



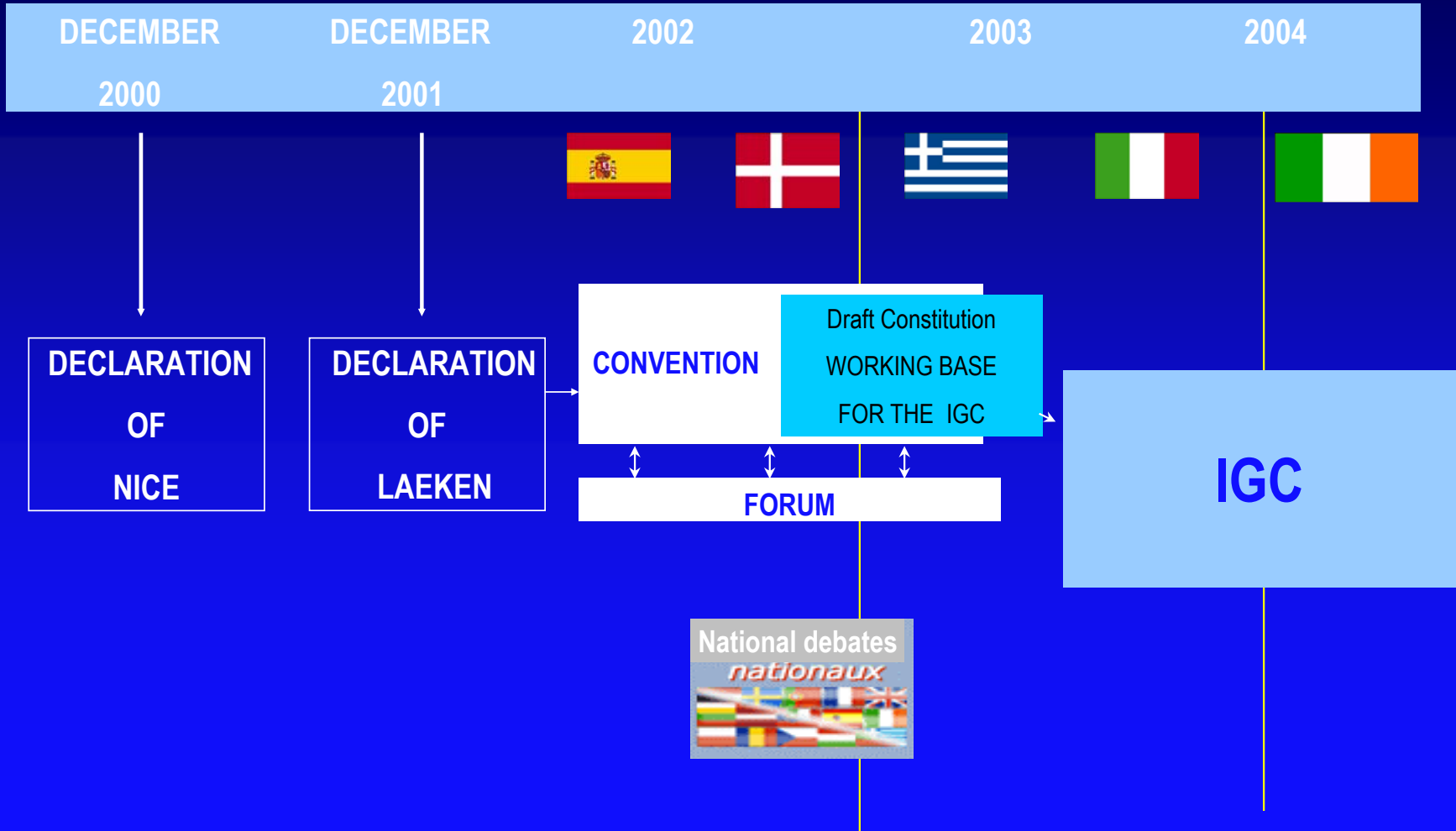
## **A Constitution** for Europe

**On 18 June 2004, the Intergovernmental Conference, constituted by the Heads of States or governments of the 25 Member States adopted the Treaty establishing a Constitution for Europe.**

**The attached presentation aims to present the major questions resolved by the Constitution and thus show the modifications made to the Treaty of Nice.**

**This document has been produced by the services of the European Commission as an information tool and in no way commits Institutions.**

# FROM THE CONVENTION TO THE CONSTITUTION



# FROM THE ADOPTION OF THE CONSTITUTION TO ITS ENTRY INTO FORCE

2004

2005



Elections  
PE

BY NATIONAL  
PARLIAMENT

Signature by Head

Ratifications

IGC

CONSTITUTION

of States or  
governments

by  
Member States

COMING  
INTO FORCE

1 MAY  
EUR 25

New  
Commission  
1/11/04

BY REFERENDUM



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## ***How to assess the results of the Constitution ?***

- ***Simplification***
- ***Democracy***
- ***Transparency***
- ***Effectiveness***
- ***Legitimacy***



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**• ONE TREATY**

- A LEGAL PERSONALITY FOR THE EUROPEAN UNION**
- GENERALISATION OF THE LEGISLATIVE PROCEDURE**
- A REDUCED NUMBER OF LEGISLATIVE INSTRUMENTS**
- CLARIFICATION OF COMPETENCES**



