

The Alternative EU Constitution

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Preamble

We, the people of the States of the European Union, grateful to God for our freedom, in order to secure its blessing, do establish this constitution.

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Article I Bill of Rights (18)

Section 1

Any limitation on the exercise of the rights and freedoms recognised by this Bill of Rights 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.

Section 2

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 Section.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.

Section 3

1. Everyone has the right to freedom of thought, conscience and 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.

Section 4

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.

Section 5

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 Section 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 recognised by the community of nations.
3. The severity of penalties must not be disproportionate to the criminal offence.

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Section 6

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.

Section 7

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 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.

Section 8

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. The freedom and pluralism of the media shall be respected.

Section 9

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 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.

Section 10

Everyone is equal before the law.

Section 11

1. Any discrimination based on any ground such as sex, race, colour, 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.

2. Within the scope of application of the Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

Section 12

Everyone has the right to liberty and security of person.

Section 13

1. Everyone has the right to life.

2. No one shall be condemned to the death penalty, or executed.

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Section 14

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.

Section 15

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.

Section 16

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, and agencies of the Union, in whatever form they are produced.

Section 17

Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly as possible and as closely as possible to the citizen.

Section 18

No less than one million citizens coming from a significant number of Member States may invite the European president to submit any appropriate proposal on matters where the citizens consider that a legal act of the Union is required for the purpose of implementing the constitution. A European law shall determine the provisions for the specific procedures and conditions required for such a citizens' initiative.

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Article II Suffrage

Section 1

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament and the European President in the Member State in which he or she resides, under the same conditions as nationals of that State.
2. The European President and the European parliament shall be elected by direct anyversal suffrage in a free and secret ballot.

Section 2

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

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Article III Legislature

Section 1

The legislative power of the European Union shall be vested in the European Parliament and the Council of Ministers

Section 2 ("Assembly")

The European Parliament shall be elected by direct universal suffrage of European citizens in free and secret ballot for a term of five years. Its members shall not exceed seven hundred and thirty-six in number. Representation of European citizens shall be degressively proportional, with a minimum threshold of four members per Member State.

Section 3 ("Senate")

The Council of Ministers shall consist of a representative of each Member State at ministerial level for each of its formations. Only this representative may commit the Member State in question and **cast (?)** its vote. Decisions of the Council of Ministers shall be taken by qualified majority.

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Article IV Executive

Section 1

The executive power shall be vested in the European President, who shall hold office for five years. There will also be a Vice-President. They shall be chosen jointly by the European citizens at a general election. The persons having the highest number of votes cast jointly for **them (?)** shall be elected.

Section 2

The European President shall be commander-in-chief of the military forces of the Union.

Section 3

The European President will have the power to convene the legislator.

Article V Civil Departments

Section 1

There shall not be more than 15 Civil Departments. The legislator may by law change the names of departments. The Civil Departments take instructions from the European President.

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Article V Judiciary

Section 1

1. The Court of Justice shall include the European Court of Justice, the High Court and specialised courts. It shall ensure respect for the law in the interpretation and application of the Constitution.

Member States shall provide rights of appeal sufficient to ensure effective legal protection in the field of Union law.

2. The European Court of Justice shall consist of one judge from each member State, and shall be assisted by Advocates-General. of

The High Court shall include at least one judge per Member State: the number shall be fixed by the Statute of the Court of Justice.

The judges and the Advocates-General of the European Court of Justice and the judges of the High Court, chosen from persons whose independence is beyond doubt and who satisfy the conditions set out by the legislator, shall be appointed by common accord of the governments of the Member States for a term of six years, renewable.

3. The Court of Justice shall:

- rule on actions brought by a Member State, an Institution or a national or legal person;
- give preliminary rulings, at the request of Member State courts, on the interpretation of Union law or the validity of acts adopted by the Institutions;
- rule on the other cases provided for by the legislator.

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Article VI The Union's Finances

Section 1

1. All items of Union revenue and expenditure shall be included in estimates drawn up for each financial year and shall be shown in the budget.
2. The revenue and expenditure shown in the budget shall be in balance.
3. The expenditure shown in the budget shall be authorised for the annual budgetary period in accordance with the European law.
4. The implementation of expenditure shown in the budget shall require the prior adoption of a binding legal act providing a legal basis for Union action and for the implementation of the expenditure in accordance with the European law. This act must take the form of a European law, a European framework law, a European regulation or a European decision.
5. With a view to maintaining budgetary discipline, the Union shall not adopt any act which is likely to have appreciable implications for the budget without providing an assurance that the proposal or measure in question is capable of being financed within the limit of the Union's own resources and the multiannual framework.
6. The Union's budget shall be implemented in accordance with the principle of sound financial management. Member States shall cooperate with the Union to ensure that the appropriations entered in the budget are used in accordance with the principles of sound financial management.
7. The Union and the Member States shall counter fraud and any other illegal activities affecting the financial interests of the Union.

