

Draft for an alternative European Constitution

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|---|----------|
| EUROPEAN CONSTITUTION..... | 0 |
| PREAMBLE..... | 1 |
| CHAPTER 1: THE UNION AND ITS CITIZENS | 2 |
| <i>Article 1: Fundamental Rights</i> | 2 |
| <i>Article 2: Objectives of the Union</i> | 2 |
| <i>Article 3: European Citizenship and Citizens' Rights</i> | 3 |
| CHAPTER 2: INSTITUTIONS OF THE UNION | 4 |
| <i>Article 4: The Legislative</i> | 4 |
| <i>Article 5: The Executive</i> | 5 |
| <i>Article 6: The Judiciary</i> | 5 |
| <i>Article 7: European Central Bank</i> | 6 |
| <i>Article 8: European Court of Auditors</i> | 6 |
| CHAPTER 3: COMPETENCES OF THE UNION..... | 7 |
| <i>Article 9: Sovereignty</i> | 7 |
| <i>Article 10: Exclusive Competences of the Union</i> | 7 |
| <i>Article 11: Coordinating Competences of the Union</i> | 8 |
| <i>Article 12: Remaining Competences</i> | 8 |
| <i>Article 13: Further Particulars with regard to the European Foreign- and Security Policy</i> | 8 |
| CHAPTER 4: WORKING METHODS OF THE UNION | 9 |
| <i>Article 14: Working Method of the European Government</i> | 9 |
| <i>Article 15: Working Method of the European Parliament</i> | 9 |
| <i>Article 16: Working Method of the European Senate</i> | 10 |
| <i>Article 17: Publication of Laws and Framework Laws</i> | 10 |
| <i>Article 18: Implementation of enacted legislation</i> | 10 |
| CHAPTER 5: FINANCES OF THE UNION | 11 |
| <i>Article 19: The Union's Funds</i> | 11 |
| <i>Article 20: The Budget</i> | 11 |
| CHAPTER 6: MEMBERSHIP OF THE UNION..... | 11 |
| <i>Article 21: Application for Union Membership</i> | 11 |
| <i>Article 22: Suspension of a Member State</i> | 12 |
| <i>Article 23: Voluntary Secession from the Union</i> | 12 |
| CONCLUDING OBSERVATIONS | 13 |

Preamble

THE EUROPEAN NATIONS have overcome their past enmities and formed a Union in which they will affront the future together in friendship and peace.

This Union is characterised by a rich diversity of peoples and cultures, that are nonetheless united in recognising certain fundamental values: the inviolability of human dignity, equality among men and the sovereignty of the people.

Within the Union the people's sovereignty is exercised by representatives the people elects to govern in its name and interest. They oblige themselves to do so in accordance with the will of the majority, but with respect for each and every minority, within the limits set out by this Constitution.

It is the pride of Europe to be the native ground of democracy and democratic principles. Over the centuries these principles have all too often been denied, causing indescribable human suffering. Still the noblehearted have always continued fighting for democracy and justice, laying therewith the foundation of today's and tomorrow's Europe. The longing for the rule of law and the sacrifices of the brave in establishing constitutional structures have proved stronger than the forces wanting to deprive the people of its rights.

But the citizens of Europe are never to take their democratic attainments for granted. Now, as ever, it is their duty to remain vigilant and assure themselves that their leaders have as their sole objective to create a better Europe for all its citizens and to contribute to making this a safer and more peaceful world for all.

The citizens of Europe are called upon continuously to verify this; they do not only have the right to elect their representatives, but they also have the duty to control them, to keep reminding them of their responsibilities and in the most extreme case to free themselves of them.

Chapter 1: The Union and its Citizens

Article 1: Fundamental Rights

1. Man is born in freedom as a full member of society. He has the right to a life in dignity, to sustenance, health care and education, as well as the right to think freely, to express himself, to assemble peacefully and to protest against anything that does not correspond with his personal sense of justice, provided he respects the dignity and rights and freedoms of his fellow men.

The European Union has as its prime objective to watch over this and to create the conditions for the personal and collective development of all its citizens.

2. Everyone is equal for the law. All citizens of the Union and all those residing on its territory are to be treated exclusively on the basis of their behaviour. Discrimination in all forms is forbidden.

3. The course of justice within the Union is inviolable. Enacted legislation is not applicable to pending cases.

4. Barbaric and unusual punishment, among which corporal punishment and the death penalty may not be imposed or executed.

Article 2: Objectives of the Union

1. The Union exists to serve its citizens and to protect their rights and freedoms. For this purpose it promotes the cooperation between its member states in fields of the Union general interest.

2. For the purpose of enhancing general welfare the Union adopts rules to facilitate the good functioning of a free market economy. These rules are to offer social protection as well as guarantee open and fair competition between market parties.

3. The rich diversity of languages and cultures within the borders of the Union is the cradle of Europe. The Union cherishes this heritage and guarantees its citizens the preservation of language and cultural identity.

4. Personal well-being and the individual's cultural development are the conditions for the well-being and the development of all. To this effect member states oblige themselves to guarantee their citizens public health care and secular education.

