

EUROPEANCONSTITUTION.EU

**E U R O P  
E A N C O  
N S T I T  
U T I O N**

DISCOVER THE FUTURE OF EUROPE

---

2020

# a European Constitution

The past decades have seen tremendous changes around the world, with rising public and private actors, new and more global threats, and ever more interconnectedness. Yet, European Union institutions have remained largely the same.

In order to face this new world and its challenges, we need a new Union, rooted in profoundly reformed, stronger and more democratic institutions. **We need a European Constitution.**

This is the full text of our proposal for a Constitution: one preamble, six articles, and around twelve pages of full text. No more. This constitution draws from a number of robust constitutions and adds specific, innovative provisions designed to ensure **a democratic, transparent and efficient system of government**. So that we may finally create a Europe working for all its citizens.

Louis Drounau,  
President of EuropeanConstitution.eu

The full text is in the right-hand side column.  
The left-hand side column indicates the  
location of specific provisions.

## Preamble

**We the People of the European Union**, united in our diversity, common history, and shared values and future, in order to form an ever-closer Union, ensure the fundamental rights of all, promote solidarity, development and the general welfare, and secure a free, peaceful and sustainable future for generations to come, establish and adopt this Constitution for the European Union.

Article I: Fundamental rights, freedoms, and responsibilities .....	4
Article II: The legislative branch .....	7
Article III: The executive branch .....	17
Article IV: The judiciary .....	20
Article V: General provisions for citizens, officials, and States .....	23
Article VI: Final provisions .....	27

# Article I

## Fundamental rights, freedoms, and responsibilities

### Section 1 – Fundamental rights and freedoms

- (1) Respect and promotion of human rights  
Inviolable and inalienable human rights form the basis of every human community; respecting, protecting, ensuring, and actively promoting them shall be the duty of all federal authorities. Every individual shall have the freedom to exercise and enjoy his rights and freedoms, provided he does not violate the rights and freedoms of others or upset the constitutional order.
- (2) Fundamental rights and freedoms  
The European Union recognises the following rights and freedoms to all, citizens or not: the right to life and physical integrity; the right to equality for all before the law; the right to equality of opportunity; freedom of conscience, opinion and belief; freedom of expression; freedom of peaceful assembly; freedom of association and to form political parties and unions; right to privacy of all means of communication, personal data and information; freedom of movement; freedom of occupation; right to education; right to private property and protection of said property against unreasonable searches and seizures; right of asylum; and right to petition federal authorities and expect a response, as prescribed by law. Citizens are also recognised the right to political representation, the right to an adequate standard of living, and the full enjoyment of public goods as prescribed by law.
- (3) Right to vote  
The right to vote, in particular, is a cornerstone of democracy; Congress shall ensure that voting is free, fair, transparent, and easy and accessible to all, at all levels of the Union.
- (4) Absence of discrimination  
These rights shall be enjoyed by all with the clear absence of discrimination on any account – including, but not limited to, disability, employment, nationality, race or ethnicity, political and religious beliefs or lack thereof, gender, sex, and sexual orientation.
- (5) International instruments  
The European Union also recognises human rights as defined in international instruments – including, but not limited to,

the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. The enumeration of the above rights and freedoms shall not be construed to deny other rights and freedoms retained by the people.

- (6) Limitation to curtailing rights by law

Accordingly, no right or freedom shall be interfered with, unless pursuant to a law aimed at upholding the public safety and the rights of the community, with fair consideration given to the necessity of security and the imperative of liberty. Any law interfering with a fundamental right or freedom shall apply generally and specify said affected right or freedom; in no case may the essence of a fundamental right or freedom be affected.

- (7) Right to resist

All citizens shall have the right to resist any person seeking to abolish the constitutional order, should no other remedy is available.

Individuals affected in their rights shall have access to redress through the courts, with fair, efficient and timely access to justice for all.

### Section 2 – Responsibilities

The exercise and enjoyment of the above rights and freedoms incur responsibilities for citizens towards the community.

- (8) Limits to rights and freedoms

All individuals shall respect the rights and freedoms of others, as well as the constitutional order. Abuse of these rights and freedoms, as defined by law and judicial decisions, shall lead to the temporary withholdings of some or all of the abuser's rights and freedoms.

- (9) Compulsory education

Education is a pillar of an informed citizenry. It shall therefore be compulsory and made affordable to all, according to their resources.

- (10) Duty to vote

As a central way to contribute to public life, voting is a duty as well as a right for all citizens of legal voting age and legally allowed to vote. Voting in federal and State elections shall be compulsory for all eligible citizens, under penalty of a fair and deterring fine to be ascertained by law.