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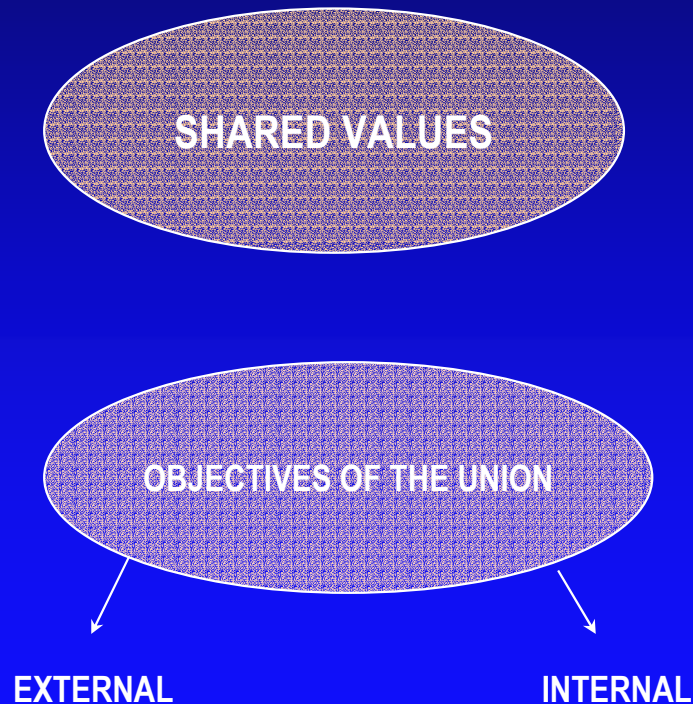
- **THE CHARTER OF FUNDAMENTAL RIGHTS**
- **PUBLIC MEETINGS OF THE COUNCIL/LEGISLATOR**
- **ENHANCED ROLE FOR THE NATIONAL PARLIAMENTS**  
*(Monitoring of the principle of subsidiarity)*
- **TAKING ACCOUNT OF CIVIL SOCIETY**



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- **A BALANCED INSTITUTIONAL SYSTEM**
  - **A LIMIT ON THE RIGHT OF VETO**
- **PROGRESS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE**
  - **A HIGHER PROFILE FOR THE EU**  
*(One Foreign Affairs Minister)*

# CLARIFICATIONS



## UNION / MEMBER STATE RELATIONS

- Principle of loyal cooperation
- Respect of the equality of Member States before the Constitution by the EU
- Principle of attribution of competences

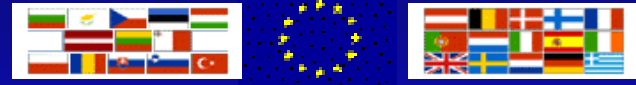
*Protocol on the application of the principles of subsidiarity and proportionality*

- Primacy of Community law



## A Constitution for Europe

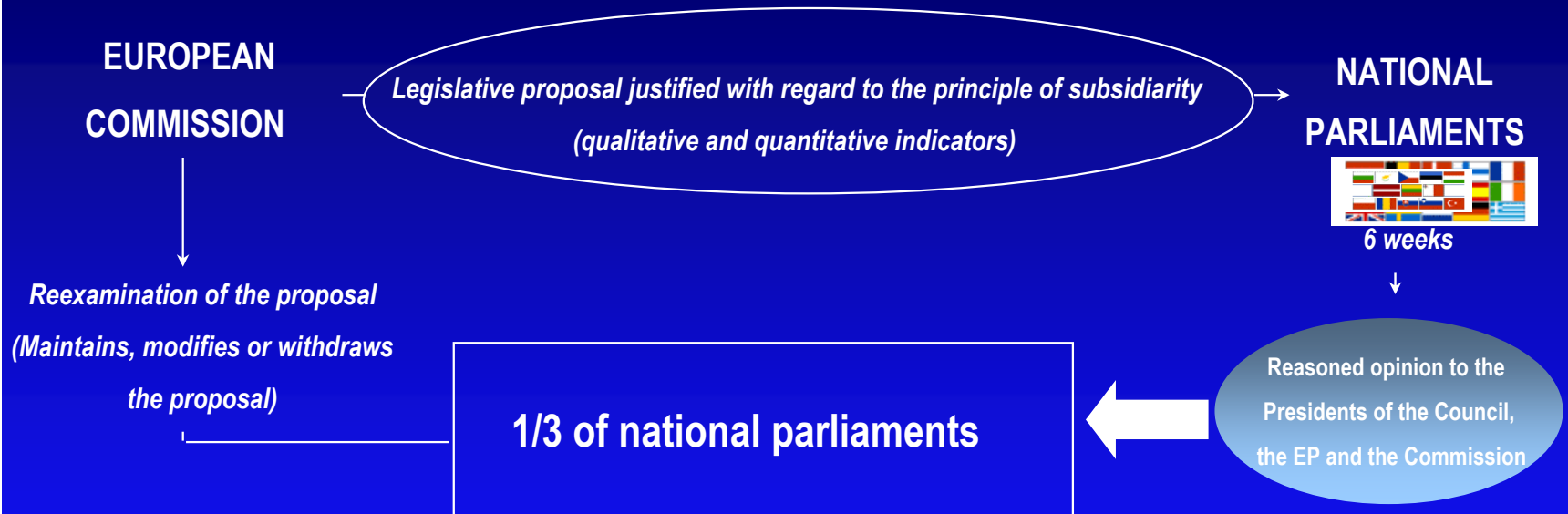
### Characteristics of the legislative procedure