5. Beyond its borders the Union defends its interests for as long and as far as possible by peaceful means. It advocates a multilateral world and dedicates itself to a lasting international legal order based on peace and solidarity between peoples, respect for human rights, the fight against poverty and the protection of the environment.

Article 3: European Citizenship and Citizens' Rights

1. Every citizen of one of the member states is a citizen of the Union. This citizenship is complementary, not substitutive.
2. All citizens of the age of eighteen years or older have the Union right to vote. The right to run for a political post of the Union is reserved to all citizens of eighteen years or older without a criminal record.
If during a term of office doubts should rise about the integrity of a democratically elected person, he will be obliged to lay down his function until a judicial inquiry has proved such doubts to be unfounded.
3. All citizens of the Union have the right to move and settle themselves freely on the territory of all member states.
4. Within the Union there is free movement of goods, services and capital.
5. Every citizen of the Union in a foreign country has the right to full assistance of each embassy of the Union.
6. All citizens have the right to present a petition to the Union authorities and to be answered in their recognised union language.
7. Every nationally recognised language is a language of the Union.

Chapter 2: Institutions of the Union

Article 4: The Legislative

1. The legislative power of the Union is vested in the European Parliament and the European Senate.
2. The European Parliament represents the citizens of the Union. Its members are elected for a term of five years on the basis of direct, proportional and secret elections, the rules of which are to be identical in all member states. Citizens can vote for a candidate from every member state and together elect five hundred representatives for parliament. Each member state provides at least four parliamentarians, being those candidates of the nationality of this member state having received the highest number of votes. The remaining seats are distributed among those candidates, of whichever Union nationality, who, after the first allotment, have received the highest number of votes. The parliamentarians elect the President of the European Parliament from their midst.
3. The European Senate represents the states of the Union. Every member state delegates two senators, proposed by their respective governments and approved by the national parliament, for a term of five years. The senators elect from their midst the President of the European Senate.
4. Amendments to the Constitution are to be approved by a two thirds majority of the total number of representatives in both Parliament and Senate. After this, Parliament is dissolved and elections are held. The new Parliament and Senate, by another two thirds majority of the total number of representatives, then are to approve the amendments once more on second reading.

Article 5: The Executive

1. The executive power of the Union lies in the hands of the European Government.
2. The European Government consists of the European President, the European secretaries and the heads of state and government of all member states.
3. The European President presides over the European Government. He is directly elected by the citizens by means of free, proportional and secret elections for a term of five years.
The President needs to be elected with absolute majority of votes.
4. The European secretaries are appointed by the European President with the approval of the European Parliament and are each responsible for one of the policy areas falling within the competence of the Union.
Like the President himself, they may not fulfil a national mandate.
5. The President appoints one of his secretaries Vice-President.
6. The President and Vice-President need to be citizens of different member states.

Article 6: The Judiciary

1. The highest judicial organ of the Union is the European High Court.
2. The European High Court is the guardian of the Constitution.
It has the task of interpreting the legislation of the Union at the request of the European institutions, member states, national courts and natural or legal persons, as well as of guaranteeing that the fundamental rights and freedoms laid down in national, Union and international legislation, conventions and treaties are duly observed.
3. The European High Court declares null and void those national laws and judgments that are incompatible with Union law.
4. The Court consists of one judge per member state, chosen by the national parliament from a list of three candidates, presented by the national government.
The term of a judge is six years. He can be removed from office if the remaining judges, by a two thirds majority, deem him unfit to continue exercising his function.

Article 7: European Central Bank

1. The European Central Bank (ECB) has the exclusive right to issue the currency of the Union, the euro.
2. The ECB is independent and determines for all member states having adopted the European currency the monetary policy, aimed at preserving the value of the euro.

Article 8: European Court of Auditors

1. The European Court of Auditors reviews the finances of the Union.
2. The European Court of Auditors is independent and has the right to advise the European Government on the basis of its findings.

Chapter 3: Competences of the Union

Article 9: Sovereignty

1. The Union recognises the constitutional structure of its member states and respects the competences of the national governments and representatives.
2. The member states recognise the competences of the Union and bind themselves to implement and transpose its laws and framework laws into their national legislation.

Article 10: Exclusive Competences of the Union

1. Everything relating to the internal market, the free movement of persons, goods, services, and capital and the relations of the Union with countries that are not its members falls under the exclusive competence of the Union. The member states therefore unanimously delegate the exclusive legislative competence in the following policy fields to the Union's organs:

- Economic policy and market regulation in the broadest sense; this comprises, in particular:
 - Transnational competition
 - Protection of intellectual property rights
 - Measures of state aid
 - Cooperation in the field of private law
 - Common trade policy
- Transport
- Agriculture and fishery
- Immigration- and asylum policy
- Foreign- and security policy

2. In the aforementioned policy fields the Union adopts laws. These are binding and directly applicable in all member states.

