PART I OF THE TREATY

CONSTITUTIONAL ARCHITECTURE
Title I

Definition and objectives of the EU

• A Union of peoples and States
• The underlying values of the EU
• Multiple objectives
• Relations between the EU and the Member States based on the principle of loyal cooperation
• A Union with legal personality
• Exercising competences: the Community model
The underlying values of the EU
EU OBJECTIVES

• Respect for human dignity
• Liberty
• Democracy
• Rule of law
• Respect for human rights and for minorities
• Pluralism, tolerance, justice
• Solidarity, non-discrimination
• Equality between women and men

EU VALUES

• Internal objectives of the Union
• External objectives of the Union

European Commission
Multiple objectives

Promotion of peace, the EU’s values and the well being of its peoples

• The internal objectives of the Union
• The external objectives of the Union
The internal objectives of the Union
Sustainable development based on balanced economic growth and price stability
A highly competitive social market economy aiming at full employment and social progress

- Combat social exclusion
- Promote justice and social protection
- Equality of men / women
- Solidarity between generations
- Protection of the rights of the child
- Economic, social and territorial cohesion
- Solidarity between states

European Commission
Environment and scientific progress

High level of protection and improved quality of the environment

Promotion of scientific and technical progress

European Commission
Diversity

Respect for the EU’s rich cultural and linguistic diversity

Safeguarding and enhancing Europe’s cultural heritage

European Commission
The external objectives of the Union

*Upholding and promoting the EU’s values and interests*
Mutual respect between peoples

Security

Respect for the principles of the UN Charter

Peace

Respect for international law

Solidarity

Protection of the rights of the child

Mutual respect between peoples

Protection of human rights

Free and fair trade

Eradication of poverty

Sustainable development of the earth

Respect for the principles of the UN Charter

European Commission
The fundamental freedoms of the Union
THE 4 FREEDOMS OF THE UNION

- FREE MOVEMENT OF PERSONS
- FREE MOVEMENT OF GOODS
- FREE MOVEMENT OF SERVICES
- FREE MOVEMENT OF CAPITAL

NON-DISCRIMINATION

- NON-DISCRIMINATION ON GROUNDS OF NATIONALITY
Relations between the Union and the Member States based on the principle of loyal cooperation and on equality of Member States before the Constitution
A Constitution for Europe

European Union

Primacy of European Union Law

Respect of National Identities

Principle of Loyal Cooperation

Member States

European Commission
THE SYMBOLS OF THE EUROPEAN UNION

UNITED IN DIVERSITY

THE FLAG

THE CURRENCY

ODE TO JOY

9 MAY : EUROPE DAY

European Commission
The legal personality of the Union
European Union

Broad framework of political cooperation

CURRENT TREATY

WITHOUT legal personality

Subset WITH legal personality

The EU can:
- Represent Europe, conclude treaties
- Take legal action, belong to international organisations

CONSTITUTIONAL TREATY

The various Treaties currently governing Europe can be merged into a constitutional Treaty

European Community

European Union

LEGAL PERSONALITY
TAKING THE PLACE OF EXISTING LEGAL PERSONALITIES

European Commission
Title II

EU citizenship and fundamental rights

- Incorporation of the Charter of Fundamental Rights
- EU citizenship to complement national citizenship
- The Union shall accede to the ECHR
The Union shall accede to the European Convention on Human Rights. Joining up has no effect on the EU’s powers.

- No change to the content of the Charter
- Binding nature of the Charter
- Cannot serve as a basis for extending the EU’s powers

European Commission
National citizenship

Union citizenship

A Constitution for Europe

- Right to move and reside freely within the territory of the Member States
- Right to vote and to stand in European Parliament elections and in local elections
- Right to enjoy, in the territory of a third country where the citizen’s Member State is not represented, protection from any Member State’s diplomatic and consular authorities
- Right to petition the EP, to apply to the Union Ombudsman
- Right to write to the institutions and advisory bodies of the Union in any of the EU’s languages
Title III

Union competences and actions

- **Exclusive competences of the EU**
- **Shared competence between the EU and the Member State**
- **Coordination of economic and employment policies**
  - Supporting, coordinating or complementary action
  - Flexibility clause
- **Common Foreign and Security Policy, including the defence policy**
EU'S EXCLUSIVE COMPETENCES

