

MOVEMENT



Rue Hector Blondiau, 22 7070 Mignault (Belgium)



EUROPE

Tél. FR. : Brasseur J.P. 0499 35 85 72

FR, EN : Roussel Pascal 0473 97 49 67

www.vivanteurope.org

FR,EN,IT : Marilena Di Stasi 0486 501 83 64

n and finance social security by taxing the consumption of goods, which most often are produced by machine.”

ELECTRONIC VIVANT- EUROPE

N° 36 (September 2006)

Brussels, the 6th of May 2006
Fourteen students face the challenge

Another European Constitution, it's possible !

On the 6th of May 2006, on the occasion of the European institutions' open-day, we, 5 students, of different European nationalities, representing the class of the DESS in Communication and European Affairs from IHECS, have presented our project of Constitution for Europe to the Commission's vice-president, Margot Wallström.

At the time when Europe seemed to have arrived at a dead end, since the “no” in the French and Dutch referenda, and when Margot Wallström launched the new European communication strategy, 14 students coming from all Europe got involved in a wonderful challenge : rewriting a Constitution for Europe.

Tired of endless juridical and institutional speeches, we managed to write a clear and understandable text. The aim was, on one hand, to give the European citizens a more appealing image of the European Union, and, on the other, to show that young citizens of different nationalities and convictions could work together, to build a different Europe, closer to their daily realities.

One of our main preoccupations was to reinforce the democratic legitimacy and the transparency of the Union.

Thus, we gave the legislative initiative to the members of the European Parliament. Indeed, the European Parliament, an institution which is democratically elected by the Europeans, should be allowed to put crucial matters on the agenda of the European Union. How do we want Europe to be more attractive to its citizens if all the Europeans legislative texts, which often influence their daily life, come from non elected technocrats ?

Other important changes were made in the field of fundamental rights. Therefore, we gave rights to all the citizens, European or not ; specific rights were also given to the European citizens. The students refuse to accept the notion of second hand citizens.

We hope that this project will inspire other European citizens' initiatives. We also hope that the Europeans will be willing to appropriate the construction of an Union, adapted to their expectations and able to make their ideas and dreams reality.

For further inquiries, contact :
cjce.yecc@gmail.com ; +32 (0) 473 654 652

Bosman Morgane
de Bueger Olivier
Harquel Julien
Jaremova Katarina
Nan Diana

YOUNG EUROPEAN CITIZENS' CONSTITUTION

The 6th of May 2006

Created by an enthusiastic group of 14 third cycle students from IHECS (Institut des Hautes Etudes en Communication Sociale) in Brussels, during a period of 2 weeks, in October 2005, the “Young European Citizens’ Constitution” is an initiative we are proud of.

It puts together different types of educational background and cultures, from five European nationalities (Belgian, Finnish, French, Slovak and Romanian).

It is done in an entirely democratic manner through debates and voting. It takes in account the European evolutions and trends and also some of it's fundamental texts. It contains the values that we all share and care about.

It is our vision of Europe. It is a sincere and entirely personal realisation, that we hope it will inspire other European citizens, like us, to get involved.

I. Our text is a Constitution, not a treaty

- It contains a definition of the EU
- It only details the institutional functioning and the fundamental rights
- It has fewer articles but more coherence.

II. More efficiency

- Easier and clearer legislative procedure :
 - 2 pillars (intergovernmental and community) based on the decision making (instead of 3 based on the subject as today)
 - the European Commission gives the impulsion
- More legal safety : a priori control made by the Court of Justice of the European Communities
- More coherence in the executives: rotating presidency replaced by an elected presidency in the European Council, and a general secretary in the Council of the Ministers.
- The European Council is made of the heads of States and governments, the president of the Council, and the European minister of foreign affairs.

III. Institutional innovations

- Creation of the Civil Society Consultation Committee :
 - Grouping place for the European associations
 - Allowing associations to be heard and to influence decisions
 - The Committee can make non compulsory notices, and amendments.
- Unique elective procedure for the European elections
- The European institutions have to respect the principle of separation between the Church and the State
- External representation of the Union : a triumvirate - European Commission's president - the European minister of foreign affairs - the European Council's president according to the matter.

