

## PART II

## Texts adopted by the European Parliament

## 1. Constitution of European Union

A3-0064/94

## Resolution on the Constitution of the European Union

*The European Parliament,*

- having regard to its Declaration of fundamental rights and freedoms of 12 April 1989 <sup>(1)</sup>,
  - having regard to the result of the referendum held in Italy, on the occasion of the 1989 European elections, on the powers of the European Parliament,
  - having regard to its resolution of 11 July 1990 on the European Parliament's guidelines for a draft constitution for the European Union <sup>(2)</sup>,
  - having regard to the Final Declaration of the Conference of Parliaments of the European Community of 30 November 1990 <sup>(3)</sup>,
  - having regard to its resolution of 12 December 1990 on the constitutional basis of European Union <sup>(4)</sup>,
  - having regard to its resolution of 20 January 1993 on the structure and strategy for the European Union with regard to its enlargement and the creation of a Europe-wide order <sup>(5)</sup>,
  - having regard to the motion for a resolution by Mr Luster and others on the drafting of a European constitution (B3-0015/89),
  - having regard to Rule 148 of its Rules of Procedure,
  - having regard to the report by the Committee on Institutional Affairs and the opinions of the Committee on Foreign Affairs and Security and the Committee on Budgets (A3-0031/94),
  - having regard to the second report by the Committee on Institutional Affairs (A3-0064/94),
- A. having regard to the need which has been restated on several occasions during Parliament's current term of office to provide the European Union with a democratic constitution to enable the process of European integration to continue in accordance with the needs of European citizens,
- B. whereas the Treaty on European Union does not fully meet the requirements of the European Union with regard to democracy and efficacy,
- C. whereas the Constitution must be readily accessible and comprehensible to the citizens of the Union,
- D. whereas the abovementioned report by the Committee on Institutional Affairs makes an important contribution to the debate on democracy and transparency in the European Institutions which will be opened both within the European Parliament and within the national parliaments and public opinion,

<sup>(1)</sup> OJ C 120, 16.5.1989, p. 52.<sup>(2)</sup> OJ C 231, 17.9.1990, p. 91.<sup>(3)</sup> EP Bulletin 4/S-90.<sup>(4)</sup> OJ C 19, 28.1.1991, p. 65.<sup>(5)</sup> OJ C 42, 15.2.1993, p. 124.

Thursday, 10 February 1994

1. Notes with satisfaction the work of the Committee on Institutional Affairs which has resulted in a draft Constitution for the European Union, annexed to this resolution, and calls on the European Parliament to be elected in June 1994 to continue that work with a view to deepening the debate on the European Constitution, taking into account the contributions from the national parliaments and members of the public in the Member States and the applicant countries;
2. Proposes that a European convention bringing together the Members of the European Parliament and the parliaments of the Member States of the Union should be held prior to the Intergovernmental Conference scheduled for 1996 in order to adopt, on the basis of a draft Constitution to be submitted by the European Parliament, guidelines for the Constitution of the European Union, and to assign to the European Parliament the task of preparing a final draft;
3. Calls on the heads of state and government of the Member States to appoint a group of eminent persons who are independent but enjoy their confidence, along the lines of the Spaak/Dooge Committee and in the spirit of the proposal made by the Greek Presidency, with the task of considering this draft constitution, discussing it with Parliament and proposing it to the Intergovernmental Conference;
4. Proposes to the Commission and Council that the Intergovernmental Conference scheduled for 1996 be preceded by an interinstitutional conference on the same subject;
5. Calls on the parliaments of the Member States to inform it of their views concerning the system to be used for the preparation and adoption of the final text of the Constitution;
6. Instructs its President to forward this resolution and the draft Constitution annexed thereto to the Council, the Commission, the governments and parliaments of the Member States and the applicant countries with which the Union has commenced official accession negotiations, and to distribute the draft Constitution as widely as possible.