PROTOCOL ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

THE EU ALONE MAY LEGISLA
Legally binding acts

THE EU OR THE MS MAY LEGISLATE
Legally binding acts

COORDINATING ACTIONS SUPPORTING ACTIONS

THE EU MAY NOT HARMONISE NATIONAL LEGISLATION

European Commission
EXCLUSIVE COMPETENCES OF THE UNION

- Customs union
- Competition rules necessary for the functioning of the internal market
- Monetary policy, for the Member States whose currency is the euro
- Conservation of marine biological resources under the common fisheries policy
- Common commercial policy
- Conclusion of an international agreement when:
  - *its conclusion is provided for in a legislative act of the Union*
  - *It is necessary to enable the Union to exercise its internal competence*
  - *Insofar as its conclusion may affect common rules or alter their scope*
• Internal market
• Social policy, for aspects defined in Part III
• Economic, social and territorial cohesion
• Agriculture and fisheries, excluding the conservation of marine biological resources
• Environment
• Consumer protection
• Transport, Trans-European networks, Energy
• Area of freedom, security and justice
• Common safety concerns in public health matters, for aspects defined in Part III
• Research, technological development and space
• Development cooperation and humanitarian aid

European Commission
Coordination of economic and employment policies

Coordination of economic policies
- Establishment of broad guidelines
- Specific provisions for MS in the euro zone

Coordination of employment policies
- Guidelines

Coordination of social policies
- EU Initiatives

European Commission
THE COMMON FOREIGN AND SECURITY POLICY

- **COVERS**
  - All areas of foreign policy
  - All questions relating to the Union’s security, including the progressive framing of a common defence policy

- **SUPPORT FROM MEMBER STATES IN A SPIRIT OF LOYALTY AND MUTUAL SOLIDARITY**

- **MEMBER STATES COMPLY WITH THE UNION’S ACTION**

- **NO ACTION CONTRARY TO THE UNION’S INTERESTS OR LIKELY TO IMPAIR ITS EFFECTIVENESS**
• Industry
• Education
• Vocational training
• Culture
• Tourism
• Sport, youth
• Protection and improvement of human health
• Civil protection
• Administrative cooperation
Flexibility clause

• Need for EU action to attain one of the objectives set by the Constitution
• No EU competences in this field in part III
COMMISSION PROPOSAL

COUNCIL
UNANIMITY

PARLIAMENT
CONSENT

COMPLIANCE WITH THE PROCEDURE FOR CHECKING ON THE PRINCIPLE OF SUBSIDIARITY
Title IV

An institutional framework for the Union

- Advancing the objectives of the EU
- Promoting the values of the EU
- Serving the interests of the Union, its citizens and its Member States
The Union’s institutional framework
The European Parliament

*Representation of European citizens*
DIRECTLY ELECTED BY UNIVERSAL SUFFRAGE

EUROPEAN PARLIAMENT 750 Members maximum

5 YEARS

ELECTION OF THE PRESIDENT OF THE COMMISSION
ELECTION OF THE PRESIDENT OF PARLIAMENT
VOTE TO APPROVE THE COMMISSION
MOTION OF CENSURE AGAINST THE COMMISSION

LEGISLATIVE FUNCTION SHARED WITH THE COUNCIL

BUDGETARY AUTHORITY SHARED WITH THE COUNCIL

ADVISORY FUNCTION

POLITICAL WATCHDOG

A Constitution for Europe

European Commission
The European Council

The driving force behind EU policies
PRESIDENT OF THE EUROPEAN COUNCIL
HEADS OF STATE AND/OR GOVERNMENT
PRESIDENT OF THE COMMISSION

MINISTER OF FOREIGN AFFAIRS
Takes part in the work

EUROPEAN COUNCIL

• 1 meeting per quarter
• The European Council takes decisions by consensus

The Presidents of the European Council and of the Commission do not take part in the vote

ROLE
• Provides the impetus needed to develop and define the EU’s broad guidelines and general political priorities
• Has no legislative function
The President of the European Council
ELECTION OF THE PRESIDENT OF THE COUNCIL FOR 2.5 YEARS, RENEWABLE ONCE

Qualified majority

May not hold a national mandate

- Representation on CSFP without prejudice to the competences of the Minister for Foreign Affairs

- Preparation and continuity of Council work in cooperation with the President of the Commission, based on the work of the General Affairs Council

- Facilitates cohesion and consensus within the Council

- Presents a report to the EP after each meeting

European Commission
A representative of each Member State for each of its configurations

COUNCIL OF MINISTERS

The Council shall meet in public when it deliberates and votes on a draft legislative act

Foreign Affairs Council
- Chaired by the Union Foreign Minister
- Elaborates the Union's external action on the basis of strategic guidelines laid down by the European Council
- Ensures that the Union's action is consistent.