- (11) Duty to pay taxes

Taxes are essential to the good functioning of public institutions, to promote development, and to ensure the gener-

- (12) Mandate to fight tax evasion and avoidance  
 (13) “Jealousy Day” provision
- al welfare and the furniture of public goods to all. Relevant physical and moral persons have a duty to acquit themselves of their taxes, at all levels and in good faith. Congress shall ensure, by law, the right level of transparency for taxes paid.
- (14) Community service
- Solidarity and mutual support are cardinal values of community life. To foster these across the Union, Congress may decide on a compulsory community service. In order to ensure the participation of all, this service shall be made flexible and compatible with educational and work requirements, and include financial compensation.
- (15) Duty to protect the environment
- Mindful of their responsibility towards future generations, citizens, residents, private actors, and public institutions shall protect the environment, at home and abroad, including natural ecosystems and animals, and ensure high levels of protection through appropriate legislation. They shall act in a sustainable manner, in accordance with norms and standards set by law and judicial decisions, which are to be periodically reviewed and improved as necessary.
- (16) Periodic review of environmental standards
- (17) Civic education and knowledge of institutions
- For the benefit of civic education and behaviour, all citizens and residents shall get acquainted with their institutions, rights and responsibilities.

## Article II

### The legislative branch

#### Section 1 – Establishment of a bicameral Congress

- (18) Bicameral legislature
- All legislative powers shall be vested in a Congress of the European Union, which shall consist of two Houses: a Parliament and a Senate.

#### Section 2 – Establishment of the Parliament

- (19) Age criteria  
 (20) Citizenship/residency criteria
- Any person who shall have attained the age of twenty-five in the year of the election, have been for five years a citizen of the European Union, and for three months been a resident of that constituency in which he seeks to be elected shall be eligible as Member of Parliament. Members of Parliament shall not serve more than four full terms or be eligible after a combined ten years, including when filling a vacancy.
- (21) Term/service limit
- Members of Parliament are elected directly by the citizens of their constituency every three years. There shall be one Member of Parliament for each federal electoral constituency, elected by majority judgment. With a view to ensuring fair State-wide party proportionality, there shall be an additional number, at least equal to the number of federal electoral constituencies, of Members of Parliament chosen through a second vote and drawn from a gender-alternate State-wide lists. Parliament shall apportion Members of Parliament among the Member States, according to their respective population using the Sainte-Laguë method.
- (22) Direct election, term duration, local districts  
 (23) Majority judgment  
 (24) State-wide proportionality from second vote on party lists
- (25) Census
- A federal census shall be completed within one year of the entry into force of this Constitution in all States where one has not been carried out in the preceding three years and approved by European Union institutions. A Union-wide census shall henceforth be completed by federal authorities one full year before every other Congressional election; apportionment shall be changed accordingly by Parliament at least six full months before the upcoming election. For its first election, the Parliament may retain the current composition of

the existing European Parliament.

- (26) Single-member federal electoral districts Each State shall have at least one Member of Parliament. Parliament shall divide States that are entitled to more than one Member of Parliament into single-member federal electoral districts of roughly equal populations; this drawing of districts shall be done in a fair manner, not for political gain, and based, whenever possible, on existing State and local administrative districts. The drawing and redrawing of any district shall be done concurrently by both Houses of Congress and approved by the Supreme Court.
- (27) Gerrymandering provision
- (28) Electoral law Congress shall detail the modalities of the election, including apportionment, modalities and limitations of campaign financing, details on the party vote, and measures to promote gender balance, in a federal electoral law. Congress shall in particular consider the appropriateness of an electoral threshold for party proportionality, which shall not exceed three per cent.
- (29) Thresholds
- (30) Permanent vacancy When a permanent vacancy occurs in Parliament, the next available best-faring candidate from that constituency's most recent parliamentary election shall become a temporary Member of Parliament until the following parliamentary election. Any permanent vacancy occurring in the six months before a parliamentary election shall remain unfilled.
- (31) Equal vote in Parliament Each Member of Parliament shall have one vote in Parliament.
- (32) Power of impeachment Parliament shall have the sole power of impeachment.
- (33) President of Parliament and other officers Parliament shall choose, by majority judgment, its President and other relevant officers, including a President *pro tempore*, in the absence of the President or when he shall exercise the Office of President of the European Union. No person constitutionally ineligible to the Office of President of the European Union shall be eligible to that of President of the Parliament. The President of the Parliament shall serve as President *pro tempore* of the European Union when neither the President of the European Union nor the President of the Senate are able to serve. In case of vacancy of the Office of President of the Parliament, Parliament shall speedily elect a new President. The President of the Parliament shall have one vote, unless the Parliament be equally divided, in which case he shall have two votes.

### Section 3 – Establishment of the Senate

- (34) Age criteria  
(35) Citizenship/residency criteria

Any person who shall have attained the age of thirty in the year of the election, have been for seven years a citizen of the European Union, and for six months been a resident of that State in which he seeks to be elected shall be eligible as Senator. Senators shall not serve more than three full terms or be eligible after a combined fourteen years, including when filling a vacancy.

- (36) Term/service limit

- (37) Direct election, term duration, State constituency  
(38) Majority judgment  
(39) First session

Senators are elected directly by the citizens of their State every six years. There shall be two Senators for each Member State, elected concurrently by majority judgment. For the first ever session of the Senate, Senators shall be randomly divided into two groups, with the two Senators of each State in opposite groups. The seats of the Senators of the first group shall be vacated after three years, and those of the second group after six years, so that half of the Senate may be elected every three years.