ANNEX

## DRAFT CONSTITUTION OF THE EUROPEAN UNION

### *Preamble*

*On behalf of the peoples of Europe,*

- whereas an ever closer union between the peoples of Europe and the emergence of a European political identity are in line with the continuity of the process of integration initiated in the first Community treaties and with the prospect of development towards a federal-style Union,
- stressing that membership of the European Union is based on values shared by its peoples, in particular freedom, equality, solidarity, human dignity, democracy, respect for human rights and the rule of law,
- wishing to strengthen solidarity among these peoples whilst respecting their diversity, history, culture, languages and institutional and political structures,
- aware of the need to ensure that decisions concerning them are taken at a level as close as possible to the citizens themselves, with powers being delegated to higher levels only for proven reasons of the common good,
- whereas the European Union has as its aims economic development, social progress, the strengthening of cohesion, the active participation of regional and local authorities, together with respect for the environment and the cultural heritage,
- desiring to guarantee citizens and all who reside in the European Union better living conditions and an active role in economic and social development,

Thursday, 10 February 1994

- declaring that the European Union must make an effective contribution to the security of its peoples, the inviolability of its external frontiers, the maintenance of international peace, the sustainable and equitable economic development of all peoples of the world and appropriate protection of the world's environment,
- confirming that the European Union is open to those European states wishing to take part in it which share the same values, pursue the same objectives and accept the same *acquis communautaire*,
- accepting the idea that some Member States may be able to progress faster and farther towards integration than others, provided that this process remains open at all times to each of the Member States who wish to participate and that the objectives which they pursue remain compatible with the European Union,

the Member States and the European Parliament have adopted this Constitution of the European Union in order to

- define its objectives,
- increase the efficacy, transparency and democratic vocation of its institutions,
- simplify and clarify its decision-making procedures,
- guarantee in law human rights and fundamental freedoms.

### Title I: Principles

#### *Article 1: The European Union*

1. The European Union (hereinafter called 'the Union') consists of the Member States and their citizens, from whom all its powers emanate.
2. The Union shall respect the historical, cultural and linguistic heritage of the Member States and their constitutional structure. It shall exercise its powers and competences in accordance with the principles of subsidiarity and proportionality.
3. The Union has legal personality.
4. The Union shall be provided with the means necessary to assume its responsibilities and achieve its objectives and shall move towards closer and more cohesive integration on the basis of the *acquis communautaire*.
5. The Member States cooperate amongst themselves and with the Institutions of the Union in order to achieve the Union's objectives. The Institutions of the Union shall carry out the tasks conferred on them by the Constitution.
6. The law of the Union takes precedence over the law of the Member States.

#### *Article 2: Objectives of the Union*

Within the framework of its competences, the main objectives of the Union shall be as follows:

- to promote throughout Europe peace, respect for democracy, economic and social progress, full employment and respect for the environment;
- to develop a legal and economic area without internal frontiers governed by the principle of a social market economy;
- to assist Member States and their citizens in adapting to internal and external changes in the economic, political and social fields;
- to foster the cultural and spiritual fulfilment of its peoples, whilst respecting their differences,
- to reaffirm its identity at international level through joint action to promote peace, security and the emergence of a free and peaceful world order based on justice, the rule of law, respect for the environment and economic and social progress.

Thursday, 10 February 1994

*Article 3: Citizenship of the Union*

Every person holding the nationality of a Member State shall thereby be a citizen of the Union.

*Article 4: Citizens' electoral rights*

Every citizen of the Union residing in a Member State of which he is not a national may vote and may stand as candidate at municipal and European elections in his place of residence under the same conditions as nationals of that Member State. The precise scope of these rights may be defined by an organic law.

The electoral rights of citizens may be extended by a constitutional law.

*Article 5: Citizens' political activities*

Every citizen shall have the right to engage in political activity throughout the territory of the Union.

Every citizen shall have the right to hold public office in the Union.

Every citizen of the Union shall be entitled, when outside its territory, to diplomatic and consular protection by the Union or, failing that, by the Member State represented in the foreign country where he is.

*Article 6: Freedom of movement for citizens*

Every citizen shall have the freedom to move, reside and stay freely on the territory of the Member States, where he may pursue the occupation of his choice on the same conditions as nationals, subject to the restrictions applying to employment in the public administration which involves the exercise of official authority.

The Union shall help to ensure equality of opportunity, in particular by endeavouring to remove obstacles to the effective entitlement and exercise of the rights conferred on citizens.

Every citizen shall be entitled to leave the Union and to return to it.