Configurations of the Council decided by the European Council by a qualified majority

Council General Affairs
- Ensure consistency in the work of the different Council Configurations
- Prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission

European Commission
THE PRESIDENCY OF COUNCIL CONFIGURATIONS

- Presidency of Council of Foreign Affairs held by the Union Minister for Foreign Affairs

- Presidency of other configurations held by pre-established groups of 3 Member States on the basis of equal rotation

  - Presidency held for a period of 18 months
  - Rotation system taking into account diversity and geographical balance of Member States within the Union
  - Each Member State holds the Presidency for 6 months
THE EUROPEAN COMMISSION

*Safeguards the general European interest*
INDEPENDENCE

Takes no instructions from governments or other bodies

RIGHT OF INITIATIVE

- Proposes legislation except where the Constitution provides otherwise

FUNCTIONS

- Coordinating
  - Executive
  - Management

GUARDIAN OF THE CONSTITUTION

- Ensures application of the Constitution

EXTERNAL REPRESENTATION OF THE EU

- Except for CFSP and other cases provided for under the Constitution

European Commission
COMPOSITION OF THE EUROPEAN COMMISSION

UNTIL 2014

1 COMMISSIONER FROM EACH MEMBER STATE

• PRESIDENT OF THE COMMISSION
• UNION MINISTER
• FOR FOREIGN AFFAIRS
• COMMISSIONERS

AFTER 2014

2 / 3 OF THE NUMBER OF MEMBER STATES

• PRESIDENT OF THE COMMISSION
• UNION MINISTER FOR FOREIGN AFFAIRS
• COMMISSIONERS

- System of equal rotation between the Member States
- Reflect satisfactorily the demographic and geographical range of all the Member States

European Commission
THE PRESIDENT OF THE COMMISSION

EUROPEAN COUNCIL
Proposes a candidate, by qualified majority

EUROPEAN PARLIAMENT

• Proposes a candidate
• LAYS DOWN GUIDELINES
• CONSISTENCY, EFFICIENCY, COLLEGIATE ACTION
• APPOINTS VICE-PRESIDENTS

Election of the President of the Commission by a majority of members

COLLEGE
• Accountable to the EP
• Collective resignation if the EP passes a censure motion

Adoption of the Commissioners list

European Commission
THE UNION MINISTER FOR FOREIGN AFFAIRS

EUROPEAN COMMISSION

- Vice-President
- Responsible within the Commission for responsibilities falling to it in external relations and for coordinating other aspects of the Union’s external action.

EUROPEAN COUNCIL

Qualified majority

COUNCIL

- Contributes proposals for CFSP and CSDP
- Conducts CFSP and CSDP
- Presidency of Council on Foreign Affairs

MINISTER FOR FOREIGN AFFAIRS
EUROPEAN EXTERNAL ACTION SERVICE

- Fulfilling to Minister for Foreign Affairs

- Comprises officials from relevant departments of the General Secretariat of the Council and of the Commission, staff seconded from national diplomatic services of the Member States

- Works in cooperation with the diplomatic services of the Member States
QUALIFIED-MAJORITY VOTING, IN THE COUNCIL OF MINISTERS, APPLIES*

55% of the members of the Council, comprising at least 15 of them + 65% of the population of the Union

*Except the cases where the unanimity rule still applies (Examples: Common foreign and security policy, Fiscal provisions) With some more conditions

Effective from 1st November 2009

European Commission
LEGISLATIVE PROCEDURE

BLOCKING MINORITY

MUST INCLUDE AT LEAST 4 COUNCIL MEMBERS
Can decide, by unanimity, to reduce the number of areas where unanimity voting applies, in favour of qualified-majority voting (normal procedure)

- Transmission of the initiative to national parliaments
- Impossibility to use the clause if 1 national parliament is against

Impossible to use the Bridge Clause for decisions having military implications on the defense area
COURT OF JUSTICE

INDEPENDENCE

1 JUDGE PER MEMBER STATE
ADVOCATES-GENERAL

AT LEAST 1 JUDGE PER MEMBER STATE

ENSURES RESPECT FOR THE CONSTITUTION AND EU LAW

European Commission
The other institutions of the Union
THE EUROPEAN CENTRAL BANK

- **Legal Personality:** Maintains price stability
- **Independence:** Defines and implements EU monetary policy with national central banks
- Has sole authorisation to issue the euro

Together with the national central banks, shall constitute the European System of Central Banks.
THE COURT OF AUDITORS