- (40) Federal electoral law

Congress shall detail the modalities of the election, including modalities and limitations of campaign financing, in a federal electoral law.

- (41) Permanent vacancy

When a permanent vacancy occurs in Parliament, the next available best-faring candidate from that State's most recent Senatorial election shall become a temporary Senator until the following Senatorial election. Any permanent vacancy occurring in the six months before a Senatorial election shall remain unfilled.

- (42) Equal vote in the Senate

Each Senator shall have one vote in the Senate.

- (43) Trial of impeachments

The Senate shall have the sole power to try all impeachments. When the President or Prime Minister of the European Union is tried, the President of the Supreme Court shall preside. A conviction shall require a two-thirds majority of the Members present. Judgement in cases of impeachment shall not extend further than the removal from Office and disqualification to hold and enjoy any Office within the European Union, at all levels. The person convicted shall nevertheless be liable and subject to indictment, trial, judgement, and punishment, according to law.

- (44) President of the Senate and other officers

The Senate shall choose, by majority judgment, its President and other relevant officers, including a President *pro tempore*, in the absence of the President or when he shall exercise the Office of President of the European Union. No person consti-



tionally ineligible to the Office of President of the European Union shall be eligible to that of President of the Senate. The President of the Senate shall serve as President *pro tempore* of the European Union when the President is unable to serve. In case of vacancy of the Office of President of the Senate, the Senate shall speedily elect a new President. The President of the Senate shall have one vote, unless the Senate be equally divided, in which case he shall have two votes.

#### Section 4 – Elections of Members of Congress and recess

- (45) Synchronous congressional elections  
Elections of Members of Congress occurring in the same year shall be held concurrently, in May, at a date chosen by Parliament. Elections shall therefore take place on the same day throughout the Union.
- (46) Local organisation of elections and congressional control  
Congress shall detail the modalities of the election in a federal electoral law. Local modalities, including voting places, shall be prescribed in each State by the legislature thereof. However, Congress may at any time, by law, make or alter such regulations in order to ensure that voting is free, fair, transparent, and easy and accessible, and that all citizens of the Union are equal in their vote.
- (47) General interest  
(48) Imperative mandates  
Members of Congress shall work for the general interest of the Union and its citizens. There shall be no imperative mandate.
- (49) Recess  
Congress shall sit continuously, except for periods of recess, as is necessary to consult with electors.

#### Section 5 – Internal rules for both Houses of Congress

- (50) Self-control of Houses  
(51) Quorum  
(52) Sanctions  
In accordance with this Constitution, each House shall decide on its rules of procedure and be the judge of the election, results, behaviour and qualifications of its own Members. A majority of each shall constitute a quorum for all votes, elections and other decisions. A smaller number shall be authorised to compel the attendance of absent Members, in such manner and under such penalties as each House may provide. Each House may punish its Members for disorderly behaviour, and, with a two-thirds majority and upon substantiated grounds, expel a Member. No Member shall be expelled based on his opinion alone.

- (53) Compulsory voting  
(54) Private vote, public results  
(55) Vote delegation  
(56) Committees  
(57) Transparency of proceedings and online journal  
(58) Single seat  
(59) Simple majority  
(60) Joint committee

Members of Congress have the duty to vote. Each House shall ensure that voting is transparent, easy and accessible to all, and determine necessary and deterring penalties and fines to enforce the obligation to vote. The voting process shall be private, but the result of votes shall be made public in a timely manner, including the vote of every Member by name. Members may delegate their voting right to another Member of their House, for a limited time and under conditions decided by each House, but no Member shall receive more than one delegation of vote. Blank votes shall be properly recorded.

Each House shall set up the necessary committees for the proper and efficient discharge of its responsibilities and the protection and upholding of fundamental rights and freedoms.

Each House shall keep a public journal of its proceedings at all times, including the records of the votes of every Members by name. The journals shall be made easily accessible to the public at large in a timely fashion.

Both Houses will seat in a single location. The choice of this location shall be made by Congress with a view to facilitate the efficiency of its work.

Neither House shall, without the consent of the other, adjourn for more than three working days, nor relocate to any other place than that in which the two Houses shall be sitting.

#### Section 6 – Legal procedure for the adoption of laws

In order to become law, every bill shall be approved by the legislature.

If a bill is adopted by a simple majority by both Houses of Congress, it is approved by the legislature.

If a bill, having been considered twice by each House, fails to be approved by the legislature, both Houses may choose to form a dedicated committee to prepare a joint proposal. Should this joint proposal be adopted by a simple majority by both Houses, it is approved by the legislature. Should the Senate fail to approve it, the proposal may be considered approved by the legislature if Parliament adopts it with a two-thirds majority.

