

THE EUROPEAN CONVENTION

THE SECRETARIAT

Brussels, 12 June 2003

(OR. fr,en)

CONV 811/03

COVER NOTE

from : Praesidium

to : Convention

No. prev. docs. : CONV 725/03, CONV 726/03, CONV 797/03,

Subject : **Revised texts**

Members of the Convention will find attached revised texts put forward by the Praesidium, following consultations with the component groups and in the light of their suggested amendments, with a view to reaching consensus at the plenary session of 13 June.

PREAMBULE

Drawing inspiration from the cultural, religious and humanist inheritance of Europe, **whose values are always present** in its heritage, **and which** has embedded within the life of society its perception of the central role of the human person and his inviolable and inalienable rights, and of respect for law,

PART I

Article I-19(2) (The European Parliament)

2. The European Parliament shall be directly elected by 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-two in number. Representation of European citizens shall be degressively proportional, with a minimum threshold of four members per Member State.

Sufficiently in advance of the European Parliamentary elections in 2009, and, as necessary thereafter **for further elections**, the European Council shall adopt by unanimity, on the basis of a proposal from the European Parliament and with its consent, a **decision** establishing the composition of the European Parliament, respecting the principles set out above ¹.

[footnote 1 in document CONV 797/03: "See draft Protocol in Annex III"]

Article I-20(1) (The European Council)

1. The European Council shall provide the Union with the necessary impetus for its development, and shall define its general political directions and priorities. **It shall not exercise any legislative function.**

Article I-21(2) (The European Council Chair)

2. The President of the European Council shall chair it and drive forward its work. **In cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council, he shall ensure** proper preparation and continuity. He shall endeavour to facilitate cohesion and consensus within the European Council. He shall present a report to the European Parliament after each of its meetings.

Article I-23(4) (Council formations)

4. The Presidency of a Council formation, other than that of Foreign Affairs, shall be held by Member State representatives within the Council on the basis of **equal** rotation, for periods of at least a year. The European Council shall establish the rules of such rotation, taking into account European political and geographical balance and the diversity of Member States.

Article I-24(3) (Qualified majority)

3. The provisions of paragraphs 1 and 2 **will take effect on 1 November 2009¹, after the European Parliament elections have taken place, in accordance with the provisions of Article I-19.**

[footnote 1 in document CONV 797/03: "See draft Protocol in Annex III"]

Article I-25(1) (The Commission)

1. The European Commission shall promote the general European interest and take appropriate initiatives to that end. It shall ensure the application of the Constitution, and steps taken by the Institutions under the Constitution. It shall oversee the application of Union law under the control of the Court of Justice. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Constitution. **With the exception of the common foreign and security policy, and other cases provided for in the Constitution, it shall ensure the Union's external representation.** It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements.

Article I-25(3) (The Commission)

3. The Commission shall consist of a College comprising its **President, the Minister for Foreign Affairs/Vice-President, and thirteen** European Commissioners selected on the basis of a system of equal rotation between the Member States. This system shall be established by a decision of the European Council on the basis of the following principles:
 - (a) Member States shall be treated on a strictly equal footing as regards determination of the sequence of, and the time spent by, their nationals as Members of the College; consequently, the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than one;
 - (b) subject to point (a), each successive college shall be so composed as to reflect satisfactorily the demographic and geographical range of all the Member States of the Union.

The Commission President shall appoint non-voting Commissioners, chosen according to the same criteria as apply for Members of the College and coming from all other Member States.

These arrangements will take effect on 1 November 2009.

Article I-26(2) (The President of the European Commission)

2. Each eligible Member State shall submit a list of three persons, in which both genders shall be represented, whom it considers qualified to be a European Commissioner. The President-elect, shall select, from among the three names submitted, the thirteen European Commissioners for their competence, European commitment, and guaranteed independence. The President, the persons so nominated for membership of the College, including the future Minister for Foreign Affairs, **as well as the persons nominated as non-voting Commissioners**, shall be submitted as a body to a vote of approval by the European Parliament. The Commission's term of office shall be five years.

Article I-27 : The Foreign Minister(footnote 1)

Footnote 1: The establishment of a Joint European External Action Service, to assist the Minister, will be addressed in a Declaration/Part III.

Citizens initiative - Article I-46, new paragraph 4

4. **A significant number of citizens, not less than one million, coming from a significant number of Member States, may invite the Commission to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing this Constitution. A European law shall determine the provisions regarding the specific procedures and conditions required for such a citizens' request.**



PART II - PREAMBLE

Sentence to be inserted in the Charter Preamble, at the end of paragraph 4

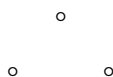
This Charter reaffirms ... and the case law of the Court of Justice of the European Union and of the European Court of Human Rights. **In this context, the Charter will be interpreted by the courts of the Union and the Member States with due regard for the explanations prepared at the instigation of the Praesidium of the Convention which drafted the Charter.**

Article II-41(4)

4. Every person may write to the institutions of the Union in one of the languages **of the Constitution** and must have an answer in the same language.

Change to title of Article II-52

The title should read as follows: "Scope **and interpretation** of rights **and principles**"



DECLARATION
ATTACHED TO DRAFT PROTOCOL ON THE REPRESENTATION
OF CITIZENS IN THE EUROPEAN PARLIAMENT
AND THE WEIGHTING OF VOTES IN THE COUNCIL

In the event of the accession to the European Union of Romania or Bulgaria before the entry into force of the European Council decision referred to in Article I-19(2), the number of their elected representatives to the European Parliament shall be calculated on the basis of the figures of 33 and 17 respectively, corrected according to the same formula as that which determined the number of representatives to the European Parliament of each Member State as indicated in the Protocol on the Representation of Citizens in the European Parliament and the weighting of votes in the Council in Annex III. By way of derogation from Article I-19(2), the number of members of the European Parliament may temporarily exceed 736 for the remainder of the 2004 to 2009 term.

Without prejudice to Article I-24(2), the weighting of the votes of Romania and Bulgaria in the Council shall be 14 and 10 respectively until 1 November 2009. At the time of each accession, the threshold referred to in the Protocol on the Representation of Citizens in the European Parliament and the weighting of votes in the Council shall be decided by the Council.

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