CARRIES OUT THE AUDIT

EXAMINES ALL EU REVENUE AND EXPENDITURE

ENSURES GOOD FINANCIAL MANAGEMENT

1 NATIONAL PER MEMBER STATE

INDEPENDENCE
THE EU’S ADVISORY BODIES

INDEPENDENCE OF MEMBERS

Regular review of the rules governing composition of the Committees

COMMITTEE OF THE REGIONS

350 members maximum
REPRESENTATIVES OF REGIONAL AND LOCAL BODIES WHO EITHER HOLD A REGIONAL OR LOCAL AUTHORITY MANDATE OR ARE POLITICALLY ACCOUNTABLE TO AN ELECTED ASSEMBLY

ECONOMIC AND SOCIAL COMMITTEE

350 members maximum
REPRESENTATIVES OF ORGANISATIONS OF EMPLOYERS, OF THE EMPLOYED, AND OF OTHERS IN REPRESENTATIVE CIVIL SOCIETY (SOCIO-ECONOMIC, CIVIC, PROFESSIONAL AND CULTURAL AREAS)

European Commission
Title V

Exercise of Union competence

- *Six legal instruments at the service of the EU*
- *Enhanced cooperation*
Legal instruments at the service of the EU

- Legislative acts (2)
- Non-legislative acts (2)
  - Implementing acts
  - Delegated regulations
- Non-binding force acts (2)
LEGISLATIVE ACTS

• General application
• Legally binding
• Directly applicable

LEGALLY BINDING ACTS

• Commits each Member State to the result to be achieved
• Freedom to choose the form and means

A Constitution for Europe

European Commission
NON-LEGISLATIVE ACTS: IMPLEMENTATION OF LEGISLATIVE ACTS

LEGALLY BINDING ACTS

REGULATION
- General application
- Legally binding
- Directly applicable

DECISION
- Binding on all addressees

European Commission
IMPLEMENTING ACTS: IN THE INTERESTS OF UNIFORM APPLICATION

IMPLEMENTING REGULATION

IMPLEMENTING DECISION

European Commission
DELEGATED REGULATIONS

SUPPLEMENT OR AMEND NON-ESSENTIAL ELEMENTS OF LEGISLATIVE ACTS

Conditions of application laid down in the legislative act
Enhanced cooperation

• To further the objectives of the EU
• To protect the EU’s interests
• To reinforce the EU’s integration process
• Special procedure for CFSP
• Specific CFSP regime: permanent structured cooperation
Procedure for enhanced cooperation
A Constitution for Europe

Parliament

Consent

Proposal

European Commission

Council

Qualified majority

At least 1/3 of Member States

Acts adopted unanimously by participating Member States

European Commission
Later participation of a Member State in enhanced cooperation
COUNCIL/EUROPEAN COMMISSION

MEMBER STATE

NOTIFICATION OF REQUEST TO PARTICIPATE

EUROPEAN COMMISSION

4 MONTHS

CONFIRMATION OF PARTICIPATION

COUNCIL

REFERRED TO THE COUNCIL BY THE MEMBER STATE

IN THE EVENT OF A 2nd REFUSAL

FOREIGN MINISTER

MEASURES TO BE TAKEN BY THE MEMBER STATE

REEXAMINATION OF THE REQUEST

European Commission
Reinforced cooperation in the field of CFSP
COUNCIL UNANIMITY
EUROPEAN COMMISSION
FOREIGN MINISTER

Information

Opinion on consistency of enhanced cooperation with other EU policies

Opinion on consistency of enhanced cooperation with CFSP

COUNCIL
UNANIMITY

REQUEST

AT LEAST 1/3 OF MEMBER STATES
Title VI

The democratic life of the Union based on the principle of equality of citizens
Representative democracy

*Foundation of the Union’s working*
A Constitution for Europe

EUROPEAN UNION

EUROPEAN PARLIAMENT

EUROPEAN COUNCIL

COUNCIL

GOVERNMENTS

ACCOUNTABLE TO

NATIONAL PARLIAMENTS

EUROPEAN CITIZENS

European Commission
Participatory democracy

Basis for an open, transparent and regular dialogue

with representative associations of civil society

in all areas of EU action
EUROPEAN UNION

COMMISSION

LEGISLATIVE COUNCIL

PARLIAMENT

EUROPEAN OMBUDSMAN

Meet in public

Broad consultations

Right of access to documents

Protection of personal data

Complaints about maladministration within the institutions

CITIZENS AND REPRESENTATIVE ASSOCIATIONS

European Commission
AT LEAST ONE MILLION CITIZENS FROM A SIGNIFICANT NUMBER OF MEMBER STATES

Submission of an appropriate proposal on questions requiring a legal act by the EU