IV. More democratic legitimacy

- Greater power is given to the European Parliament :
 - The legislative initiative can now come from a member of the European Parliament in the community pillar
 - The European Parliament's observations and critiques in the Community Pillar must be taken in account
- New way of election of the members of the European Parliament : a list of 750 names for each European party ; vote for all in one European district ; proportional representation, threshold of 5% of the votes to have a deputy mandate ; compulsory vote for the European elections
- Public debates in the Council of ministers (except CFSP (common foreign and security policy) / ESDP (European security and defence policy)
- New way of electing the commissioners :
 - Elected individually by the European Parliament
 - Candidates' list forwarded by the European Council
 - 3 criteria to be respected by the European Council in proposing the candidates :
 - political balance in the European Parliament
 - geographical diversity in the European Parliament
 - competences and sensibilities of the candidate
- The European Commission is responsible in front of the European Parliament :
 - Collective responsibility for the political questions
 - Personal responsibility for administrative questions.
- Legal and subsidiary control can be asked a priori (and a posteriori) by the European Parliament, the European Commission, and a majority of national parliaments and States.

V. A greater protection of fundamental rights, in particular the social ones

- Giving rights to everyone (European citizens or not) and specific rights to the European citizens
- Extension of the validity of the Charter ; it can be applied in the national law, and not only in the European one.
- Need to affirm the exclusion of the services of general interest from the free competition.
- No origin state principle : "any citizen or firm that establishes in another country of the European Union must respect at minimum the economical and social regulations of the host country"
- Prohibition of transitional measures for the employment of other member-

states citizens (in particular for the new member-states' workers)

VI. A greater implication and empowerment of the European citizens

- European elections are compulsory
- The right to have a citizens' legislative initiative (through the petition right)
- The 9 may : the day of the Europe's anniversary is a legal non working ay in all Member States.

PROPOSITION OF A CONSTITUTION FOR EUROPE

PREAMBLE

DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law;

REAFFIRMING their desire to contribute to the construction of an international society based on the cooperation between nations and countries, the peaceful solution to conflicts, the security and the strengthening of international organisations;

BELIEVING that Europe intends to continue along the path of civilisation, progress and prosperity, for the good of all its inhabitants, including the weakest and most deprived; that it wishes to remain a continent open to culture, learning and social progress; and that it wishes to deepen the democratic and transparent nature of its public life, and to strive for peace, justice and solidarity throughout the world;

CONVINCED that, while remaining proud of their own national identities and history, the peoples of Europe are determined to transcend their former divisions and, united ever more closely, to forge a common destiny;

CONVINCED that, thus "united in its diversity", Europe offers them the best chance of pursuing, with due regard for the rights of each individual and in awareness of their responsibilities towards future generations and the Earth, the great venture which makes of it a special area of human hope;

DETERMINED to continue the work accomplished within the framework of the Treaties establishing the European Communities and the Treaty on European Union, by ensuring the continuity of the Community acquis;

The fourteen members of the simulated constituent parliamentary assembly have adopted the following

text:

PART I: DEFINITIONS, VALUES AND OBJECTIVES

Article 1 : Definitions

1. European Union

- a) The European Union is composed of democratic and sovereign states and also by the territorial collectivities that compose them.
- b) Member states freely agree to partly delegate to the European Union the exercise of their sovereignty. Therefore the European Union will recognize and enforce fundamental rights for its citizens.
- c) The European Union shall have legal personality.

2. Citizenship

- a) Every national of a Member State shall be a citizen of the Union.
- b) Citizenship of the Union shall be additional to national citizenship; it shall not replace it.

3. The symbols of the Union

- a) The flag of the Union shall be a circle of twelve golden stars on a blue background.
- b) The anthem of the Union shall be based on the 'Ode to Joy' from the Ninth Symphony by Ludwig van Beethoven.
- c) The motto of the Union shall be: 'United in diversity'.
- d) The currency of the Union shall be the euro.

- e) Europe day shall be celebrated on 9 May throughout the Union; it shall be considered as a non-working day in all the member states.

Article 2 : The European Union's values

The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, nondiscrimination, tolerance, justice, solidarity and equality between women and men prevail.