The citizens of the Union, and citizens of third countries and stateless persons residing in the Union, shall have the right, in the event of improper administration, to appeal to the Ombudsman appointed by the European Parliament or to submit a petition to the European Parliament.

*Article 7: Human rights guaranteed by the Union*

In areas where Union law applies, the Union and the Member States shall ensure respect for the rights set out in Title VIII. The Union shall respect fundamental rights as guaranteed by the European Convention on the Protection of Human Rights and Fundamental Freedoms, by the other applicable international instruments and as they derive from the constitutional principles shared by the Member States.

**Title II: Competences of the Union**

*Article 8: Attribution of competences*

1. The Union shall have the competences laid down by this Constitution and by the Community Treaties. It shall take over the *acquis communautaire*.

2. The Union and the Member States work together on a basis of solidarity to fulfil common tasks and objectives. They shall refrain from any measures liable to jeopardize achievement of the objectives of the Constitution.

3. The provisions of the Treaties concerning their objectives and fields of application which are not modified by this Constitution form part of the law of the Union. They may only be amended by the procedure for constitutional revision.

4. The other provisions of the Treaties shall also form part of the law of the Union in so far as they are not incompatible with the Constitution. They may only be amended by the procedure for organic laws.

Thursday, 10 February 1994

5. Acts of the European Communities and measures taken in the context of cooperation between the Member States shall continue to be effective as long as they are not incompatible with this Constitution and as long as they have not been replaced by acts or measures adopted by the Institutions of the Union in accordance with their respective competences.

6. The Union shall respect the commitments of the European Communities and in particular the agreements and conventions concluded with one or more third countries or any international organization.

*Article 9: Attainment of objectives*

Should action by the Union be necessary to attain one of its objectives without the Constitution or the Treaties providing the executive powers required for this purpose, such powers shall be conferred by an organic law.

*Article 10: Principles of subsidiarity and proportionality*

The exercise of the powers of the Union and their extension in accordance with Article 9 shall be subject to the principles of subsidiarity and proportionality.

The principle of subsidiarity means that the Union shall only take action if, and in so far as, the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Union.

In accordance with the principle of proportionality, any action taken by the Union shall not go beyond what is necessary to achieve the objectives of this Constitution.

*Article 11: Cooperation between Member States*

The Union shall aim to strengthen the existing forms of cooperation between Member States with a view to applying Community procedures and mechanisms to them.

With that aim in view, the Union shall act by adopting common positions and taking joint action consistent with the general guidelines laid down by the European Council and the European Parliament.

*Article 12: Furtherance of action by Member States*

The Union may recommend, encourage or stimulate action by Member States in areas which are inherent in or linked to the objectives pursued by the Union, without any compulsion being attached to such action.

The Union may also encourage, in these same areas, coordinated action by the Member States to which it may contribute appropriate support.

**Title III: Institutional framework**

*Article 13: Institutions*

1. The institutions of the Union are:
  - the European Parliament,
  - the European Council,
  - the Council,
  - the Commission,
  - the Court of Justice.
2. The following shall carry out specific tasks provided for by the Constitution:
  - the Committee of the Regions,
  - the European Central Bank,
  - the Court of Auditors,
  - the Economic and Social Committee.

Thursday, 10 February 1994

3. Without prejudice to the provisions of the Treaties, other bodies and other agencies with legal personality and responsible for specific tasks may be established by an organic law, which shall define their statutes and, in particular, the detailed arrangements for their supervision.

*Article 14: European Parliament — composition*

The European Parliament consists of the representatives of the citizens of the Union, elected by direct universal suffrage and by secret ballot for a five-year period in accordance with a uniform electoral procedure.

The number of seats, the principles governing their distribution and the electoral procedure shall be established by a constitutional law.

*Article 15: European Parliament — powers*

The European Parliament shall:

- take part with the European Council in the definition of the general political guidelines of the Union;
- jointly with the Council, make laws, adopt the budget and give its approval to the international treaties of the Union;
- elect the President of the Commission and pass a vote of confidence in the Commission;
- exercise political supervision over the activities of the Union and may set up committees of inquiry;
- exercise the appointing powers conferred on it by the Constitution and the Community Treaties;
- exercise the other powers provided for by the Constitution and by the Community Treaties.