Article 11: Coordinating Competences of the Union

1. The Union has coordinating competences for the protection of the welfare, health, development and security of its citizens. The member states therefore unanimously delegate the legislative competence to coordinate the following policy fields to the organs of the Union:

- Environmental conservation
- Health protection
- Consumer protection
- Social- and employment policy
- Transnational networks
- Research and technological development
- Justice- and police cooperation

2. In the aforementioned policy fields the Union adopts framework laws. Member states are obliged to transpose these into national legislation within the agreed term.

Article 12: Remaining Competences

Every competence that is not explicitly assigned to the Union is a competence of the member states.

Article 13: Further Particulars with regard to the European Foreign- and Security Policy

1. The member states are unconditionally to support the common foreign policy of the Union. They abstain from signing additional treaties and from any unilateral diplomatic or military action capable of endangering its unity or effectiveness.

2. Guaranteeing the security and defence of the territory of the Union is a task of all member states.

They fulfil this task in a spirit of solidarity and eventually strive towards the creation of a collective and autonomous defence force of the Union.

Chapter 4: Working Methods of the Union

Article 14: Working Method of the European Government

1. The European Government sets out guidelines on the basis of which the European President and his secretaries adopt legislative proposals.
The Government convenes once every three months, or that more often a majority of its members deems necessary.
2. The daily governance of the Union is in the hands of the President and his secretaries. The proposals for laws and framework laws they draft are discussed with all heads of state and government and subsequently presented to the European Parliament.

Article 15: Working Method of the European Parliament

1. The European Parliament has a parallel right of initiative and discusses in public assembly the proposals of the European Government, as well as its own.
2. The European Parliament has the right of amendment.
3. Proposals are adopted by simple majority of votes, provided that a majority of the total number of parliamentarians has cast its vote.
4. The European Parliament has the right of inquiry.
5. The European Parliament has the right to impeach one or more European secretaries, as well as the European President.
Such a motion needs to be adopted by a two thirds majority of votes in Parliament and Senate, provided that in both at least two thirds of the total number of representatives casts its vote. If the President is removed from office, Parliament will be dissolved and new elections are held.
6. Proposals for laws and framework laws adopted by Parliament are to be submitted to the European Senate.

Article 16: Working Method of the European Senate

1. The European Senate discusses in public assembly the legislative proposals submitted to it by Parliament.
2. The European Senate has a controlling function. It can only adopt or reject a legislative proposal in its entirety, by normal majority of votes.
3. Once a proposal for a law or framework law is adopted by the European Senate it is signed by the European President and therewith acquires force of law.

Article 17: Publication of Laws and Framework Laws

Laws and framework laws are published in the Official Journal of the European Union and are at the disposal of the citizens of the Union through popular means of communication at all times.

Article 18: Implementation of enacted legislation

The European Government controls that adopted laws and framework laws are implemented or timely and correctly transposed by member states.

Chapter 5: Finances of the Union

Article 19: The Union's Funds

1. The Union obtains its funds from the contribution of its member states. The contribution per member state is determined on the basis of tax revenues and Gross National Product. The estimate is to be approved by the national parliament in question.
2. Once a year the European Government renders account of the spending of the Union's funds to the European Parliament.

Article 20: The Budget

Each year the European Government submits a budget estimate to Parliament, which has to be approved by simple majority of votes in both Parliament and Senate.

Chapter 6: Membership of the Union

Article 21: Application for Union Membership

1. The European Union is open to all states that respect its principles and feel attracted to its membership on cultural or geographical grounds.
2. The intention to apply for the membership of the Union needs to be confirmed by a popular referendum.
3. A qualified application is treated by the European Government, which looks into whether the applying state observes the founding principles of the Union.
4. A positively judged application is submitted by the Government to the European Parliament and Senate, which need to approve it by a two thirds majority of votes.
5. After the approval by Parliament and Senate the membership takes effect on the date agreed upon by the Union and the candidate member state.

Article 22: Suspension of a Member State

1. A member state can be suspended if it deliberately acts in defiance of the European Constitution, if it violates the fundamental rights of its citizens, if it refuses to implement the laws of the Union or to transpose framework laws into national legislation within the agreed term.

2. The proposal to suspend a member state needs to be adopted by a two thirds majority of votes in Parliament and in the Senate.

The suspension takes effect immediately.

Article 23: Voluntary Secession from the Union

Every member state is free to secede from the Union if this wish is made known by the national government and parliament, and has been confirmed by the people by means of a referendum.

Concluding Observations

This Constitution aims at being a clear, accessible and solid foundation of the European Union. But just a Constitution is not enough for a good functioning of Europe. Only the involvement of citizens, the sense of duty of public servants and the integrity of politicians can guarantee the authority and value of the Constitution. Transparency of government and pluralism of information are vital for this.

Within the European Union there will always need to be space for founded criticism from society; the representatives and administrators are to be reminded time and time again that they are at the service of the people and thus in the end accountable to the people.

By accepting a role as public servant they oblige themselves to uphold this Constitution and not to fulfil their office with high-handedness or for personal gain.

This Constitution is the renewed and highest legal basis of the Union. Its full content needs to be understood and interpreted in light of secondary Union legislation currently in force and the Charter of Fundamental Rights of the European Union.

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