

THE TREATY ON EUROPEAN UNION

HIS MAJESTY THE KING OF THE BELGIANS *,
THE PRESIDENT OF THE REPUBLIC OF BULGARIA,
THE PRESIDENT OF THE CZECH REPUBLIC,
HER MAJESTY THE QUEEN OF DENMARK *,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY *,
THE PRESIDENT OF THE REPUBLIC OF ESTONIA,
THE PRESIDENT OF IRELAND *,
THE PRESIDENT OF THE HELLENIC REPUBLIC *,
HIS MAJESTY THE KING OF SPAIN *,
THE PRESIDENT OF THE FRENCH REPUBLIC *,
THE PRESIDENT OF THE ITALIAN REPUBLIC *,
THE PRESIDENT OF THE REPUBLIC OF CYPRUS,
THE PRESIDENT OF THE REPUBLIC OF LATVIA,
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG *,
THE PRESIDENT OF THE REPUBLIC OF HUNGARY,
THE PRESIDENT OF MALTA,
HER MAJESTY THE QUEEN OF THE NETHERLANDS *,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE PRESIDENT OF THE REPUBLIC OF POLAND,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC *,
THE PRESIDENT OF ROMANIA,
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,
THE PRESIDENT OF THE SLOVAK REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND *,

* *B MDF Note: Heads of State at the time of signature of the Treaty on European Union at Maastricht, 7 February 1992.*

RESOLVED to mark a new stage in the process of European integration undertaken with the establishment of the European Communities,

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,

[BMDF Note: Recital taken from 2004 IGC – First Recital of Preamble]

RECALLING the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe,

CONFIRMING their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law,

CONFIRMING their attachment to fundamental social rights as defined in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers,

DESIRING to deepen the solidarity between their peoples while respecting their history, their culture and their traditions,

DESIRING to enhance further the democratic and efficient functioning of the institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them,

RESOLVED to achieve the strengthening and the convergence of their economies and to establish an economic and monetary union, in accordance with the provisions of *this Treaty and the Treaty on the Functioning of the European Union*, a single and stable currency,

DETERMINED to promote economic and social progress for their peoples, taking into account the principle of sustainable development and within the context of the accomplishment of the internal market and of reinforced cohesion and environmental protection, and to implement policies ensuring that advances in economic integration are accompanied by parallel progress in other fields,

RESOLVED to establish a citizenship common to nationals of their countries,

RESOLVED to implement a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence in accordance with the provisions of Article 17 *[BMDF Note: now Article 42]*, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world,

RESOLVED to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice, in accordance with the provisions of *this Treaty and the Treaty on the Functioning of the European Union*,

RESOLVED to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity,

IN VIEW of further steps to be taken in order to advance European integration,

HAVE DECIDED to establish a European Union and to this end have designated as their plenipotentiaries:

WHO, having exchanged their full powers, found in good and due form, have agreed as follows.

TITLE I

COMMON PROVISIONS

ARTICLE 1 [1] [*'Establishment of the Union' Article I-1 (ex Article 1 TEU)*]

By this Treaty, the HIGH CONTRACTING PARTIES establish among themselves a EUROPEAN UNION, hereinafter called 'the Union', **on which the Member States confer competences to attain objectives they have in common.**

This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and closely as possible to the citizen.

The Union shall be founded on the present Treaty and on the Treaty on the functioning of the European Union (hereinafter referred to as "the Treaties"). Those two Treaties shall have the same legal value. The Union shall replace and succeed the European Community.

ARTICLE 2 [1a] [*'The Union's Values', Article I-2 (ex Article 6(1) TEU)*]

The 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, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

[*BMDF Note: Original text moved from Article 6 TEU*]

ARTICLE 3 [2] [*'The Union's Objectives', Article I-3 (ex Article 2 TEC and Article 2 TEU)*]

1. **The Union's aim is to promote peace, its values and the well-being of its peoples.**
2. **The Union shall offer its citizens an area of freedom, security and justice without internal frontiers in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.**
3. ***The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly 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.***
It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.
It 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.
4. ***The Union shall establish an economic and monetary union whose currency is the euro.***
5. **In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. 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.**
6. **The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the *Treaties*.**

[*BMDF Note: Article 3 TEU shall be repealed*]

ARTICLE 4 [3a] [*'Relations between the Union and the Member States', Article I-5 (ex Article 10 TEC and Article 6(3) TEU)*]

1. *In accordance with Article 5, competences not conferred upon the Union in the Treaties remain with the Member States.*

2. *The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State.*

3. *Pursuant to the principle of sincere co-operation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.*

The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union.

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.

ARTICLE 5 [3b] [*'Fundamental principles relating to competences', Article I-11 (Paragraphs 3 and 4 ex Article 5 TEC)*]

1. *The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.*

2. *Under the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States.*

3. *Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. [BMDF Note: Paragraph taken from Article 5 TEC]*

The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments shall ensure compliance with that principle in accordance with the procedure set out in that Protocol.

4. *Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties.*

The institutions of the Union shall apply the principle of proportionality as laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

[BMDF Note: Article 4 TEU shall be repealed.]

[BMDF Note: Article 5 TEU shall be repealed.]

ARTICLE 6 [6] [*'Fundamental Rights', Article I-9 (ex Article 6 TEU)*]

[BMDF Note: Original text moved to Article 2 TEU]

1. *The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.*

The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.

The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.

[BMDF Note: Paragraph redrafted to reflect the UK's opt-out, Protocol No. 7]

2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the *Treaties*.

3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

[BMDF Note: See also Protocols nos. 5 and 7 and Declarations nos. 1, 2, 53, 61 and 62]

ARTICLE 7 [7] [*'Suspension of certain rights resulting from Union membership', Article I-59 (ex Article 49 TEU)*]

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the *European* Commission, the Council, acting by a majority of four-fifths of its members after obtaining the *consent* of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of *the values referred to in Article 2*. Before making such a determination, the Council shall hear the Member State in question *and may address recommendations to it, acting in accordance with the same procedure*.

The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

2. *The European Council, acting by unanimity* on a proposal by one-third of the Member States or by the *European* Commission and after obtaining the *consent* of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of *the values referred to in Article 2*, after inviting the Member State in question to submit its observations.

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of *the Treaties* to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under *the Treaties* shall in any case continue to be binding on that State.

4. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.

5. *The voting arrangements applying to the European Parliament, the European Council and the Council for the purposes of this Article are laid down in Article 354 of the Treaty on the Functioning of the European Union.*

ARTICLE 8 [7a] [*'The Union and its neighbours', Article I-57 (ex Article 300 TEC)*]

1. **The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on co-operation.**

2. **For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.**

[BMDF Note: See also Declaration no. 3]