*Article 16: European Council*

The European Council consists of the heads of state or government of the Member States and the President of the Commission.

The European Council shall impart to the Union the impetus necessary for its development and shall define, with the participation of the European Parliament, the general political guidelines of the Union.

*Article 17: Council — composition*

The Council consists of a minister from each Member State competent to deal with the affairs of the Union. The minister shall chair a delegation appointed in accordance with national constitutional rules. Each delegation shall have a single vote.

*Article 18: Council — powers*

The Council shall:

- jointly with the European Parliament, make laws, adopt the budget and give its approval to the international treaties of the Union;
- coordinate the policies of the Member States where the Constitution so provides;
- exercise the appointing powers conferred on it by the Constitution and by the Community Treaties;
- exercise the other powers provided for by the Constitution and by the Treaties.

*Article 19: Presidency of the Council*

The President of the Council shall be elected by a non-weighted majority of five-sixths of the Member States for a period of one year. The term of office shall be renewable and may not exceed three years.

*Article 20: Voting in the Council*

For their adoption, Council decisions shall require the votes of a majority of the Member States representing a majority of the population.

A simple majority shall comprise the majority of the Member States representing the majority of the population.

Thursday, 10 February 1994

A qualified majority shall comprise two thirds of the Member States representing two thirds of the population.

A double qualified majority shall be deemed not to have been obtained where a decision is opposed by at least one quarter of the Member States representing at least one eighth of the population of the Union or by one eighth of the Member States representing at least one quarter of the population of the Union.

*Article 21: Commission — composition and independence*

1. The composition of the Commission shall be determined by an organic law.
2. Members of the Commission shall, in the general interest of the Union, be completely independent in the performance of their duties. In the performance of these duties, they shall neither seek nor take instructions from any government or from any other body. They shall 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 22: Commission — appointment — motion of censure*

1. The Commission shall be appointed, in accordance with the procedure referred to in paragraph 2, for a period of five years.
2. At the start of each electoral period, the President of the Commission shall be elected, on a proposal from the European Council, by the European Parliament, acting by a majority of its component members.

The members of the Commission shall be selected by the President in accord with the Council acting by a qualified majority. The Commission thus constituted shall take office following a vote of confidence by the European Parliament.

3. The European Parliament may, acting by a majority of its component members, pass a motion of censure after having given notice of at least three working days; adoption of this motion shall result in the collective resignation of the members of the Commission, who shall carry out daily business until they are replaced.

*Article 23: President of the Commission*

The President of the Commission shall allocate its competences among the members of the Commission.

He coordinates the work of the Commission and has a casting vote in the event of a tied vote.

The President may terminate the mandate of a member of the Commission at the request of the European Parliament or the Council.

*Article 24: Commission — powers*

The Commission shall:

- monitor compliance with the Constitution and the acts of the Union;
- be part of the legislative authority and have the power to initiate legislation;
- implement the budget and laws of the Union and adopt implementing Regulations, in conformity with the provisions of the Constitution;
- negotiate and conclude the international treaties of the Union;
- exercise the other powers provided for by the Constitution and by the Community Treaties.

*Article 25: Court of Justice*

The duties of the Court of Justice are set out in Articles 36 to 39.

The Court of Justice consists of Judges and Advocates-General.

Thursday, 10 February 1994

The latter, chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial office in their respective countries, or who are juriconsults of recognized competence, shall be appointed by the European Parliament, acting by a majority of its component members, and by the Council for a non-renewable period of nine years. The arrangements for their appointment shall be laid down by an organic law.

*Article 26: President of the Court of Justice*

The Judges shall elect the President of the Court of Justice from among their number for a term of three years. He may be re-elected.

*Article 27: Organization and statute of the Court*

1. An organic law, proposed by the Court of Justice, shall establish its rules of procedure, the number of its members, their statute, the constitution of chambers of the Court, and the cases in which the Court shall be required to sit in plenary session.

2. The Court of Justice shall enjoy financial and administrative autonomy within the framework of the budget of the Union.

*Article 28: Other courts*

One or more other courts may, on a proposal from the Court of Justice, be set up by an organic law, to be responsible for hearing certain classes of action, subject to a right of appeal to the Court of Justice limited, where appropriate, to points of law only.