(61) Presidential signature

Every bill approved by the legislature shall, before it becomes a law, be presented to the President of the European Union. If he approves, he shall sign it; if not, he shall return it, with his objections to that House in which it originated. Said House shall enter the objections on their journal, and proceed to reconsider the bill for its approval by the legislature. If, after such a reconsideration, the approval of the reconsidered bill by the legislature and a second refusal by the President to sign the bill, three-fifths of each House of Congress agree to pass the bill, it shall become a law.

If any bill shall not be returned by the President within ten working days after it shall have been officially sent to him, with the exception of cases of force majeure, that bill shall be a law, in like manner as if he had signed it.

(62) Tax bills

All bills for raising revenue shall originate in the Parliament, but the Senate may propose or concur with amendments as on other bills.

(63) Other legal documents

Every order, resolution, or any other document requiring the approval of both Parliament and the Senate shall be presented to the President of the European Union. Before it shall take effect, it shall be approved by him or, being disapproved by him, shall be repassed by three-fifths of the Parliament and Senate, according to the rules and limitations prescribed in the case of a bill.

(64) Publicity delay

No vote on a bill, order, resolution or any other document shall be voted on less than seventy-two hours after its full and final text shall have been officially made available to the House in which the vote shall take place and to the general public, whichever takes place last. Congress may delineate clear, limited and exceptional cases of emergency that may waive this requirement.

### Section 7 – Powers of Congress

Congress shall have the power:

(65) Fundamental rights and freedoms, public goods, welfare

- To protect, ensure, and actively promote all fundamental rights and freedoms recognised by this Constitution, including the full enjoyment of public goods for all and through appropriate welfare measures, and to enforce all responsibilities outlined;

(66) Public health, environment,

- To protect, ensure and actively promote public health

consumer protection

(67) Support to political parties

(68) Taxation power

(69) Central Bank

(70) Infrastructure spending

(71) Federal R&amp;D and patents

(72) European army, European FBI, intelligence agency

and environmental protection, consumer protection, and citizen participation in public affairs, including through political parties;

- To directly and indirectly lay and collect taxes, duties, and any other relevant revenue for the European Union; this shall include the power to lay and collect taxes on incomes, from whatever source derived; all federal taxes, duties, and other relevant revenue levied shall apply uniformly and fairly throughout the Union;
- To approve the Union's budget;
- To pay the debt and borrow money on the credit of the European Union;
- To issue money, regulate the value thereof, and adopt monetary policy, all through an independent Central Bank whose mandate shall include supporting employment, stabilising prices, and moderating long-term interest rates; the Central Bank shall endeavour to prevent, address, and mitigate the effects of financial, monetary, economic or similar crises, including by preventing private actors from presenting systemic risks;
- To regulate commerce with foreign nations, and among the Member States, including through uniform bankruptcy laws;
- To establish a uniform rule of naturalisation and citizenship;
- To fix the standards of weights and measures according to international conventions;
- To plan, fund and establish all necessary infrastructure;
- To promote the progress of science, humanities and the arts, including through public funding and by securing and enforcing patents to authors and inventors for limited periods of time, as may be suited to fairly reward creativity, encourage further creation, and provide a public benefit;
- To constitute tribunals inferior to the Supreme Court;
- To provide for the common defence and public safety, including through armed forces and relevant federal law-enforcement agencies, abroad and on the Union's

- (73) Congressional oversight
- (74) Arms control and regulations
- (75) War declaration and conduct
- (76) Temporary executive action
- (77) WMD clause
- territory whenever a single State does not have sufficient jurisdiction, or in conjunction with said State, or when the Constitutional order or the safety of the Union are threatened; Congress shall exercise close oversight of all security and defence operations, in particular with a view to ensure the compatibility of their actions with human rights and humanitarian principles and law; for the purpose of a more peaceful society, Congress shall regulate and control the production, sale, acquisition and possession of all relevant arms and weapons;
- To declare war or authorise military action, and make rules concerning enemy captures, in accordance with human rights and humanitarian principles and law; a temporary authorisation of military action may be delegated to the Government of the European Union with clear limits of objective, engagement and duration, which shall not go beyond thirty days; this authorisation shall only be renewed explicitly and following review of the specific situation at hand;
  - To raise and support a professional military, including land army, navy, air force or other, and other relevant forces and make rules and regulations for the government and behaviour thereof, in accordance with international treaties, human rights, and humanitarian principles and law; under no circumstances, including a State of war or emergency, shall any administration of the European Union, at any level, use, hold, develop, finance, purchase, sell, or facilitate the acquisition or development of weapons of mass destruction – including, but not limited to nuclear, chemical and biological weapons;
  - To define and punish piracy and other crimes committed in international waters and spaces, and offences against international law, in accordance with international law, human rights, and humanitarian principles and law;
  - To exercise exclusive legislation, in all cases whatsoever, over all territories as may, by cession, purchase or otherwise – and with the consent of the legislature of the State in which the territory shall be, when applicable –, become federal land or be under federal control, including for military and other purposes useful to the Union; and
  - To make all laws which shall be necessary and proper for the execution of the aforementioned powers, and all other powers vested by this Constitution in the Govern-

ment of the European Union, or in any ministry or officer thereof.