Article 3 : The European Union's objectives

1. The European Union's aim is to promote peace, its values and the well-being of its peoples.
2. The European Union shall offer its citizens an area of freedom, security and justice without internal frontiers, and an internal market where competition is free and undistorted. The free movement of persons, services, goods and capital, and freedom of establishment shall be guaranteed within and by the Union.
3. The European Union shall work for the sustainable development of Europe based on balanced economic growth and price stability, a competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance, and the free movement of scientific and technological knowledge.
4. The European Union shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between individuals, solidarity between generations and protection of the rights of the child.
5. The European Union shall promote economic, social and territorial cohesion, and solidarity among Member States. It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced. The European Union aims to reduce the gap between the level of development between regions and the growth retardation of less favoured ones.
6. Member states are all equal. The European Union respects their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government.
7. According to the principle of sincere cooperation, the European Union and the Member States shall assist each other in full mutual respect.
8. In its relations with the wider world, the European Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.
9. The European Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Constitution. The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives.
10. The European Union is in favour of a cautious and rational utilisation of natural resources.

PART II : FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

Title I : Rights

This part reaffirms, in respect of the subsidiarity principle, the rights which result from the constitutional traditions and international obligations common to the Member States, from the European Convention for the Protection of Human Rights and Fundamental Freedoms, from social charters adopted by the European Union and by the Council of Europe and also from the case law of the European Court of Justice and of the European Court of Human Rights.

The European Union recognizes the same rights and duties to all its residents with the exception of those specifically reserved to the European citizens.

Article 4 : Rights and duties of European citizens

1. Citizens of the European Union shall enjoy rights and be subject to duties.
2. They shall have:
 - a) The right to move and reside freely within the territory of the Member States;
 - b) The right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;
 - c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
 - d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the official Union's languages and to obtain a reply in the same language.

Article 5 : Right to life

Everyone has the right to life.

Article 6 : Human dignity

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

Article 7: Right to the integrity of the person

Everyone has the right to respect for his or her physical and mental integrity.

Article 8: Prohibition of torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 9: Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. Trafficking in human beings is prohibited.

Article 10: Right to liberty and security

Everyone has the right to liberty and security of person.

Article 11: Respect for private and family life

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

Article 12 : Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.
2. a) Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law.
b) Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority.

Article 13: Right to marry and right to found a family

The right to marry, the right to end a marriage and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

Article 14 : Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience, religion and non-religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Article 15: Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. Everybody has the right to receive pluralist, independent, and non-censured information.
3. The freedom, independence and pluralism of the media shall be respected.

Article 16: Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.
2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

Article 17 : Freedom of arts and sciences

1. The arts and scientific research shall be free of constraint. Academic freedom shall be respected.
2. In the fields of medicine and biology, the following must be respected in particular:
 - a) The free and informed consent of the person concerned, according to the procedures laid down by law;
 - b) The prohibition of eugenic practices, in particular those aiming at the selection of persons;
 - c) The prohibition on making the human body and its parts as such a source of financial gain;
 - d) The prohibition of the reproductive cloning of human beings.

Article 18 : Right to education

1.
 - a) Everyone has the right to education and to have access to vocational and continuing training.
 - b) This right includes the possibility to receive free compulsory education.
2.
 - a) The freedom to found educational establishments with due respect for democratic principles shall be respected.
 - b) The right of parents to ensure the education and teaching of their children in conformity with their pedagogical, philosophical and religious convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.
3. Member States shall favour students' exchanges, which will allow the strengthening of the European

Article 19 : Professional freedom and right to work

1. Everyone has the right to work and to pursue a freely chosen or accepted occupation.
2.
 - a) Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.
 - b) No Member State shall have the right to impose transitory measures when dealing with a worker from any other member state.
 - c) Every citizen or company who wants to establish in another European Union country shall respect the economical and social standards of the host country.
3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.
4. Member States shall favour workers exchanges between their citizens.

Article 20: Freedom to conduct a business

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

Article 21 : Right to property

1. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law insofar as is necessary for the general interest.
2. Intellectual property shall be protected.

Article 22 : Right to asylum

The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Constitution.

Article 23: Protection in the event of removal, expulsion or extradition

1. Collective expulsions are prohibited.
2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

Article 24 : Equality before the law

Everyone is equal before the law.