Their duties, composition and rules of procedure shall be laid down in accordance with the principles set out in Articles 25, 26 and 27.

*Article 29: Committee of the Regions*

The Committee of the Regions shall be composed of elected representatives belonging to the regional or local authorities recognized by the Member States.

It shall be consulted in advance on all legislative initiatives concerning certain matters, of which a list shall be established by an organic law.

*Article 30: European Central Bank*

The European Central Bank shall issue the currency of the Union, ensure its stability and exercise the powers provided for by the Constitution.

It shall enjoy the independence necessary for the performance of its tasks. The Court of Justice shall ensure that this independence is respected.

**Title IV: Functions of the Union**

**Chapter 1 — Principles**

*Article 31: Acts of the Union*

1. The institutions of the Union shall make, in accordance with the Constitution:

- constitutional laws, which amend or are incorporated into the Constitution; the European Parliament acting by a majority of two thirds of its component members and the Council by a double qualified majority <sup>(1)</sup>;
- organic laws, which regulate in particular the composition, tasks or activities of the institutions and organs of the Union; the European Parliament acting by a majority of its component members and the Council by a qualified majority <sup>(2)</sup>;
- ordinary laws; the European Parliament acting by an absolute majority of votes cast, and the Council by a simple majority <sup>(3)</sup>.

<sup>(1)</sup> Acting unanimously, for a five-year transition period.

<sup>(2)</sup> Acting by a double qualified majority, for a five-year transition period.

<sup>(3)</sup> Acting by a qualified majority, for a five-year transition period.



Thursday, 10 February 1994

2. In accordance with the laws and the Constitution, the institutions of the Union shall adopt:
  - implementing Regulations;
  - individual decisions.
3. Laws and Regulations shall be binding in their entirety throughout the territory of the Union.

Decisions shall be binding on their addressees.

4. Laws may take the form of framework laws when they are confined to a definition of the general principles of the matter, impose an obligation on the Member States and the other authorities to produce a specific result and make the national and Union authorities responsible for their implementation. A law may contain provisions applicable in the event of failure by Member States to act on the implementation of framework laws.

### *Chapter 2 — Legislative function*

#### *Article 32: Legislative initiative*

The laws of the Union shall be made by the European Parliament and by the Council.

The legislative initiative in respect of ordinary and organic laws shall lie with the Commission, except where the Constitution confers it on the Court of Justice.

Should the Commission fail to act, the European Parliament and the Council may by common accord submit a proposal for a law.

The legislative initiative in respect of constitutional laws shall lie with the European Parliament, the Commission, the Council or a Member State.

#### *Article 33: Delegation of legislative power*

By an organic law specifying the contents, aim, extent and duration of the authorization, the Commission may be made responsible for adopting acts which may derogate from or modify existing ordinary laws.

### *Chapter 3 — Executive function*

#### *Article 34: Implementation of legislation*

The Member States shall implement the laws of the Union.

Without prejudice to the preceding paragraph, the Commission shall have regulatory power with a view to the implementation of the laws of the Union and may, in the cases stipulated in the Treaties or the relevant organic law, take individual measures with a view to the application of Union law. The Council may be made responsible by law for regulatory power in specific areas.

#### *Article 35: Supervision of national implementation measures*

The Commission shall supervise the implementation of the laws of the Union by the Member States. Detailed arrangements for this shall be established in an organic law.

### *Chapter 4 — Jurisdictional function*

#### *Article 36: Jurisdictional function*

The Court of Justice and the other Community and national courts, acting in the framework of their respective terms of reference, shall ensure respect for the law in the interpretation and application of this Constitution and all the acts of the Union. Consistency of interpretation of Union law shall be ensured, in particular, by the exercise of the competence to give preliminary rulings.

Thursday, 10 February 1994

*Article 37: Powers of the Court of Justice*

The powers of the Court of Justice as defined in this Constitution and in the Community Treaties may only be modified by a constitutional law.

*Article 38: Violation of human rights*

The Court of Justice shall be competent to rule on any action brought by an individual seeking to establish that the Union has violated a human right guaranteed by the Constitution.