Subsidiarity shall be the cardinal value in the distribution of competences between the federal, State, and local levels.

### Section 8 – Limits to the power of Congress

Fundamental rights are inalienable and shall not be suspended, unless in certain cases, such as a state of emergency, and for a limited period of time, when the public safety duly requires it.

No law shall be made to establish a religion, or prohibit the free exercise or non-exercise thereof, or abridging fundamental rights of anyone, citizen of the European Union or not, unless in cases of explicit threat to public safety or incitation to crimes against or hatred of individuals or groups of individuals. This shall not be construed as limiting in any way the criticism of ideologies.

No law shall be made to limit in any way the enjoyment of fundamental rights and freedoms of citizens, including the right to vote for citizens eighteen and older, and other fundamental rights and freedoms on any account, including, but not limited to, disability, employment, nationality, race or ethnicity, political and religious beliefs or lack thereof, gender, sex, and sexual orientation.

No ex-post facto law shall be passed by Congress.

No tax or duty shall be imposed on goods, services or capital for their export to or import from any State.

No preference shall be given by any regulation of commerce or revenue to the ports, airports or territory of one State over those of another; nor shall any vehicle bound to, or from, one State, be obliged to enter, clear, or pay duties in another, unless in cases of risk to safety or damage to the environment, as prescribed by law.

No money shall be drawn from the Treasury, unless duly authorised by law; all uses of public money shall be recorded and made public in a timely and easily-accessible manner.

No law varying the compensation of elected officials for their service shall take effect until after the following election of their respective seat.

(78) Subsidiarity

(79) State of emergency

(80) Laws abridging rights

(81) Right to blasphemy

(82) Voting protection

(83) Salary of elected officials



(84) Disclosure of gifts

No title of nobility shall be granted or recognised by the European Union, and no person holding any public Office or official position in or related to the Government shall, without the consent of Congress and full public disclosure, accept any present, emolument, Office, or title, of any kind whatever, from any foreign administration, at all levels, or any private entity.

### Section 9 – Limits to the power of States

(85) Protection of federal competencies

No State shall enter into any treaty, alliance, or confederation, issue money or bills of credit, make anything a tender in payment of debts, limit by law the fundamental rights or freedoms of anyone as recognised herein, adopt ex-post facto law, or adopt a law impairing the obligation of contracts.

(86) Free internal trade

No State shall, without the consent of Congress, lay any taxes or duties on imports or exports, except as may be absolutely necessary for implementing its inspection laws; the net produce of all related taxes and duties laid by any State on imports or exports shall be transferred to the Treasury of the European Union, and all such laws shall be subject to the revision and control of Congress.

(87) No State army or militia

No State shall raise or support a professional military – whether land, army, navy, air force or other –, militia or any other defence force, nor shall engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## Article III The executive branch

### Section 1 – Establishment of a President of the European Union

The executive power shall be vested in a President of the European Union, as Head of State. The President is directly elected by the citizens of the European Union for a non-renewable term of six years. The President of the European Union is elected by majority judgment. The election of the President shall be held concurrently with that of Members of Congress happening in the same year.

Any person who shall have attained the age of forty in the year of the election and have been for nine years a citizen of the European Union shall be eligible as President. The President of the European Union shall not serve more than one full term and no person shall be eligible as President who has held the Office of, or acted as, President for more than half a term, including when filling a vacancy.

In case of vacancy or inability of the President to discharge his powers and duties, his Office shall devolve on the President of the Senate – or to the President of Parliament, should the President of the Senate be unable to serve. Congress may by law provide for the case of removal, death, resignation or inability of all three, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or the current term end.

### Section 2 – Prerogatives of the President of the European Union

The President shall represent the European Union for the purposes of international law. He shall conclude treaties with foreign states on behalf of the Union. He shall accredit and receive ambassadors and envoys.

Treaties that regulate the political relations of the European

(88) President of the European Union

(89) Non-renewable term

(90) Term duration

(91) Election by majority judgment

(92) Age criteria

(93) Citizenship criteria

(94) Vacancy

(95) Ratification

Union or relate to subjects of federal legislation shall require the consent or participation, in the form of a federal law, of the bodies responsible in such a case for the enactment of federal law. In the case of executive agreements, the provisions concerning the federal administration shall apply *mutatis mutandis*.

- (96) Appointments
- (97) Neil Gorsuch Clause

The President shall appoint, following nomination by Parliament and consent of the Senate, judges of the Supreme Court, and, following nomination by the Prime Minister and consent of the Senate, ambassadors, consuls and other diplomatic civil servants, and, upon termination of their term or vacancy of their position, and according to their proven expertise, all other officers of the European Union, as is required by law and not otherwise provided for by this Constitution. No delay shall be admissible for the Senate to provide this advice and consent. Congress may by law vest the appointment of inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Cabinet of Ministers or part thereof. The President may delegate these nomination powers to other authorities, as appropriate.

