

PART IV

GENERAL AND FINAL PROVISIONS

Article IV-1: The symbols of the Union¹

The flag of the Union shall be a circle of twelve golden stars on a blue background.

The anthem of the Union shall be based on the Ode to Joy from the Ninth Symphony by Ludwig van Beethoven.

The motto of the Union shall be: United in diversity.

The currency of the Union shall be the euro.

9 May shall be celebrated throughout the Union as Europe day.

Article IV-2: Repeal of earlier Treaties

The Treaty establishing the European Community, the Treaty on European Union and the acts and treaties which have supplemented or amended them and are listed in the Protocol annexed to the Treaty establishing the Constitution shall be repealed as from the date of entry into force of the Treaty establishing the Constitution.

Article IV-3: Legal continuity in relation to the European Community and the European Union

The European Union shall succeed to all the rights and obligations of the European Community and of the Union, whether internal or resulting from international agreements, which arose before the entry into force of the Treaty establishing the Constitution by virtue of previous treaties, protocols and acts, including all the assets and liabilities of the Community and of the Union, and their archives.

The provisions of the acts of the Institutions of the Union, adopted by virtue of the treaties and acts mentioned in the first paragraph, shall remain in force under the conditions laid down in the Protocol annexed to the Treaty establishing the Constitution. The case-law of the Court of Justice of the European Communities shall be maintained as a source of interpretation of Union law.

Article IV-4: Scope

1. The Treaty establishing the Constitution shall apply to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland,...

2. The Treaty establishing the Constitution shall apply to the French overseas departments, the Azores, Madeira and the Canary Islands in accordance with Article III-329 of Part III.

3. The special arrangements for association set out in Title IV of Part III of the Treaty establishing the Constitution shall apply to the overseas countries and territories listed in Annex II to the TEC.

The Treaty establishing the Constitution shall not apply to overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in that list.

4. The Treaty establishing the Constitution shall apply to the European territories for whose external relations a Member State is responsible.

5. The Treaty establishing the Constitution shall apply to the Åland Islands in accordance with the provisions set out in Protocol 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

6. Notwithstanding the preceding paragraphs:

- (a) the Treaty establishing the Constitution shall not apply to the Faeroe Islands;
- (b) the Treaty establishing the Constitution shall not apply to the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus;
- (c) the Treaty establishing the Constitution shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed on 22 January 1972.

¹ Praesidium Note: The Convention considers that this Article would be better situated in Part I.

Article IV-5: Regional unions

The Treaty establishing the Constitution shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the said Treaty.

Article IV-6: Protocols

The protocols annexed to this Treaty shall form an integral part thereof.

Article IV-7: Procedure for revising the Treaty establishing the Constitution

1. The government of any Member State, the European Parliament or the Commission may submit to the Council of Ministers proposals for the amendment of the Treaty establishing the Constitution. The national Parliaments of the Member States shall be notified of these proposals.

2. 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 Member States, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The European Council may decide by a simple majority, after obtaining the consent of the European Parliament, not to convene the 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 the conference of representatives of the governments of the Member States.

The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to the conference of representatives of the governments of the Member States provided for in paragraph 3.

3. The conference of representatives of the governments of the Member States shall be convened by the President of the Council of Ministers for the purpose of determining by common accord the amendments to be made to the Treaty establishing the Constitution.

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 the Treaty establishing the Constitution, 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.

Article IV-8: Adoption, ratification and entry into force of the Treaty establishing the Constitution

1. The Treaty establishing the Constitution shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.

2. The Treaty establishing the Constitution shall enter into force on, provided that all the instruments of ratification have been deposited, or, failing that, on the first day of the month following the deposit of the instrument of ratification by the last signatory State to take this step.

Article IV-9: Duration

The Treaty establishing the Constitution is concluded for an unlimited period.

Article IV-10: Languages²

The Treaty establishing the Constitution, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish, Swedish, Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovak and Slovenian languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.

² Praesidium Note: To be adjusted in accordance with the Act of Accession.

PROTOCOLS

PROTOCOL ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

RECALLING that the way in which individual national Parliaments scrutinise their own governments in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State,

DESIRING, however, to encourage greater involvement of national Parliaments in the activities of the European Union and to enhance their ability to express their views on legislative proposals as well as on other matters which may be of particular interest to them,

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

I. INFORMATION FOR MEMBER STATES' NATIONAL PARLIAMENTS

1. All Commission consultation documents (green and white papers and communications) shall be forwarded directly by the Commission to Member States' national Parliaments upon publication. The Commission shall also send Member States' national Parliaments the annual legislative programme as well as any other instrument of legislative planning or policy strategy that it submits to the European Parliament and to the Council of Ministers, at the same time as to those Institutions.

2. All legislative proposals sent to the European Parliament and to the Council of Ministers shall simultaneously be sent to Member States' national Parliaments.