- The Commission consults and proposes
- The Council of Ministers and the European Parliament legislate
- The Court of Justice ensures that the law is observed
- *National Parliaments can have their say*
- *The European Economic and Social Committee and the Committee of the Regions become involved*



# INVOLVEMENT OF NATIONAL PARLIAMENTS



- *Similar procedure during the legislative procedure*
- *Possibility to proceed before the Court of Justice (Member States)*

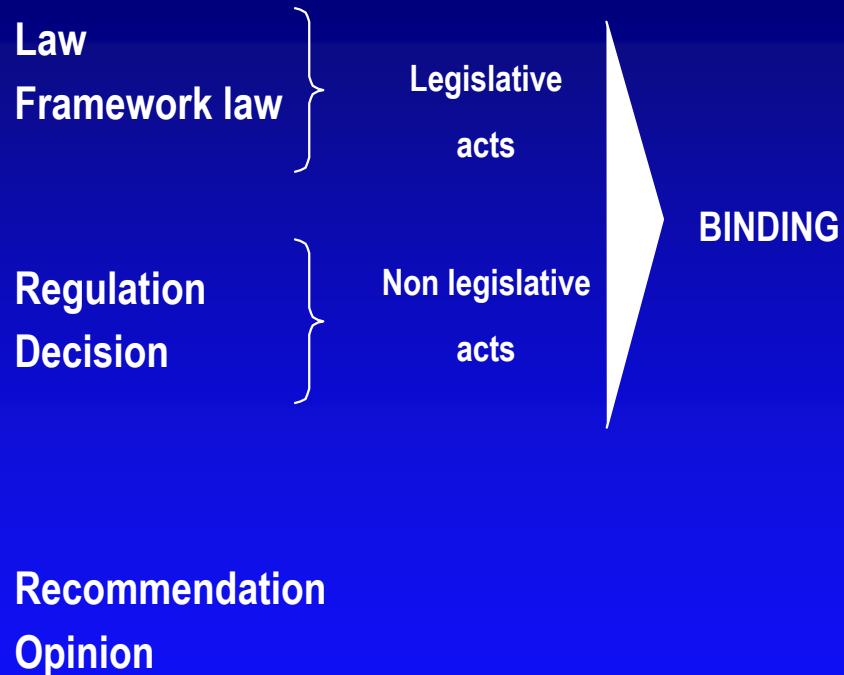
## BEFORE THE CONSTITUTION

More than 15 legislative instruments....

- Regulation
- Convention (EC Treaty)
- Convention (EC Treaty)
- Directive
- Framework Decision
- Decision
- Decision (Title V, EU Treaty)
- Decision (Title VI, EU Treaty)
- Principles and general approaches
- Joint strategy
- Action
- Common position (Title V, EU Treaty)
- Common position (Title VI, EU Treaty)
- Recommendation
- Opinion

## CONSTITUTION

6 legislative instruments



## CLARIFICATION OF THE UNION'S POWERS

- **Exclusive competences** → *Only the EU may legislate*
- **Shared competences** → *The EU or Member States may legislate*
- **Supporting, coordinating and complementary actions** → *The EU cannot harmonize*
- **Coordination of economic and employment policies**
- **Common foreign and security policy**

## EXCLUSIVE COMPETENCES OF THE UNION



- **Customs union**
- **The establishing of the competition rules necessary for the functioning of the internal market**
- **Monetary policy for € Member States**
- **Conservation of marine biological resources**
  - *In the context of the common fisheries policy*
- **Common commercial policy**
- **International agreement when :**
  - *Is provided for in a legislative act of the Union*
  - *Is necessary to enable the Union to exercise its internal competence*
  - *Insofar as its conclusion may affect common rules or alter their scope*

## SHARED COMPETENCES OF THE UNION



- Internal market
- Social policy for aspect defined in part III
- Economic, social and territorial cohesion
- Agriculture & fisheries
- Environment
- Consumer protection
- Transport
- Trans-European networks
- Energy
- Area of freedom, security and justice
- Common safety concerns in public health matters, for aspect defined in part III
- Research, technological development and space
- Development cooperation and humanitarian aid

## SUPPORTING, COORDINATING AND COMPLEMENTARY ACTIONS



- Protection and improvement of human health
  - Industry
  - Culture
  - Tourisme
- Education, Vocational training, Youth, Sport
  - Civil protection
  - Administrative cooperation

## COORDINATION OF ECONOMIC AND EMPLOYMENT POLICIES



### Coordination of economic policies



- Establishing of broad guidelines
- Common interest and implementation of the EU's objectives
- Specific provisions for MS in the euro zone