Article 25: Non-discrimination

Any discrimination based on any ground such as sex, race, colour, nationality, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Article 26: Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

Article 27: Equality between women and men

1. Equality between women and men must be ensured in all areas, including employment, work and pay.
2. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

Article 28: The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.
4. The present Constitution recognises the International Charter of Children's Rights.

Article 29: The rights of the elderly

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social, cultural and political life.

Article 30: Integration of persons with disabilities

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

Article 31: Workers' right to information and consultation within the undertaking

1. Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Union law and national laws and practices.
2. Trade unions of all types are fully recognised by the European Union; dialogue and collaboration between trade unions, member states and European institutions is strongly encouraged.

Article 32: Right of collective bargaining and action

Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Article 33: Right of access to work placement services

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

Article 34: Fair and just working conditions

1. Every worker has the right to working conditions which respect his or her health, safety and dignity.
2. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.
3. Every worker has the right to protection against unjustified dismissal, in accordance with Union law and national laws and practices, as in case of dismissal for family problems, sickness, dependency or old age.

Article 35: Prohibition of child labour and protection of young people at work

According to the International Charter of Children's Rights:

1. The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.
2. Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

Article 36 : Family and professional life

1. The family shall enjoy legal, economic and social protection.
2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity or paternity leave and to parental leave following the birth or adoption of a child.

Article 37: Social security and social assistance

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

Article 38 : Health care

When defining and conducting its policies and actions, and in accordance with national laws, the European Union ensures each person the right to access a high level of health prevention and protection system, and to quality medical treatments.

Article 39: Access to services of general interest

1. The Union guarantees the access to services of general interest - services of general economic interest and/or social services of general interest - provided for in national laws and practices, in accordance with the Constitution, in order to promote the social, economical and territorial cohesion of the Union.
2. It may be derogated to the free competition rules, when the general interest demands it.

Article 40: Environmental protection

1. a) Everyone has the right to live in a healthy environment.
b) In this purpose, the European Union guarantees a high level of environmental protection and the preservation of biodiversity.
2. The improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

Article 41: Consumer protection

Union policies shall ensure a high level of consumer protection.

Article 42: Right to vote and to stand as a candidate

1. Every European citizen has the right to vote and to stand as a candidate in the national elections from the state he comes from, and also in the European elections.
2. When an European citizen does not reside in his country at the time of European or national elections, the member states shall put at their disposition any means necessary in order to allow **them** accomplishing their voting duty: vote through the embassy or the consulate, vote through correspondence, vote by proxy.
3. In order to encourage citizens' participation, the European Union shall impose a compulsory vote for the European elections.

Article 43 : Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.
2. This right includes:
 - a) The right of every person to be heard, before any individual measure which would affect him or her adversely is taken;;
 - b) The right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
 - c) The obligation of the administration to give reasons for its decisions.
3. Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
4. Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role.

Article 44: Right of access to documents

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium.

Article 45: Freedom of movement and of residence

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States. The Member states will take all the necessary measures in order to guarantee these two freedoms.
2. Freedom of movement and residence may be granted, in accordance with the Constitution, to nationals of third countries legally resident in the territory of a Member State.

Article 46: Right to an effective remedy and to a fair trial

1. Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.
2.
 - a) Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law.
 - b) Everyone shall have the possibility of being advised, defended and represented.
 - c) Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.

Article 47: Presumption of innocence and right of defence

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.
2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

Article 48: Principles of legality and proportionality of criminal offences and penalties

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed.

Nor shall a heavier penalty be imposed than that which was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognized by the community of nations.

3. The severity of penalties must not be disproportionate to the criminal offence.

Article 49: Right not to be tried or punished twice in criminal proceedings for the same criminal offence

No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted within the Union in accordance with the law.

Title II: General provisions governing the interpretation and application of the charter

Article 50 : Field of application

1. The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the other Parts of the Constitution.

2. This Charter does not extend the field of application of Union law beyond the powers of the European Union or establish any new power or task for the Union, or modify powers and tasks defined in the other Parts of the Constitution.

Article 51: Scope and interpretation of rights and principles

1. Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

2. Rights recognised by this Charter for which provision is made in other Parts of the Constitution shall be exercised under the conditions and within the limits defined by these relevant Parts.

