



EUROPEAN UNION

~FACTSHEET~

THE EUROPEAN CONSTITUTION

A new and simpler framework for the EU

The **Treaty establishing a Constitution for Europe** will replace the various existing treaties which first established the European Union and then reformed it over the years. It was signed by the leaders of the twenty-five Member States of the Union on 29 October 2004 and will enter into force after ratification by all countries. This is a process which is expected to take about two years.

Much of the Constitution is taken directly from the existing treaties but reorganised in a way that makes the Union simpler to understand and to operate. It clarifies the relationship between the Union and the Member States. It makes no radical changes to the Union's powers. It is divided into four parts:

- Part I describes the **purpose of the Union**, and the values on which it is based. It gives a clear definition of the Union and its relations with the Member States. It attributes to the European Union a single legal personality, thereby simplifying relations with third countries and international organisations. It lists and clarifies those areas where the Member States have attributed powers to the Union and some of the basic principles underlying them (including a role of oversight for national parliaments to ensure that action is only taken at the European level when necessary - "subsidiarity"). It describes and simplifies how decisions are taken in the Union. It also lists the institutions (Parliament, Council and Commission) and sets out what they do.
- Part II of the Constitution contains the **Charter of Fundamental Rights**, which attributes basic rights to the European Union's citizens in the application of Union law. These include the right to life, the freedom of expression, non-discrimination and the freedom of movement.
- Part III sets out in detail those **areas of policy** where the Union can act and the extent to which it can do so, for example the internal market, transport, environment, foreign and security policy and defence.
- Part IV contains some **general and final provisions** such as the ratification and revision procedures.

Increased efficiency for an enlarged Union

The Constitution introduces a number of modifications both in terms of policies and institutions to enable the Union to act more efficiently and to adapt to working with a much larger number of Member States. It also brings more democracy by extending the role of the European Parliament and by giving national parliaments for the first time some oversight in the European legislative process.

Most significant improvements at a glance:

- Creation of a new post of permanent **President of the European Council** (meetings of the Heads of State or government). For meetings of the Council (with the exception of the Foreign Affairs Council), the rotating Presidency will be organised in teams of three Member States, thereby ensuring more continuity and consistency of the Union's goals and policies.
- Creation of the post of **EU Foreign Minister**, supported by a new **External Action Service** comprised of staff from EU institutions and Member States and including EU delegations throughout the world. The EU Foreign Minister will combine the current post of High Representative with that of the Commissioner for External Relations, and will be one of the Vice-Presidents of the Commission. He will also chair the meetings of the Foreign Affairs Council (bringing together the 25 Foreign Ministers). The Foreign Minister will have an important role in representing the Union externally, replacing the current complicated arrangements. All these provisions will help ensure greater visibility, efficiency, coherence and consistency in the Union's external relations.
- New provisions on defence including a **mutual defence clause** and arrangements allowing for a group of Member States to cooperate in order to improve their capacity to act collectively. Improved military capabilities through the establishment of a European Defence Agency. All these arrangements have to be compatible with NATO.
- New provisions in the area of **judicial and police cooperation** and in the implementation of common policies on asylum, immigration and external border control, including more operational cooperation through Europol and the possibility of creating a European Public Prosecutor's Office.
- Improved **economic coordination** in particular between the countries which have adopted the euro.
- Extension of **Qualified Majority Voting** in the Council to a number of new areas (in particular in the area of freedom, security and justice), and the possibility of the European Council, under certain conditions to extend this further by unanimity. In addition to the extension of Qualified Majority Voting, a change in the way it operates with a move to a double majority system based on a majority of Member States (55%) and population (65%).
- An eventual reduction in the **size of the Commission**.
- An increased role for the **European Parliament** through an extension of its participation in the legislative process to most policy areas (excluding areas such as indirect taxation and social security).

For more information go to:

Constitution website of the Council: http://ue.eu.int/cms3_fo/showPage.asp?id=735&lang=en&mode=g

Europa Consitution website: http://europa.eu.int/constitution/index_en.htm

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