nor in the Act concerning Economic and Social Policy or in the Act concerning Foreign, Security and Defence Policy, shall derogate from the provisions of the Constitution of the European Union as laid down by this Part of this Treaty.

**PART TWO
Institutions and Procedures**

**Title I
The Institutions**

Chapter 1: The European Council
[Remainder of Article 4 TEU and possible new provisions]

Chapter 2: The European Parliament
[Articles 189 – 201 EC, as amended]

Chapter 3: The Council
[Articles 202 – 210 EC, as amended]

Chapter 4: The Commission
[Articles 211 – 219 EC, as amended]

Chapter 5: The Court of Justice
[Articles 220 – 245 EC, as amended]

Chapter 6: The Court of Auditors
[Articles 246 – 248 EC, as amended]

**Title II
Provisions Common to Several Institutions**

[Including the co-decision procedure, presently found in Article 251 EC, and the procedure of Article 7 TEU; see, generally, Articles 249 – 256 EC, as amended; including also certain provisions presently found in Part Six of the EC Treaty (General and Final Provisions), e.g. Article 300 EC, as amended.]

**Title III
Other Union Bodies**

Chapter 1: the Economic and Social Committee
[Articles 257 – 262 EC, as amended]

Chapter 2: The Committee of the Regions
[Articles 263 – 265 EC, as amended]

Chapter 3: The European Investment Bank
[Articles 266 – 267 EC, as amended]

**Title IV
Financial Provisions**
[Articles 268 – 280 EC, as amended]

**PART THREE
Enhanced Cooperation**

[Title VII TEU, as amended]

nicht wiedergegeben

**TITLE I
REORGANISATION OF THE TREATIES**

Article A

The Treaties on which the European Union is founded shall be amended within the framework of a Constitutional Treaty of the European Union, hereinafter called 'the Constitutional Treaty', in accordance with the provisions of this Treaty.

Article B

The Constitutional Treaty shall be composed of the following elements:

- (1) a Part One, as provided for by Title II of this Treaty;*
- (2) a Part Two, which shall comprise the provisions of Part Five of the Treaty establishing the European Community, as amended by Title IV of this Treaty;*
- (3) a Part Three, which shall comprise the provisions of Title VII of the Treaty on European Union, as amended by Title III of this Treaty;*
- (4) an Act concerning Economic and Social Policy, which shall be annexed to the Constitutional Treaty and which shall comprise:*
 - the provisions of the Treaty establishing the European Community and of the Protocols thereto, other than the provisions contained in Part Five of that Treaty or repealed by this Treaty, as amended by Title IV of this Treaty; and*
 - the provisions of Title VI of the Treaty on European Union, as amended by Title III of this Treaty;*
- (5) an Act concerning Foreign, Security and Defence Policy, which shall be annexed to the Constitutional Treaty and which shall comprise the provisions of Title V of the Treaty on European Union, other than those repealed by this Treaty, as amended by Title III of this Treaty;*
- [(6) An Act concerning the Peaceful Use of Nuclear Energy, which shall be annexed to the Constitutional Treaty and which shall comprise the provisions of the Treaty establishing the European Atomic Energy Community and of the Protocols thereto, other than the provisions repealed by this Treaty, as amended by Title V of this Treaty.]*

Article C

*The reorganisation pursuant to this Treaty of the Treaties on which the Union is founded shall maintain the *acquis communautaire* in full but shall not in itself extend the scope of application of the *acquis communautaire* more widely than resulted from those Treaties prior to their reorganisation.*

Article D

The consolidated text of the Constitutional Treaty which is annexed to this Treaty shall have legal effect from the date of entry into force of this Treaty.

**TITLE II
PART ONE OF THE CONSTITUTIONAL TREATY**

Article E

The title and provisions of Part One of the Constitutional Treaty shall be as follows:

**“PART ONE
Constitution of the European Union”**

etc.

**TITLE III
PROVISIONS AMENDING THE TREATY ON EUROPEAN UNION**

Article F

The Treaty on European Union shall be amended in accordance with the provisions of this Title.

Article G

The Preamble and Titles I, IV and VIII of the Treaty shall be repealed.

Article H

Title V of the Treaty shall be amended in accordance with the provisions of this Article and shall be annexed to the Constitutional Treaty.

1. The title of Title V shall be replaced by the following:

“ACT CONCERNING FOREIGN, SECURITY AND DEFENCE POLICY”.

2. The Articles of Title V shall be renumbered as Articles of the Act concerning Foreign, Security and Defence Policy, in accordance with the table of equivalence set out in Annex [-] to this Treaty, which shall form an integral part thereof.
etc.

Article I

Title VI of the Treaty shall be amended in accordance with the provisions of this Article and shall be incorporated into the Act concerning Economic and Social Policy annexed to the Constitutional Treaty.
etc.

Article J

Title VII of the Treaty shall be amended in accordance with the provisions of this Article and shall be incorporated into the Constitutional Treaty as Part Three of that Treaty.

1. The title of Title VII shall be replaced by the following:

**“PART THREE
Enhanced cooperation”**

2. The provisions of Title VII shall be renumbered as Articles of the Constitutional Treaty, in accordance with the table of equivalence set out in Annex [-] to this Treaty, which shall form an integral part thereof.
etc.

**TITLE IV
PROVISIONS AMENDING THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY**

Article K

The Treaty establishing the European Community shall be amended in accordance with the provisions of this Title.

Article L

Throughout the Treaty the terms ‘European Community’ and ‘Community’ shall be replaced, respectively, by the terms ‘European Union’ and ‘Union’.

Article M

Part Five of the Treaty shall be amended in accordance with the provisions of this Article and shall be incorporated into the Constitutional Treaty as Part Two of that Treaty.

1. The title of Part Five shall be replaced by the following:

**“PART TWO
Institutions and Procedures”**

2. The Articles of Part Five, as amended by this Article, shall be renumbered as Articles of the Constitutional Treaty, in accordance with the table of equivalence set out in Annex [-] to this Treaty, which shall form an integral part thereof.

3. The title of Title I of Part Five shall be replaced by the following:

**“Title I
Institutions of the Union”**

4. The title and provisions of Chapter I of Title I of Part Five shall be as follows:

"The European Council"
etc.

Article N

The Treaty, other than its Part Five, shall be amended in accordance with the provisions of this Article and shall be annexed to the Constitutional Treaty.

1. The title of the Treaty shall be replaced by the following:

"ACT CONCERNING ECONOMIC AND SOCIAL POLICY".

2. The articles, titles and sections of the Treaty, as amended by this Article, shall be renumbered as articles, titles and sections of the Act concerning Economic and Social Policy in accordance with the table of equivalence set out in Annex [-] to this Treaty, which shall form an integral part thereof.

3. The Preamble of the Treaty shall be repealed.

4. Article 1 of the Treaty shall be repealed.

etc.

**[TITLE V
PROVISIONS AMENDING THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY**

Article O

The Treaty establishing the European Atomic Energy Community shall be amended in accordance with the provisions of this Article and annexed to the Constitutional Treaty.

...

**[TITLE VI
FINAL PROVISIONS**

Article P

Following the completion of the procedure laid down by Article 48 TEU, this Treaty shall be brought into force through the signature, by or on behalf of the Heads of State or Government of the Member States, of the Proclamation of the Constitutional Treaty.

...