### Coordination of employment policies



Guidelines

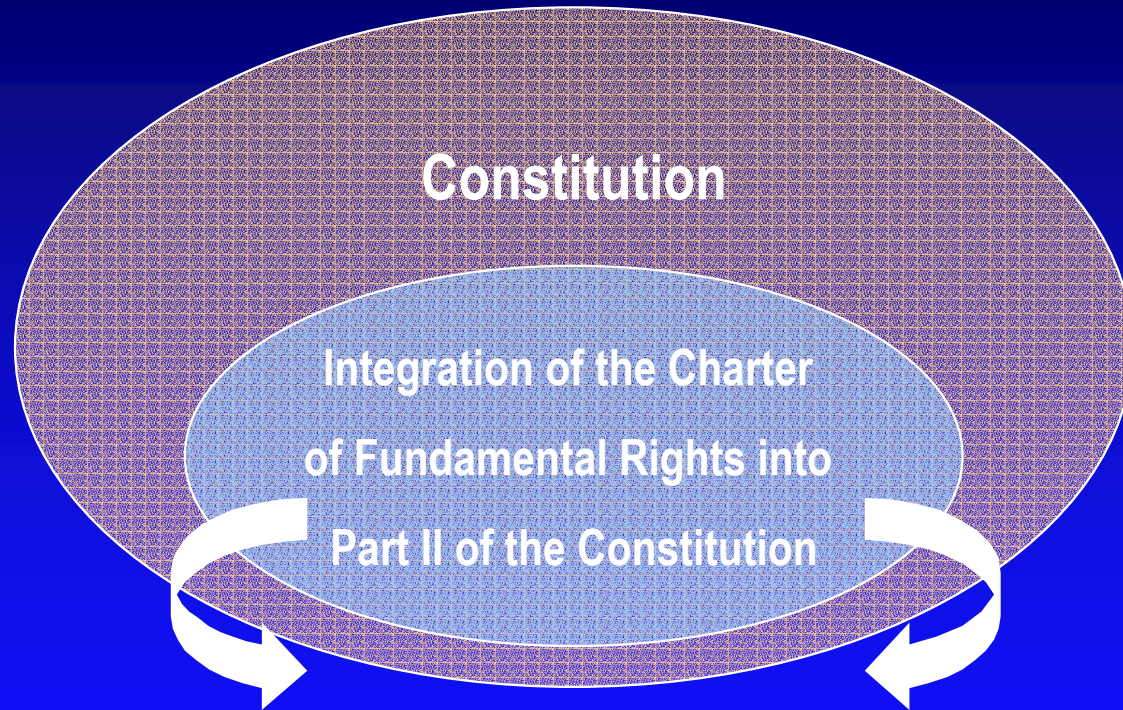


### Coordination of social policies



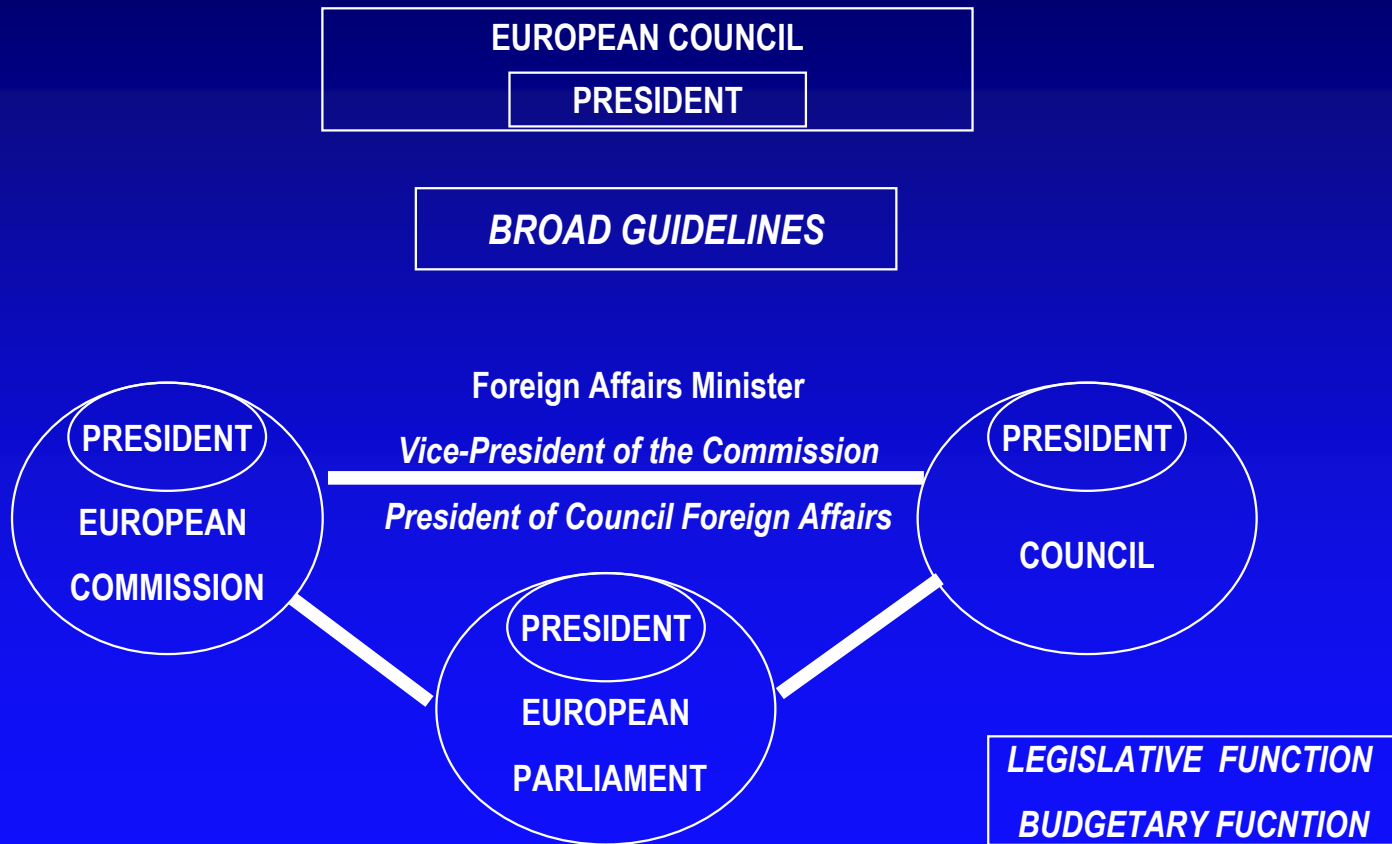
EU initiatives

# CHARTER OF FUNDAMENTAL RIGHTS



**LEGALLY BINDING**

# A BALANCED INSTITUTIONAL SYSTEM





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# THE EUROPEAN PARLIAMENT

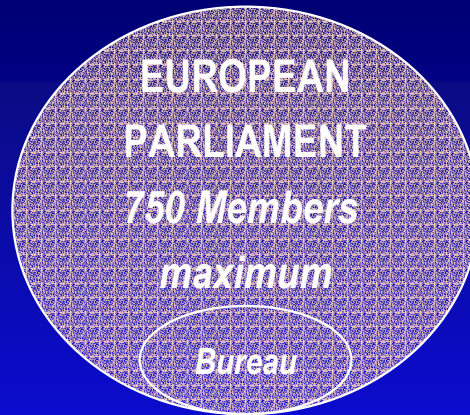
*Representation of European citizens*



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**DIRECTLY  
ELECTED BY  
UNIVERSAL  
SUFFRAGE**

**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**

**ADVISORY  
FUNCTION**

**LEGISLATIVE  
FUNCTION**

**SHARED WITH THE COUNCIL**

**BUDGETARY  
AUTHORITY**

**SHARED WITH THE COUNCIL**

**POLITICAL  
WATCHDOG**



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# THE EUROPEAN COUNCIL

*The driving force behind EU policies*



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PRESIDENT OF THE EUROPEAN COUNCIL  
HEADS OF STATE 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

### PRESIDENT



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# THE PRESIDENT OF THE EUROPEAN COUNCIL



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## 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  
Powers of the Union 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



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# THE COUNCIL OF MINISTERS



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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**

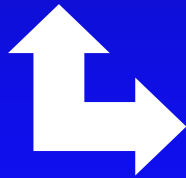
- Ensure consistency in the work of the different Council Configurations
- Prepare and ensures the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission

*European Commission*

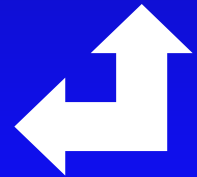
# THE PRESIDENCY OF COUNCIL CONFIGURATIONS

- *Presidency of Council of Foreign Affairs held by par  
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





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# THE EUROPEAN COMMISSION

*Safeguards the general European interest*



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External representation  
of EU