3. Insofar as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.

4. Insofar as this Charter recognises fundamental rights as they result from the constitutional traditions common to the Member States, from the Charter relative to children's rights and also from the Geneva Convention of 28 July 1951, those rights shall be interpreted in harmony with those traditions.

5. The provisions of this Charter which contain principles may be implemented by legislative and

executive acts taken by institutions, bodies, offices and agencies of the Union, and by acts of Member

States when they are implementing Union law, in the exercise of their respective powers. They shall be judicially cognisable only in the interpretation of such acts and in the ruling on their legality.

6. Full account shall be taken of national laws and practices as specified in this Charter.

7. The explanations drawn up as a way of providing guidance in the interpretation of the Charter of Fundamental Rights shall be given due regard by the courts of the Union and of the Member States.

Article 52: Level of protection

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

Article 53: Prohibition of abuse of rights

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.

Part III : THE INSTITUTIONAL FUNCTIONING OF THE EUROPEAN UNION

Title I : General Principles

Article 54 :

- 1.** The European institutions work according to the principles defined by the European Charter of Human's Rights and respect the principle of separation between church and state.
- 2. a)** The decision making processes of the European Union are separated between two pillars: the community pillar and the intergovernmental pillar.
 - b)** The matters coming under each pillar shall be determined by treaties.
- 3. a)** In the community pillar, the decisions are taken following the codecision procedure such as explained below.
 - b)** In the intergovernmental pillar, the decisions are taken by unanimity, with consultation of the European Parliament as well as the civil society consultation committee and the Committee of the Regions.
- 4.** The council can decide unanimously to pass a subject from the intergovernmental pillar to the community pillar. However the opposite is not possible.

Article 55 : The external representation of the European Union

- 1.** The president of the European Council, the president of the European Commission and the minister of foreign affairs are responsible for the external representation of the European Union.
- 2. a)** The minister of foreign affairs is competent for the matters regarding CFSP and ESDP. The European Council proposes a list of persons, and the European Parliament elects the minister for a five year period, acting by a simple majority,.
 - b)** The president of the Commission represents the European Union for its exclusive competences.

- c) The president of the European Council guarantees the coherence of the external representation of the European Union.

Title II : The European Institutions

Sub-title 1 : The European Commission

Article 56 : The Composition of the European Commission

1. a) The European Commission is composed by a college of commissioners and by a president.
b) There is one commissioner by directorate general.
2. The commissioners are elected by the European Parliament on a list transmitted by the European Council.
3. The European Council proposes several persons for each vacancy. When choosing the candidates, the Council needs to respect the following criteria:
 - The political equilibrium of the European Parliament
 - The geographical diversity of the European Parliament
 - The competences and sensibilities of the candidates
4. The European Parliament votes, acting by simple majority, for one of the persons proposed for each vacancy.
5. An organic law shall determine the modalities of the election of the commissioners.

Article 57: The president of the European Commission

1. The president of the European Commission is appointed by the European Parliament on the basis of a list composed by the European Council.
2. The president of the European Commission represents the European Union in its external relations, for the matters coming under the exclusive competences of the Commission
3. The president of the European Commission defines the framework in which the Commission pursues its mission.

Article 58 : The competences of the European Commission

1. The European Commission shall take its decisions collectively.
2. The European Commission shall propose the budget.
3. The European Commission is the guardian of the treaties.
4. The European Commission shall exercise competences in the execution of the policies defined by the European Council.
5. The European Commission represents the European Union externally for the matters accorded to her.
6. The European Commission shall share the right of legislative initiative with the European Parliament in the community pillar.

Article 59 : The control of the European Commission

1. Politically, the European Commission is collectively responsible before the European Parliament
2. The European Parliament may table a political censure motion. This is a collective censure. If the vote of censure is passed, the Commission has to resign collectively.

3. The European Parliament may also table a bad administration motion. This is an individual control. If the motion is implemented, only the sanctioned Commissioner has to resign.

Sub-title 2 : The European Council

Article 60 : Composition of the European Council

The European Council is composed by the heads of states and governments of the Member States, the President of the European Parliament, the minister of foreign affairs and the President of the European Commission.

