

**THE EUROPEAN CONVENTION**

THE SECRETARIAT

**Brussels, 9 April 2002  
(OR. de)**

**CONV 23/02**

**CONTRIB 7**

**COVER NOTE**

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from: Secretariat

to: Convention

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**Subject: Contribution from a member of the Convention**

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The Secretary-General of the Convention has received the attached contribution from the Minister-President Erwin Teufel, member of the Convention.

**Minister-President Erwin Teufel**  
**Member of the Convention on the Future of Europe**

**Constitutional treaty for the European Union**

**- basic structure -**

**I. Values and fundamental decisions in the European Union**

- the European Union as a legal person
- the respect of the principles of freedom, democracy and human rights, the fundamental rights and the rule of law
- the respect of the Member States' national identity as well as their internal structures (regions and local autonomy)
- mutual loyalty to the Union
- subsidiarity and proportionality as principles for European actions

**II. The Union and the citizens**

- Union citizenship (right of residence, right to vote at local elections etc.)
- reference to the Charter of Fundamental Rights as an integral part of the treaty or inclusion of the complete text

**III. Institutional structure**

1. Institutions
  - a) European Parliament
    - composition
    - common suffrage

- legislation
  - right to initiate legislation
  - comprehensive budget responsibility
- b) Council
- clear differentiation between executive and legislative functions
  - Presidency
- c) Commission
- rules governing the election of the President of the Commission by the European Parliament / linked to the European elections
  - appointment and recall of the commissioners
- d) European Court of Justice
- judges elected by the European Parliament
  - European constitutional complaint
  - right of action for regions with legislative competence
- e) Committee of the regions
- right of action
  - composition

#### **IV. Legislation**

1. decision-making of the Council with double majority of states and size of population as normal procedure
2. Procedure of co-decision with the European Parliament as normal procedure
3. executive powers of the commission

## **V. Division of competences**

1. Principle of Conferred Powers
2. catalogue of competences based on the existing Treaties; monitoring of the competences in individual areas (e.g. the internal market competence and Article 308 of the TEC), restoration to the Member States of EU competences that can be carried out better at a national level and transfer of additional competences to the EU (Foreign and Security Policy; Justice and Home Affairs; e.g. executive powers for Europol and the European border guard).

the following categories:

- exclusive competences of the EU
  - fundamental competences of the EU
  - supplementary competence of the EU
  - competences of the Member states staying untouched by the EU's competences
3. competence principles (general targets and integration clauses do not by themselves constitute competence; no recourse to the general provisions if a special competence has not been allocated)
  4. Regulation of the restoration of EU competences to the Member States (when it is no longer necessary for the EU to exercise powers)
  5. mixed body for the purpose of monitoring the division of competences (judicial / political)

## **VI. Budget and finance**

1. Budget law: Abolition of the differentiation between obligatory and non-obligatory expenditure

2. financing of the European Union
3. Solidarity Fund

## **VII. Reinforced co-operation**

## **VIII. Transitional and final provisions**

1. amendments to the constitutional treaty
  2. amendments to the other Treaties
  3. accessions
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