A constitutional law shall determine the conditions under which such actions may be brought and the penalties which the Court of Justice may impose.

*Article 39: Respecting the distribution of competences*

The Council, the Commission, the European Parliament or a Member State may, after its final adoption and before its entry into force, bring an action for the annulment of an act which exceeds the limits of Union competence. Detailed arrangements concerning such action shall be established in a constitutional law.

**Chapter 5 — Finances**

*Article 40: Resources and budget*

1. A law shall determine the nature and maximum amount of the Union's financial resources. This law shall require for its adoption the votes of a majority of the component members of the European Parliament and of two-thirds of those voting, and a double qualified majority in the Council <sup>(1)</sup>.
2. All the annual revenue and expenditure of the Union shall be entered in the budget. The budget shall be adopted each year in accordance with the legislative procedure.
3. Any proposal for new expenditure shall be accompanied by a proposal for the corresponding revenue.
4. The Union shall be subject to the same budgetary discipline as that imposed on the Member States by virtue of the law of the Union.

**Chapter 6 — Coordination of Member States' policies**

*Article 41: Principle*

In those areas subject to coordination or cooperation between the Member States, the Council shall exercise the powers conferred on it.

The Commission and the European Parliament shall participate in the Council's action.

**Title V — External relations**

*Article 42: Common foreign and security policy*

1. The European Council shall define the general principles and guidelines of the common foreign and security policy, including common defence policy and common defence.
2. The Council shall decide the common positions and joint actions of the Union, on a proposal from the Commission or in response to a request from a Member State. Except in the most urgent cases, it shall consult the European Parliament on the basis of appropriate arrangements. It shall in all cases keep the European Parliament informed and report to it on its actions.

The Council shall take its decisions acting unanimously except in cases where, on a proposal from the Commission, it decides by a double qualified majority. After a period of five years, the Council shall decide by a qualified majority and solely on a proposal from the Commission.

<sup>(1)</sup> Acting unanimously, for a 10-year transition period.

Thursday, 10 February 1994

*Article 43: Representation of the Union*

The Union shall be represented internationally by the President of the Council or the President of the Commission, depending on the subject concerned. The Commission shall be responsible for the diplomatic representation of the Union, which it shall exercise in the forms agreed with the Council. In countries where the Union is not represented, the Commission and the Council may agree that the Union should be represented by the Member State best suited to this task.

*Article 44: Treaties*

1. The Union shall be empowered to conclude treaties.
2. The treaties negotiated by the Commission shall be submitted for approval to the European Parliament, which shall act by a majority of its component members, and the Council, which shall act by a qualified majority. The Commission shall then express the Union's consent.
3. The conditions under which approval can be given by a simplified internal procedure shall be established in an organic law.
4. The treaties thus concluded shall be binding on the institutions of the Union and on the Member States.
5. The European Parliament, the Commission, the Council or a Member State may request the opinion of the Court of Justice on the compatibility of a treaty with this Constitution. Any treaty in respect of which the Court of Justice delivers an adverse opinion may only be approved, where appropriate, by a constitutional law.
6. If an international treaty is to be concluded which involves amendment of the Constitution, the amendments shall first be adopted by a constitutional law.
7. The denunciation of treaties shall be carried out in accordance with the procedures laid down for their conclusion.

**Title VI: Accession to the Union***Article 45: Accession of new members*

Any European State whose institutions and system of government are founded on democratic principles and the principle of the rule of law, which respects fundamental rights, minority rights and international law and undertakes to adopt the *acquis communautaire* may apply to become a member of the Union.

The detailed arrangements for accession shall be the subject of a treaty between the Union and the applicant State. This treaty must be approved by a constitutional law.

**Title VII: Final provisions***Article 46: Final provisions*

Member States which so desire may adopt among themselves provisions enabling them to advance further and more quickly towards European integration, provided that this process remains open at all times to any Member State wishing to join it and that the provisions adopted remain compatible with the objectives of the Union and the principles of its Constitution.

In particular, with regard to matters coming under Titles V and VI of the Treaty on European Union, they may adopt other provisions which are binding only on themselves.

Members of the European Parliament, the Council and the Commission from the other Member States shall abstain during discussions and votes on decisions adopted under these provisions.