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

Safeguards the general  
European interest



- Ensures application of the Constitution

Right of initiative



- Proposes legislation except where the Constitution provides otherwise

Functions

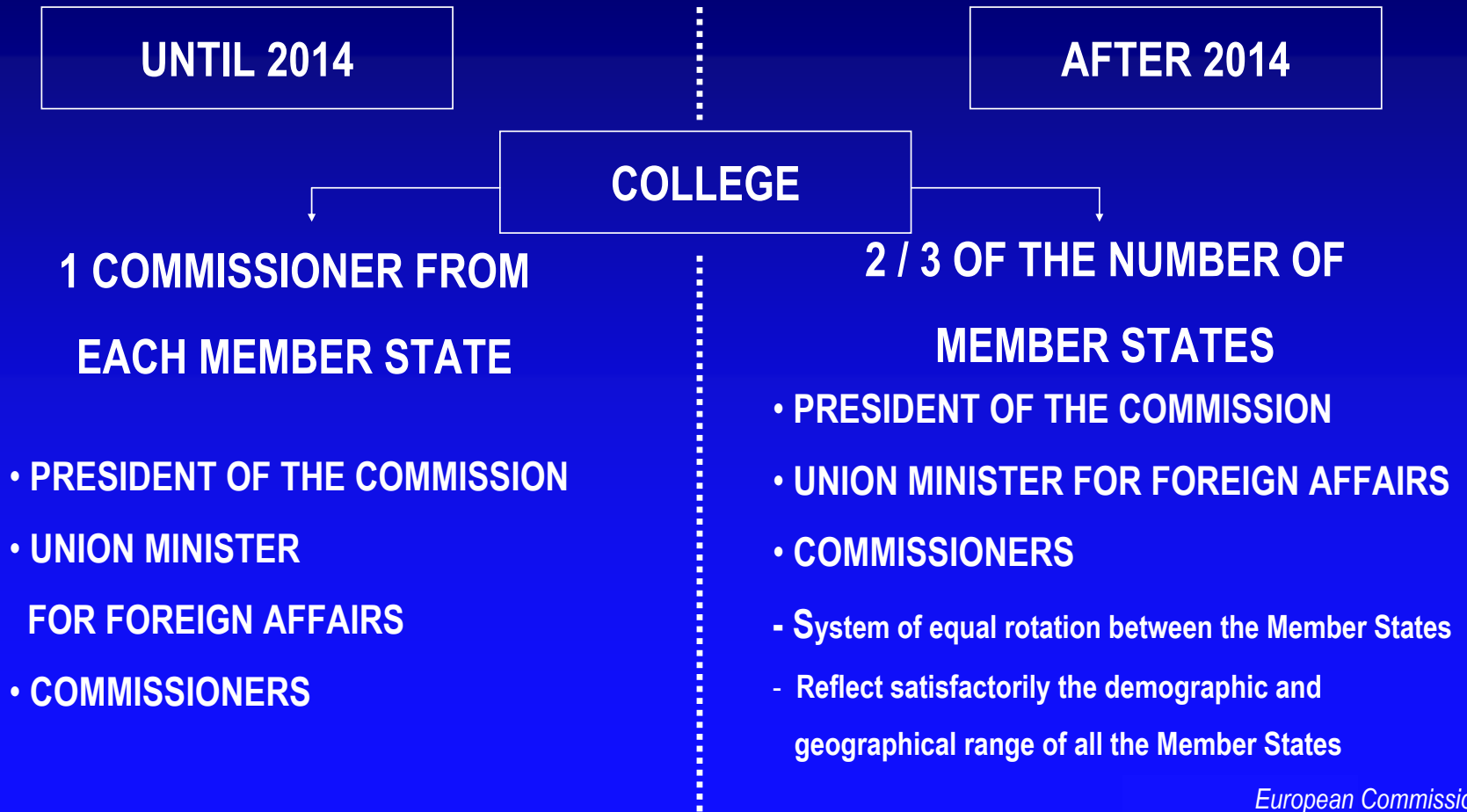


- Coordinating
- Executive
- Management

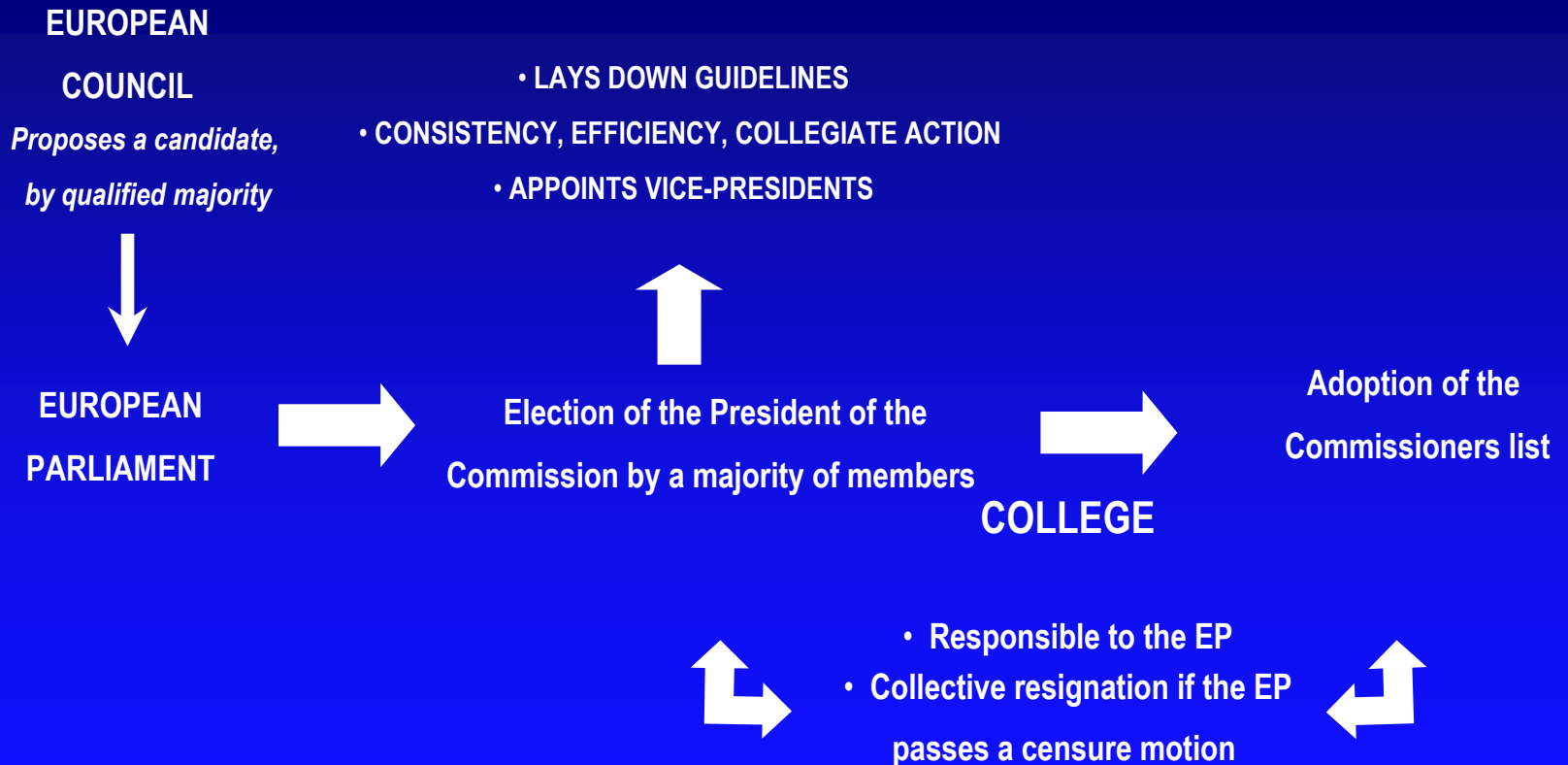
## INDEPENDENCE

*Takes no instructions from governments or other bodies*

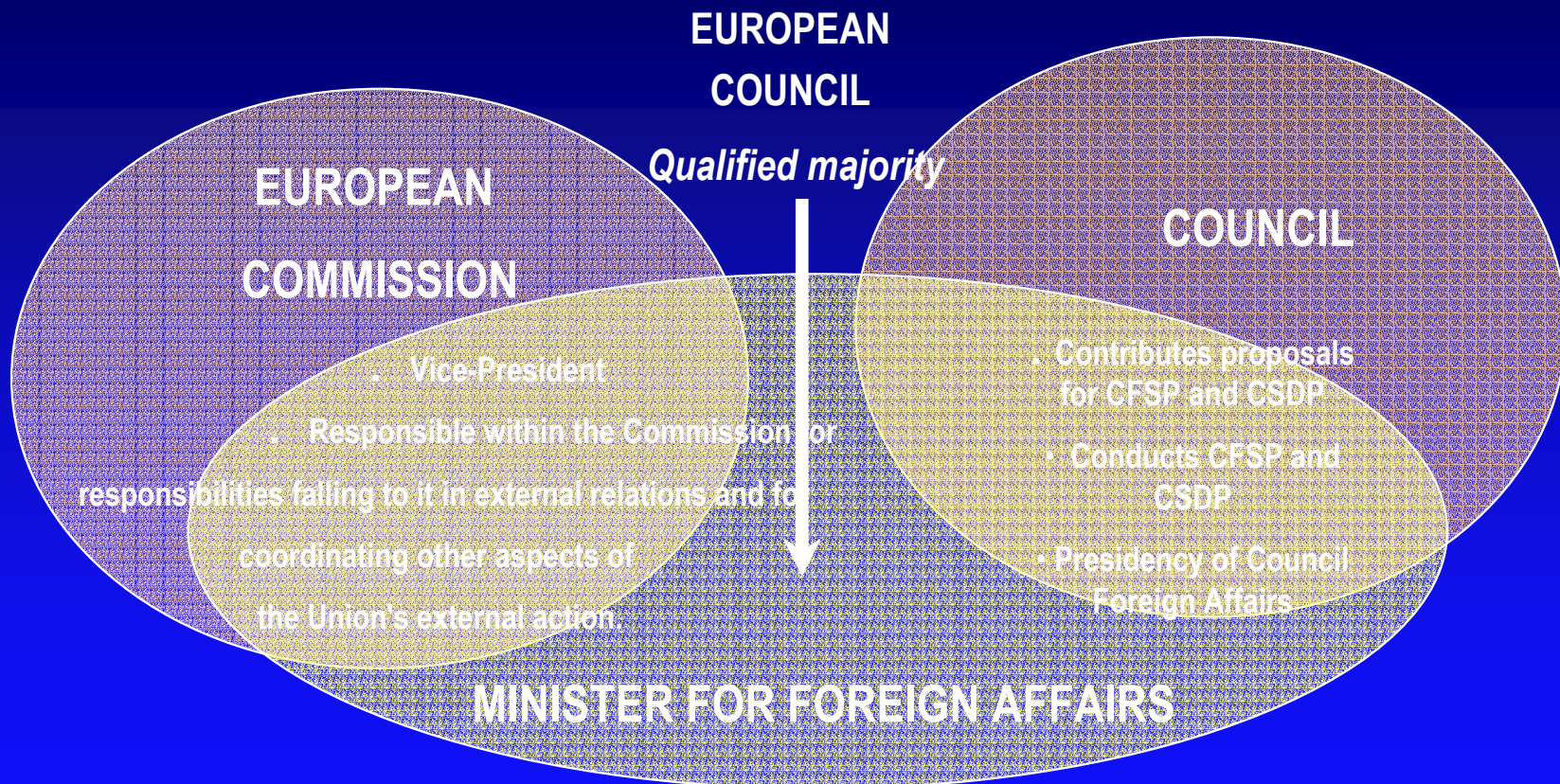
# COMPOSITION OF THE EUROPEAN COMMISSION