- (98) Presidential address

The President shall, from time to time, address Congress, and recommend to its consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses, or either of them.

- (99) Presidential orders

Orders and directions of the President shall require, for their validity, the countersignature of the Prime Minister or of the competent Federal Minister. This provision shall not apply to the appointment or dismissal of the Prime Minister or to a request to continue managing current affairs.

### Section 3 – Establishment of the Prime Minister and Cabinet of Ministers

- (100) Federal Cabinet of Ministers

The Cabinet of Ministers shall consist of the Prime Minister, as Head of Government, and of the Federal Ministers.

- (101) Election by majority judgment

The Prime Minister shall be elected by majority judgment by Parliament from its ranks. The person elected shall be appointed by the President.

- (102) Appointment by President

- (103) Choice of Federal Ministers

Federal Ministers shall be appointed and dismissed by the President upon the proposal of the Prime Minister. The Prime Minister shall appoint one of the Federal Minister as his deputy. The choice of Federal Ministers shall not be made along

State lines, nor shall the Cabinet of Ministers be composed of one Federal Minister per State, with or without the Prime Minister and President.

- (104) Age criteria
- (105) Citizenship criteria

Any person who shall have attained the age of twenty-five in the year of the election and have been for five years a citizen of the European Union shall be eligible as Prime Minister or Federal Minister. Ministers shall not serve more than a combined twelve years.

- (106) Service limit

- (107) Permanent vacancy

In case of permanent vacancy of the Office of the Prime Minister, the Deputy Prime Minister shall be appointed Prime Minister until the next parliamentary election.

### Section 4 – Prerogatives of the Prime Minister and Cabinet of Ministers

- (108) Executive work

The Prime Minister shall determine and be responsible for the general guidelines of policy, with a view to safeguarding and promoting fundamental rights and freedoms, promoting the public interest, and limiting inequalities. Within these limits and mindful of the exigence of transparency, each Federal Minister shall conduct the affairs of his ministry independently and on his own responsibility. The Cabinet of Ministers shall resolve differences of opinion between Federal Ministers. The Prime Minister shall conduct the proceedings of the Cabinet of Ministers in accordance with rules of procedure adopted by the Cabinet of Ministers and approved by the President.

- (109) End of tenure

The tenure of Office of the Prime Minister or of a Federal Minister shall end in any event when a new Parliament is elected; the tenure of office of a Federal Minister shall also end on any other occasion on which the Prime Minister ceases to hold Office, unless replaced by the Deputy Prime Minister.

- (110) Current affairs

At the request of the President, the Prime Minister – or, at the request of the Prime Minister or of the President, a Federal Minister – shall be obliged to continue to manage the current affairs of his Office until a successor is appointed.

- (111) Commander-in-Chief

The Prime Minister shall be the Commander-in-Chief of the armed forces.

- (112) State of the Union address

The Prime Minister shall, from time to time and no less than once a year, give Congress information on the State of the Union and present the main points of his general policy.

## Article IV

### The judiciary

#### Section 1 – Establishment of the Supreme Court and inferior courts

(113) Supreme Court, appeals courts and district courts

The judicial power of the European Union, shall be vested in a judicial system comprising a Supreme Court and inferior courts, among which local district courts and regional appeals courts.

(114) Distribution of district courts

There shall be at least one district court per Member State. Judges holding citizenship from the Member State of a given district court shall make up between half and two-thirds of the court's judges.

(115) Openness clause

(116) Distribution of appeals courts

There shall be at least one Member State in the jurisdiction of any appeals court. Judges holding citizenship from the Member States of a given appeals court shall make up between half and three-fifths of the court's judges.

(117) Openness clause

(118) Composition of the Supreme Court

The Supreme Court shall have nine judges. Due consideration shall be given to the gender diversity of the Supreme Court.

Congress shall establish by law the number, geographical jurisdiction and functioning of district and appeals courts for the independent, efficient and speedy application of justice.

(119) Independence, good faith

(120) Age criteria and term limit

The judges, both of the Supreme and inferior courts, shall hold their Offices independently and in good faith, and until they are eighty years of age or after twenty-five years in Office, whichever comes first, unless in cases of voluntary departure, retirement or impeachment.

#### Section 2 – Powers of the judiciary

(121) Judicial powers

The judicial power shall extend to all cases arising under this Constitution, the laws of the European Union, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, consuls, and other diplomatic repre-

(122) Judicial review

sentatives; to all cases of maritime jurisdiction; to military matters, under a specific court-martial inclusive of military staff; to controversies to which the European Union shall be a party; to controversies between two or more federated States; to controversies between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, or citizens thereof.

The Supreme Court shall have the power to ascertain the compatibility of a bill or law with the Constitution; no law shall be in effect which has been deemed contrary to the Constitution.

(123) Original and appellate jurisdiction

In all cases affecting ambassadors, consuls, and other diplomatic representatives, and in cases in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases mentioned above, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as Congress shall make.

