

Preamble

We the peoples of Europe, in order to strengthen our democracies and extend liberty across borders do establish this Constitution for a CONFEDERATION OF DEMOCRACIES.

PART I: CONFEDERATION OF DEMOCRACIES

Article [1]: Definition

The CONFEDERATION OF DEMOCRACIES (“union”) is a voluntary association of sovereign states. It succeeds the European Union.

Article [2]: Objective

The objectives of the Union are:

1. To prevent citizens, organizations or governments of one member state from doing harm to the health, wealth, liberty or environment of others in other member states.
2. The provision of public works and institutions which private enterprise and individual member states cannot provide.

Article [3]: Union Legislation

1. The Union may adopt Laws and Recommendations.
2. The Constitution and Law adopted by the Union shall have primacy over the law of member states, but shall be subordinate to their constitutions.
3. The Recommendations adopted by the Union shall be subordinate to the law of member states but shall have the force of law in the absence of conflicting national legislation.
4. Every legislative act must stipulate a date on which it lapses unless re-enacted, which shall be no longer than 19 years.

Article [4]: International Agreements

The Union may, in pursuit of its objectives, negotiate agreements with non-member states or international organizations in areas where it has competence to produce Law.

Article [5]: Membership

1. Membership is open to any democracy.
2. Any member state in persistent breach of the obligations of Union membership may be excluded following a Court ruling and unanimous Council decision of other member states.

Article [6]: Amendment

Council, with the agreement of Parliament, may call a Convention for proposing Constitutional Amendments. Ratification is required by referendum in each member state.

PART II: FUNDAMENTAL RIGHTS

Article [7]: Human Rights

Union institutions shall comply with the provisions of the European Convention on Human Rights.

Article [8]: Sovereignty of the Individual

Liberty is the right to exercise unobstructed action according to the will, subject to the equal rights of others. Union law shall limit the liberty of individuals, organizations and member states only to prevent harm to others.

Article [9]: Sovereignty of the People

1. The democratic legitimacy of Union Law derives from a partial transfer of the exercise of sovereignty of the people authorized by the member state but subject to the consent of the governed.
2. The sovereign people of a member state may initiate a national referendum at any time to reject the application of a Union Recommendation on their territory.
3. The sovereign peoples of the member states may, on the basis of a petition of 2% of the combined population of member states, initiate a Union-wide referendum at any time to reject a Union Law.
4. The sovereign people of a member state may initiate a national referendum at any time to withdraw from the Union.

PART III: UNION COMPETENCE

Article [10]: Basic Principles

1. The limits of Union competence are governed by the principle of conferral. The use of Union competence is governed by the principles of proportionality and proximity.
2. The principle of conferral means the Union shall act only within the limits of the competences conferred upon it in the Constitution.
3. The proportionality principle means Union law shall not exceed what is necessary to achieve the objectives of the Constitution defined in Article [2].
4. The proximity principle means the Union adopts legislation only where Member States cannot themselves adopt rules with equal effectiveness.

Article [11]: Categories of Competence

1. When the Constitution confers an exclusive competence on the Union in a specific area, only the Union may legislate.
2. When the Constitution confers a cross-border competence on the Union in a specific area, the Union may legislate by adopting binding law, but only to prevent citizens, organizations or member states from harming others in other member states.
3. When the Constitution confers a shared competence on the Union in a specific area, the Union may legislate only in the form of Recommendations.

Article [12]: Areas of Competence

1. The Union shall have exclusive competence in the following areas:
 - a. Customs Union
 - b. Competition rules necessary for the functioning of the common market
 - c. Common Commercial Policy
 - d. Monetary policy for member states using the common currency.
2. The Union may produce binding Law in the following areas of cross-border competence:
 - a. Environment
 - b. Transport
 - c. Consumer protection
 - d. Internal market.
3. The Union may produce Recommendations in the following areas of shared competence:
 - a. Areas covered by Article 12.2 but applicable within member states
 - b. agriculture & fisheries, regional development, social & employment and energy policies
4. All other powers remain with member states or the sovereign peoples.

Article [13]: Customs Union

1. The Union shall ensure a common market with free movement of persons, services, goods and capital, and freedom of establishment. Discrimination on grounds of nationality is prohibited.
2. Member states may not prevent a provider established in another member state from providing goods or services in their territory. The member state of origin shall supervise the provider.

Article [14]: State Aid

1. Aid granted by a member state or through state or union resources which distorts or threatens to distort competition shall be prohibited.
2. Member states may provide public services which private enterprise is unable to deliver.

Article [15]: Monopolies

1. All agreements between market participants which have as their objective or effect the prevention, restriction or distortion of competition within the common market shall be prohibited.
2. Abuse by one or more participants of a dominant position within the common market or in a substantial part of it shall be prohibited.

Article [16]: Common Commercial Policy

The Union shall contribute to the abolition of restrictions on World Trade.

Article [17]: Environmental protection

The Union shall prevent the environment in one member state being harmed by the actions of individuals, organizations or governments in another member state.

Article [18]: Transport

The Union shall ensure the safety of transport between member states.