Section 2

1. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.
2. Without prejudice to other revenue, the Union's budget shall be financed wholly from its own resources.
3. A European law of the Legislator shall lay down the limit of the Union's resources and may establish new categories of resources or abolish an existing category. That law shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements.
4. A European law of the Legislator shall lay down the modalities relating to the Union's resources.

Section 3

1. The multiannual financial framework shall ensure that Union expenditure develops in an orderly manner and within the own resources limits. It shall determine the amounts of the annual ceilings for committent appropriations by category of expenditure.
2. A European law of the Legislator shall lay down the multiannual financial framework.

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3. The annual budget of the Union shall comply with the multiannual financial framework.

Section 4

The European Parliament and the Council of Ministers shall, on a proposal from the European President, adopt the European law determining the Union's annual budget.

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Article VII Relations between the Union and the Member States

Section 1

1. The Union shall respect the national identities of the Member States, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including those for ensuring the territorial integrity of the State, and for maintaining law and order and safeguarding internal security.

2. Following the principle of loyal cooperation, the Union and the Member State shall, in full mutual respect, assist each other in carrying out tasks which flow from the Constitution.

The Member States shall facilitate the achievements of the Union's tasks and refrain from any measure which could jeopardise the attainment of the objectives of the Union.

Section 2

The Constitution, and law adopted by the Union's Institutions in exercising competences conferred on it, shall have primacy over the law of the Member States.

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Article VIII Defence

Section 1

The defence and protection of the Member States and the European Union is an obligation of all persons within the State. The Legislator shall provide for the discharge of this obligation and for the maintenance of an organised militia.

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Article IX Education

Section 1

The legislator shall provide for the maintenance and support of a system of free common schools, wherein all the children of the Union may be educated.

Section 2

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

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Article X Environmental Protection

Section 1

A high level of environmental protection and 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.

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Article XI Taxation

Section 1

The power of taxation shall never be surrendered, suspended or contracted away, except as to securities issued for public purposes pursuant to law. Any laws which delegate the taxing power shall specify the types of taxes which may be imposed thereunder and provide for their review.

Exemptions from taxation may be granted only by general laws. Exemptions may be altered or repealed except those exempting real or personal property used exclusively for religious, educational or charitable purposes as defined by law and owned by any corporation or association organized or conducted exclusively for one or more of such purposes and not operating for profit.

Section 2

The legislator shall provide for the supervision, review and equalization of assessments for purposes of taxation. Assessments shall in no case exceed full value.

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Article XII Health Care

Section 1

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

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Article XIII Amendments to the Constitution

Section 1

Any amendment or amendments to this constitution may be proposed in the senate and assembly whereupon such amendment or amendments shall be referred to the attorney-general whose duty it shall be within twenty days hereafter to render an opinion in writing to the senate and assembly as to the effect of such amendment or amendments upon other provisions of the constitution. Upon receiving such opinion, if the amendment or amendments as proposed or as amended shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the ayes and noes taken thereon, and referred to the next regular legislative session convening after the succeeding general election of members of the assembly, and shall be published for three months previous to the time of making such choice; and if in such legislative session, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution on the first day of January next after such approval.

Section 2

At the general election to be held in the year 2009, and every tenth year thereafter, and also at such times as the legislator may by law provide, the question "Shall there be a convention to revise the constitution and amend the same?" shall be submitted to and decided by the electors of the Union; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every Member State of the Union, as then organized, shall elect three delegates at the next ensuing general election, and the electors of the Union voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at Brussels on the first Tuesday of June next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his or her services the same compensation as shall then be annually payable to the members of the assembly and be reimbursed for actual travelling expenses, while the convention is in session, to the extent that a member of the assembly would then be entitled thereto in the case of a session of the legislature. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the ayes and the noes being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal, proceedings and other expenses of said convention. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any Member State delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the **Member State** in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the Union at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last

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preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.