3. Member States' national Parliaments may send to the Presidents of the European Parliament, the Council of Ministers and the Commission a reasoned opinion on whether a legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

4. A six-week period shall elapse between a legislative proposal being made available by the Commission to the European Parliament, the Council of Ministers and the Member States' national Parliaments in the official languages of the European Union and the date when it is placed on an agenda for the Council of Ministers for its adoption or for adoption of a position under a legislative procedure, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or position of the Council of Ministers. Save in urgent cases for which due reasons have been given, no agreement may be established on a legislative proposal during those six weeks. A ten-day period shall elapse between the placing of a proposal on the agenda for the Council of Ministers and the adoption of a position of the Council of Ministers.

5. The agendas for and the outcome of meetings of the Council of Ministers, including the minutes of meetings where the Council of Ministers is deliberating on legislative proposals, shall be transmitted directly to Member States' national Parliaments, at the same time as to Member States' governments.

6. When the European Council intends to make use of the provision of Article I-24(4), first subparagraph of the Constitution, national Parliaments shall be informed in advance. When the European Council intends to make use of the provision of Article I-24(4), second subparagraph of the Constitution, national Parliaments shall be informed at least four months before any decision is taken.

7. The Court of Auditors shall send its annual report to Member States' national Parliaments, for information, at the same time as to the European Parliament and to the Council of Ministers.

8. In the case of bicameral national Parliaments, these provisions shall apply to both chambers.

II. INTER-PARLIAMENTARY CO-OPERATION

9. The European Parliament and the national Parliaments shall together determine how inter-parliamentary co-operation may be effectively and regularly organised and promoted within the European Union.

10. The Conference of European Affairs Committees may submit any contribution it deems appropriate for the attention of the European Parliament, the Council of Ministers and the Commission. That Conference shall in addition promote the exchange of information and best practice between Member States' Parliaments and the European Parliament, including their special committees. The Conference may also organise inter-parliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy and of common security and defence policy. Contributions from the Conference shall in no way bind national Parliaments or prejudge their positions.

PROTOCOL ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

THE HIGH CONTRACTING PARTIES,

WISHING to ensure that decisions are taken as closely as possible to the citizens of the Union,

RESOLVED to establish the conditions for the application of the principles of subsidiarity and proportionality, as enshrined in Article I-9 of the Constitution, and to establish a system for monitoring the application of those principles by the Institutions,

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

1. Each Institution shall ensure constant respect for the principles of subsidiarity and proportionality, as laid down in Article I-9 of the Constitution.
2. Before proposing legislative acts, the Commission shall consult widely. Such consultations shall, where appropriate, take into account the regional and local dimension of the action envisaged. In cases of exceptional urgency, the Commission shall not conduct such consultations. It shall give reasons for the decision in its proposal.
3. The Commission shall send all its legislative proposals and its amended proposals to the national Parliaments of the Member States at the same time as to the Union legislator. Upon adoption, legislative resolutions of the European Parliament and positions of the Council of Ministers shall be sent to the national Parliaments of the Member States.
4. The Commission shall justify its proposal with regard to the principles of subsidiarity and proportionality. Any legislative proposal should contain a detailed statement making it possible to appraise compliance with the principles of subsidiarity and proportionality. This statement should contain some assessment of the proposal's financial impact and, in the case of a framework law, of its implications for the rules to be put in place by Member States, including, where necessary, the regional legislation. The reasons for concluding that a Union objective can be better achieved at Union level must be substantiated by qualitative and, wherever possible, quantitative indicators. The Commission shall take account of the need for any burden, whether financial or administrative, falling upon the Union, national governments, regional or local authorities, economic operators and citizens, to be minimised and commensurate with the objective to be achieved.
5. Any national Parliament or any chamber of a national Parliament of a Member State may, within six weeks from the date of transmission of the Commission's legislative proposal, send to the Presidents of the European Parliament, the Council of Ministers and the Commission a reasoned opinion stating why it considers that the proposal in question does not comply with the principle of subsidiarity. It will be for each national Parliament or each chamber of a national Parliament to consult, where appropriate, regional parliaments with legislative powers.

6. The European Parliament, the Council of Ministers and the Commission shall take account of the reasoned opinions issued by Member States' national Parliaments or by a chamber of a national Parliament. The national Parliaments of Member States with unicameral Parliamentary systems shall have two votes, while each of the chambers of a bicameral Parliamentary system shall have one vote.

Where reasoned opinions on a Commission proposal's non-compliance with the principle of subsidiarity represent at least one third of all the votes allocated to the Member States' national Parliaments and their chambers, the Commission shall review its proposal. This threshold shall be at least a quarter in the case of a Commission proposal or an initiative emanating from a group of Member States under the provisions of Article III-165 of the Constitution on the area of freedom, security and justice.