Article [19]: Enhanced Cooperation

1. Enhanced cooperation may be established between a subset of member states within the framework of the Union's non-exclusive competences as defined in Article 12 or to establish public works and institutions.
2. Enhanced cooperation shall involve Union institutions and shall be subject to joint democratic guidance and scrutiny.
3. Decisions to initiate enhanced cooperation shall be taken unanimously in Council subject to the approval of Parliament and shall continue while at least 1/3 of member states participate.
4. Council and Senate approval of legislation in areas of enhanced co-operation shall be based on a Qualified Majority of participating states.
5. Expenditure shall be financed solely by participating countries.

Article [20]: Finance.

1. The Union shall be financed by a levy set at fixed percentage of each member state's GDP as determined by Council.
2. Member states electing not to participate in a recommended Union program shall be entitled to a full refund of their share of expenditure associated with the policy.
3. Member states electing to participate in a union program shall reimburse the costs of providing rights granted by that program to any other state in which its citizens exercise these rights.

4. The Parliament will produce a budget based on funding requests from Council and shall approve individual bills to allocate funding to Union programs in the budget.
5. Only expenditure authorized in a law and entered in a validly adopted budget may be incurred.

PART IV: INSTITUTIONS

Article [21]: Qualified Majority Voting

Qualified Majority Voting shall use the [Penrose](#) method such that citizens of each country have equal influence. The relative weight of a member state's vote shall be in proportion to the square root of its population. A majority shall consist of 62% of weighted votes.

Article [22]: Executive.

1. The executive power shall be vested in a *Council* of Heads of Government of the member states.
2. Council decisions will normally require unanimity. Member states may abstain.
3. The Council shall elect a President to chair its meetings.
4. The President shall appoint a cabinet of civil Officers ('commission') and subordinate agencies to assist in the day-to-day running of Union affairs.
5. The Council shall assign an expiration date to every Union agency not specifically enumerated in the Constitution, not to exceed 19 years, after which the rationale for the agency shall be reviewed.
6. The President and civil Officers shall not be members of the Legislature or hold national office.
7. The President shall propose measures and funding requests for the consideration of Parliament.
8. The Council shall have power to approve, based on a Qualified Majority of Heads of Government, legislation passed by both houses of Parliament.
9. The Council shall ensure the Laws of the Union are faithfully executed.
10. Council members favoring approval of duly-ratified Recommendations shall, subject to constitutional limits, remove conflicting national law and ensure the union Recommendation is faithfully executed. They cannot bind their successors.
11. The President and civil Officers of the Union shall be removed from Office on impeachment for and conviction of corruption or other high crimes and misdemeanors.

Article [23]: Legislature

1. Legislative powers herein granted shall be vested in a *Parliament* consisting of a *House of Députés* and a *Senate*.
2. The House will have sole power to initiate legislation in the areas of competence conferred to it by the Constitution, but the Senate may propose amendments.

3. Every Bill which has passed the House and Senate shall require the approval of Council. If approval is not granted reason must be given.
4. Bills not approved by the end of term of the House of Députés fail.

Article [24]: House of Députés

1. The House shall comprise 501 representatives (“eurodéputés”) elected to a four-year term by secret ballot.
2. The distribution of representatives between member states shall be in strict proportion to population. Each member state will have at least one representative.
3. Voting in the House shall be based on simple majority.
4. The House shall choose their Speaker and shall have sole power to initiate impeachment proceedings.

Article [25]: Senate.

1. The Senate shall be an assembly of representatives of the upper chamber of national parliaments. It shall comprise one senator per member state.
2. Senators shall vote to reflect the views of their national chamber when scrutinizing and proposing amendments to draft Union legislation.
3. Voting in the Senate shall be based on a Qualified Majority.
4. The Senate shall approve International agreements.
5. The Senate shall have sole power to try impeachments.
6. Member states with a unicameral Parliament shall directly elect their Senator.

Article [26]: Judiciary.

1. The judicial power of the Union shall be vested in the *Court* of Justice, which shall comprise a Supreme Court and subsidiary courts and specialist tribunals. Any ruling by a subordinate body may be appealed to a higher body.
2. Each body shall comprise one judge from each member state appointed by national government and confirmed by the Senate for a renewable 6-year term.
3. The Court shall decide cases brought by any legal person or member state against another member state or Union institution.
4. The Court shall interpret Union law.
5. Judges may only be dismissed through impeachment.

Article [27]: Constitutional Court.

1. The Constitutional Court shall hold the power of judicial review in matters related to the Constitution. It may declare union acts or Court of Justice interpretations unconstitutional thereby rendering them ineffective.
2. The Constitutional Court shall comprise one representative of each national Constitutional Court or Supreme Court.
3. The Constitutional Court shall decide cases brought by union institutions, governments and parliaments of member states, and their regional assemblies.

Article [28]: Court of Auditors

1. The Court of Auditors shall submit an annual report to Parliament on the Union's accounts. The accounts shall be recommended for approval or rejection by simple majority of its members.
2. It shall comprise one auditor elected by each national parliament.
3. It may call for any supporting documentation involving use of Union funds.

Article [29]: Ombudsman

1. The Ombudsman shall consider complaints from citizens about Union actions or lack thereof and may raise issues on their own initiative.
2. The Ombudsman shall be elected by the House of Députés.
3. The Ombudsman may call for any document or information from Union institutions.

Article [30]: Central Bank

1. The Council shall delegate responsibility for setting interest rates to the Monetary Policy Committee of the Central Bank.
2. The objective of the Monetary Policy Committee is to maintain price stability.