Thursday, 10 February 1994

*Article 47: Entry into force*

The Constitution shall be considered adopted and shall come into force when it has been ratified by a majority of Member States representing four-fifths of the total population. Member States which have not been able to deposit the instruments of ratification within the time limit established shall be obliged to choose between leaving the Union and remaining within the Union on the new basis.

Should one of these States decide to leave the Union, specific agreements shall be concluded, designed to grant it preferential status in its relations with the Union.

**Title VIII: Human rights guaranteed by the Union**

1. Right to life

Everyone has the right to life, respect for his physical integrity, freedom and security of person. No-one may be sentenced to death, or subjected to torture or to inhuman or degrading treatment or punishment.

2. Dignity

Human dignity is inviolable: it shall include the individual's fundamental right to adequate resources and services for himself and his family.

3. Equality before the law

- (a) Everyone is equal before the law.
- (b) Any discrimination on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, membership of a national minority, property, birth or other status shall be prohibited.
- (c) Equality must be secured between men and women.

4. Freedom of thought

Freedom of thought, conscience and religion are guaranteed.

The right of conscientious objectors to refuse military service shall be guaranteed; the exercise of this right shall not give rise to any discrimination.

5. Freedom of opinion and information

- (a) Everyone has the right to freedom of expression. This right shall include freedom of opinion and the freedom to receive and impart information and ideas.
- (b) Art, science and research shall be free of constraint.

6. Privacy

- (a) Everyone has the right to respect and protection for his or her identity.
- (b) Respect for privacy and family life, reputation, the home and private communications shall be guaranteed.
- (c) Surveillance by public authorities of individuals and organizations may only take place if duly authorized by a competent judicial authority.

7. Protection of the family

Everyone has the right to start a family.

The family shall enjoy legal, economic and social protection. The rights of fathers, mothers and children shall also be protected.

Thursday, 10 February 1994

**8. Freedom of assembly**

Everyone has the right to organize and take part in peaceful meetings and demonstrations.

**9. Freedom of association**

Everyone has the right to freedom of association.

**10. Right of ownership**

The right of ownership is guaranteed.

No-one may be deprived of his or her possessions except where deemed necessary in the public interest, in the cases and subject to the conditions provided for by law and subject to fair compensation previously determined.

**11. Freedom to choose an occupation and working conditions**

- (a) The Union recognizes the right to work; the Union and the Member States shall take the measures needed to make that right effective.
- (b) Everyone has the right freely to choose an occupation and a place of work and freely to pursue that occupation.
- (c) No-one may be arbitrarily deprived of his or her work or be forced to take up specific work.

**12. Collective social rights**

- (a) Workers are guaranteed the right to organize collectively in defence of their rights, including that of establishing trade unions.
- (b) The right of negotiation between employers and employees and the right to conclude collective agreements are guaranteed at Union level.
- (c) The right to take collective action and the right to strike are guaranteed.
- (d) Workers have the right to be informed regularly of the economic and financial situation of their undertaking and to be consulted on decisions likely to affect their interests.

**13. Social protection**

- (a) Everyone has the right to benefit from measures for the good of their health.
- (b) Anyone lacking sufficient resources has the right to social and medical assistance.
- (c) Workers, self-employed persons and their dependants have the right to social security or an equivalent system.
- (d) Those who, through no fault of their own, are unable to house themselves with dignity shall have the right to assistance in this respect from the appropriate public authorities.

**14. Right to education**

- (a) Everyone has the right to education and vocational training appropriate to their abilities.
- (b) There shall be freedom in education.
- (c) Parents have the right to make provision for such education in accordance with their religious and philosophical convictions, whilst respecting the right of the child to its own development.

**15. Right of access to information**

Everyone has the right of access to and the right to have corrections made to administrative documents and other data concerning them.

Thursday, 10 February 1994

16. Political parties

Citizens have the right to form political parties. Such parties must be inspired by the democratic principles common to the Member States.

17. Access to the courts

- (a) Everyone has the right to bring an action before a court or tribunal specified by law.
- (b) Everyone is entitled to have his or her case heard fairly, publicly and within a reasonable time limit by an independent and impartial court or tribunal established beforehand by law.
- (c) Access to justice must be effective. Legal aid is provided for those who lack sufficient resources otherwise to afford legal representation.