Article 61 : The President of the European Council

1. a) The President of the European Council is elected by the European Council, for two and a half years, upon a list of names given by the European Parliament. It can only be re-elected once.
b) The President of the European Council can not hold a European or a national public function.
2. The President of the European Council shall preside over it and drive forward its work. He shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission and the minister of foreign affairs.
3. The President of European Council shall act to facilitate cohesion and consensus within the European Council and shall present a report to the European Parliament after each of the meetings of the European Council.

Article 62 : Competences of the European Council :

The European Council shall give the necessary impulse to the Union and shall define its general orientations and political priorities.

Sub-title 3 : The Council of Ministers

Article 63 : The Council of minister's composition

1. The Council shall consist of a representative of each Member State at the ministerial level, authorized by the government of the Member State to engage the Member State in question and to vote.
2. The Council of Ministers shall sit in different formations, depending on the matter.

Article 64 : Competences of the Council of Ministers :

1. The Council of Ministers shall, in association with the European Parliament, exercise legislative and budgetary functions.
2. The Council of Ministers shall inform national Parliaments before debating measures and after having reached a position.
3. The Council of Ministers shall meet publicly when it deliberates and votes on a draft of legislative act, except when it deals with European security issues.

Article 65 : The general secretariat :

1. The general secretariat shall report the works made by the experts groups and by the Committee of the permanent representatives.
2. The general secretariat shall check the legal validity of the translations.

3. The general secretaries chair the different formations of the Council of Ministers.
4. The general secretariat shall coordinate the work of the Council of Ministers, in the respect of the programmes elaborated by the European Commission and the European Council.

Sub-title 4 : The European Parliament

Article 66 : Composition of the European Parliament

1.
 - a) The European Parliament is composed of representatives of the European Union's citizens.
 - b) Their number shall not exceed seven hundred and fifty persons.
2.
 - a) The members of the European Parliament shall be elected for five years by direct universal suffrage, following a uniform procedure above all the European Union's territory. The European elections shall be held on the same day in all the Member States.
 - b) Each European party shall propose a unique list of seven hundred and fifty persons. The Members of the European Parliament are elected among the persons on the lists.
 - c) The Members of the European Parliament shall be elected on a single circumscription, corresponding to on the entire territory of the European Union.
3.
 - a) For the European elections the voting method shall be the proportional method.
 - b) A party shall receive at least 5% of the ballots to obtain seats in the European Parliament.
4. The European Citizens shall have the possibility to vote either on the top of the list (respect of the order given by the party) either for candidates of their choices (preference vote)

Article 67 : Competences of the European Parliament

1. In the Community pillar, the European Parliament shall share the legislative power with the Council of Ministers.
2. In the Community pillar, the European Parliament shall share the right of initiative with the European Commission
3. The European Parliament shall elect the President of the Commission upon a list of names transmitted by the European Council.
4. The European Parliament shall vote the budget in association with the Council.
5.
 - a) On the basis of a petition signed by one million of European citizens, from at least 1/8 of the Member States, a proposition of European legislation can be submitted to the European Parliament.
 - b) The European Parliament shall then elaborate a proposition, that shall follow the codecision procedure, such as described below.
6. The Member States shall engage themselves to inform their citizens during the European electoral campaigns.
7. The candidates to the presidency of the European Commission and the candidates to the function of Foreign Affairs minister shall explain and clarify their projects during hearings with the European Parliament.

Sub-title 5: The civil society consultation committee

Article 68: Committee composition:

1. The civil society consultation committee regroups diverse associations which represent the different interests of the European citizens.
2. The associations included in this committee have to be federated at a European level. They shall

represent a minimum number of European citizens. The number of citizens will be set by an organic law. The associations shall also respect the European Union charter of fundamental rights.

3. The civil society consultation committee shall adopt its internal rules, set the voting modalities and the thresholds of qualified majority.

Article 69 : Competences of the committee

1. The civil society consultation committee shall intervene before and after a legislative proposition of the European Commission.

2. a) The European Commission shall consult this committee during the consultation period taking place after its initial proposal.

b) Each association may submit, if it wants to and on a voluntary basis, an individual opinion within two months. These opinions are not mandatory.