COMMISSION
EUROPEAN UNION

PROMOTES THE ROLE

TAKES ACCOUNT OF THE DIVERSITY OF NATIONAL SYSTEMS

RESPECTS AUTONOMY

AUTONOMOUS SOCIAL DIALOGUE

SOCIAL PARTNERS

European Commission
EUROPEAN UNION

RESPECTS

RECOGNISES THEIR IDENTITY AND THEIR SPECIFIC CONTRIBUTION

OPEN, TRANSPARENT AND REGULAR DIALOGUE

CHURCHES, RELIGIOUS ASSOCIATIONS, PHILOSOPHICAL OR NON-CONFESSIONNAL ORGANISATIONS

European Commission
Title VII
The Union’s finances

- Budgetary and financial principles
- The Union’s resources
- The multiannual financial framework
- The Union’s budget
The budgetary and financial principles

Authorised expenditure for the annual budgetary period
Estimates of revenue and expenditure

Balanced revenue and expenditure

An annual budget

Adoption of the legal act

Legal basis for implementation of expenditure

Sound financial management

Measures to counter fraud
The Union’s resources

A budget wholly financed from the EU’s own resources
Law in force once approved by the Member States in accordance with their respective constitutional requirements.
ENSURES DEVELOPMENT IN AN ORDERLY MANNER OF EXPENDITURE WITHIN THE LIMITS OF UNION’S RESOURCES

DETERMINES AMOUNTS OF THE ANNUAL CEILINGS OF APPROPRIATIONS FOR COMMITMENTS BY CATEGORY OF EXPENDITURE
Title VIII

The Union and its immediate environment

- An area of prosperity and good neighbourliness, founded on the values of the Union
- Close and peaceful relations based on cooperation
EU-NEIGHBOURING STATES

PRIVILEGED RELATIONS

EU

POSSIBILITY OF CONCLUDING SPECIFIC AGREEMENTS
- RECIPROCAL RIGHTS AND OBLIGATIONS
- POSSIBILITY OF UNDERTAKING ACTIVITIES JOINTLY
- PERIODIC CONSULTATION ON IMPLEMENTATION

European Commission
Title IX

Union membership

- Possibility of suspending Union membership rights
- Voluntary withdrawal from the Union
- Open to all European States which respect the values of the EU and accept its Constitution
Procedure for applying for EU membership
CONSULTATION OF THE COMMISSION

CANDIDATE COUNTRY

APPLICATION FOR MEMBERSHIP TO THE COUNCIL

UNANIMITY

AGREEMENT BETWEEN THE CANDIDATE COUNTRY AND THE MEMBER STATES ON THE CONDITIONS AND ARRANGEMENTS FOR ADMISSION

Ratification of the agreement by contracting States in accordance with their constitutional requirements

ASSENT OF THE EUROPEAN PARLIAMENT

INFORMATION FROM NATIONAL PARLIAMENTS

European Commission
Suspension of EU membership rights

Clear risk of a serious breach of the Union’s values
Suspension of certain of the Member State’s rights by the Council (qualified majority)
- Constitution remains binding on the Member State
- Takes into account consequences for natural and legal persons
- Council may vary or revoke suspension (qualified majority)

European Commission
Voluntary withdrawal from the EU
Member State does not participate in Council discussions or decisions concerning it. Constitution ceases to apply to the Member State from the entry into force of the withdrawal agreement or 2 years after notification.

Arrangements for withdrawal

Framework for future relations with the EU

European Commission
THE PROTOCOLS
Protocol on the role of national parliaments in the decision-making process
Commission

- Green papers
- White papers
- Communications
- Legislative planning or policy strategy instruments

European Parliament

- Legislative proposals
- Promotion of inter-parliamentary cooperation

Council

- Agendas
- Outcome of meetings

Court of Auditors

- Annual report

Contribution to the EP, Council, Commission (does not bind national parliaments) (does not prejudge positions of national parliaments)

COSAC (Conference of European Affairs Committees)

NATIONAL PARLIAMENTS

European Commission

A Constitution for Europe
Early warning mechanism: ex-ante check on application of the principle of subsidiarity

Bringing a legal action: ex-post check on application of the principle of subsidiarity

Protocol on the application of the principles of subsidiarity and proportionality
Legislative proposal justified with regard to the principle of subsidiarity
(qualitative and quantitative indicators)

Reexamination of the proposal
(maintenance, amendment or withdrawal of the proposal)

- 1/3 of national parliaments
- 1/4 of national parliaments if the provision concerns the area of freedom, security and justice

Reasoned opinion to the Presidents of the Council, the EP and the Commission

European Commission
A Constitution for Europe

NATIONAL PARLIAMENTS

MEMBER STATES

COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

COMMITTEE OF THE REGIONS

LEGISLATIVE ACTS ON WHICH IT HAS BEEN CONSULTED

European Commission