After such review, the Commission may decide to maintain, amend or withdraw its proposal. The Commission shall give reasons for its decision.

7. The Court of Justice shall have jurisdiction to hear actions on grounds of infringement of the principle of subsidiarity by a legislative act, brought in accordance with the rules laid down in Article III-270 of the Constitution by Member States, or notified by them in accordance with their legal order on behalf of their national Parliament or a chamber of it.

In accordance with the same Article of the Constitution, the Committee of the Regions may also bring such actions as regards legislative acts for the adoption of which the Constitution provides that it be consulted.

8. The Commission shall submit each year to the European Council, the European Parliament, the Council of Ministers and the national Parliaments of the Member States a report on the application of Article I-9 of the Constitution. This annual report shall also be forwarded to the Committee of the Regions and to the Economic and Social Committee.

PROTOCOL
ON THE REPRESENTATION OF CITIZENS IN THE
EUROPEAN PARLIAMENT AND THE WEIGHTING OF VOTES IN THE
EUROPEAN COUNCIL AND THE COUNCIL OF MINISTERS

THE HIGH CONTRACTING PARTIES,

HAVE ADOPTED the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

Article 1

Provisions concerning the European Parliament

1. Throughout the 2004-2009 parliamentary term, the number of representatives elected to the European Parliament in each Member State shall be as follows:

Belgium	24
Czech Republic	24
Denmark	14
Germany	99
Estonia	6
Greece	24
Spain	54
France	78
Ireland	13
Italy	78
Cyprus	6
Latvia	9
Lithuania	13
Luxembourg	6
Hungary	24
Malta	5
Netherlands	27
Austria	18
Poland	54
Portugal	24
Slovenia	7
Slovakia	14
Finland	14
Sweden	19
United Kingdom	78

Article 2**Provisions concerning the weighting of votes in the European Council and the Council of Ministers**

1. The following provisions shall remain in force until 1 November 2009, without prejudice to Article I-24 of the Constitution.

For deliberations of the European Council and of the Council of Ministers requiring a qualified majority, members' votes shall be weighted as follows:

Belgium	12
Czech Republic	12
Denmark	7
Germany	29
Estonia	4
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Cyprus	4
Latvia	4
Lithuania	7
Luxembourg	4
Hungary	12
Malta	3
Netherlands	13
Austria	10
Poland	27
Portugal	12
Slovenia	4
Slovakia	7
Finland	7
Sweden	10
United Kingdom	29

Decisions shall be adopted if there are at least 232 votes in favour representing a majority of the members where, under the Constitution, they must be adopted on a proposal from the Commission. In other cases decisions shall be adopted if there are at least 232 votes in favour representing at least two thirds of the members.

A member of the European Council or the Council of Ministers may request that, where a decision is taken by the European Council or the Council of Ministers by a qualified majority, a check is made to ensure that the Member States comprising the qualified majority represent at least 62% of the total population of the Union. If that proves not to be the case, the decision shall not be adopted.

2. For subsequent accessions, the threshold referred to in paragraph 1 shall be calculated to ensure that the qualified majority threshold expressed in votes does not exceed that resulting from the table in the Declaration on the enlargement of the European Union in the Final Act of the Conference which adopted the Treaty of Nice.

PROTOCOL ON THE EURO GROUP

The High Contracting Parties,

DESIRING to promote conditions for stronger economic growth in Europe and, to that end, to develop ever-closer co-ordination of economic policies within the euro area,

CONSCIOUS of the need to lay down special provisions for enhanced dialogue between the Member States which have adopted the euro, pending the accession of all Member States of the Union to the euro area,

HAVE AGREED UPON the following provisions, which are annexed to the Constitution:

Article 1

The Ministers of the Member States which have adopted the euro shall meet informally. Such meetings shall take place, when necessary, to discuss questions related to the specific responsibilities they share with regard to the single currency. The Commission and the European Central Bank shall be invited to take part in such meetings, which shall be prepared by the representatives of the Ministers with responsibility for finance of the Member States which have adopted the euro.

Article 2

The Ministers of the Member States which have adopted the euro shall elect a president for two and a half years, by a majority of those Member States.

PROTOCOL AMENDING THE EURATOM TREATY

THE HIGH CONTRACTING PARTIES,

RECALLING the necessity that the provisions of the Treaty establishing the European Atomic Energy Community should continue to have full legal effect,

DESIROUS however to adapt that Treaty to the new rules established by the Treaty establishing a Constitution for Europe, in particular in the institutional and financial fields,

HAVE ADOPTED the following provisions, which are annexed to the Treaty establishing a Constitution for Europe and amend the Treaty establishing the European Atomic Energy Community as follows:

Article 1

Article 3 shall be repealed.

Article 2

The heading of Title III "Institutional provisions" shall be replaced by the following:

"Institutional and financial provisions".