3. a) Once the Commission has delivered its proposition, the civil society consultation committee shall intervene again. It has then the power to propose amendments within three months. These amendments must come from a large consensus between the different associations concerned by the issue.

b) The associations proposing amendments shall be the same that those which had submitted an opinion during the first period of consultation.

c) If the committee couldn't reach a common position on the European Commission's proposal, it has no power to amend the proposal.

4. Once the civil society consultation committee has proposed its amendments, the text shall be sent to the European Parliament and to the Council of Ministers in order to be examined according to the codecision procedure, such as described below.

5. a) For the non-legislative acts, as well as for the legislative acts that belong to the intergovernmental pillar, or in any other case required by the European Institutions, the European Commission, the European Parliament or the Council of Ministers may ask the opinion of the committee, as laid in the constitution and in the treaties,.

b) It must answer within a two month period when asked by an Institution.

c) It may also emit an opinion upon its own initiative.

6. When the civil society consultation committee emits an opinion, all associations may participate to the debate and join the discussions and the vote.

7. The opinion of the committee and a report of the discussions shall be sent to the European Parliament, the Council of Ministers and to the European Commission.

Sub-title 6 : The committee of the regions

Article 70 : Composition

1. a) The members of the Committee of the Regions shall not exceed 350.

b) The Council, acting unanimously on a proposal from the Commission, shall adopt a European decision determining the Committee's composition.

2. The members of the Committee and an equal number of alternate members, shall be appointed for five years; their term of office shall be renewable. No member of the Committee shall be at the same time a member of the European Parliament.

3. The Council shall adopt the European decision establishing the list of members and alternate members, drawn up in accordance with the proposals made by each Member State.

4. The Committee of the Regions shall elect its chairman and officers from among its members for a term of two and a half years.

5. a) The Committee of the Regions shall be convened by its chairman, on request by the

European Parliament, the Council of Ministers or the European Commission.

b) It may also meet on its own initiative.

6. It shall adopt its Rules of Procedure.

Article 71: Competences

1. The Committee of the Regions shall be consulted by the European Parliament, by the Council or by the Commission, where the Constitution and the treaties so provide, and in all other cases in which one of these institutions considers it appropriate.

2. A two month period shall be granted to the Committee in order to give its opinion, if the European Parliament, the Council or the European Commission finds it necessary.

3. a) When the civil society consultation committee is consulted, the Committee of the Regions shall be informed by the European Parliament, the Council or the European Commission.

b) When it assesses that specific regional interests are at stake, the Committee of the Regions shall submit its opinion about the subject.

c) It may also issue an opinion on its own initiative.

4. The opinion of the Committee, and a record of its proceedings, shall be forwarded to the European Parliament, the Council and the European Commission.

Sub-title 7: The European ombudsman

Article 72

1. The European ombudsman is competent for all the complaints of the citizens regarding a malfunctioning of an institution or a community body.

2. The ombudsman is elected through simple majority by the European Parliament.

Sub-title 8: The Court of Justice of the European Union

Article 73

1. a) The Court of Justice of the European Union is composed of the Court of Justice, of the Court and of specialized Courts. It shall insure the respect of the law according to the Constitution and the treaties.

b) The member states shall establish the necessary appeals to insure a decent and effective protection in all the fields covered by the EU legislation.

2. a) The Court of Justice is composed from one judge per member state. It shall be assisted by Advocates-General.

b) The main Court counts at least one judge per member country.

c) The Judges and Advocates-General of the Court shall be chosen from persons whose independence is beyond doubt and who possess the qualifications that are in the status of the Court. They shall be appointed by common accord of the governments of the Member States for a six year period. The judges and the Advocates-General finishing their duties can be appointed for another term.

3. The Court of Justice of the European Union rules in accordance to the principles of the status of the Court of Justice:

a) On appeals coming from member states, institutions, natural persons or legal entities

b) Prejudicially, at the request of the national jurisdiction on the interpretation of the legislation of the European Union or on the validity of the acts adopted by the institutions.

c) In the other cases shown by the constitution.

4. a) There is, within the Court of Justice of the European Union, a constitutional chamber to assess the juridical order of the text and the conformity of the derived legislation of the European Union to the treaties and the constitution and to exercise on the subsidiarity principle.
- b) The chamber exercises this control when it is referred by the European Commission, by the European Parliament with the majority of its members, by the Council of Ministers to the qualified majority of its members, by the national parliaments when more than the half of them demand it.