(124) Trial by jury

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; when not committed within any State, the trial shall be at such place or places as Congress may by law have directed.

#### Section 3 – Definition of impeachable offences

The Supreme Court shall, at the earliest possibility, prepare for discussion and adoption by Congress specific definitions of the crimes of treason, corruption, embezzlement, wilful misappropriation of public funds, or other high crimes and misdemeanours, that may lead to the impeachment of public officials.

#### Section 4 – Limitations to proceedings

(125) Due process

(126) Double-jeopardy clause

(127) Miranda rights

No person shall be deprived of his civil rights or freedom without due process of law; nor be trialled twice for the same offence; nor shall be compelled in any criminal case to be a witness against himself; nor have private property be taken for public use without fair compensation.

- (128) Fair trial
- (129) Right to legal representation

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, done in accordance with the law of the State and location wherein the crime shall have been committed, and be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of legal counsel for his defence, provided for him if he be unable to afford it.

In common law cases, no fact tried by a jury shall be otherwise re-examined in any court of the European Union, unless in accordance to the rules of the common law.

- (130) Prohibition of torture
- (131) Prohibition of life imprisonment
- (132) Prison as places of reinsertion

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted. In accordance with the fundamental rights, torture is explicitly prohibited. Capital punishment under any form, including through life imprisonment, is explicitly prohibited; prisons and other places of detention shall aim at the reinsertion of inmates into society, and be designed and funded as such.

- (133) Anti-Guantanamo clause

The above provisions shall apply in all judicial proceedings and in the entirety of the European Union and in any territory where the Union exercises *de facto* jurisdiction or authority.

## Article V

### General provisions for citizens, officials, and States

#### Section 1 – Provisions for federal officials and elections

- (134) Ineligibility clause

No individual who has been duly convicted of corruption, embezzlement, wilful misappropriation of public funds, or crimes to that effect, shall be eligible to run for, or be appointed to, any federal Office, and the penalty for these crimes shall include removal from Office.

- (135) Age limitation

No individual who has already turned seventy-five the year before the election or appointment shall be eligible to run for, or be appointed to, any federal Office. No discrimination of any kind shall further limit access to any Office of the European Union.

- (136) Leave for candidacy

Every official candidate for federal elections shall be entitled to the leave necessary for his election campaign. No one may be prevented from accepting or exercising federal Office. No one may be given notice of dismissal or discharged from employment on the grounds of candidacy or election.

- (137) Campaign duration

Campaigns shall not last longer than sixty days and shall end twenty-four hours before the beginning of the vote. For the benefit of a diverse public life, Congress shall consider endowing candidates with equal and limited funding, under fair conditions of proven popular support. Congress shall place strict and clear limits on all campaign contributions that can be given and received, from physical and moral persons, both domestic and foreign; this should cover candidates, their surrogates, and groups supporting them, and include explicit provisions for transparency. These limits to financial contributions shall not be construed as limits to any fundamental right, including freedom of expression, but as means to ensure the fair participation of all in the democratic process.

- (138) Campaign funding

- (139) Campaign finance limitations

The terms of the President, Members of Parliament and Senators shall end jointly, at noon on a day no later than thirty days following the proclamation of the results of the elec-



tions. The terms of their successors shall then begin.

Any election where all candidates are rejected by a majority of the population shall be considered null and carried out anew with different candidates.

(140) Synchronisation of elections

Following the entry into force of this Constitution, the first Presidential and Congressional elections shall take place concurrently. With a view to limiting the number of elections, which alter regular political life, States are strongly encouraged to amend their legal frameworks and align their elections with federal ones.

(141) Oath

Before they enter on the execution of their Office, the President of the European Union, Members of the Cabinet of Ministers, Members of Congress, and judges of the Supreme Court shall publicly take the following oath: “I do solemnly swear that I will faithfully execute the duties of my Office, and will, to the best of my ability, protect and defend the people and the Constitution of the European Union.” All other federal officials shall similarly be bound to support the constitutional order.

(142) Financial compensation

All elected officials shall receive a fair financial compensation for their services, to be clearly laid out by law, and paid out of the Treasury of the European Union. With the exception of the Federal Cabinet and members of Congress, this compensation shall not be diminished during their term of Office. No elected official shall, during his term of Office, receive any other emolument from any public entities, at all levels, domestic or foreign, nor shall he receive any income or goods from private sources in any way related to his attributions. Elected officials shall declare all forms of income or interest, past, present and promised, and make this declaration public; their compatibility with their Office shall be assessed by an ethics court of the judiciary, which may require that he severs any incompatible ties.

(143) Declaration of income

Elected officials shall declare all forms of income or interest, past, present and promised, and make this declaration public; their compatibility with their Office shall be assessed by an ethics court of the judiciary, which may require that he severs any incompatible ties.