Article 3

1. Article 107 shall be replaced by the following:

"Article 107

The institutional and financial provisions of the Treaty establishing a Constitution for Europe (Articles I-18 to I-38, Articles I-52 to I-55 and Articles III-227 to III-316)) and Article I-58 of that Treaty shall apply to this Treaty without prejudice to the specific provisions laid down in Articles 134, 135, 144, 145, 157, 171, 172, 174 and 176.

2. Articles 107a to 133, 136 to 143, 146 to 156, 158 to 170, 173, 173a, 175, and 177 to 183a shall be repealed."

Article 4

The heading of Title IV “Financial provisions” shall be replaced by the following:

“Specific financial provisions”.

Article 5

In the third paragraph of Article 38 and the third paragraph of Article 82 the references to Articles 141 and 142 shall be replaced by references to Articles III-265 and III-266 respectively of the Treaty establishing a Constitution for Europe.

In Article 171(2), the first paragraph of Article 175, and Article 176(3) the references to Article 183 shall be replaced by references to Article III-318 of the Treaty establishing a Constitution for Europe.

In Article 172(4) the reference to Article 177(5) shall be replaced by a reference to Article III-310 of the Treaty establishing a Constitution for Europe.

In the last paragraph of Article 18 and in Article 83(2) the references to Article 164 shall be replaced by references to Article III-307 of the Treaty establishing a Constitution for Europe.

In Articles 38 and 82 the word “directive” shall be replaced by “European decision”.

In the Treaty the word “decision” shall be replaced by “European decision”.

Article 6

Article 190 shall be replaced by the following:

“The rules governing the languages of the Institutions shall, without prejudice to the provisions contained in the Statute of the Court of Justice, be determined by the Council of Ministers, acting unanimously”.

Article 7

Article 198 shall be amended as follows:

“(a) This Treaty shall not apply to the Faeroe Islands”.

Article 8

Article 201 shall be amended as follows:

“The Community shall establish close co-operation with the Organisation for Economic Co-operation and Development, the details of which shall be determined by common accord”.

Article 9

Article 206 shall be amended as follows:

“The Community may conclude with one or more States or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.

These agreements shall be concluded by the Council of Ministers, acting unanimously after consulting the European Parliament.

Where such agreements call for amendments to this Treaty, these amendments shall first be adopted in accordance with the procedure laid down in Article IV-7 of the Treaty establishing a Constitution for Europe.”.

DECLARATION
attached to the Protocol on the representation of citizens
in the European Parliament and the weighting of votes in the European Council and the Council of
Ministers

The common position which will be taken by the Member States of the European Union at the conferences on the accession of Romania and/or Bulgaria regarding the allocation of seats in the European Parliament and the weighting of votes in the European Council and the Council of Ministers shall be as follows. If the accession to the European Union of Romania and/or Bulgaria takes place before the entry into force of the European Council decision foreseen in Article I-19(2) of the Constitution, the number of their elected representatives to the European Parliament shall be calculated on the basis of the figures of 33 and 17 respectively, corrected according to the same formula as that which determined the number of representatives in the European Parliament for each Member State as indicated in the Protocol on the representation of citizens in the European Parliament and the weighting of votes in the European Council and the Council of Ministers.

The Treaty of Accession to the European Union may, by way of derogation from Article I-19(2) of the Constitution, stipulate that the number of members of the European Parliament may temporarily exceed 736 for the remainder of the 2004 to 2009 Parliamentary term.

Without prejudice to Article I-24(2) of the Constitution, the weighting of the votes of Romania and Bulgaria in the European Council and the Council of Ministers shall be 14 and 10 respectively until 1 November 2009. At the time of each accession, the threshold referred to in the Protocol on the representation of citizens in the European Parliament and the weighting of votes in the European Council and the Council of Ministers shall be decided by the Council of Ministers.

DECLARATION
ON THE CREATION OF A EUROPEAN
EXTERNAL ACTION SERVICE

To assist the future Union Minister for Foreign Affairs, introduced in Article I-27 of the Constitution, to perform his or her duties, the Convention agrees on the need for the Council of Ministers and the Commission to agree, without prejudice to the rights of the European Parliament, to establish under the Minister's authority one joint service (European External Action Service) composed of officials from relevant departments of the General Secretariat of the Council of Ministers and of the Commission and staff seconded from national diplomatic services.

The staff of the Union's delegations, as defined in Article III-230, shall be provided from this joint service.

The Convention is of the view that the necessary arrangements for the establishment of the joint service should be made within the first year after entry into force of the Treaty establishing a Constitution for Europe.

DECLARATION
IN THE FINAL ACT OF SIGNATURE
OF THE TREATY ESTABLISHING THE CONSTITUTION

If, two years after the signature of the Treaty establishing the Constitution, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter will be referred to the European Council.