18. Non bis in idem

No-one may be tried or convicted for offences of which he has already been acquitted or convicted.

19. Non-retroactivity

No liability may be incurred for any act or omission to which no liability applied under the law applicable at the time when it was committed.

20. Right to petition

Everyone has the right to address written requests or complaints to the public authorities, who shall be required to reply.

21. Right to respect for the environment

Everyone has the right to the protection and preservation of his natural environment.

22. Limits

No derogation from the requirement to respect the rights and freedoms guaranteed by this Constitution shall be granted, save under the terms of a law consistent with their substance, within reasonable limits vital to the safeguard of a democratic society.

23. Degree of protection

No provision in this Constitution may be interpreted as restricting the protection afforded by the law of the Union, the law of the Member States and international law.

24. Abuse of rights

No provision in this Constitution may be interpreted as implying any right to engage in any activity or perform any act aimed at restricting or destroying the rights and freedoms set out therein.

CONTENTS

Page

	<b>Preamble</b>	
<b>Title I</b>	<b>Principles</b>	
Article 1	The European Union	
Article 2	Objectives of the Union	

Article 3	Citizenship of the Union
Article 4	Citizens' electoral rights
Article 5	Citizens' political activities
Article 6	Freedom of movement for citizens
Article 7	Human rights guaranteed by the Union
<b>Title II</b>	<b>Competences of the Union</b>
Article 8	Attribution of competences
Article 9	Attainment of objectives
Article 10	Principles of subsidiarity and proportionality
Article 11	Cooperation between Member States
Article 12	Furtherance of action by Member States
<b>Title III</b>	<b>The institutional framework</b>
Article 13	Institutions
Article 14	European Parliament — composition
Article 15	European Parliament — powers
Article 16	European Council
Article 17	Council — composition
Article 18	Council — powers
Article 19	Presidency of the Council
Article 20	Voting in the Council
Article 21	Commission — composition and independence
Article 22	Commission — appointment — motion of censure
Article 23	The President of the Commission
Article 24	Commission — powers
Article 25	Court of Justice
Article 26	President of the Court of Justice
Article 27	Organization and statute of the Court
Article 28	Other courts
Article 29	Committee of the Regions
Article 30	European Central Bank
<b>Title IV</b>	<b>Functions of the Union</b>
<b>Chapter 1</b>	<b>Principles</b>
Article 31	The acts of the Union
<b>Chapter 2</b>	<b>Legislative function</b>
Article 32	Legislative initiative
Article 33	Delegation and urgent exercise of legislative power
<b>Chapter 3</b>	<b>Executive function</b>
Article 34	Implementation of legislation
Article 35	Supervision of national implementation measures
<b>Chapter 4</b>	<b>Jurisdictional function</b>
Article 36	Jurisdictional function
Article 37	Powers of the Court of Justice
Article 38	Violation of human rights
Article 39	Respecting the distribution of competences

Thursday, 10 February 1994

*Page*

Chapter 5	<b>Finances</b>
Article 40	Resources and budget
Chapter 6	<b>Coordination of Member States' policies</b>
Article 41	Principle
Title V	<b>External relations</b>
Article 42	Common foreign and security policy
Article 43	Representation of the Union
Article 44	Treaties
Title VI	<b>Accession to the Union</b>
Article 45	Accession of new members
Title VII	<b>Final provisions</b>
Article 46	Final provisions
Article 47	Entry into force
Title VIII	<b>Human rights guaranteed by the Union</b>
	1. Right to life
	2. Dignity
	3. Equality before the law
	4. Freedom of thought
	5. Freedom of opinion and information
	6. Privacy
	7. Protection of the family
	8. Freedom of assembly
	9. Freedom of association
	10. Right of ownership
	11. Freedom to choose an occupation and working conditions
	12. Collective social rights
	13. Social protection
	14. Right to education
	15. Right of access to information
	16. Political parties
	17. Access to the courts
	18. Non bis in idem
	19. Non-retroactivity
	20. Right to petition
	21. Right to respect for the environment
	22. Limits
	23. Degree of protection
	24. Abuse of rights

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