(144) Multiple mandates

No elected official shall, over the duration of his mandate, exercise any other public Office under the authority of the European Union or that of any other public administration. Nor shall he hold decision-making roles or seat on the board of any private entity. Each branch of Government shall ensure the full disclosure of all professional and volunteer activities, interest and sources of revenue of its elected Officials, as well their criminal record when applicable. Their compatibility with the Office in question shall be assessed an ethics court of the judiciary, which may require that the official severs any

(145) Ethics courts

incompatible ties. Proven failure to provide such disclosure shall lead to prohibitive punishment and, when relevant, removal from Office.

(146) Immunity and limits

The President of the European Union, Members of the Cabinet of Ministers, Members of Parliament and Senators shall, in all cases except criminal matters, be immune from arrest over the duration of their mandate, unless apprehended while committing the offence. Both Houses of Congress may choose to revoke this immunity for their respective Members. Mindful of the public trust, each House shall delineate the manner in which immunity is removed and grounds for such removal.

## Section 2 – Acceptance of public documents from one State in another

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. Congress may by law prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

## Section 3 – Rights of citizens in other States and deportation of those fleeing justice

The citizens of each State shall be entitled to all rights, privileges and immunities of citizens of all other Member States.

A person charged in any State with any crime, who shall flee from justice and be found in another State, shall, on demand of the executive or judicial authorities of the State from which he fled, be immediately arrested and delivered to the relevant authorities of the State from which he fled, unless where there are substantiated reasons to believe that due process will not be guaranteed.

## Section 4 – Accession and secession

(147) Accession

New States fully adhering to the values and principles of the European Union may be admitted with equal rights by Congress into the European Union with a two-thirds majority.

(148) Secession

New territories may be formed by secession from a State or by the junction of two or more States, or parts of States, subject to the consent of the population of the territories con-

cerned by a free and fair popular referendum with a three-fifths majority. The modalities of secession shall be decided, in a timely fashion and without unnecessary impediments, by agreement between the legislatures of the territory and of the State or States concerned, its fairness approved by Congress, and adopted before secession enters into force. Should one side prevent the timely and peaceful accomplishment of this process, Congress reserves itself the right to facilitate the procedure to the benefit of the other party.

(149) Accession of territories

Territories formed by secession or junction may be admitted as one or more States by Congress into the European Union with a three-fifth majority. In cases where Congress refuses such admission and secession from the Union is decided, the modalities of secession from the European Union shall be decided by agreement between the legislatures of the territory and Congress and adopted before secession enters into force.

(150) Secession of territories

States or territories may secede from the European Union, subject to the consent of their population by free and fair popular referendum with a two-thirds majority. The modalities of secession shall be decided by agreement between the legislatures of the States or territories concerned and Congress and adopted before secession enters into force.

States shall speedily make the necessary arrangements to include all the above rules in their legal frameworks.

Congress shall have power to dispose of and make all necessary rules and regulations respecting the territory or other property belonging to the European Union, providing these respect the fundamental rights and freedoms of those living in these territories. Nothing in this Constitution shall be so construed as to prejudice any claims of the European Union, or of any particular State.

### Section 5 – Federal guarantees

(151) Democratic rule and security

(152) Orbán Clause

The European Union shall actively guarantee to every State within it and to their citizens a democratic form of government and the respect of their rights. It shall protect each of its citizens and residents against invasion and other forms of attack, and, upon request from Congress, or from the executive when Congress cannot be convened at all or in a timely fashion, protect them against domestic violence.

## Article VI Final provisions

### Section 1 – Amendments to the Constitution

(153) Consideration of amendments

Congress may consider amendments to this Constitution, but not before thirty-six months following its entry into force.

(154) Adoption of amendments

Congress shall adopt amendments to this Constitutions following their approval by a two-thirds majority in both Houses.

(155) Limitations of amendments

(156) PiS Clause

Amendments to this Constitution shall be valid and enforceable when ratified by the legislatures of two thirds of the Member States.

No amendment shall in any manner deprive citizens of their fundamental rights or freedoms, curtail the democratic nature of the Union, including the independence of the judiciary, or deprive a State of its equality in relation to other States.

(157) Enforcement of amendments

Whenever necessary, Congress shall have the power to enforce these amendments by appropriate legislation.

### Section 2 – Continuity and supremacy of the Constitution

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the European Union under this Constitution, as under the previous Union.

(158) Supremacy of federal law

This Constitution, and the laws of the European Union which shall be made in pursuance thereof, all treaties made, or which shall be made, under the authority of the European Union, as well as all relevant norms, standards, regulations, and orders, unless otherwise states, shall be the supreme law of the land, superseding State and local law. Judges in every State shall be bound thereby, regardless of any indication to the contrary in the Constitution, laws or regulations of any State.

### Section 3 – Entry into force

(159) Entry into force

The ratification by the legislatures of three fifths of the States of the European Union shall be sufficient for the establishment and entry into force of this Constitution between the ratifying States.

First published in February 2018 at:

<https://europeanconstitution.eu/the-european-constitution>

Last updated in September 2020 (version 19)

For more information on EuropeanConstitution.eu and our Constitution, please visit our website:

[www.europeanconstitution.eu](http://www.europeanconstitution.eu)