Sub-title 9: The European central bank

Article 74

1. The European central bank is independent
2. It pursues the objectives of the European Union, including the price stability.
3. It leads the monetary policy of the Euro zone, by fixing its interest rates.

Article 75: The structure of the European Central Bank

1. The Governing Council of the European Central Bank shall comprise the members of the Executive Board of the European Central Bank and the Governors of the national central banks of the Member States.
2. a) The Executive Board shall comprise the President, the Vice-President and four other members. The members of the executive board shall be appointed by the European Council, acting by a qualified majority, from among persons of recognised standing and professional experience in monetary or banking matters, on a recommendation from the Council and after consulting the European Parliament and the Governing Council of the European Central Bank.
- b) Only nationals of Member States can be members of the Executive Board.

Title III : The legislative procedure

Sub-title 1 : In the intergovernmental pillar

Article 76 : Initiative

1. Only the European Commission has the legislative initiative.
2. It writes up and proposes legislative texts, within the frame of the Constitution and the treaties.

Article 77 : Opinion

1. The European Parliament gives opinion on these propositions of legislative texts.
2. The civil society consultation committee and the Committee of the Regions also give their opinion.
3. These opinions have no restrictive effects.

Article 78 : Vote

1. The Council of the ministers acts by unanimity on the European Commission's propositions.
2. It is free to take in account or not the opinion of the European Parliament and of the committees.

Sub-title 2 : In the community pillar.

Article 79 : General principles

1. a) The legislative initiative belongs mainly to the European Commission.
b) However, the European Parliament, when it finds that the decisions taken by the European Commission are insufficient, can also propose legislative texts, following the procedure described below.
2. a) A member of the European Parliament can submit a proposition of legislative text.
b) In order to do this, he shall first register this proposition to the European Commission.
c) The European Commission can make amendments on the text, before its examination by the European Parliament. It shall propose its amendments and transmit the text in a one month delay.

Article 80 : Adoption procedure

1. a) The proposition (coming from the European Commission or from a member of the European Parliament) is first presented to the Committee of the Regions and to the civil society consultation committee.
b) These committees can, in the terms of the articles 69 and 71, propose amendments, which shall be examined by the European Parliament.

Article 81 : Qualified majority

1. In the Council of Ministers, the qualified majority shall be defined as at least 50 % of the members of the Council, comprising at least 15 of them, and representing Member States comprising least 60 % of the European population
2. A blocking minority must include at least 4 members of the Council, failing which the qualified majority shall be deemed attained.

Part IV : GENERAL AND FINAL DISPOSITIONS

Article 82 :

1. The present Constitution shall not abrogate the anterior treaties.
2. In case that the anterior treaties contain contradictory or non-certified clauses with the present Constitution, this one will take the priority.

Article 83 : Entry into force

1. The present Constitution will come into effect after ratification in all Member States.
2. The ratification procedures shall be identical in all Member States, and also take place the same day.

Article 84 : Procedure of modification and revision

- 1.** The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of this Treaty. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified.
- 2.**
 - a)** If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the President of the European Council shall convene a Convention composed of representatives of the national Parliaments, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission.
 - b)** The European Central Bank shall also be consulted in the case of institutional changes in the monetary area.
 - c)** The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to a conference of representatives of the governments of the Member States as provided for in paragraph 3.
 - d)** The European Council may decide by a simple majority, after obtaining the consent of the European Parliament, not to convene a Convention should this not be justified by the extent of the proposed amendments. In the latter case, the European Council shall define the terms of reference for a conference of representatives of the governments of the Member States.
- 3.**
 - a)** A conference of representatives of the governments of the Member States 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.
 - b)** The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.
- 4.** If, two years after the signature of the treaty amending this Treaty, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council.

Signatures :

Blavier Laure Anne

Bosman Morgane

de Bueger Olivier

De Mey Elodie

Deprez Valérie

Fevry Julie

Harquel Julien

Jaremova Katarina

Larsimont Hélène

Morinière Clémence

Nan Diana

Oancea Diana

Rafat Valérie

Store Johanna