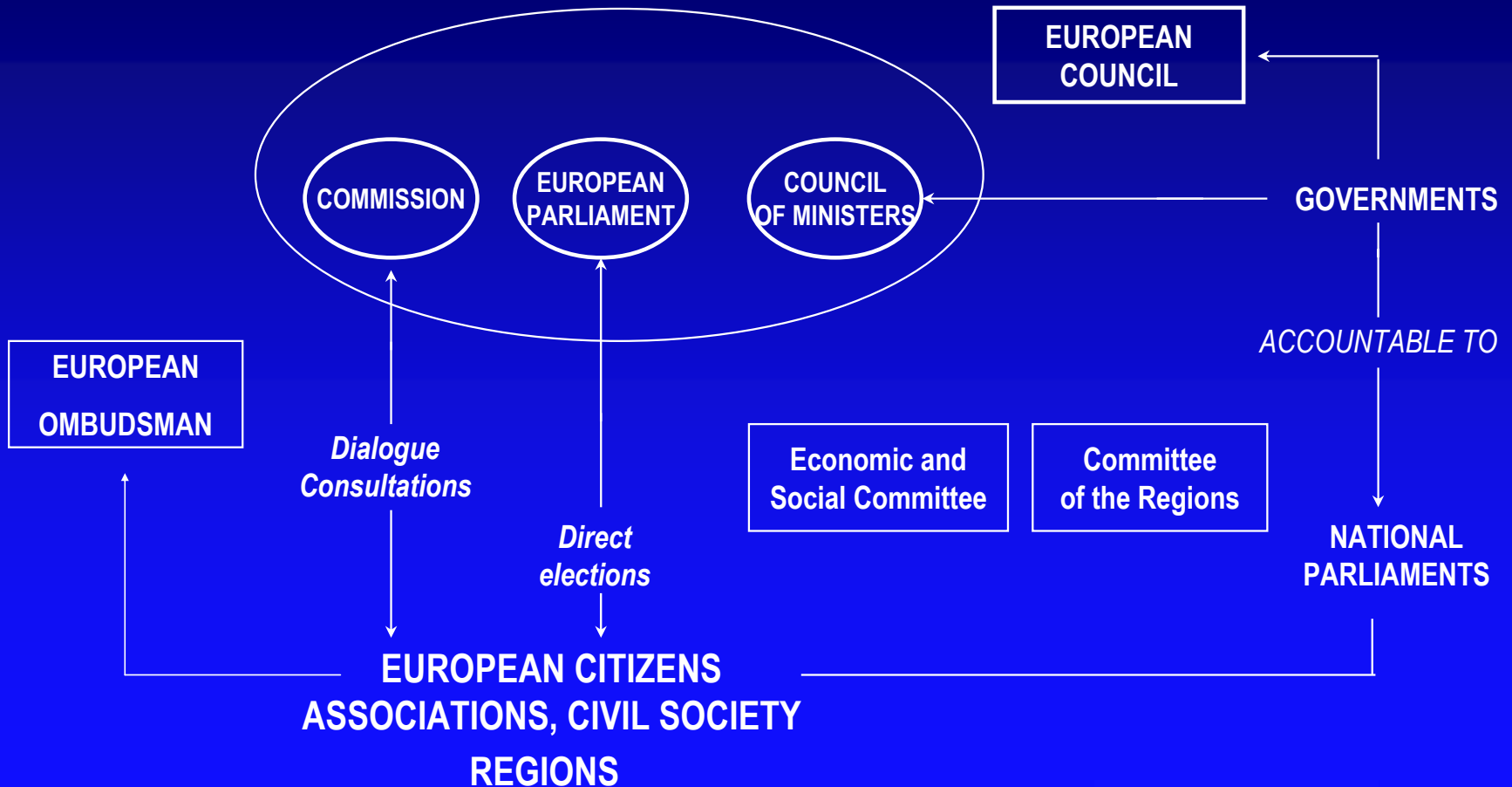
# THE PRESIDENT OF THE COMMISSION



# THE UNION MINISTER FOR FOREIGN AFFAIRS



# THE EUROPEAN UNION AND DEMOCRACY





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**EXTENSION OF QUALIFIED-MAJORITY VOTING.....**  
**.....BUT VETO KEPT IN CERTAIN AREAS**



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## LEGISLATIVE PROCEDURE

**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**

***Effective from 1<sup>st</sup> November 2009***

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

*With some more conditions*

*European Commission*



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## **LEGISLATIVE PROCEDURE**

**BLOCKING MINORITY**



**MUST INCLUDE AT LEAST 4 COUNCIL MEMBERS**

# “BRIDGE CLAUSE”

EUROPEAN COUNCIL



*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

IMPOSSIBLE TO USE THE BRIDGE CLAUSE  
FOR DECISIONS HAVING MILITARY  
IMPLICATIONS OU THE DEFENSE AREA

• IMPOSSIBILITY TO USE THE CLAUSE  
IF 1 NATIONAL PARLIAMENT IS AGAINST

## PROGRESS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE

Visas, asylum, border checks

Judicial cooperation in civil  
and criminal matters,  
Police cooperation

- Almost general use of the Community method and qualified-majority voting
  - Specific methods retained for police and judicial cooperation
    - Unanimity voting retained in certain areas
- Member States retain the right to propose legislation, in certain areas, jointly with the Commission



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## **Role of the Union on the international scene**

- **One Foreign Affairs Minister / Vice-President of the Commission**
- **Decisions taken unanimously, sometimes by qualified majority**
- **Member States can go further if they wish to**

## **Defence**

- **European Armaments, Research and Military Capabilities Agency**
- **Joint disarmament operations**
- **Solidarity : terrorist attack on a Member State, or natural disaster, or disaster having a human origin**
- **Member States can go further if they wish to**

Back to « The future of Europe » of the European Commission



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